

GLADMAN DEVELOPMENTS LTD

**Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 130 dwellings with public open space, landscaping and sustainable drainage system with vehicular access point on land at North Street, Wiveliscombe**

Location: NORTH STREET, WIVELISCOMBE, TAUNTON, TA4 2LB

Grid Reference: 307951.128509

Outline Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The site is outside the defined settlement limit of Wiveliscombe. It would result in an unplanned extension of the town, preventing a full assessment of the most sustainable options for future growth that would consider a range of factors including the use of best and most versatile agricultural land and walking distances to key facilities and provision of services in order to achieve sustainable development. It is, therefore, contrary to Policies CP8 and DM2 of the Taunton Deane Core Strategy.

The site contributes to the landscape setting of Wiveliscombe, a contributory factor in defining the character of the settlement. It would infill a gap between Wiveliscombe to the South and Langley to the north leading to the coalescence of the two settlements to the detriment of their individual character. Accordingly, the development would fail to protect, conserve and enhance landscape and townscape character, and would destroy an open break between the settlements, contrary to Policies DM1 and CP8 of the Taunton Deane Core Strategy.

The application indicates that the proposal would result in a poor quality, characterless development with a poor relationship to the surrounding urban form that does not respect the local vernacular or character of the settlement contrary to Policy D7 of the Site Allocations and Development Management Plan.

There are no material considerations that would outweigh these significant and demonstrable harms or the fundamental conflict with the development plan.

- 2 Insufficient information has been provided to demonstrate that the proposed development is not contrary to Section 4 of the National Planning Policy Framework and Policy DM1 of the Taunton Deane Core Strategy since the proposed development is likely to result in a severe transport impact, which could be prejudicial to the safety, amenity and convenience of highway users.

- 3 Insufficient information has been submitted to demonstrate that occupiers of the proposed development would not be subject to adverse disturbance by odour nuisance from the nearby Sewage Treatment Works, contrary to Policy DM1 of the Taunton Deane Core Strategy.
- 4 There is no mechanism in place to secure appropriate affordable housing provision, children's play facilities, a public art contribution or an acceptable travel plan as part of the development. The proposal is, therefore, contrary to Policy CP4 of the Taunton Deane Core Strategy and Policies A2, D13 and C2 of the Taunton Deane Site Allocations and Development Management Plan.

### **Recommended Conditions (if applicable)**

Notes to Applicant

## **Proposal**

This application seeks outline planning permission for the erection of 130 dwellings and associated public open space. The application seeks approval of access at this stage, with all other matters reserved for subsequent consideration.

The access would be provided approximately centrally on the western site boundary via a new priority junction. The indicative details submitted indicate that dwellings would be provided in the western part of the site, with the eastern area being given over to extensive public open space.

## **Site Description**

The site is a broadly rectangular field, currently planted with miscanthus. Much of the western boundary of the site is at a lower level to the highway, although the ground level undulates and there is a high point in the middle of the site, where the access is proposed, that is currently raised above the highway. The site as a whole falls from west to east affording views out from the adjoining highway across the site to surrounding countryside.

To the north are the grounds to Langley House; to the east is open countryside. The southern boundary adjoins a mix of uses: At its western end are properties on Allenslade Close, separated from the site by a planted area; further east are the backs of dwellings on Plain Pond; beyond that are allotments, a rugby ground and then the Sewage Treatment Works.

## **Relevant Planning History**

There is no relevant planning history to this site.

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL* - The Wiveliscombe Town Council **Object** to the above planning application for the following reasons:

The application does **NOT** fall within the Core Strategy.

There is already an adequate supply of allocated land in Wiveliscombe.

There are insufficient infrastructure and services in Wiveliscombe and the surrounding area to support this development.

The development would add to the existing imbalance between jobs and homes within Wiveliscombe, and would likely lead to an increased reliance on the use of cars and an increase in carbon emissions, making it unsustainable.

The roads and centre of Wiveliscombe are already congested with traffic and limited parking and need improving before any more major development takes place on the northern side of the town.

This site if developed would present an extension of the urban form into the countryside, and if allowed would invite further unrestricted development with the presumption that further extensions outside the Taunton Deane S.H.L.A. for Wiveliscombe can and will be allowed.

The Taunton Deane S.H.L.A. has identified a five year deliverable supply of land with more than the required buffer in line with the National Planning Practice Guidance.

