

PERSIMMON HOMES (SW) LTD/HERON LAND DEVELOPMENTS

DEVELOPMENT OF UP TO 300 DWELLINGS WITH A LOCAL CENTRE, PUBLIC OPEN SPACE LANDSCAPING, HIGHWAYS ACCESS AND ASSOCIATED INFRASTRUCTURE WORKS AT LAND AT CADES FARM, OFF TAUNTON ROAD, WELLINGTON, AS AMENDED

Grid Reference: 314587.121225

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Subject to the applicant entering into a Section 106 agreement to secure the following:

1. Transportation
 - a. Implementation and improvement works on the Taunton Road approach to the Chelston roundabout, or a contribution of £100,00 for Somerset County Council to implement these works;
 - b. £20,000 contribution towards the completion of a comprehensive study relating to the Chelston roundabout;
 - c. £200,000 towards comprehensive improvements to the Chelston roundabout resulting from the study;
 - d. The design, construction and funding of a pedestrian/cycle/emergency access to Gay Close;
 - e. Upgrading of the public footpath between Lillebonne Close/Gay Close and the Chelston business parks, together with the diversion of the eastern end to either Westpark 26, Taunton Road or both;
 - f. £300 per dwelling contribution for sustainable travel vouchers, linked to
 - g. An agreed travel plan based on the draft submitted in December 2010.

2. On site open Space
 - a. Provision of 4.32 ha. Of Public Open Space comprising
 - i. 1.33 ha of play and activity space (including 1 Neighbourhood/Local Equipped Area for Play and 4 Local Areas for Play);
 - ii. 2.99 ha. Of strategic hedgerow/wildlife corridors;
 - iii. Provision of a commuted sum for the future maintenance of these facilities, or to be maintained by a separate management company.

3. Active recreation
 - a. Provision of £1,100 per dwelling towards off-site provision.

4. Local Centre
 - a. Dedication of land to TDBC for the development of a community hall;
 - b. Provision of land for a local shop(s) (precise delivery mechanism to be agreed).

5. Education
 - a. A contribution of £735,420 (pro-rated to a per-dwelling figure) towards

- primary education;
 - b. A contribution of £443,256 (pro-rated to a per-dwelling figure) towards secondary education.
6. Affordable Housing
- a. 35% affordable housing, of which 50% Social Rented; 25% Intermediate; 25% Low Cost.
7. Surface water attenuation
- a. Provision of a commuted sum for the future maintenance of these facilities, or to be maintained by a separate management company.

Conditional Approval be granted for the following reason:

The proposed development will create a new residential neighbourhood that respects surrounding buildings, topography and landscape features. It would be reasonably well linked and integrated with the existing built form of Wellington and will encourage travel within the town by modes other than the private car. Any impact on wildlife will be adequately mitigated and the favourable conservation status of European Protected Species will be maintained. The impact upon local community facilities, education and highway infrastructure will be mitigated through the provision of land for new facilities and contributions to improve off site provision. Adequate public open space would be provided for the day to day needs of the new residents and there will be contributions towards off-site enhancement of sports pitches and active recreation facilities. Taking account of the above factors, the proposal is considered to result in a sustainable urban extension to Wellington, contributing to maintaining a five year supply of deliverable housing sites in accordance with the Council's policy to release interim sites ahead of adoption of the core strategy, including provision for affordable housing which taken together are sufficient material considerations to outweigh the conflict with the development plan which seeks to restrict new residential development in this area. The proposal, therefore, accords with Policies S1 (General Requirements), S2 (Design), H9 (Affordable Housing within General Market Housing), M5 (Cycling), C1 (Education Provision for New Housing), C4 (Standards of [open space] Provision), C6 (Public Rights of Way), EN3 (Local Wildlife and Geological Interests), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows) of the Taunton Deane Local Plan; Policies STR1 (Sustainable Development), STR2 (Towns), Policy 1 (Nature Conservation), Policy 42 (Walking), Policy 44 (Cycling), Policy 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), 9 (Biodiversity and Geological Interests), 25 (Development and Flood Risk).

In the event that the Section 106 agreement is not signed within 3 months, the Growth and Development Manager be authorised to refuse planning permission.

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters for the first phase of development (as agreed by condition (3) below) shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

Application for approval of the reserved matters for the final phase of development (as agreed by condition (3) below) shall be made to the Local Planning Authority not later than the expiration of five years from the date of this permission.

The development of each phase hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters for the phase to which it relates or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004) and to ensure that development progresses in a timely manner as this permission is granted in contrary to the development plan in order to secure the delivery of housing.

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

(A3) DrNo 100-001 Rev A Red Line Plan
(A3) DrNo 300-001 Rev F Illustrative Masterplan
(A3) DrNo 400-001 Rev H Parameters Plan
(A3) DrNo 500-001 Strategic Play Travel Distances

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

3. Prior to the commencement of the development hereby permitted, a phasing program shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To allow efficient management of the development and a phased submission of reserved matters and discharge of conditions where appropriate.

4. Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the Local Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (prepared by Brookbanks Consulting and dated 16 February 2011) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

Reason: To prevent the increased risk of flooding as a result of the

development in accordance with PPS25.

5. Surface water shall not be allowed to discharge from any private drives onto the public highway and details of how such will be achieved shall be submitted to and approved with any reserved matters application made pursuant to condition (1). The agreed details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be retained as such.

Reason: In the interests of highway safety, in accordance with Policy S1 of the Taunton Deane Local Plan.

6. Before any phase (as agreed pursuant to condition 3) of the development commences (including site clearance and any other preparatory works) a scheme for the protection of trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works for that phase or until such time as may otherwise be agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8 and to safeguard wildlife habitats within the hedgerows in accordance with Policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9.

7. The development shall provide public open space in accordance with the details indicated on the parameters plan (Drawing 400-001 rev H) hereby permitted. Full details of the open space, including any required children's play equipment, benches, bins or any other required paraphernalia shall be submitted to and approved in writing by the Local Planning Authority as part of the details required pursuant to condition (1). The open space and any associated equipment shall be fully provided and operational prior to the occupation of 75% of the dwellings within the phase (as agreed pursuant to condition 3) to which it relates and shall thereafter be maintained as such.

Reason: To ensure that the required public open space is provided, to meet the needs of the residents of the new development, in accordance with Policy C4 of the Taunton Deane Local Plan.

8. Details of the proposed street (and other external) lighting for the development shall be submitted to and agreed by the Local Planning Authority as part of the details submitted pursuant to condition (1).

Reason: To ensure that the street lighting is designed in such a way that the favourable conservation status of dormice is maintained in accordance with Policy EN3 of the Taunton Deane Local Plan, Planning Policy Statement 9 and the Habitats Regulations 2010.

9. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to and approved in writing as part of the reserved matters submission pursuant to condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the environmental impact of the development and promote the use of renewable energy, in accordance with Planning Policy Statement 1 and Policy S1 of the Taunton Deane Local Plan.

10. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding as a result of the development in accordance with PPS25.

11. The eastern and western basins shall be constructed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development of the phase(s) to which they relate and shall thereafter be maintained as such.

Reason: To enhance the biodiversity value of the site in accordance with Planning Policy Statement 9.

12. The development hereby permitted shall not be commenced until details of a Landscape and Wildlife strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EDP's submitted ecology appraisal dated October 2010, EDP's letter dated 26th January 2011 (ref L/EDP1267/KH/av) and EDP's supplementary information relating to ecological mitigation and enhancement measures dated February 2011 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development (Ecological Construction Method Statement);
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance;

3. measures for the enhancement of places of rest for breeding birds, dormice and bats;
4. Details of a sensitive lighting strategy;
5. The submission of a Landscape and Ecological Management Plan (LEMP)
6. Ongoing ecological monitoring for a period to be agreed, which will inform the ongoing management of the site.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. No phase (as agreed by pursuant to condition 3) of the development shall be occupied until the scheme for the maintenance and provision of the new bird, dormice and bat boxes and related accesses relevant to that phase have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To ensure that wildlife interests are properly protected on site and to ensure that the favourable conservation status of dormice and bats is maintained in accordance with Policy EN3 of the Taunton Deane Local Plan, Planning Policy Statement 9 and the Habitats Regulations 2010.

