

TARKER LTD

DEVELOPMENT OF 11 HA OF LAND TO PROVIDE IN THE REGION OF 233 DWELLINGS, RECREATION AND PLAY AREAS, A PUBLIC HOUSE/RESTAURANT AND CAR PARKING ON LAND AT MAIDENBROOK FARM, WEST MONKTON

Grid Reference: 324964.126396

Outline Planning Permission

PROPOSAL

The application is an outline proposal for the development of 11 ha of land to provide in the region of 233 dwellings, recreation and play areas, a public house/restaurant, surface water drainage attenuation and car parking. The land is currently situated beyond the settlement limits of Taunton in an open area of countryside that forms the separation of Taunton from Monkton Heathfield.

SITE DESCRIPTION AND HISTORY

The site is located to the north east of the market town of Taunton. It lies to the south of the A3259 which links Taunton to Monkton Heathfield and Bridgwater. To the south of the site is the Taunton and Bridgwater canal and to the east of the site is the Allen's brook a public footpath which partially runs along the access track to Aginhill's Farm. The land forms part of a gap in the built development of Taunton and Monkton Heathfield and is allocated in the Local Plan as green-wedge and recreational open space. The site slopes gently down from the A3259 south to the Taunton and Bridgwater canal. It consists of agricultural grassland with hedges forming the field boundaries. Adjacent to the A3259 there is a footpath and cycle way which provides a partial off site route between Maidenbrook Farmhouse and Monkton Heathfield.

Planning permission was refused in April 1999 and a subsequent appeal dismissed in February 2000 for residential development of land and conversion of Maidenbrook Farmhouse and outbuildings to A3, B1, C1 and C3 uses together with associated works and landscaping at site from Maidenbrook Farm eastward to Allen's Brook, Monkton Heathfield.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL - The parish council strongly opposes this application. It is located on Green Wedge land so development at the site would create a precedent that would threaten the integrity of the Green wedge. The development would isolate the green park proposed on the Viridor site and thus continuity for threatened species would be lost.

SCC - TRANSPORT DEVELOPMENT GROUP - The application is in Outline but access is not a Reserved Matter. I am aware that the site lies outside the

Development Boundary of Taunton, however bearing in mind other development close by and the benefits that would accrue from the provision of infrastructure; I do not propose to object to the principle of development in this location from a Highway and Transport perspective.

The application has been supported by a Transport Assessment which has been carefully scrutinized and additional modeling work has been carried out to answer questions raised on its methodology. It is concluded that whilst it is inevitable that additional development will result in more traffic, the mitigation and off site works proposed will, as far as possible, dilute the effect.

In terms of the access, this together with a widening of the A3259 has been proposed and a design agreed in principle on drawing P9320/H105/B. This design also includes a potential alignment for the proposed western relief road which is required to serve development in the area. The land on which this road will be constructed is required to be dedicated to the Highway Authority as part of a S106 Agreement for this development.

Comments have been made by the Cycling Officer on the proposed road alignment and his requirements have been incorporated in the agreed design. The application is in Outline but an illustrative layout has been submitted. I do not propose to comment on it in detail at this time. However I must point out that the sinuous layout of the spine road and linear roads are reminiscent of highway dominated schemes of the past and without careful integration of the housing layout, which should inform the movement strategy along the street, will do little to reduce speed.

In respect of the Drainage Strategy, the applicants should be aware that the attenuation of water should not take place within the carriageway or pedestrian areas and any soakaways should be at least 5m clear of the carriageway. The developer has submitted a travel plan with the application. This has been commented upon and alterations are awaited. The Travel plan must include appropriate measures and outcomes and include proposals for Green travel vouchers to enable the purchase of sustainable travel incentives for 3 tenures over a 5 year period from the first occupation of each dwelling. This travel plan must be agreed prior to its inclusion in the S106 agreement.

In consequence I do not propose to object subject to the applicants entering into a S106 Agreement to secure the following: 1 the access and highway works shown on Drg No P9320/H105/B or any subsequently approved revision 2. The dedication of that area of land required to construct the proposed road linking the land to the east to the A3259 together with the proposed bus lanes shown on Plan 89320/H 107/A 3. A Travel Plan including appropriate measures and outcomes including green travel vouchers. 4. A contribution of £250K towards sustainable travel initiatives in the area.

Finally there will be conditions regarding the developments internal access roads.