The adverse impact of granting permission would significantly and demonstrably outweigh the benefits, representing an unsustainable development.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comments as follows:

The proposal lies off the classified North Street in the northern area of Wiveliscombe. The speed limit is 40mph. Observed speeds appeared to be at and around the posted limit. It is accepted that the proposed visibility splays of 2.4m x 123m to the south and 2.4m x 117m to the north is appropriate. As proposed in the Transport Assessment (TA) a change in speed limit, would result in a reduction of visibility requirement. The proposal would generate a substantial increase in vehicular movement onto the local highway, between 780-1040 movements per day.

### Transport Assessment

The submitted application included a Transport Assessment (TA) which has been

analysed.

On reviewing the submitted documentation, it is disappointing that the TA has not been produced in line with the agreed scoping note. The main concern is the impact the additional vehicle movements from the proposed development would have on the surrounding road network & key areas namely link capacity and junction analysis on North Street, adjacent to and south of the site and The Square/High St/Silver St junction. It is likely that any congestion around The Square will be due to the interaction of vehicles parking and loading, rather than an issue that would be flagged by a junction assessment; however the TA does not include this.

Given that on-street parking frequently occurs between the site and The Square, including pick-up/drop-off at the primary school, North Street effectively functions as a single lane road with passing places. The presence of farm vehicles will exacerbate any issue. The TA does not assess this potential issue, despite demonstrating a significant percentage and absolute increase in traffic volumes.

Whilst overall the assessment presented is acceptable the lack of consideration of North Street link capacity is a concern, and for the Highway Authority to be satisfied that the impacts are 'not severe' it is recommended that additional analysis would be required.

Without the required information mentioned above the Highway Authority cannot comment further on the transport assessment, except to recommend refusal.

### **Accident History**

On reviewing the recorded PIA's (Personal Injury Accidents) for the last five years no accidents were recorded on the immediate highway.

### **Travel Plan**

The Framework Travel Plan (FTP) as it currently stands hasn't met the required standards as set out in SCC Travel Planning Guidance November 2011. Although this is an outline, with reserved matters, it is important to include the principles within the FTP, to be sure that a suitable TP will follow which is meaningful and can achieve the targets that are set.

### **Estate Road**

The Illustrative masterplan set out in the Design and Access statement offers limited detail. The current arrangement doesn't provide indicative widths of the main access street, nor the shared access ways and private drives. The proposed 'loop' design doesn't indicate safe access for HGVs and larger vehicles whilst there doesn't appear to be any designated turning heads for safe manoeuvring (of HGVs and larger vehicles) built to an adoptable standard. Without this required information and to a satisfactory standard, the Highway Authority would require significant changes at reserved matters to be deemed acceptable.

## **Access**

The proposal is for a simple T junction for means of access into the proposed development which in this instance is considered acceptable. However, when taking into consideration the rural proximity of the proposal a ghost island right turn lane would be visually intrusive which could lead to increased vehicle speeds at the proposed location.

The submitted swept path analysis information is considered to be acceptable and the proposed 6m swept path drawings and 5.5m access road to be provided are acceptable to the Highway Authority subject to the swept path drawings and any comments made by the appointed S38 estate roads officer. The 2m proposed footways are in accordance with DfT's inclusive mobility.

However, an uncontrolled crossing point will be required along the site frontage with gullies and tactile paving in a location to be agreed at the detailed technical approval process.

Carriageway cross section drawings for each chainage across the frontage of the site would need to be submitted to show appropriate features such as channel line levels, tops of kerbs, centre line of the carriageway etc. whilst encompassing the full width of the adopted highway.

Longitudinal or contour drawings haven't been submitted. Suitable approach gradients for the access road to ensure surface water drains back into the site and not the highway whilst ensuring level sections of the carriageway to enable vehicles to pull out safely.

Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards. It is noted that there is currently a 0.5m grass margin between the footway and carriageway on North Street. If the proposals are to widen the footway out to 2m such that the grass margin is removed and the footway is adjacent to the carriageway then HB2 kerbs with a 125mm upstand will be required.

The designer must submit a comprehensive set of traffic management drawings and sign schedules for approval by the SCC area traffic engineer.

## **Flood Risk Assessment**

Whilst there are no objections in principle to the proposed surface water management strategy proposed within the submitted documents from the applicant, the Highway Authority wishes to make the following observations, which should be taken into consideration as part of any detailed design process.