13. Prior to the commencement of the development hereby permitted, full details of a management strategy for the retained hedgerows shall be submitted to and agreed in writing by the Local Planning Authority. The agreed management strategy shall thereafter be strictly adhered to.

Reason: To ensure that the hedgerows are properly managed in perpetuity in order to maintain the Favourable Conservation Status of dormice, in accordance with Policy EN3 of the Taunton Deane Local Plan, Planning Policy Statement 9 and the Habitats Regulations 2010.

14. For any phase of the development (as agreed pursuant to condition 3) 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 parking, and street furniture shall be constructed and laid out in accordance with details that shall first have been 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.

Reason: To ensure that the adequate facilities are available for the traffic likely to be attracted to the site, in accordance with policy S1 of the Taunton Deane Local Plan and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

15. (i) The landscaping/planting scheme shown on any plans submitted and agreed in respect of condition (1) shall be completely carried out within the first available planting season from the date of commencement of the development.

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

16. In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars as agreed in respect of condition (1); and paragraphs (a) and (b) below shall have effect until the expiration of [1 year] from the completion of the phase to which it relates.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place within 12 months of its destruction or death. The species and size of that replacement tree shall first have been agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

17. The hours of working on site during construction shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays and no working shall take place on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The term ‘working’ shall for the purposes of clarification of this condition include: the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site.

Reason: In the interests of protecting the amenities of nearby residents by reason of undue noise, in accordance with Policy S1 of the Taunton Deane Local Plan.

Notes for compliance

1. If any unexpected contamination is found during the development it should be assessed and, if necessary, remediated, in line with current best practice.

Under Planning Policy Statement 23, it is the developers responsibility for ensuring that the development is safe and suitable for use for the purpose for which it is intended.

2. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
4. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed Ecological Construction Method statement clearly stating how wildlife will be protected through the development process, and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
5. The conditions relating to drainage have been recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated FRA / masterplan which shows discharge rates and SuDs control measures for each plot. Each reserved matters application will need to demonstrate a viable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals.

PROPOSAL

This application, seeks outline planning permission for the erection of 300 dwellings, associated roads, open space, landscaping, footpaths and a local centre.

As originally submitted, permission was sought for 350 dwellings utilising the field to the east of the current application site. Permission was also sought for an emergency access/bus link directly from Taunton Road across this eastern part of the site. These aspects have subsequently been withdrawn from the proposal.

As amended, the main vehicular access to the site would be via the existing Cades Farm development and this road would be continued through the new residential estate to the southern boundary. Other estate roads would be served from the main estate road. The residential blocks would be contained within the existing field boundaries with all hedges being retained within the development area, save for small areas where breaks are required for new roads or pedestrian/cycle links. Wide margins would be provided around these retained hedges with the intention of maintaining their biodiversity interest. The public footpath into Lillebonne Close to the east would be accommodated within the site, and a new link would be formed via

an existing field gate into Gay Close. This link would allow access for cyclists and pedestrians, with removable bollards to allow access for emergency vehicles should the main access be blocked.

Public open space would be provided in various locations across the site, with the main block, including the main Neighbourhood Equipped Area for Play (NEAP), being located adjoining the existing green space at Lillebonne Close to the east and playing field.

SITE DESCRIPTION

The site comprises a relatively flat area of agricultural land on the eastern side of Wellington. It is situated to the east of the residential areas of Priory, Gay Close, Lillebonne Close and Jurston Lane, Sylvan Road, Parker Close. It lies to the south of the existing Cades Farm development that is nearing completion following its allocation in the Taunton Deane Local Plan. Chelston Business Park and the Westpark 26 estates are situated further to the east, separated from the development site by a further agricultural field.

A public footpath runs across the site from Lillebonne Close/Gay Close towards Westpark 26, although the definitive route it is currently blocked at Chelston House Farm, with an informal route existing out to Taunton Road.

On the northern boundary of the site, a stream separates the site from the existing Cades Farm development. Over the stream, along the eastern part of this boundary the recent residential development generally backs onto the site. On the western end, the new dwellings face the site, although they are also separated by a balancing pond on the adjoining development, so they are some distance away.

In the western corner of the site, dwellings in Parker Close also back onto the site at fairly close proximity. Numbers 13-37 (odd) Gay Close face the site at close proximity as they are accessed via a footpath which runs along the site boundary.

PLANNING HISTORY

There is no history to the application site in terms of previous allocations or planning applications. However, the site has been consulted on as part of the emerging Core Strategy and in June 2010 the Executive resolved to allow the early release of the site, ahead of the Core Strategy, in order to maintain a 5 year supply of deliverable housing land.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

As noted above, the proposals were significantly amended during the consideration of the application. Where it was deemed appropriate, further consultation was undertaken on the amended plans. The comments below represent consultation responses relevant to the amended application – i.e. the proposal as it is before members at this committee. However, some of the consultation responses were not updated and where this is the case, it is specifically noted below.

SCC - TRANSPORT DEVELOPMENT GROUP – Comments as follows:

A detailed Transport Assessment has been submitted with the Planning Application and this has been carefully considered. It is clear that the local highway network is congested at peak times and that additional traffic from this development must be wherever possible mitigated. It is clear to me that this must be by a mixture of obligations that include Physical Works, Travel Planning and Contributions for Public Transport and Future Road Building.

As the application is in outline very little detail regarding the internal layout has been submitted. There is an Illustrative Master Plan, the principles of which are suitable to result in an appropriate layout at the Reserved Matters Stage. Discussions have taken place regarding the formation of a 'Gateway' at the point where the main access road enters the development. No details have been submitted and as it is the means of access it must be dealt with now. A detail is therefore required if this is to be pursued.

It is clear that if this development is to work sustainably then connection between this development and the surrounding developments must be incorporated. There is clearly potential for connection to West Park 26, Cades Farm Phase 1 and the Eastern Side of Wellington. This must be delivered through this Application and the following Reserved Matters Applications.

A Draft Travel Plan has been submitted. It is currently deficient. It lacks detail regarding Cycle and Motor Cycle Parking and needs further work on other issues prior to its attachment to a Section 106 Agreement. An agreed Travel Plan based on the December 2010 Draft must include Residential Cycling, Cycle and Motor Cycle Parking, Site Specific Travel Information Leaflets, Modal Share Targets and Provision for the Installation of Automatic Traffic Controllers together with a Monitoring Regime.

In addition Green Travel vouchers to the value of between £100 and £250 shall be made available to each set of occupants, repeated for a maximum of three tenures per unit, offered at the first occupation of each tenure and continually for 5 years following the first occupation of each unit.

I have considered how to mitigate the increase in traffic generated by the development. The applicants have put forward an improvement to the Wellington Approach to the Chelston Roundabout and this is welcomed. However, this does not deal with the other arms of the Roundabout. It is my view that a study and design of potential improvements to the Chelston Roundabout needs to be carried out. I propose that the sum of £50K be required to enable the Highway Authority to carry out such a study and identify likely improvements. A contribution to the improvements resulting from this work will also be required.

Public Transport Contributions have also been considered. It is considered however that there is sufficient capacity in the existing services travelling along the B3187 and the A38 to cope with the potential additional demand.

In conclusion I raise no objections subject to the applicants entering into a Section 106 Agreement to include the following:

1. The Design, Construction and Funding of the improvements to the B3187 Taunton Road approach to Chelston Roundabout and set out in Drawing

- 2371.03. (A more detailed plan will be required for the Section 106 Agreement which should accord with advice given in TD16/07 of DMRB).
2. The Design, Construction and Funding of a Pedestrian/Cycle/Emergency Access to Gay Close generally as shown on Drawing 2371.05.
 3. A contribution of £50K to fund a study of Chelston Roundabout to identify works to improve capacity.
 4. A contribution of £200K towards works identified by 3 above.
 5. An agreed Travel Plan based on the Draft submitted in December 2010.
 6. A Sustainable Transport Contribution of between £100 and £250 per unit dependant on size of unit for a maximum of three tenures over a 5 year period following the first occupation of each unit.
 7. The formation of a 'Gateway' feature on the main access road from the Development to the North.