BRITISH WATERWAYS - no objection subject to appropriate conditions

SOMERSET WATERWAYS ADVISORY COMMITTEE - no response

CHEDDON FITZPAINE PARISH COUNCIL - no response

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - The EIA contains information concerning the potential for significant archaeological remains relating to prehistoric and Roman activity. Therefore this site is a Heritage Asset as defined by PPS 5. However, the EIA contains insufficient information about the significance of these archaeological remains, or the impact of the development on them. The idea put forward within the EIA that evaluation will take place as mitigation is unacceptable and contrary to both local and national policy. PPS 5 is clear in stating that a field evaluation should take place when a desk-based assessment is insufficient to properly assess the archaeological interest. The applicant's archaeological consultant did contact this office and were advised of the requirement to carry out all evaluation phases so that the results could be included within the ES. This requirement is acknowledge (in part) within the ES in statement 9.6.2 which makes it clear that the archaeological consultant agreed that archaeological value of the site can only be assessed through trial trenching . At present it is not possible to assess the impact on the significance of the asset nor is it possible to detail a mitigation.

Therefore, this application does not accord with the requirements of PPS5 or the Local Development Scheme May 2009 Saved Policy of the adopted Local Plan EN 23, Areas of High Archaeological Potential, which states:

"Where a proposal affects a site of archaeological interest or Area of High Archaeological Potential, or it is suspected the development could affect archaeological remains, developers must provide for satisfactory evaluation of the archaeological value of the site, and the likely effects on it, before planning applications are determined."

For this reason I recommend that the this application be refused on the grounds that insufficient information has been submitted to assess the significance of the heritage asset or the impact of the development on the asset as required by PPS5 and saved Local Plan Policies.

ENVIRONMENT AGENCY - The agent has provided additional information with respect to the above application which was received on 08 November 2010. The drainage strategy has been amended to include on site infiltration SuDs and an attenuation basin within the south east corner of the application site which will store surface water run-off volumes in extreme rainfall events.

Our initial observation of these changes is that the proposed surface water drainage scheme is now more acceptable in principle to us. Compared to the earlier concept drainage design, the attenuation basin option illustrated on Drawing P9320/H108/A would now provide a more sustainable drainage solution to limit downstream flood risk in the Allen's Brook catchment.

However, there remain some fundamental questions over the viability of any developer actually delivering this drainage scheme. At this time, the information provided does not adequately satisfy us that there is a high enough level of confidence about the delivery of this drainage option. Prior to any change in our position on the current planning application, we would need to see the following evidence to demonstrate that flood risk will not be increased as a result of the development:

- Infiltration tests to establish the actual scope for soakaway drainage at the site, as this will have an impact on the overall attenuation area volume and footprint. This is material to the site layout.
- Some form of written confirmation from Wessex Water that they would adopt the current piped proposals.
- Some form of written confirmation from TDBC that the changes to the drainage system will not impact upon Public Open Space provision, and importantly, accept that the land would be wetted up to 1.2m deep in extreme rainfall events.

If the applicant is able to satisfy us on the three points listed above, we would be prepared to withdraw our current flood risk objection to the planning application in favour of conditions and notes to cover our interests.

SCC - CHIEF EDUCATION OFFICER - The local catchment primary and secondary schools do not have sufficient capacity to accommodate the additional pupils generated from the development and developer contributions are necessary to meet the requirements.

SCC - RIGHTS OF WAY - The walking and cycling link to the existing cycle path at the south of the site and a link to Waterleaze is welcomed. The footpath/cycleway from the south of the development to Swingbridge to the east will need to be adopted to a status that will allow cyclists. There are two Public Rights of Way (PROW) along the access track to the proposed development (T5/17 and T32/12). The health and safety of walkers must be taken into consideration during works for the development. SCC is not responsible for any damage to the PROW resulting from inappropriate use by vehicles and it is an offence to drive a vehicle along a PROW without lawful authority to do so. Any works affecting the PROW may require authorisation from Somerset County Council Rights of Way Group.

WESSEX WATER - There is an available foul sewage connection situated to the west of the site and capacity for treatment is available at the Sewage treatment works. A surface water sewer is available to the west for the part of the site that would naturally drain that way by gravity, the main part of the site will drain to the east where new sewers will be required to link to existing watercourses. Surface water disposal shall comply with PPS25 (Development and Flood Risk) subject to flood risk assessment and any agreed attenuation(soak away to be used where possible).Water supply will require appropriate connections and pipes through the site to the existing trunk main.