1. The existing road gullies located along the eastern channel line of Langley Marsh Road will be served by a highway carrier drain which could be affected by the construction of the new vehicular access. Allowance should therefore be made within the design to either lower, protect or divert this existing drain as

deemed appropriate by the highway authority. A further gully will also be required on the eastern channel line of this road immediately upstream of the new access to prevent surface water from streaming across the junction.

1. The designer will need to give careful consideration to the layout of the internal estate roads in proximity to the attenuation pond as it relates to the safe use of the road and the long term stability of the road pavements. Further, the designer will also need to consider the means by which maintenance plant will access the pond from the estate roads.

## Conclusion

On balance of the above the application currently lacks the required information to enable the Highway Authority to fully assess the impact of the process development on the surrounding highway network.

The applicant should therefore be requested to provide further detailed evidence as mentioned above to demonstrate that the application is in accordance with the NPPF. Therefore in the absence of this additional information the Highway Authority would have no alternative but to recommend refusal for the following reason:

Insufficient information has been provided to demonstrate that the proposed development is not contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane District Core Strategy (adopted 2011-2028) since the proposed development is likely to result in a severe transport impact, which could be prejudicial to the safety, amenity and convenience of highway users.

*WESSEX WATER* – Comment as follows:

Proximity to Sewage Treatment Works and potential for Odour nuisance:

The site is adjacent to our existing Wiveliscombe Sewage Treatment Works (STW). The odour report submitted has not followed WW procedures ENVS120/15 and TRTWG669.

Therefore, Wessex Water maintain a **holding objection** in regards to potential odour nuisance until an appropriate odour assessment and modelling has been completed.

The odour report submitted only completed the following:

- Four locations were subjected to 5 minute sniff tests (completed on the 5th January)
- Source-Pathway Receptor Assessment
- Wind direction (Dunkeswell met data) (There is a further issue with met data and comparison with site. Elevation of met station is at 252m while the site has an elevation of 97.2m. Therefore wind data may not be representative with site and should be compared with NWP data)

This is not an acceptable approach. The data was collected in the middle of winter

when the STWs was likely to be at its least odorous and an extremely small dataset was used and only completed by one assessor. “Sniff Tests” should be completed over a number of visits and should only be used to validate an odour model. WW have produced guidance in regards to how a “sniff test” should be carried out in TRTWG669.

IAQM guidance 5.7 Recommendation Odour Assessment Criteria for Planning “Odour assessment methodology, as it has developed in Europe and UK over the last 35 years, has become well-established. The predictive, quantitative approach involves obtaining estimates of the odour source emission rate, use of the emissions in a dispersion mode to predict 98<sup>th</sup> percentile concentrations at sensitive receptors and comparison of these with criteria that have evolved from research and survey work. At the present time, this remains an accepted technique and the IAQM support this”

At a minimum Wessex Water would therefore expect an emissions value (library values) with supporting “sniff test” assessment following Wessex Water procedures ENVS120/15 and TRTWG669. The Odour Consultant/Developer should make contact with Wessex Water Odour Coordinator, James Humphries (07786 660846, [James.Humphries@wessexwater.co.uk](mailto:James.Humphries@wessexwater.co.uk)) to discuss acceptable odour model criteria and so they are aware of the Odour Management Plan in place for the site, which is in line with the DEFRA Code of Practice on Odour Nuisance from Sewage Treatment Works.

## **Foul Water**

Please note that existing public sewers cross the site and may be affected by development proposals. Statutory easements apply.

Public sewers must be accurately located on site and it remains our preference to retain current location and easements where possible. Diverting sewers can reduce hydraulic capacity where pipe gradients are affected. (There must be no building within 3 metres of these sewers and no tree planting within 6 metres).

As identified within the Flood Risk Assessment (Feb 2017) we have confirmed previously through a pre-development enquiry that foul flows can be connected to the local 225mm dia public foul sewer and that points of connection can be agreed to local manholes at a later date.

## **Surface Water disposal**

Surface water to be discharged to local land drainage systems with agreed flood risk measures approved by the Lead Local Flood Authority. Surface water connections to the public foul sewer system will not be permitted, as surface water discharges to the public sewer will lead to sewer flooding.

*ENVIRONMENT AGENCY* – No comments received.

*BIODIVERSITY* – FPCR Environmental and Design Ltd carried out an Ecological

appraisal of the site dated February 2016. The site is mainly used for arable crops. Generally the features with the highest ecological value (hedgerows, banks, verges, mature trees and riparian features) were found in the margins of the site

Findings were as follows:

### **Badgers**

A badger survey was undertaken in November 2016. No setts were observed but a small number of badger runs were observed. I agree that precautionary measures are required.