Also recommends conditions that the estate roads and technical details are agreed prior to construction, that each dwelling is served by a properly constructed access road and footpath, none of the gradients exceed 1 in 10, that a network of cycleways and footpaths is constructed within the development, that surface water is disposed of such that it does not discharge onto the highway, that area of hardstanding of at least 6m in length is provided between the highway and any garage doors.

WELLINGTON TOWN COUNCIL – Initially recommend that permission is refused on the grounds that the proposal was inappropriately located and represented overdevelopment of the site and failed to be integrated with and contribute to the well being of the adjacent settlement. In terms of the amended application, the Town Council maintained their objection on the following grounds:

1. The loss of open space as proposed would establish the principle of a possible development in the Jurston farm area.
2. The emergency access is located through an adjoining residential development.
3. The concerns of the environmental officer regarding flooding were supported.

FORWARD PLAN & REGENERATION UNIT – Comment as follows:

“Executive on 16 June 2010 agreed that Interim Sites for 300 dwellings each be released at Nerrols, Taunton and Cades, Wellington to contribute towards the shortfall in the 5 years supply of housing land in Taunton Deane.

At our meeting on 29th November 2010 with Turley Associates we objected to the inclusion of the eastern field for development and the access proposed across it to Taunton Road for emergency services and buses, because this area was part of a proposed green wedge to separate the residential area of Wellington from the employment area at Chelston. Also the eastern field had not been included in proposed Cades site in the Core Strategy and Small Sites public consultation in January and February 2010. The green wedge also provides opportunities for several other functions: replacement habitat for protected species such as dormice that live in hedgerows within the proposed development area; strategic SUDS and surface water attenuation which can help reduce flood risk rather than piecemeal solutions within the housing area; enhancement of the landscape and wildlife in

existing stream corridor; and informal recreation to address the deficit identified in the Taunton Deane Green Infrastructure Strategy in this sector of the town. I therefore support the amended plan which excludes these proposals from the application and propose a condition to provide substantial tree and shrub planting together with pedestrian and cycle links to Westpark within the eastern field to support the functions of the proposed green wedge.

We also raised the importance of providing the north/south link road through Cades and the adjoining Jurston development area to the south to provide a connection between Taunton Road and A38 Wellington Relief Road. The design layout for development proposals will need to ensure that delivery of future phases of this road on land beyond the developer's control is not prejudiced. The boundary area of Cades/Jurston is a central location for the proposed local centre on Cades and adjoining new primary school on Jurston, sharing the non-residential uses between the two developments. The local centre should provide a community hall, place of worship, sheltered housing and local convenience shopping. I support the amendment of the plan to provide these elements.

There should be developer contributions towards a feasibility study to establish the engineering, operational and commercial feasibility of reopening Wellington railway station and a local bus loop to provide a public transport link between the residential areas, the town centre, the railway station and inter-urban bus services between Wellington and Taunton. I support the amended plan to provide a new access for emergency vehicles, pedestrians and cycles to Gay Close.

COMMUNITY DEVELOPMENT, TAUNTON DEANE BOROUGH COUNCIL – In accordance with Local Plan Policy C4, provision for play and active recreation should be made for these dwellings.

The Council's Parks Department should be asked to comment on the layout of the site. The LEAP should be for young children and be within a 5 minute walk of every home. The NEAP should cater for older children and include wheeled activities and ball games. It should be designed with local young people to ensure that it is according to their needs and be a minimum of 30 metres from the dwellings. The local plan requirement is for 20 square metres of play space per family dwelling.

A contribution of £1,100 for each dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution towards improving indoor sports facilities would also be required and should be calculated using Sport England's Facilities Calculator, to provide for the demand generated by the development proposal.

A community facilities contribution of £885.00 per dwelling should also be made to provide for a community building to cater for the needs of new residents.

A public art contribution is required in accordance with the Taunton Deane Public Art Code either through commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of one percent of the total development costs.

TDBC PARKS DEPARTMENT (DLO) – No comments received.

HOUSING ENABLING LEAD – The Housing Enabling Lead's comments on this application are based on affordable housing need and does not reflect the suitability of the site in relation to planning.

The affordable housing requirement is 35% with a tenure mix of 50% social rented housing, 25% discounted market housing, and 25% intermediate housing.

The affordable housing units should be predominantly 2 and 3 bedroom houses with a few 4 bedroom houses. 2 bedroom bungalows would also be desirable.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – A contaminated land report has been submitted with the application. The report provides details of the history of the site and surrounding area and includes a risk assessment for the likelihood of any potential for contamination on the site to affect people or the environment. The report concludes that no potential contaminative risks have been identified from the desk based inspection, that are likely to be prohibitive on the development.

Based on the information that has been provided a condition regarding contaminated land would not be required. However, if any unexpected contamination is found during the development it should be assessed and, if necessary, remediated in line with current best practice.

HERITAGE AND LANDSCAPE OFFICER – Following an objection to the original proposal, considers that the current proposal is a better scheme. Subject to details of how the development can meet the aspirations of the emerging Core Strategy and Green Wedge and Green Infrastructure requirements, it should be possible to mitigate any wider landscape impacts. Conditions for tree and hedgerow protection, landscape and open space and maintenance of open spaces will be required.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – The application contains an assessment of the archaeological significance of any heritage assets on the site. This includes a desk-based assessment, a geophysical survey and trial trenching investigations in line with PPS5 and saved Local Plan Policies. This assessment indicates that the development will not impact on any heritage assets and I concur. Therefore, there is no requirement to carry out any further archaeological work on this site and I have no objections to this proposal in terms of any impacts on archaeological remains.

SCC - CHIEF EDUCATION OFFICER - Work that has been carried out in connection with the Borough Council's Infrastructure Delivery Plan (IDP) and which is based on the current housing trajectory suggests that capacity at the primary school tier in the town will be exceeded from about 2014. The earlier strategy of the County Council had been to secure a new primary school within the Longforth Farm site, to serve all the new development in the town. However, Cades Farm has been designated as an 'Interim Early Release' site and this is now likely to now

progress much more quickly than the former. The eventual scale of the longer term residential development to the south has also become clearer.

Additional occupations in the short- to mid-term will require additional school accommodation and there is very limited site availability to even locate temporary buildings.

Initially, the Education Officer felt that it should therefore now be a requirement that the Cades Farm development provides a new seven-class school site and a further seven class school is secured within the Longforth Farm scheme. Because the new Cades Farm school would be required in less than four years, it would not be practical to wait for the next phase to the south to provide it; and any land here is outside the current application site boundary, so the school could not be secured in the context of the current application. Subsequent to these comments, the Education Officer has agreed that Cades Farm development is of a scale that need not accommodate a new primary school and that contributions towards increased off-site provision would be acceptable.

The IDP work also demonstrates that, in the longer term, the capacity of Court Fields Secondary School will be significantly exceeded, although this is unlikely to become an issue until about 2016. Notwithstanding this, it is appropriate and necessary that all new development contributes to meeting the eventual total need, rather than simply taking the view that earlier development 'gets off free', leaving the later phases unfairly needing to fund all the necessary works. The IDP will therefore need to identify what additional capacity will need to be provided at the secondary tier.

The County Council forecasts that 30 secondary places will be required in connection with each 210 new dwellings. This development of up to 350 dwellings could therefore create demand for up to 50 school places. The DfE Basic need Cost Multiplier per place is £18,469, so a contribution of £923,450 should be sought through a Section 106 agreement.

Subsequent to these comments, it has now been agreed that it would be reasonable for the current surplus of secondary school places to be shared across the strategic development sites.

ENVIRONMENT AGENCY – Following an initial objection to the development, additional information was submitted by the developer. The Agency has now agreed to withdraw its objection and written confirmation of this has been agreed.

The Agency recommends that conditions are attached to any grant of planning permission ensuring that a detailed drainage strategy is in place prior to the submission of any reserved matters and that detailed drainage arrangements are in place for each phase of development.

TDBC DRAINAGE OFFICER – Initially objected to the scheme, but is now content to agree with the Environment Agency that the development is acceptable in terms of flood risk. Notes that future maintenance of the surface water drainage features should be agreed and ideally this should be adopted by TDBC as part of the open space. The Parks department should be consulted to ensure that they are content

with the location of the attenuation ponds in terms of their relationship with the open space.