CONSERVATION OFFICERS - The principle concern is the affect on the setting of Maidenbrook Farm complex (a grade 2 listed building). If permission is granted then a substantial planting buffer would be required around the listed complex.

NATURE CONSERVATION & RESERVES OFFICERS - I have read the Environmental statement information of wildlife and make the following comment:- I do not agree that, if the development of the site does not take place the wildlife would deteriorate, the land is green wedge and should ideally be retained for landscape and wildlife reasons as well as playing fields or agricultural land. Bats - The Environment Statement identified six species of bat recorded as foraging at the site. This includes Lesser Horseshoe Bats. It is likely that the LAB are those roosting at Hestercombe House, a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation site (SAC) (European nature conservation importance). This needs to be established through further survey work during the summer and if the

bats are linked to the Hestercombe site then an full assessment of the impact the proposal will have on the bats will be require to inform an Appropriate Assessment to be made. Badgers - Any development is likely to effect the foraging territory of the badgers shown to be located at the east of the site, additional native planting is proposed to mitigate for the loss. Birds - 20 species of bird were recorded showing breeding behaviour and the development will have an impact on the bird population due to loss of scrub, hedges, trees and grassland.

DIVERSIONS ORDER OFFICER - The public footpath T5/17 and part of T32/12 will be affected by the proposal. Adequate provision must be made to safeguard the footpaths or legal measures pursued to bring about any necessary changes.

DRAINAGE ENGINEER - I object to this proposal, the proposal is to incorporate piped storage in preference to open attenuation ponds. This greenfield development has huge potential to follow PPS25 advice to use underlying storage, to provide basins and ponds for excess water in preference to in line tanks and sewers. Details of the long term maintenance and ownership of the SUDs system needs to be established (public bodies are preferred).

LEISURE DEVELOPMENT MANAGER - This land is scheduled as recreation open space in the Taunton Deane Local Plan and should not be built upon. The location of any future sports pitches should be co-coordinated with other existing facilities where necessary infrastructure can be shared(changing rooms, parking) and maintenance costs kept to a minimum. Any further play areas need to be located for clear informal surveillance form adjacent houses and footpaths to prevent any antisocial behaviour.

HERITAGE AND LANDSCAPE OFFICER - I strongly oppose this proposal for the following reasons :- The proposals would have a detrimental impact and be contrary to EN6 – harm to trees and hedgerows, EN12 – impact on landscape character, EN13 – impact on Green Wedge and EN25 – impact on canal and watercourses.

The drawings do not show the proposed road link which is a requirement of the LDF and therefore the impact on the gap of the Green Wedge along the A3259 cannot be properly assessed. The Inspector at the appeal for a similar scheme in * was very clear that the development would have a detrimental impact on the integrity and character of the Green Wedge and did not allow the appeal. It would be contrary to that decision to now allow this development.

HOUSING ENABLING MANAGER - The following response is based entirely on need. Any decision with regard to the suitability of the site rests entirely with the Planning Officer:- There should be a minimum of 35% affordable housing, delivered through a social registered landlord providing a comprehensive mix of accommodation to fit the local demand/need. Affordable housing should be built to code level 4 standards. The tenure mix should include an emphasis of social rented with some shared ownership and rent to buy.

NATURAL ENGLAND - Bats - There is insufficient evidence to determine the origin of the Lesser Horseshoe Bats (LHBs) which have been recorded foraging on the proposed development site. The Environmental Statement (ES) conclusions are from assumptions based on past radio-tracking survey data and the applicant's (consultants) own limited site-specific data. What we do know for sure is that LHBs are using the site, the site is within the foraging range of LHBs in relation to the

Hestercombe House SAC, and there is no data to prove, beyond doubt, that these LHBs are not from the SAC. Based on this, Natural England objects to this proposal subject to additional survey work being undertaken and the Appropriate Assessment being revisited and revised.

Great Crested Newts - Natural England does not agree with the ES conclusions in relation to Great Crested Newts (GCNs) – the conclusions are based on assumptions and not robust survey data. A pond has been identified, rated as “good” for GCNs. This pond lies adjacent to the proposed development site, well within the foraging range of the GCN. Although a “closely mown lawn and a side road” lie between the pond and the site, these are not barriers for GCNs and it is considered possible for them to make the journey. In order to reach any conclusions on whether GCNs will be impacted upon by the proposed development, a GCN survey of the pond needs to be undertaken at the appropriate time of year. Natural England objects to the proposal subject to a GCN survey being undertaken.