### **Bats**

SERC records revealed that at least three species of bats were recorded within 1 km of the site.

An assessment of suitable trees on site was undertaken and six trees were identified as having potential to support bats.

The majority of hedges will be retained with the exception of small sections of hedgerows H7 and H8. The woodland on site is to be retained. This will minimise light spill and disturbance from the development on bats. Lighting on site should be carefully designed

I support the suggestion to install bat boxes on site.

### **Birds**

A scoping bird survey was undertaken when 25 species of bird were recorded. Removal of vegetation should take place outside of the bird nesting season. I support the suggestion to install bird boxes on site.

### **Dormice**

There was no evidence of dormice during the survey. However I support a precautionary approach to hedgerow removal where it is necessary to create hedgerow breaks.

### **Otters**

A survey was undertaken in January 2017. The survey identified a ten metre length of stream bank exhibiting recent signs of otter in the form of spraint

### **Great crested newt**

Permission was granted to access two of the four ponds within 500m of the site. One pond was dry and the other contained fish and so were considered not suitable for breeding. Residential development to the south and to the west of the site form manmade barriers to dispersal for GCN, as do the flowing streams to the north and east.

## **Reptiles**

Consultation with SERC returned records of both grass snake and slow worm within 1 Km of the site. The most suitable features for these species are linear features formed by hedgerows and the stream. These features should be retained and buffered.

If permission is granted a condition is recommended to protect wildlife.

*SCC - CHIEF EDUCATION OFFICER* – No comments received.

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

In line with the TDBC Affordable Housing Supplementary Planning Document, 10% of the total affordable housing provision should be in the form of fully adapted disabled units. These homes should comply with a recognised and approved wheelchair design guide as approved by the Housing Enabling Lead.

The required mix would be:

- 20% 1b2p flat in a maisonette style property with own garden and private front door.
- 40% 2b4p houses
- 40% 3b5/6p houses

The intermediate housing should be in the form of 2b4p and 3b5/6p houses. The affordable housing should be evenly distributed across the site and in clusters of no more than 15 units. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

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.

Additional guidance is available within the adopted Affordable Housing Supplementary Planning Guidance.

*LEISURE DEVELOPMENT* – I have the following observations to make on this application:-

In accordance with TDBC Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings.

The development proposal should provide 20 square metres per each 2 bed + family sized dwelling of both equipped and non-equipped play space. Play areas should be centrally located and overlooked by the front of dwellings. A LEAP suitable for ages 4 -8 years of at least 400 square metres containing a minimum of 5 pieces of play equipment, together with signage, seat and waste bin should be provided. A NEAP of 1,000 square metres with at least 8 pieces of equipment for ages 8 to adult, with signage seat and bin should be provided. All equipment should come with a minimum 15 year guarantee. The design, layout and location of play areas to be submitted to TDBC Open Spaces for approval.

TDBC Open Spaces should also be asked to comment on the public open space design and planting.

In accordance with SADMP Policy D13 a contribution to contribute to public art and public realm enhancements through commissioning and integrating public art into the design of the buildings and public realm should be sought.

#### *POLICE ARCHITECTURAL LIAISON OFFICER –*

**Crime Statistics** – Reported crime for the area of this application (within 500 metre radius of the grid reference) during the period 01/04/2016-31/03/2017 is as follows:-

*Burglary* - 1 Offence (dwelling burglary)

*Criminal Damage* – 2 Offences (both damage to dwellings)

*Sexual Offences* - 1

*Theft & Handling Stolen Goods* - 2 Offences

*Violence Against the Person* – 13 Offences (incl. 1 wounding with intent, 2 assault ABH, 2 common assault and battery and 1 causing harassment, alarm, distress)

*Non Recordable* – 1 Offence

**Total** - 20 Offences

This averages just under 2 offences per month, which is a low level of crime. ASB reports for the same period and area total 7, which is also a low level.

**Design & Access Statement** – the DAS at para. '**04 Design Principles**' includes a section entitled 'Design and Safety: Creating Safer Places', which indicates to me that the applicant has taken into account crime prevention measures in the design of this development. I agree with the comments made and would add the following observations:-

**Layout of Roads & Footpaths** – vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features i.e. surface

changes by colour or texture, rumble strips or similar features within the development would help reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The single vehicular entrance/exit also has advantages from a crime prevention viewpoint in that it can help frustrate the search and escape patterns of the potential offender.