NATURAL ENGLAND – Initially objected to the development on the basis that there was an inadequate survey effort for protected species and that the favourable conservation status of dormice and bats would not be maintained.

Following receipt of amended details and further information, comment as follows:

Support the comments made by the Nature Conservation and Reserves Officer, Barbara Collier, dated 7 Feb on your website and agree with the conditions outlined following our joint meeting with EDP on 11 Jan. We also support the requirement of a landscape and wildlife strategy to have been approved in writing by the LPA before development is permitted.

HIGHWAYS AGENCY SOUTH WEST – No objection (following the receipt of additional information).

POLICE ARCHITECTURAL LIAISON OFFICER – Makes the following comments:

- PPS1 promotes communities which, amongst other things, are safe and crime free. The Design & Access Statement submitted with this application, whilst referring to documents such as 'Safer Places', 'Manual for Streets' and 'Secured by Design' and stating that, the proposals include measures to reduce crime, in my view, does not really address how potential crime problems have been considered in the design of this development and of any measures proposed to mitigate any identified crime risks, which it should do.
- Judging by the Masterplan, the proposed layout is in the form of perimeter blocks with dwellings generally speaking facing one another. This is the preferred orientation as it allows neighbours to watch over one another and create conditions where the potential criminal feels vulnerable to detection. The ideal situation is where rear gardens also back onto one another, so restricting unauthorised access to the rear of dwellings, which is where the majority of burglaries occur. It would appear that this may also be the case in respect of a number of the residential blocks.
- The layout of roads and footpaths appear direct and well overlooked and, if possible, segregated footpaths should be avoided.
- Defensible space should be delineated by the use of physical and psychological features such as walls, fences, planting, change of surface colour/texture and similar features to emphasise the private nature of the dwellings in the residential blocks. Rear access paths should be avoided where possible.
- Dwelling frontages should be kept open to view and planting/landscaping maintained below 1m in height in order to assist resident surveillance. Where visibility is important, mature trees should have a clear trunk height of 2m from ground level.
- Communal areas have the potential to generate crime and ASB and it is

important that such spaces are located in areas with good supervision from surrounding dwellings. This would appear to be the case with respect to the five communal areas proposed (2 LAP, 2LEAP and NEAP). With regard to these areas, it is important that boundaries between the public and private areas are clearly delineated and that features are incorporated to prevent unauthorised vehicle access. Appropriate future management and maintenance procedures should also be put into place.

- Parking would appear to be a mixture of garages, on plot, on street and parking courtyards. Garages or on-plot are the preferred options, parking courts are discouraged, as they allow unauthorised persons access to the rear of dwellings. Where such parking courts are unavoidable, individual parking spaces should be within view from routinely occupied rooms in owners' premises and the courts should be gated.
- All street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS5489.
- The applicant is advised to formulate all physical security measures of the dwellings i.e. doorsets, windows, security lighting etc in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website - www.securedbydesign.com

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE – Make the following comments:

Means of Escape – these should comply with Approved Document B1 of the Building Regulations. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

Access for Appliances – should comply with Approved Document B5 of the Building regulations.

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

TDBC BIODIVERSITY OFFICER – Initially objected to the development. However, in light of additional information, now raises no objection and makes the following comments:

I am pleased that the eastern field has now been removed from the application as has the eastern emergency access road.

Lighting Strategy – I support the principles of the proposed lighting strategy.

Narrowing of roads at road/hedge junctions – Proposed roadways will pass through four hedgerows on site. I support proposals made to ensure minimal hedgerow and connectivity loss but consider that this can only be achieved with a robust landscape scheme.

Hedgerow management – I support the hedgerow management proposals. I would prefer garden boundaries adjacent to the hedgerows to be stone or brick walls to ensure that they are less likely to be removed at a later date by future householders.

Construction method statement – it is essential to ensure that wildlife is protected throughout all phases of the development. The statement should include the employment of an ecological clerk of works, by the applicant, to monitor the site to ensure that wildlife is not harmed during all stages of works.

Landscape and ecology management plan (LEMP) – I agree that a LEMP is essential to provide a management framework for the conservation and enhancement of the site's ecology and landscape.

Given that the most valuable ecological resource on site (hedgerows) are to be retained and enhanced, that the eastern field will not be developed and that the applicant proposes a measure of critical mitigation measures, I consider that favourable conservation status for dormice and bats can be maintained in principle. It is crucial that the ecological value of the site is monitored and that all the proposed mitigation measures are implemented strictly in accordance with approved details.

Conditions are recommended to ensure that hedgerows are properly managed, a strategy for the protection of species is submitted and agreed, and that ecological monitoring is undertaken for 5 years from the commencement of the development.

ECONOMIC DEVELOPMENT MANAGER – No comments received.

WESSEX WATER – No comments received.

WESTERN POWER DISTRIBUTION – There is a 33,000 Volt overhead line crossing the site which will require deviation and placing underground before the development could proceed. The works would be at the developers cost.

SOMERSET WILDLIFE TRUST – [It should be noted that this summary of comments pre-date the submission of additional wildlife information. The comments are included as no formal updated response has been received].

Somerset Wildlife Trust objects to the proposal. The survey work for bats and dormice do not appear to have followed best practice advice from Natural England and further work must be undertaken. Taunton Deane Borough Council needs to be satisfied that the favourable conservation status of bats and dormice is not affected locally and without a sound evidence base, this is not possible. The trust queries the justification for omitting great crested newts from the scope of the survey work as they are known to have been present across the wider site a few years ago.

In terms of dormice, there is significant concern that the local population is becoming increasingly isolated from the surrounding landscape. This is of particular concern as a large part of the functional green wedge which facilitates movement for this and other species throughout the immediate landscape is earmarked for

development. The Trust does not see how a viable population of dormice can be maintained, even with mitigation, if the development goes ahead across all of the area shown in the phase 2 masterplan.

The proposed mitigation proposals are unsound. The report supposes habitat connectivity can be maintained where hedgerows are breached by roads, but this seems utterly unfeasible on several counts. There is further concern that the hedgerows could form property boundaries. There would need to be sizeable habitat buffer between hedgerows and property curtilage to ensure residents do not interfere with the hedgerows. There seems a high likelihood of the on-site population becoming extinct.

In terms of bats, the Trust is concerned that the low level of bat activity surveys undertaken may mask the importance of the site for bats. Barbastelle bats from a known roost at Longforth Farm are known to forage in the vicinity of this site. Maintaining sufficient foraging area, flight corridor connectivity and darkness are critical factors in maintaining habitat suitability for bats on-site, and reducing the risk of impacting on the favourable conservation status of local populations.

In terms of breeding birds, the report fails to point out the responsibility that local authorities have for species of conservation concern under the NERC Act 2006. This makes certain species a material consideration in the determination of planning applications. On this site it seems reasonable to expect a good diversity of bird species given both the retention of hedgerows would not necessarily safeguard breeding birds on site as a large tract of open foraging habitat will be destroyed by the proposed development. There is also the issue of increased predation by domestic cats.

The Trust cannot be confident that the proposed development will have anything other than a negative effect upon biodiversity. The efficacy of mitigation outlined in the report is unknown: until a comprehensive ecological baseline for the site has been established it is not possible to know the scope and level of mitigation required. It is even possible that some of the proposed mitigation might actually negatively impact on key species.

SCC - PLANNING POLICY, COUNTY HALL – comment as follows:

Spatial Planning _

The Planning Supporting Statement states that the site has been identified in TDBC's emerging Core Strategy as a strategic allocation for Wellington. It appears also that TDBC have agreed this site for interim release in order to address housing supply concerns. The principle of the site is therefore well established and results from a plan-led approach and there are no comments from a strategic planning point of view.

That being said, TDBC should be advised that the applicant's Planning Supporting Statement is weak in its policy review, in that it fails to acknowledge that the development plan includes saved policies from the Joint Structure Plan Review. TDBC will no doubt be aware of the more recent reinstatement of the Regional Strategy (formerly RPG10). It is disappointing also that the statement fails to refer to the Draft Revised RSS incorporating the Secretary of State's Proposed Changes

(July 2008) as a material consideration.