Landscape Natural England is satisfied that the proposal is unlikely to have a significant impact on any Nationally designated landscapes, particularly the Quantock Hills Area of Outstanding Natural Beauty (AONB). Having said this, it is important that the proposal aims to mitigate against any identified local landscape impacts, associated with the development. We request that the site planning and architectural design take into account the recommendations of the Taunton Deane Borough Council (TDBC) Landscape Architect and are sympathetic with the local character of the area, as detailed in the Taunton Deane Landscape Character Assessment report.

Green Infrastructure/Biodiversity Natural England would emphasise the need for a green infrastructure (GI)/biodiversity management plan for the site, detailing what GI will comprise of and how/by whom it will be managed. We invite discussions with the applicant and/or TDBC in relation to this.

Updated Ecology Chapter, Proposed Housing, Maidenbrook Farm, Taunton October 2010

Following the results of the bat surveys at Nerrols Farm and the survey information from Maidenbrook we agree with the Somerset County Council Ecology Officer's comments that we must consider a combined/inferred foraging area for the lesser horseshoe colony as there is no evidence to the contrary. We must take a precautionary approach with Natura 2000 sites. The updated ecology chapter of the environmental statement is insufficient and not compliant with habitats regulations linked with Hestercombe House SAC.

Natural England would want to see buffer planting extended along the total length of the eastern site boundary. The boundary would need to be mature and functional prior to the commencement of any development to provide adequate mitigation for the bats

FORWARD PLAN & REGENERATION UNIT - The proposal would involve the large scale development of a Greenfield site outside of the existing settlement boundary of the Taunton Urban Area and on land designated as ‘Green Wedge’ within the Adopted Taunton Deane Local Plan. In part, the site is also allocated for playing field provision.

The site was subject to an earlier application for housing in 1999. This application was refused by the Borough Council, principally on the basis that it would result in loss of 'Green Wedge' and also prematurity issues. An appeal was subsequently dismissed by a Planning Inspector who asserted that the proposal would harm the character and appearance of Taunton and Monkton Heathfield and the surrounding rural landscape and environment.

A key consideration in respect of this planning application is therefore to assert what has materially changed since the 1999 appeal was dismissed.

Considered in the context of the existing statutory development plan, the proposal runs counter to a number of existing policies. Fundamentally as a large Greenfield site beyond settlement limits, the site would conflict with policy S7 of the Adopted Taunton Deane Local Plan: Outside Settlements. The policy establishes strict control on the release of Greenfield sites and new building beyond existing settlement limits unless the proposal maintains or enhances the environmental quality and landscape character of the area and satisfies site specific criteria. The proposal would result in the loss of remaining open land between Monkton Heathfield and Priorswood and as a consequence, would have a detrimental impact on environmental quality and landscape character. Criterion B of the Policy states that acceptable proposals will accord 'with a specific development plan policy or proposal', since housing development of the site would result in loss of Green Wedge and allocated playing field provision, the scheme is also totally at odds with this criterion.

Policy EN13 of the Adopted Local Plan: Green Wedges accords significant protection to Taunton's green wedges. The wedges themselves are regarded as multi-functional: providing landscaping, open space and wildlife habitat functions. Since the proposal involves loss of green wedge land for housing and the remaining 'open break' between Priorswood and Monkton Heathfield, quite clearly the proposal runs counter to the policy which states: 'Development which would harm the open character of green wedges will not be permitted.'

Policy C3 of the Adopted Local Plan affords protection to existing recreational open space. Whilst that part of the site subject to an existing Local Plan allocation for playing pitches has not been implemented, it is still considered that any loss of this allocation would fail to comply with C3.

In regards to the Council's emerging Core Strategy, the document is now at a relatively advanced stage in its production. The Council plans to publish its Regulation 27 Published Plan in the early part of 2011. This Plan will include draft policies and proposals which subject to formal responses and the findings of a subsequent Examination in Public, the Council will adopt as part of its statutory development plan.

Whilst the last published stage in document production was a Regulation 25 document which did not attempt to formulate draft policies themselves, the document reaffirmed the Council's commitment to protecting the integrity and functionality of its green wedges.