**Orientation of Dwellings** – all the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. The majority of the dwellings would appear to be 'back to back', which is also recommended as this helps deter unauthorised access to the rear of dwellings where the majority of burglaries occur.

**Children's Play Area** - communal areas have the potential to generate crime, the fear of crime and ASB and should be designed to allow good supervision from nearby dwellings with safe routes for users to come and go. The proposed Play Area (LEAP) is located on the eastern edge of the development with limited surveillance opportunities from approximately four dwellings which overlook just one side of it only. From a safeguarding children perspective in particular, I recommend consideration be given to relocating this Play Area to a more central location within the development with good all round surveillance opportunities from nearby dwellings.

**Dwelling Boundaries** – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. More vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable. It is difficult to assess the proposed boundary treatments from the Illustrative Masterplan.

**Car Parking** – the DAS indicates that this will comprise a combination of in-curtilage garages and driveways, rear parking courts and allocated frontage bays the former being the recommended option. Rear parking courts are discouraged as they allow unauthorised access to the rear of dwellings where the majority of burglaries occur. Vehicles parked in such parking courts are also potentially vulnerable to attack.

**Landscaping/Planting** – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

**Street Lighting** – at this outline stage, proposed lighting arrangements are not provided and in this regard, all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.

**Physical Security of Dwellings** – in order to comply with *Approved Document Q*:

*Security - Dwellings*, all external doorsets and easily accessible windows and rooflights must comply with PAS 24:2016 security standard or equivalent. Secured by Design - if planning permission is granted, the applicant is encouraged to refer to the 'SBD Homes 2016' design guide available on the police approved Secured by Design website – [www.securedbydesign.com](http://www.securedbydesign.com) – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

*SW HISTORIC ENVIRONMENT SERVICE* - The archaeological assessment concludes there is low potential for significant archaeology on the site. In general we agree with this assessment but there is some potential for locally significant remains relating to prehistoric activity. This can be dealt with through a condition rather than requiring any pre-application work and is likely to involve limited trial trenching and/or geophysical survey.

For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted:

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

Please get in touch if you require any further information.

**LANDSCAPE – Comments awaited.**

*SCC - RIGHTS OF WAY* – No comments received.

*LEAD LOCAL FLOOD AUTHORITY* – The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has indicated an outline surface water drainage strategy which includes a piped system, and on site attenuation with controlled outfall to the existing watercourse to match existing greenfield runoff rates and volumes, the applicant is intending to offer the piped system to Wessex Water for adoption. The LLFA would support this strategy in principle; however it will be necessary to provide a more detailed design and confirmation of approval by Wessex to adopt the piped system.

It should also be noted that the LLFA has anecdotal evidence of flooding incidents within the site boundary that should be taken into consideration when completing the detailed design for the surface water strategy.

The LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

*PUBLIC HEALTH ENGLAND* - I have the following observations to make on this application from a public health perspective.

1. While recognising that the dwelling mix as a whole, and the affordable element in particular, would be subject to a reserved matters application, the indicative figures provided are not in accordance with the suggested mix of the Enabling Officer. Specifically, the applicant indicates a predominance of 4 bed detached properties, and no 1 bed properties. As such this housing mix may not provide a socially mixed development, which is desirable from a sustainability perspective. It is also relatively low density at 30dph. As such it does not appear to meet the assessed local housing need.

2. While the site is within CIHT walking isochrones for the town facilities, albeit at the margins for the secondary school and some employment sites, and therefore in theory able to support walking and cycling as primary modes of transport, it is likely that many of the prospective occupants would drive, rather than walk. To an extent this could be mitigated by making the proposed connection to Allenslade Close a cycling as well as walking route, and ensuring that the internal estate layout provides shorter, potentially more convenient routes than the alternative car route, such as a pedestrian and cycle route along the south edge of the site. However, North Street in the town centre narrows, and motor traffic speed and proximity may inhibit potential cycling, including cycling to the secondary school, due to concerns about safety (subjective safety). The distances from this development to most local facilities are ideally suited to cycling, but additional measures may be needed to make this sufficiently attractive to new residents. Convenient to the front door cycle storage would help, as would a lower speed limit through the town centre.

3. The proposal to reduce the speed limit by the site to 30mph, from 40mph, is supported, as is the provision of an additional bus stop.

4. The West Deane way passes very close to the eastern edge of the site, so we would suggest the developer explores the possibility of a connection from the internal paths.