Ecology (summarised comments of the County Ecology Officer)

[It should be noted that these comments pre-date the submission of additional wildlife information and subsequent verbal agreement with the County Ecology Officer that the survey effort was acceptable. The comments are included as no formal updated response has been received].

Dormice – “With regard to the mitigation proposed for common dormouse (*Muscardinus avellanarius*) the overhanging trees are unlikely to reconnect habitat where severed by access road and paths, considering that there is a minimum height permitted above the highway and a gap between trees of over 13 metres. In addition, there would also be an allowance for tree roots to not disturb paved surfaces. Any new hedgerows/ trees will need to be functional before the development commences. Opposing tree branches will need to be touching and well connected as the species is arboreal. The unlikelihood of the mitigation succeeding could have permanent implications for the dormouse population by severing connecting hedgerow habitat and thereby isolating elements of the population, which would increase the risk of local extinction significantly. The masterplan is also illustrative only and it cannot be assumed that the layout of the site will be as shown. Therefore, it is considered that these measures put forward are unacceptable as mitigation.

Other mitigation includes directional street lighting, protective fencing and some limited planting to offset the risk of increased predation by introduced domestic cats. With this latter impact it is also considered that the proposed is inadequate given the foraging range of cats. Dormice hibernate at ground level through the winter.

No consideration is given in the application to the dormouse population in the context of the wider landscape and the potential for habitat squeeze. Phase 1 of Cades Farm development required dormouse mitigation which included making hedgerows sub optimal so as to displace individuals, hedgerow translocation, hedgerow planting and trees planted at strategic locations to maintain linkages. There is no information given on how successful this mitigation strategy was for the northern part of the same dormouse population affected by the application. Phase 2 could additionally isolate this potentially stressed population from the wider countryside and although it is assumed that it would be joined by linked hedgerows in the illustrative masterplan, although this may not be the final site layout. Dispersal of this northern part of the dormouse population would also be affected by issues raised in Phase 2...

It is considered that there is doubt that the proposed mitigation in the application would deliver FCS and therefore it is recommended that Taunton Deane should consider that there could be an effect on the dormouse population, a European Protected Species, and refuse the application”

There is also concern that inadequate survey work (due to limited surveys undertaken) has been carried out. The following surveys are still required in order that ecology can be given full consideration with regard to this application: common dormouse survey, bat surveys, breeding bird surveys, reptile surveys, invertebrate surveys, information on other ‘section 41’ species (e.g. brown hare, hedgehog and/or harvest mice).

The planning support statement fails to mention the presence of European protected species in the description. It also omits the inclusion of PPS9 (Biodiversity and Geological Conservation) which is highly relevant given that common dormouse, various bat species and potentially great crested newts, all of which are afforded protection at a European level, are present.

Masterplanning principles in the design and access statement are inadequate considering the presence of dormice and bat species and the legal requirements for Favourable Conservation Status under the Habitats Regulations 2010.

NATIONAL GRID PLANT PROTECTION TEAM – No comments received.

SCC - RIGHTS OF WAY – There is a public right of way recorded on the Definitive Map which crosses the site. It appears that the footpaths will require a diversion order. This may also present an opportunity to divert the eastern end of the path which currently falls outside the development area to facilitate a convenient route to access the Chelston Business Park.

It would also be advantageous to residents and local employers/employees if the public footpath were upgraded to an adoptable standard as a footway/cycle way and/or cycle track providing direct access between the Business Park and the Town Centre/residential areas. This could be achieved through a Section 38 agreement within the development, but would require a Cycle Tracks Act Order outside of the development on the western and eastern extremities of the site. Where possible the footpath should not be diverted onto footways beside the road network and where any structures (gates, etc) are considered to be required, they should be as accessible as possible.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Representations

The following details representations received in respect of the proposal as originally submitted:

5 Letters of OBJECTION/CONCERN have been received raising the following issues:

- The view from Parker Close will be obscured.
- There is no information on how wide the screen from the front of Gay Close and Parker Close will be.
- If there was a need for private and social housing in this area it would be understandable, but the Planning Committee do not care.
- There is a lack of useable public open space and play areas – phase 1 areas are nice, but too small and open onto busy roads, such that children cannot

play safely and dogs cannot be let off leads. The proposed sports field is already in place and is not an addition for the 600-700 new homes in phases 1 & 2.

- There should be a new primary school – it would not seem that St Johns Primary will be able to cope with additional children from phase 1, never mind phase 2.
- The application documentation is poor and it is difficult to substantiate statistical data. No evidence of a comprehensive social impact survey was available.
- The pre-application public consultation exercise was poor, and the conclusions drawn are incoherent.
- No information is provided regarding the percentage of social housing to be provided. Housing needs are high in Taunton Deane, but the application appears to regard this with low importance.
- The provision of integrated cycling and footways is welcomed as the existing site is poorly accessed by these modes. However, the statistics relating to this in the application documentation are suspect.
- A proposed cycle path to the rear of Lillebonne Close needlessly bisects an existing recreational area, duplicates an existing route and renders the open space unusable as a natural green play area.
- The landscaping and greening of the site appears to constitute little more than simply adopting existing peripheral green areas, streams, hedges and trees. This includes a small sports field that is used by a school and as such cannot be classified as a truly public area. Substantial additional green areas must be provided within the development.
- There seems to be little provision for enhancing wildlife habitat, despite the site being on the edge of the floodplain.
- Additional light pollution could have an impact on the Blackdown Hills AONB. Sustainable solutions to street lighting should be actively explored.
- The Chelston Brook is at full potential during heavy rainfall periods, and flow is limited by a private drive bridge downstream from the site. Increased surface water up-stream may lead to increased flooding of this private property.
- The submitted Flood Risk Assessment indicates that soakaways are not suitable in this area, so all of the surface water from the entire site will need to be attenuated.
- There are known to be Dormice within the hedgerows in the proposed development area, and Great Crested Newts in the locality as well as spotted orchid and other fauna. As noted by the ecological consultation responses, the survey effort was not carried out over a long enough period.

It should be noted that whilst raising 'objections' one of these letters states that it does not object to the development in principle, rather the current form of the development.

1 letter of COMMENT has been received raising the following issues:

- Most impressed with the Cades Farm development, especially landscaping at the Chelston Roundabout.
- Would like to see more facilities and shops at the edge of town to avoid having to go to Taunton.

1 letter raising NO comment has been received.

In respect of the amended plans, 7 additional letters have been received making the following additional comments:

- The proposals will also make a good emergency access for dwellings in the existing priory estate in the event of a closure.
- An access to Parker Close would be better than Gay Close as Parker Close/Sylvan Road are not so busy.
- Residents of the existing Cades Farm estate were told that there would be no further housing on adjoining land.
- The bends on the Phase 1 estate are too tight and no swings have been provided for the children.
- The applicant seems to have paid little attention to correctly finishing the phase 1 estate and a number of matters (landscaping, street lighting, play areas etc.).
- Adding more houses to the Cades Farm development will put ore strain on the community and further exacerbate traffic congestion.
- Public footpaths across the field will be destroyed.
- Query whether there will still be an access road from the bypass.
- Now that the eastern part of the development has been removed, this area should be a nature area with a footpath around it, allotments or an informal play area. There is a lack of a large play area/playing field on the estate.
- Views from Gay Close properties towards the Blackdown Hills will be lost.
- There will be increased traffic, unsustainable pressure on services, over-crowding in schools and ultimately the development will adversely affect the quality of life in Wellington and the surrounding area.

One letter has been received raising no further comment.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
ROW - Rights of Way,
W1 - TDBCLP - Extent of Wellington,
STR2 - Towns,
STR4 - Development in Towns,
M5 - TDBCLP - Cycling,
EN8 - TDBCLP - Trees in and around Settlements,
H9 - TDBCLP - Affordable Housing within General Market Housing,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M5 - TDBCLP - Cycling,
C1 - TDBCLP - Education Provision for New Housing,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
STR1 - Sustainable Development,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP42 - S&ENP - Walking,
S&ENPP44 - S&ENP - Cycling,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
PPS1 - Delivering Sustainable Development,
PPS3 - Housing,

DETERMINING ISSUES AND CONSIDERATIONS

Main issues .