Moreover, as part of a commitment to the development of green infrastructure and green links, a new strategic Country Park was proposed at Monkton Heathfield, immediately to the north of the Maidenbrook site. A green link was proposed

extending from the most deprived ward in Somerset at Halcon, across the canal, through the site and on through to the Country Park and Quantock Hills AONB.

The Published Plan will articulate through a Core Policy on the Environment, the importance of Green Wedges and a commitment to the delivery of Green Infrastructure and Green Corridors whilst also proposing large scale redevelopment in the Monkton Heathfield and Priorswood areas. Growth at Monkton Heathfield over the period upto 2027 will provide in the order of 5,000 new dwellings whilst around 900 homes will also be delivered on land at Priorswood and Nerrols.

Were the proposed development at Maidenbrook to be approved, the Council's green wedges policy and commitment to its Green Infrastructure Strategy would be fundamentally undermined. Furthermore, the ability to maintain and enhance green links through from the proposed urban extension(s) would be diminished.

The Council acknowledges that the appellant may wish to justify their appeal on the grounds of land supply arguments. Taunton Deane Borough Council will publish its review of the Strategic Housing Land Availability Assessment shortly, and this document will acknowledge that the Council has a supply of 5.03 years against its own locally derived and agreed target.

Since formulating this land supply position, the High Court has ruled that the Secretary of State acted 'unlawfully' in rescinding Regional Spatial Strategies. The position for the South West Region is however more complex than most English Regions since the Plan itself was never formally adopted and presumably now will never be with further work to justify the scale of growth outlined in the Proposed Changes still un-published.

Notwithstanding the uncertainty as to the degree of weight which should be applied to the Revised RSS, the Council would acknowledge that its land supply position is predicated on a locally agreed figure. Until such time as it has been tested through an examination into the soundness of the Core Strategy, it is accepted that given the small margin of oversupply (even against the Council's target), the appellant will attempt to justify that the proposal meets with Paragraph 69 of PPS3.

In anticipating the Paragraph 69 arguments which may be used it should be noted that provisions within the text make clear that a lack of deliverable sites does not over-ride to ensure that proposals are appropriate in terms of offering well-designed, sustainable developments offering a mix of housing.

It is contended that the proposal does not meet with bullet point three of paragraph 69: 'the suitability of a site for housing, including its environmental sustainability' since development would decimate remaining green wedge and open break between Monkton Heathfield and Priorswood and compromise the ability to deliver the Council's Green Infrastructure Strategy.

In conclusion, it is considered that the circumstances in which this appeal is being heard are not materially different to that in which the previous appeal was dismissed.

In 1999, the Council had a green wedge policy the proposal ran counter to, in 1999, the Council was not able to demonstrate an over-abundance of housing land supply and in 1999, the scheme was premature in terms of its impact on plan-making. Now

in 2010, little has changed in regard to the consideration of this application, the green wedge policy is adopted as part of the statutory development and will be carried forward through the imminent Published Core Strategy, the land supply position is unclear (albeit it is likely to be supplemented by the Published Plan while it is questionable why the site should be coming forward outside of the plan-making process since if any appeal were to be allowed it would have such a profound effect on the Council's ability to implement its vision for Monkton Heathfield and Priorswood. For these reasons it is considered that the appeal should be dismissed.

WASTE SERVICES OFFICER - no response

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Based on the information that has been provided the development should not have a significant impact on noise or air quality. The noise mitigation measures would screen some of the proposed dwellings from traffic noise. During construction work the hours of noisy work should be limited and best practice used to minimise disturbance to residents.

SCC - ENVIRONMENT & PROPERTY DEPARTMENT - During survey work Lesser Horseshoe bats were recorded and the development may, potentially effect the Hestercombe House SAC. Taunton Deane will be required to carry out an Appropriate Assessment under the Habitats regulations in order to show that the development would not have an adverse impact on the bats. In order to determine the Appropriate Assessment, further surveys work is required during the summer that establishes where the LH bats are entering the site and if they are linked to the Hestercombe House roost. If shown that the development of the site will effect the SAC, adequate mitigation would need to be provided and may include offset habitat creation (requiring additional land to the north to be provided by the developer) as per the approved Appropriate Assessment for Hestercombe House carried out by Somerset County Council on behalf of Taunton Deane and in association with the allocated sites in the area.