5. Insufficient assessment of the potential odour impact from the sewage treatment works has taken place, notably not in the summer period. There is clearly potential for odour nuisance, although the placing of the housing on the western part of the site, and upwind of the prevailing wind direction, would tend to reduce the risk.

6. NHS England/Somerset CCG should be consulted about GP provision, as the single practice is having difficulty recruiting GPs to meet the needs of the current population.

## **Representations Received**

### **Wales and West Utilities:**

“Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site”.

**Wiveliscombe Civic and Historical Society** raise the following points:

- The site is outside the settlement limit.
- The planned target of up to 200 dwellings is likely to be met, if not exceeded through additional windfall sites coming forward during the plan period.
- The development plan is up to date and further proposals should be resisted.
  
- The bulk of development for Taunton Deane should be met in Taunton and Wellington.
- If additional social housing is required, this can be brought forward through existing Council and Housing Association partnerships. It is not necessary and undermines the development plan to allow around 100 private dwellings to provide around 30 new social housing units.
- Good quality agricultural land should not be developed.
- The development would be detrimental to the character and setting of the rural centre. It would change it from a nuclear form to a linear form, linking the town with the surrounding villages of Langley Cross and Langley Marsh deep into the hinterland, creating ‘sprawl’. This would be visible from the West Deane Way and Jews Lane.
- The site was considered for allocation and discounted as difficult to contain and poorly related to services and facilities in the centre of town.
- The SADMP Inspector’s report summarises that the distribution of proposed housing across the Borough is appropriate.
- There are no overriding reasons or material considerations to justify approval.

**Somerset Wildlife Trust:**

“We have noted the above mentioned planning application as well as the Ecological appraisal supplied by FPCR. We would fully support the comments made by the Authority’s Biodiversity Officer. In addition we would request that on-site planting makes use of native species which are rich in flowers and fruit in order to support wildlife. We would also request that internal boundaries are designed with gaps to allow the free passage of small creatures. We would request that all of these proposals are incorporated into the Planning Conditions if it is decided to grant planning permission”.

20 letters of **objection** have been received raising the following points:

- The schools, doctors, libraries, community and leisure facilities will not be able to cope.
- The access roads are unsuitable – especially the town centre.
- Additional traffic in this location would cause a hazard at the school.
- The accesses would harm pedestrian safety on the route between

Wiveliscombe and Langley.

- There would be additional surface water run-off. This site holds considerable water from the surrounding landscape and is at risk of flooding.
- The site is just a little too far from town to encourage people to walk. The Transport Statement notes distances to the town centre, but not all facilities are here.
- The site is outside the adopted development plan. Wiveliscombe should not accommodate further growth beyond that already planned for. There are insufficient jobs to support the additional housing.
- If additional housing land is required, other more sustainable sites are available.
- The ecology survey is poor and conducted in the wrong season.
- There should be no pedestrian access to the south, which will be detrimental to residents of Allenslade Close.
- The proposed development would effectively join Langley and Wiveliscombe, currently two distinct settlements.
- Wiveliscombe is getting too big and losing its distinctive character.
- The sewage treatment plants for the town are both undersized.
- The development would harm views on a well-loved and used circular walk from Wiveliscombe.
- The application provides no detail on why the Council is considered not to have a 5 year land supply. In any case, the lack of a 5 year supply does not make any site automatically available.

## Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,  
CP1 - Climate change,  
CP4 - Housing,  
CP5 - Inclusive communities,  
CP6 - Transport and accessibility,  
CP7 - Infrastructure,  
CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
A1 - Parking requirements,  
A2 - Travel Planning,  
A5 - Accessibility of development,  
C2 - Provision of recreational open space,

C6 - Accessible facilities,  
D13 - Public art,  
D7 - Design quality,  
ENV4 - Archaeology,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £1,489,500.00. With index linking this increases to approximately £1,806,750.00.

### **New Homes Bonus**

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

#### *1 Year Payment*

Taunton Deane Borough	£151,199
Somerset County Council	£37,800

#### *6 Year Payment*

Taunton Deane Borough	£907,133
Somerset County Council	£226,798

## **Determining issues and considerations**

The main issues in the consideration of this application are the principle of the development, the impact on the highway network, the landscape and visual impact, infrastructure and accessibility, design and layout, and the proximity of the site to the sewage treatment works.