The main issues in the determination of this application are:

4. The principle of the development;
5. The provision of affordable housing;
6. The impact on the highway network and sustainable transport proposals;
7. The impact on wildlife, with particular regard to protected species;
8. The landscape impact;
9. The proposed (indicative) site layout and development concept;
10. The links to surrounding existing development and the impact on existing public rights of way;
11. The impacts on existing neighbouring residents;
12. Drainage and flood risk;
13. The provision of open space;
14. The impact on local community infrastructure (education, playing fields, community facilities etc.);
15. Conclusions and whether, taken in the round, the proposal will likely lead to sustainable development.

Principle of development .

The site currently lies outside the settlement limit for Wellington as defined by the Taunton Deane Local Plan. As such, the proposal currently conflicts with adopted planning policy and it must be assessed whether there are material considerations that indicate that planning permission should be granted in the face of this adopted position.

The draft Core Strategy proposed further housing at Wellington on the Cades Farm site (that of this application), Jurston Farm adjoining Cades to the south and Longforth Farm to the north of Taunton Road. This strategy was formally consulted on in early 2010. Paragraph 57 of Planning Policy Statement 3 indicates that Local Authorities should be able to demonstrate a five year supply of deliverable housing land and in preparing the Core Strategy the Council's strategy team has identified a shortfall in available housing land such that this requirement cannot be met. PPS3 goes on to indicate that where a 5 year supply of housing land cannot be demonstrated, the Council should look favourably upon proposals for housing development.

Following the public consultation on the draft Core Strategy, the Executive, on 16th June 2010, agreed an interim release of sites ahead of formal publication of the Core Strategy, comprising 300 dwellings at Nerrols Farm in Taunton and 300 dwellings at Cades Farm in Wellington. As a result of this, the Council's Executive has stated that the housing proposed in this application is acceptable in principle.

Affordable housing

In line with the Taunton Deane Local Plan, the Housing Enabling Lead has requested that 35% of the development is provided as affordable housing. This would be a mix of 50% social rented, 25% intermediate, and 25% low cost. The developer has agreed to provide this level of affordable housing, which would be secured through a Section 106 agreement attached to any planning permission.

Highways and transport

In assessing the transport implications of any major development, it is essential to ensure that the proposals would not have a detrimental impact upon the highway network and that the development itself would encourage travel by alternative modes to the private car.

The Highways Agency has considered the impact of the development on the strategic road network, namely Junction 26 of the M5. Having received additional information from the applicant, they are satisfied that the proposed development is acceptable in this regard.

In terms of the local highway network, SCC (Highways) are extremely concerned about the impact of the proposed development on the Chelston Roundabout, which already has to accommodate greater traffic flows than its design capacity at peak times. As a solution to this, the developer has proposed to make improvements to the roundabout by widening to form two approach lanes on the Taunton Road (Wellington) arm. The Local Highway Authority wish to see these improvements implemented, but they do not consider that this resolves the problem at the roundabout. They are particularly concerned that, taking account of the entire planned development of Wellington (Cades, Jurston and Longforth) cumulatively over the forthcoming plan period, major works will be required to improve the capacity of the roundabout. Taking a long term strategic view towards the development of the town, it is only fair and reasonable that all developments make contributions towards this fundamental piece of infrastructure in the local highway network. The developer is in agreement with this approach and as such has agreed to part fund (to the value of £20,000) a study into future improvements of the roundabout. They have also agreed to contribute (£200,000) towards any works recommended as a result of this study and SCC officers are content with this.

Once completed, the Cades Farm development (including that already under construction) would total nearly 600 dwellings, accessed via a single vehicular access from the new roundabout on Taunton Road. It is the view of the Local Highway Authority that such a scale of development makes the provision of a secondary access for emergency vehicles essential. The application, as initially submitted, included the provision of an eastern access point through the adjoining field to the east. Your officers were very concerned that this access, even if restricted solely to emergency vehicles and busses, gave the impression that the development was conceived as facing Taunton and the M5, rather than being a sustainable, well planned extension to Wellington. Subsequently, this emergency access has been deleted from the proposal and an emergency access is now planned via an existing field gate into Gay Close. This has the additional benefit of improving cycle and pedestrian links into the rest of Wellington. A removable barrier feature would be provided between the site and Gay Close so that it would not be open to general vehicular traffic and would not, therefore, have an unacceptable impact on the existing highway network around Gay Close and Priory. One of the representations received has suggested that an access onto Parker Close would provide easier

access to the site from the town, as Sylvan Road is more lightly trafficked and less congested than Gay Close. However, this must be balanced against comments made in respect of the proposal that the proposal would also benefit parts of the Priory estate by providing a second access in the event that Priory, itself, became blocked. In any case, it is the submitted proposal that must be determined and the Local Highway Authority is content that the proposed solution is acceptable in highways terms. The provision of the link should be secured through a Section 106 agreement.

As well as ensuring that the development will not impact unreasonably upon the local highway network, it must also seek to encourage travel by more sustainable modes than the private car. This is achieved through a combination of travel planning and ensuring that high quality pedestrian and cycle links are provided to surrounding development, particularly the Town Centre and key employment land at Chelston and Westpark 26 to the east. The off-site improvements to provide a direct cycle route from the existing residential area to the Chelston roundabout can be secured via a Section 106 agreement – the precise mechanics are discussed further below. The developer has also proposed to provide green travel vouchers to the value of £300 per dwelling to encourage new residents to adopt more sustainable modes of transport both around Wellington and on to Taunton.

The Council's strategy team have requested that contributions are made towards funding a feasibility study into the re-opening of Wellington railway station. However, this development does not rely upon the presence (or not) of the railway in order to achieve sustainable transport objectives. It is a requirement that all planning obligations are fair and reasonable, and necessary to make the development acceptable in planning terms. As the development does not require the presence of a railway station, it is not considered reasonable to ask for such a contribution.

A draft Travel Plan has been submitted with the application, but at the present time, the Local Highway Authority are not in a position to agree its detailed content, as they consider it deficient in terms of cycle and motor cycle parking, amongst other issues. However, they are content with the principles and final details can be agreed whilst the detail of a Section 106 agreement is finalised.

The Local Highway Authority has recommended that a number of conditions are attached to any planning permission. Whilst a lot of the details requested can be dealt with by any subsequent reserved matters application (driveway lengths and gradients, provision of cycleways through the estate) other details such as full details of the road construction and street furniture, provision of access roads prior to occupation and the disposal of surface water could be regarded as matters of principle and are best dealt with through conditions on an outline application.

Giving due consideration to the above arguments, it is considered that the impact on the existing highway network and approach to sustainable transport is acceptable.

Wildlife

An ecological survey has indicated that the proposed development will impact upon wildlife. Importantly, the European Protected Species of the dormouse will be directly impacted upon by the proposal, and as such requires specific consideration.

The ecological survey indicated that dormice currently live in the hedges on the application site. The works involved in the development will see new breaks formed in the hedgerows in order to accommodate new roads and footpaths. In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of this protected habitat, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority is a 'competent authority' must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

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

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need for additional housing is in the public interest and it is clearly in the public interest to deliver this housing in the most sustainable way, at the most sustainable and well planned sites. The considerations and conclusions to the other main issues of this report will show that the proposal is considered to be sustainable development and as such, it is considered to be in the public interest to release the site for development.

(ii) That there is no satisfactory alternative

The emerging Core Strategy identifies a need for Wellington to accommodate a substantial number of new dwellings that will involve the residential development of this site, Jurston Farm to the south and Longforth Farm to the north. The emerging Core Strategy considers these to be the most sustainable locations for development and accordingly other alternatives would result in less sustainable development, which is clearly not satisfactory. Furthermore, other sites (including those also proposed for further development) are also known to accommodate European Protected Species, including dormice, and as such, the development of these sites would similarly impact upon the proposals.