Comments on updated Ecology Chapter - October 2010

7.2.7 The Birds Directive was updated in 2009 (Council Directive 2009/147/EC)

7.2.11 The Conservation (Natural Habitats &c) Regulations 1994 was replaced by the Conservation of Habitats and Species Regulations 2010.

7.2.14 Habitats and species of conservation importance in England are listed under Section 41 of the Act for local authorities not Section 74 of the CRoW Act.

7.2.17 The buffers of 5km and 2 km will not necessarily capture features supporting the ecological functioning of a Natura 2000 site, nor that of bat species.

7.4.15 The lit cycle track may be avoided to the west where a crossing point south of Nerrols Farm is possible whereby bats fly through buildings away from the cycle path and onto the site. There is a night (possibly a subsidiary roost used during the day) roost at Nerrols Farm.

7.5.9 The use of terms such as 'regional', 'county', 'parish', etc as set out in Tables 7.1 and 7.2 is misleading for many and has led to the misinterpretation of ecological impacts in the past. It would be better to look at significance in terms of local populations, trends, rarity, UK BAP and the magnitude of impacts on those populations. Would advise to drop from the assessment.

7.8.42 I would disagree with valuations in Tables 7.12, 7.13 and 7.14. What evidence is used to support these subjective assessments of value?

7.9.1 The second sentence makes no sense. The non management of hedgerows

- are probably beneficial for bat species. Paragraph appears highly subjective.
- 7.10.11 The paragraph considers that there is abundant semi improved grassland available in the area. Habitat surveys for an area of 6 kilometres around Hestercombe House show that there is only 106.94 hectares. 6.5 hectares represents approximately 6% of the local resource. In addition, bat species such as Pipistrelle and Natterer's have limited foraging ranges. Therefore, further analysis is needed to determine the assumption made by the statement, especially as it is required for the Borough as a planning authority to ensure the 'Favourable Conservation Status' of European Protected Species is maintained when determining a planning application, separate of any licensing considerations.
- 7.10.15 The outcome of the radio-tracking and field surveys cannot determine with certainty that Maidenbrook Farm is not within the foraging area of lesser horseshoe bats from Hestercombe House SAC due to their limited coverage, for example only 9 bats of a population 150 were radio tracked. Following surveys at Nerrols Farm and from survey information provided for Maidenbrook the site must now be considered within the Combined / Inferred Areas for the colony lacking evidence to the contrary.
- 7.10.20 The statement does not take into account cumulative impacts on loss of bat foraging habitat. The amount of off set habitat creation can be determined as the sub optimal habitat but still needs to be a condition of the development in line with other development north of Taunton, and as agreed by Natural England in the Habitats Regulations Assessment carried out on allocation sites as part of the Core Strategy in September 2009. The amount habitat required in compensation was calculated in the 'test of significance' for the Maidenbrook Farm application, agreed with Natural England, and should be conditioned in giving permission for the development. However, the calculation can be reconsidered in light of current habitat condition.
- 7.11.12 The mitigation includes the on site measures from the 'test of significance' for Hestercombe House SAC – the lighting and buffer of 20 metres of tree planting. However, the buffer planting as illustrated in Figure 7.6 is not sufficient and not as shown in the 'test of significance'. The planting should continue north to the road. Also note that the planting needs to meet criteria set out in the HRA before development can start on site. This was agreed by Natural England and should be conditioned as part of giving planning permission.

Habitats Regulations The main concern is that no mention has been made of the offset habitat creation required by the Habitat Regulation Assessment and is countered presumably by the argument put forward in 7.10.20, which tries to minimise the importance of the potential impact, even though it is stated that the impact is moderate but concluded that it is not significant. The population of lesser horseshoe bats at Hestercombe House has again showed a decline in numbers in 2010 making loss of habitat even more important in terms of offsetting and with a view to cumulative impacts from other land use change north of Taunton within the foraging range of the roost site. Note that a precautionary approach should also be taken when dealing with Natura 2000 sites. Therefore, the offset habitat creation as put forward in the 'test of significance' should take place as agreed with Natural England.

In addition the mitigation is not as set out in the 'test of significance.' Therefore as it stands the proposal cannot be seen to compliant with the Habitats Regulations.

Other Considerations Generally the report lacks assessment of cumulative and in combination effects on valued ecological receptors. It is also of concern that subjective terms such as 'local', 'parish', etc are used which can lead to misinterpretation. If these terms are to be used they should be used within the assessment template set out in the IEM Guidelines (2006) on page 39.