### **Principle of development**

The site is outside the identified settlement limit for Wiveliscombe. The proposal is, therefore, contrary to Policies CP8 and DM2 of the Taunton Deane Core Strategy and unacceptable in principle. The applicant submits that the Council is unable to demonstrate that it has a 5 year deliverable supply of housing land and, therefore, in accordance with the NPPF that the policies relating to the supply of housing in the development plan should be considered out of date. The applicant also suggests that even if the Council can demonstrate a 5 year supply, the policies in the

development plan relating to the supply of housing should still be considered out of date, although this assertion is not substantiated. If their position was accepted, it would then follow that the 'presumption in favour of sustainable development' set out at Paragraph 14 of the NPPF would be engaged and permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. The applicant goes on to suggest that there are no significant or demonstrable harms that would result – an assessment of which will follow through the subsequent sections of this report.

The latest Strategic Housing Land Availability Assessment (SHLAA), demonstrates that the Council has in excess of the required 5 year supply of housing land, including the necessary buffers. Therefore, it is your officers' view that the policies relating to the supply of housing should be considered up to date and attributed full weight in the decision making process.

In adopting the Site Allocations and Development Management Plan (SADMP) in December last year, the Council has confirmed that in order to ensure an appropriate distribution of development across the Borough, and to ensure that development occurs alongside the necessary infrastructure provision, two sites, totalling around 200 dwellings should be provided in Wiveliscombe to meet housing requirements. Furthermore, it should be noted that this site was not promoted through the plan-making process. Given the importance the Government attaches to the Plan-Led system this is an important consideration. The current proposal, therefore, is firmly contrary to policy and should be resisted.

No agricultural land assessment has been provided with the application, but there is possibility that the land is grade 2 or 3 according to the regional maps. The NPPF states that Local Planning Authorities should consider the economic and other benefits of the best and most versatile agricultural land and that, where significant development of agricultural land is required, lower quality land should be used in preference to that of a higher quality. Across the Borough, significant development of agricultural land is required and has been allocated through the development plan. Whilst there are no development management policies specifically protecting higher grade land, the development planning process would have taken this into account when allocating sites, as required by the NPPF. The piecemeal release of land to housing in an unplanned way does not allow any assessment to be made and, therefore, development of the Borough cannot occur in a sustainable manner overall, protecting the benefits of best and most versatile land. This adds weight to the case for refusal of the application.

This application proposes that 30% of the dwellings should be provided as affordable housing. This is in excess of the policy requirement of 25%. The applicant cites a poor affordable housing delivery as justification for the enhanced contribution. Your officers are concerned that there is no policy justification for the additional affordable homes and, therefore, it would be unreasonable to seek an enhanced contribution. The proposal cannot be regarded as an affordable housing exceptions site as such would be affordable housing need led, with only the bare minimum of market housing to make the scheme viable. In real terms, the proposal is for 6.5 additional affordable homes than required by the development plan and it is not considered that such provision, should it be justifiable, could be given such weight as to outweigh the fundamental policy objection.

## **Highways**

The site would be accessed from North Street and primarily linked to the wider highway network via this route and The Square, through the centre of town. There is local concern about the ability of these roads to accommodate the likely increase in traffic and, indeed, this concern is shared by the Local Highway Authority (LHA). The LHA are concerned that insufficient evidence has been provided to demonstrate that the route through the town centre has sufficient capacity to accommodate the development so they have no option but to recommend refusal on this ground.

As part of the proposed 'benefits' of the development, the application refers to improvements to the footpaths along North Street, although there is no further detail provided. It is not clear, therefore, what improvements are envisaged, so no assessment of the suitability or benefit can be made. Accordingly, very limited weight can be placed on this suggestion. Your officers, therefore, agree entirely with the LHAs recommendation on the application.

## **Landscape and visual impact**

The site sits within a bowl on the northern edge of Wiveliscombe. Therefore, in terms of a wider landscape impact, the proposal would have limited harm. However, there would be a more significant visual impact:

Wiveliscombe itself sits on the edge of the Brendon Hills, characterised by its undulating hill and valley landscape. Part of the character of Wiveliscombe is derived from its relationship with this landscape. The site itself clearly contributes to the landscape setting of the town and plays a significant role in separating Wiveliscombe from Langley to the north. Development of the site would have a clear impact upon the character of both settlements, undermining their landscape setting and creating a ribbon development that would lead to coalescence.

Policy CP8 states that development outside defined settlement limits will only be permitted where it will protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements. For the reasons given, it is considered that the proposal offends the policy and should be refused for these reasons.