(iii) That the Favourable Conservation Status FCS can be maintained

When the application was first submitted, the Council's Biodiversity Officer, Natural England, SCC's Ecology Officer, and Somerset Wildlife Trust all objected to the proposal on the basis that they did not consider the FCS to be maintained. This was due in part to a perceived lack of survey work to establish baseline information and in part to the inclusion of the eastern field, which was perceived as necessary to accommodate a replacement habitat for dormice displaced from the hedgerows within the development area. There was also concern that the existing habitat in the

form of the hedgerows retained on site would be significantly eroded once they were surrounded by residential development, by physical destruction and interference of the hedgerows initially to construct estate roads, then subsequently on a piecemeal basis by residents and by predation of dormice by increased numbers of domestic cats.

However, following a detailed meeting between the developers and the consultees, it was agreed that sufficient survey work had been undertaken. Subsequently, further detail on the proposed mitigation strategy has been submitted, including substantial enhancement (additional planting) of the existing hedgerows, allowing them to significantly widen, the use of 'prickly planting' along the hedgerows to reduce the likelihood of penetration by domestic cats and the reduction in width of site roads to a single carriageway where they cross hedge lines in order to minimise breaks in the hedge cover. In light of these proposals, Natural England and the Biodiversity Officer are now content that FCS for dormice can be maintained, provided that street lighting is appropriate and the hedgerows are properly managed. It is now considered that these outstanding matters can be dealt with by conditions. There are outstanding objections from the County Ecologist and Somerset Wildlife Trust, but it is considered that these should carry little weight as they pre-date significant additional information.

There is potential for other wildlife to be affected by the proposals. This includes bats, reptiles and nesting birds, together with non-protected species such as hedgehogs and hares. Although bats are also a European protected species, the proposals will not result in a direct 'deliberate interference' with their habitat and, as such, a licence will not be required from Natural England. The stringent 'derogation tests' of the Habitats Regulations do not, therefore, fall to be considered, although in line with Policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9, the impact on these species must also be considered.

It is considered that bats are likely to use the hedgerows within the site for foraging and commuting. Natural England and the Biodiversity Officer have generally accepted the applicant's argument that the retention of the hedgerows to a sufficient standard to maintain the FCS of dormice will ensure that their integrity is sufficient to support bat activity in the area. Accordingly, the proposed development is not considered to have an adverse impact upon bat activity within the area. This also applies to the non-protected species, which are likely to thrive if the hedgerows are of sufficient quality for dormice.

The site is generally considered to have a poor habitat for nesting birds although all major trees will be retained on site (indeed, most significant trees are now the subject of a Tree Preservation Order). As such, it is not considered that there would be an unacceptable impact on nesting birds. It is also considered that the site is unlikely to be suitable for reptiles.

In summary, it is considered that the impact on wildlife can be adequately mitigated and that the draft principles of an ecological management plan that have been submitted are acceptable for this purpose. Subject to the imposition of conditions, the impact on wildlife is considered to be acceptable.

Landscape impact

The site is well related to the existing urban form of Wellington, adjoining the recent

(ongoing) housing development of Cades Farm to the north and the Priory estate to the east. The large employment area of Chelston and Westpark 26 lies to the east and as such, the site is relatively well related to existing development. The field to the east of the site has been deleted from the proposal and this retains a green buffer between the employment land and residential areas, which accords with the emerging vision for Wellington, to provide a new Green Wedge on the eastern side of the town. This follows identification in the adopted Green Infrastructure Strategy of a deficit in accessible informal open space in the eastern part of the town.

Given the proposals to retain all hedgerows in the interests of maintaining the favourable conservation status of dormice, key landscape features will be retained within the development. Generally, these will be adjacent to public footpaths and will be within the public realm, so that management and future maintenance will be possible. There is some concern that the illustrative masterplan for the area around the southern boundary of the site shows a narrow buffer zone against the hedge and suggests that the hedge may be included as a rear boundary to residential curtilages in this area. This is seldom a satisfactory approach as residents remove or substantially reduce the hedgerow to increase garden space, leading to a 'raw' edge to the development. However, the latest version of the masterplan shows the incidence of rear gardens against this southern boundary to be significantly reduced.

Since the submission of the application, key trees on the site have been surveyed and Tree Preservation Orders placed on the best specimens. In general, the illustrative masterplan indicates that these trees will be retained within the development, usually within areas of proposed public open space.

With regard to these matters, the landscape impact of the proposal is considered to be acceptable.

Site layout and development concept

This application is in outline and, therefore, the precise details of the site layout are unknown. From the Design and Access statement and indicative masterplan, it is clear that the development has been planned around the desire to keep all hedgerows. Indeed, the applicant's strategy for mitigating the impact on dormice is to retain all hedgerows and this has therefore become a necessity.

Whilst the retention of hedges appears laudable at face value, it has significant disadvantages in terms of urban design, as it reduces the area of land available for development and, therefore, reduces potential housing densities. It also greatly restricts the connectivity of the development and has the potential to create 'pockets' of development, served from cul-de-sacs with poor linkages. Combined, these factors can significantly reduce the attractiveness of walking and cycling within the area. That said, the proposals do include footpath linkages through the hedgerows in order to facilitate walking on shorter roads between the vehicular cul-de-sacs. This should overcome the concern about linkage, but it is seldom so satisfactory in urban design terms as a series of properly connected streets – skilful design would be required at reserved matters stage to ensure that the routes are properly overlooked whilst still achieving a cohesive built form. It is not considered at this stage that it has been clearly demonstrated that this can be achieved, although final consideration would occur at reserved matters stage.

The development also proposes a local centre and this would accommodate one or more community facilities – most likely a shop and community hall (see below). It is acknowledged that Development could come forwards at the Jurston farm site in the future and should this occur the most logical location for the local centre is on the main estate road at the boundary with Jurston Farm. The applicant has agreed to site it in this location. If a new primary school is provided at Jurston Farm and is located on the northern boundary of that site, then it can sit adjacent to the local centre, providing a hub for the new community. Given the proposed pedestrian/cycle link through from Gay Close, this would place the new local centre within easy reach of all of the existing and proposed developments on this side of Wellington

Links to surrounding development and public rights of way

There is an existing public right of way which crosses the site from Lillebonne Close in the west towards Chelston House Farm/Westpark 26 in the east. This provides a logical link to upgrade to a cycle route linking the development to the town centre and the Chelston area, whilst also providing a high quality link from the town centre to the business park for existing residents. The upgrading of this link can be secured through a Section 106 agreement. At the present time the footpath is blocked at the Chelston House Farm end, although in any case it arrives at this point at a rather illogical location for onward access to the business parks. Ideally, linkage would be provided to both Westpark 26 and Taunton Road and it may be that this can be achieved by diverting the eastern end of the path. Negotiation on the final route of this path has yet to conclude, however, but could be dealt with through a Section 106 agreement.

One of the acknowledged shortcomings of the Cades Farm site is the relatively poor opportunities for linkage into the existing built fabric due the nature of surrounding development, which largely fronts or backs onto the site. This prevents easy links being formed and is no fault of the applicant. As noted above the existing footpath from Lillebonne Close will be upgraded and a further pedestrian/cycle link will be provided via the emergency access point onto Gay Close. From here, access is available through Gay Close to Bakers Lane and onto the town centre, in a relatively straight line, so it is considered that the proposed linkages are acceptable.

As noted above, it is proposed that Jurston Farm to the south could form a further phase of development at a later date. The proposed development includes a main access road that passes through the site. This extends to the Jurston Farm site boundary at a convenient point to allow further development in a cohesive manner should the need arise.

With regard to the above, the proposed links to surrounding development (existing and proposed) are considered to be acceptable.

Neighbouring residents

There are neighbours in close proximity to the development at the existing Cades Farm development to the north; Lillebonne Close, Gay Close and Parker Close to the west. It is considered that other nearby property is sufficiently distanced not to suffer any significant impact.

Cades Farm

Properties along the northernmost boundary back onto the site behind a zone of buffer landscaping on the southern boundary of the adjoining estate. Properties on the northwestern extent of the site boundary generally face the site across an attenuation pond on that estate. Further strategic landscaping, including the formation of a wildlife corridor and footpath is proposed along with enhanced stream landscaping on this northern boundary of the proposed development and combined, it is considered that there will be a significant buffer zone between those existing and proposed developments. From the information provided, there is likely to be in excess of 30m between residential properties and, as such, it is not considered that significant harm would arise to the amenities of these properties.