Under regulation 9 of the Conservation of Habitats and Species Regulations 2010 Taunton Deane Borough Council will need to assure themselves that the development would not affect the 'Favourable Conservation Status', as defined by Article 1 of the Directive, of the populations of European Protected Species recorded on site. Natterer's bats with a home range of about 2.8 kilometres are most likely to be affected by the development.

SOMERSET WILDLIFE TRUST - Having assessed the ecology chapter of the Environmental Statement, the Trust has a number of concerns:

Assessment of biodiversity impacts The Trust stands by its previous suggestion that the appraisal made in 7.9.1 (that in the absence of the scheme the site's biodiversity value would decline) is dubious. It is made with the assumption that one scenario will prevail - that of increased fertiliser application to the grassland with an annual hay cut, and no management to the other habitats - and draws an unsafe conclusion. In fact, there are a number of alternative scenarios that might suggest a more positive outcome for biodiversity: designation and management of the site as a Local Wildlife Site, or entry of the site into a stewardship scheme, for example.

We stand by our previous statement that the context of the site in the wider landscape has not been described sufficiently to determine its value for wildlife. Small sites with connecting linear features such as this one often contribute more to the biodiversity of the local landscape than their intrinsic value suggests, and thus their loss can have wider implications. Therefore, the site should be considered in light of surrounding land use and local ecological receptors.

The Trust disagrees with the claim that otters do not make much use of the watercourse in this area. Otters make use of the canal along this length, as well as the River Tone, and this idea that development somehow "puts them off" using the watercourse is erroneous; indeed, in the centre of Taunton, there are two known otter holts, and otter can frequently be seen at sunset at French Weir and near Firepool. It is important, therefore, that this development provide appropriate scrub habitat creation along the watercourse to prevent disturbance to otter by dogs. From the plans provided, it appears suitable habitat buffering along the watercourse and development edge has not yet been planned. In the 'Assessment plan illustrative', the edge of the car park for the restaurant is less than 30m from the watercourse (at its nearest point) and there is no planting in between. Owing to the nature of the business, this car park is likely to be well lit and in use until well after dark, potentially posing a considerable disturbance risk to otter. Therefore scrub habitat creation to act as screening between this area and the watercourse should be provided.

The Trust feels strongly that gardens should not be relied upon to provide habitat to mitigate impacts to biodiversity. The developer has absolutely no control over what individual householders choose to do with their gardens. It is essential that

some habitat creation is provided on this site, outside of gardens, with the control of management resting with the developer or other, to guarantee the continuation of habitat into the future.

The Trust welcomes the results from the great crested newt survey, but would suggest that even though this rare newt is absent from this pond at this time, there is no harm in improving the site making it more suitable for this BAP species, thereby possibly encouraging them to breed here in the future.

We strongly support the comments made by Ecology Officer, Larry Burrows, regarding the ecological impact of this development on the bats already present on the site, and would urge his recommendations are followed.

Impacts to UK and LBAP species 7.8.4 states the 'Seven fruit trees...have negligible intrinsic wildlife value'. Dead and decaying fruit wood is vital for many invertebrates and is a key habitat for the Noble Chafer, a UK BAP species. These trees are not yet dead and are likely to be an important habitat and resource for wildlife; the presence of mistletoe further increases their value to local wildlife. In addition to this, ancient Orchards (defined as less than 150 trees per hectare and minimum 5 trees, with veteran trees of 40 years old or more present) are themselves a Somerset HAP species and are worth conserving and improving where possible.

Biodiversity gain No reference has been made to the aims of either the county strategy for biodiversity (Wild Somerset) or the local biodiversity action plan for Taunton Deane in developing recommendations for biodiversity mitigation. No demonstration that habitat creation on site will lead to a net gain for biodiversity has been made; PPS9 advises that new development should adhere to principles of sustainability, and thus generate a benefit rather than a loss of features for wildlife. In fact, table 7.16 shows residual effects are still predicted as negative for a number of habitats and associated species, including some featured on the UK and LBAP. Regardless of how 'minor these impacts are, as mentioned in our previous letter, planning guidance is perfectly clear that biodiversity gain, not loss, should be secured by new development. The revised mitigation strategy appears ineffective to address biodiversity impact and therefore should be revised to reflect government policy, and deliver substantive biodiversity gain.