## **Infrastructure and accessibility**

There have been concerns raised over the capacity of the local schools, but the County Council have not provided any comments on this occasion. In any case, any required increase in capacity would be funded via CIL and could not form a reason to refuse planning permission in this case as there is no suggestion that such expansion would not be feasible. Similar concerns have been raised over the capacity of the doctor's surgery, but funding for expansion of primary healthcare facilities is currently available from other sources. It is not considered, therefore, that the application should be resisted on the grounds of (non-highways) infrastructure capacity.

The development offends against the maximum walking distances set in Policy A5 of the Site Allocations and Development Management Plan (SADMP) in terms of access to the doctors' surgery, local shopping facilities and playing fields. However, the policy is clear that these standards are intended to refer to development within Taunton and Wellington and not the rural area. The supporting text to the policy further clarifies that only handful of rural residents are likely to have such accessibility to facilities and, therefore, it is not considered that there is a conflict with Policy A5.

However, unlike most of the other rural centres where development is proposed, Wiveliscombe does provide the full range of services listed in Policy A5. The site is clearly less well related to these facilities than the sites that have been allocated for development in the SADMP. The fact that the walking distances in Policy A5 are exceeded means that residents of the development are far less likely to walk to facilities than if they were resident on one of the allocated sites. Therefore, whilst, there is no conflict with Policy A5, as the site is not in Taunton or Wellington, it is clear that residents of the development are likely to turn to their cars for many of their day to day needs, indicating that this unplanned expansion of Wiveliscombe is unlikely to be a sustainable option.

## **Design and Layout**

The site adjoins residential development at Allenslade Close and Plain Pond. It is considered that sufficient distance could be maintained between existing and proposed dwellings to ensure that acceptable distances were maintained and residential amenity was preserved.

Whilst this is an outline application, the application is accompanied by a design and access statement indicating how the development could be laid out. The design and access statement is a poor document that pays little more than 'lip service' to the design process. It certainly goes no way towards demonstrating that the site would be developed in a way that respects the form and character of Wiveliscombe, in fact many comments and statements are made to the contrary: For example, the statement refers to the provision of dispersed dwellings around cul-de-sacs and looped estate roads. It refers to dwelling types and finishes that neither respect the local vernacular nor provide a distinct design solution for the site with its own character. In short, it is clear from the design and access statement that, should permission be granted, the development would be a soulless suburban environment set around a cul-de-sac that did not integrate well with the existing urban form nor respect the character of the existing settlement.

## **Proximity to sewage treatment works**

The site adjoins Wessex Water's sewage treatment works (STW). There is high potential, therefore, for odour disturbance from the STW to affect local residents. Wessex Water have commented that the odour assessment that has been undertaken is inadequate to demonstrate that an odour nuisance is unlikely. They have, therefore, placed a holding objection. In the absence of further assessment in accordance with Wessex Water's requirements, the lack information on this point is considered to be a further reason for refusal.

## **Other matters**

The County Council as Lead Local Flood Authority, whilst aware of anecdotal evidence of flooding within the site, are satisfied that the site can be developed without leading to an increase in flood risk off-site, or without creating a flood risk for future residents.

The site has relatively limited biodiversity interest. Your biodiversity officer is satisfied that the site can be developed without harm to protected species.

## **Conclusion and planning balance**

The site is outside the settlement limit for Wiveliscombe. It represents a poor quality, poorly integrated unplanned expansion to the town that would not be sustainable in terms of access to local facilities and may be using best and most versatile agricultural land. The development would erode the green gap between Wiveliscombe and Langley resulting the coalescence of settlements to the detriment of their individual character and the landscape settings of Wiveliscombe.

There has been insufficient information submitted to demonstrate that the development would not result in an unacceptable highway impact nor that future residents would not be subjected to unacceptable odour disturbance from the adjoining STW.

The application would contribute to the delivery of both market and affordable housing in the Borough, which weighs in favour of the application. However, given that the development plan is up-to-date and adequate housing land supply can be demonstrated, the future delivery of housing in the area should occur in accordance with the development plan, which will result in the most sustainable development options. The proposed development is in clear conflict with the development plan and will result in some significant and demonstrable harms particularly in terms of landscape impact and harm to the character of the settlement. Nothing in the proposal, then, can be attributed such weight as to justify the grant of planning permission in the context of these harms and the clear policy conflict. It is, therefore, recommended that the application is refused.

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

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