Additional traffic would use the main estate road through the existing Cades development and this could lead to additional disturbance to those properties that directly front it. However, it is not considered that this would be to such a degree that would be harmful to their amenities.

Lillebonne Close

It is considered that the dwellings themselves are sufficiently distanced not to be affected by the physical presence of new dwellings on this site. There would likely be increased footfall along the public right of way, as more pedestrians could use this route, however, it is not considered that this potential disturbance would cause undue harm to the properties in this area.

Gay Close and Parker Close

Numbers 13-37 (odd) Gay Close front the application site as they are accessed via a footpath just off the site boundary. It is proposed to provide a landscaped area of public open space in this location and, accordingly the new dwellings should be around 30m from these existing properties. The presence of shared open space between the existing and proposed dwellings should also help to integrate the two communities.

The side of 36 Parker Close faces the site, so the impact on this property will be significantly less than other nearby neighbours. 26-30 (even) Parker Close back onto the site, but have long rear gardens such that the dwellings themselves are around 30m from the site boundary. The closest dwellings are 22 and 24 Parker Close, around 6m from the site boundary and 12m from the proposed development area. As such, they have the potential to be overlooked by the proposed development. This illustrative masterplan indicates that new dwellings could be 'side on' to these existing dwellings and as such it is unlikely that unacceptable overlooking would occur. This is a matter that would be further assessed in consideration of any reserved matters.

As with Lillebonne Close, it is not considered that increased footfall from pedestrians/cyclists using the new link to Gay Close would be so significant as to be detrimental to their amenities. The frequency of use of the emergency access by vehicular traffic is likely to be so low that it causes no material disturbance.

With regard to the above, the impact on existing neighbouring properties is considered to be acceptable.

Drainage and flood risk

There has been considerable debate between the developer and the Environment Agency regarding the proposals for surface water disposal. This follows the Environment Agency's earlier objection on the basis that the scheme should attenuate volumes as well as just run-off rates – the applicant's earlier contention.

Recently, however, the applicant has provided additional information showing that surface water volumes and rates can be attenuated on site so as to achieve greenfield conditions. This has allowed the Agency to withdraw their objection. They recommend that conditions are attached to any grant of permission requiring a detailed surface water drainage masterplan to be agreed prior to the approval of any reserved matters application and that prior to any development, a detailed drainage design should be submitted for each plot. Details for each of the drainage basins should also be submitted for prior approval.

The Drainage officer is content to agree with the Environment Agency in terms of flood risk, recommending that details of future maintenance should be agreed, and that ideally the attenuation ponds should be adopted by TDBC with the public open space.

The highway authority has also recommended a condition that surface water is not discharged to the public highway. It is considered that such would appropriately be dealt with concurrently with any reserved matters approval and required as a condition of outline permission.

Open space provision and recreation

This application proposes that public open space is provided within the development as both informal spaces and equipped children's play areas. Policy C4 of the Taunton Deane Local Plan requires that 20 square metres of play space are required per family dwelling. If all dwellings on this site were provided as family dwellings, this would equate to a need for 6,000 square metres (0.6 hectares). The development proposes that 1.33 hectares of public open space would be provided, including an indicative proposal for 1 Neighbourhood Equipped Area for Play (NEAP)/Local Equipped Area for Play (LEAP) and 4 Local Areas for Play (LAP). The precise details of such can be agreed through the reserved matters process, although a clause in a Section 106 agreement would be required to secure ongoing maintenance of the spaces.

In addition to the usable open space, there will be surface water attenuation features which should provide an attractive addition to the development and break up the urban area. There will also be a substantial 'greening' of the site resulting from the enhancement of the existing hedgerows, and increase in their width, together with buffer zones. New footpaths will be provided around the development in the buffer zones and open space corridors.

The development will make a contribution of £1,100 towards active recreation and sports pitches off-site.

The Council's Green Infrastructure Strategy identifies a deficit of accessible informal green space in the eastern side of Wellington. The most recent work by Urban Initiatives, urban design consultants working with the Strategy team on the masterplanning of Wellington (and Taunton) have identified that land to the east of

the site (now deleted from this application) should be a formal green wedge which, amongst other things, promotes access to the open countryside. It has been suggested by the Council's Strategy team and the Landscape Officer that there should be substantial tree and shrub planting in this area together with pedestrian and cycle links to Westpark 26. As noted above, contributions will be sought to upgrade the footpath to a cycle link across this land, however, it is not considered necessary to insist upon any formal landscaping here, the absence of which would not make the present development unacceptable, or undermine the Council's long term green infrastructure proposals for Wellington.

Local community infrastructure

It is taken as read that new development will put increased demands on local infrastructure, in particular local schools and community facilities. Local and national planning policy, together with the Community Infrastructure Levy Regulations 2010 and associated guidance expect development to mitigate against any increased demand that they place on local infrastructure, and this is commonly achieved through the making of payments towards increased provision.

Education

Work recently carried out in connection with the Council's Infrastructure Delivery Plan has identified that the new development proposed for Wellington will create a shortfall in primary school places across the town by 2014. By Somerset County Council's forecasts, the proposal has the potential to generate 60 primary school places, which cannot currently be accommodated by the existing infrastructure. In light of this, the developer has agreed to make a contribution towards the cost of these required additional spaces.

The development is also likely to generate 43 secondary school places. The catchment school is Courtfields Secondary and current population trends indicate that by 2014 (the last date for which forecasts are available) there would be capacity for the additional demand placed by this development. However, although it has been released ahead of the core strategy, this site is a strategic site in the development of Wellington and the cumulative impact of all proposed development must be assessed. Your officers have agreed with the developer that it is reasonable for some of the spare places to be taken by new development and an agreement has been reached on the percentage of that capacity that this development should be entitled to – it is not considered reasonable, or in line with circular guidance for this development to use all capacity simply because it came to application first. On the basis of this, the developer has agreed to pay towards funding an additional 24 secondary school places, which is considered a fair and reasonable contribution and has been sanctioned by the Education Officer at SCC.

Community facilities

As noted above, the development would contribute to the off site provision of sports pitches or active recreation infrastructure. The main other requirement for community facilities takes the form of community halls and the Community Development Team have recommended that a contribution of £885 per dwelling towards the provision of such facilities. However, there is currently no available site for a new hall in this sector of the town and instead of making a financial contribution, it is considered more appropriate if this development provides a site, in the same

location as the proposed local centre. The Community Development Team manage the development of new community halls and have confirmed that funding from the existing development at Cades Farm, together with funding from other future development should mean that a hall can be provided on this site in the future.

With regard to these matters, it is considered that the development satisfactorily mitigates against the impact on local community infrastructure.

Conclusions and Sustainability

The foregoing considers the main issues in the consideration of this application. It is considered that the proposed development, whilst not being ideal in terms of the likely urban design, would provide an acceptable development that takes good account of the key local landscape features. As such, the wildlife habitats within the site will be retained and enhanced, which will secure the continuing conservation of wildlife, including protected species. Open space will be provided in such a way that provides a network of connected spaces, exploiting key existing landscape features, meeting the needs of new residents whilst respecting the amenities of those existing neighbours.

The impact on the highway network can be mitigated through physical works, travel planning and the funding of further studies and work to the Chelston roundabout. Similarly, the impact on community facilities and education infrastructure can be mitigated by the provision of a community hall site and off-site contributions towards improving capacity within the town's schools. The existing public right of way can be maintained within the site and upgraded to provide a high quality cycle and pedestrian link from the town to the key employment areas at Chelston.

In conclusion, it is considered that the development will integrate in the best possible way with the surrounding existing development of Wellington. It provides key infrastructure in the best place to ensure a coherent and sustainable long term development of southeast Wellington, providing enhanced sustainable transport routes between the town and key employment areas. Given the contributions proposed to mitigate against off-site impacts, it is considered that the development can be regarded as a sustainable one.

Taking the above arguments, together with the need to provide additional housing land ahead of the formal publication of the Core Strategy in order to maintain a five year supply of deliverable sites, it is considered that these matters combine to carry sufficient weight to outweigh the conflict with the development plan that seeks to prevent development in this location. Accordingly, the proposal is considered to be acceptable and it is, therefore, recommended that outline planning permission is granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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