Green infrastructure As an emerging strategic plan, the draft Core Strategy for Taunton Deane Borough should be included within the contextual framework of plans, policies, legislation and guidance considered in the ES. Therefore, policies relating to the natural environment and the provision of green infrastructure should be referenced, and compliance with these principles of sustainability demonstrated. As it stands, the ecology chapter of the ES does not identify the emergence of these important documents. New development should be ecologically sustainable, and provide incoming and existing communities with opportunities to access nature. Natural England has produced guidance on how to secure benefits for people and wildlife in documents such as "Access to Nature", "Green infrastructure and the urban fringe" and "Green infrastructure guidance": the principles of these guides are followed through in Taunton Deane Borough Councils Green Infrastructure policy (see the draft Core Strategy). The Trust would expect to see a green infrastructure plan developed for this site, to integrate provisions for networked multi-functional and naturalistic greenspace within the development area.

Representations

27 Letters of objection have been received raising the following matters:-

- The land is designated green wedge to avoid the settlements of Taunton and Monkton Heathfield from merging into one large settlement
- The local Plan contains ten Strategy Statements including “ to retain important open spaces and green wedges within settlements”
- The new local plan has identified land for both Greenfield and Brownfield sites for development without the need to build on this green wedge
- At the Local Plan and Maidenbrook appeal inquiries residents were assured that the green wedge would be protected from development are the authorities going to renege on this now?
- Development of the green wedge will result in the loss of hedges and open spaces used by a wide variety of wildlife
- We agree with the comments of the County ecologist about the Lesser Horseshoe bats
- The value of the green-wedge as open space for the community will become even more important as the allocated site at Monkton Heathfield is developed, the small area that is shown if Maidenbrook is developed is far too small for that purpose
- The proposal will result in an unacceptable increase in the traffic congestion of the existing highway network
- The proposed cycle path will go outside of our lounge windows resulting in loss of privacy and increased noise and disturbance
- The A3259 runs through the village of Monkton Heathfield and is already used as a rat run by cars and lorries this proposal will increase that level of traffic especially at peak times with rips to the local schools
- The existing roads are grossly inadequate for the increased volumes of traffic.
- No new development should be allowed without the provision of a relief road to cater for the additional traffic and avoid unacceptable levels of congestion. The A3259 and A38 are both inadequate
- The proposed roundabout is of concern
- This is a main commuter route and provides access to a busy local school and the additional construction and residential traffic that would be generated by the proposal would be an increased danger to highway safety
- Any access link to Waterleaze would create a through route that would endanger children in the existing development and reduce security for residents
- There is a flood risk to the Waterleaze development. The field in question is often left with standing water and its replacement by tarmac would exacerbate the risk of flooding to existing properties
- The applicants Flood risk submission states that the housing to the north of Aginhills farmhouse will use the Allen's Brook to take the surface water run off and that the Brook has banks between 2-am in depth that can easily accommodate the water. This is not accurate as the banks decrease in depth near to Aginhills farmhouse where they are less than am in depth. The owners of Aginhills have raised the height of the bank close to the farmhouse but still the water levels can rise to within 300mm of the top. The stream drains steeply sloping land from the north (Hestercombe area) and quantities of water fluctuate greatly. Allen's Brook should be surveyed by TDBC to assess

the situation, preferable after a winter storm. If development goes ahead and results in flooding TDBC will be responsible

- The proposal should ensure that it does not create flooding of land to the west of the development
- The planting of trees close to existing properties may undermine foundations
- There are archaeological ruins on part of the land that would be lost
- There are no proposals to support the community structure and facilities of the area, primary and secondary schools are already over subscribed and are unable to consider this development, in addition to the planned development in the area
- The planned developments at Monkton Heathfield will have enough of an impact on the local community without additional land such as this, where are the facilities and infrastructure?
- The Local Development Framework is set to provide 5000 houses in this area and further housing is not needed here
- 233 houses seems too many for the site, crammed in with no amenity
- It appears that the houses would overlook my privacy and will result in the loss of my privacy contrary to Article 8 of the Human Rights Act 1998
- Development of the site will interrupt views of Waterleaze residents of the hills to the north
- The development of Tudor Park has been strictly controlled to preserve the outlook and setting of the listed farmhouse it would be inconsistent to allow another residential development adjacent to the listed building
- The development would engulf the historic setting of Maidenbrook farmhouse
- The proposal has a paucity of community assets and the public house, restaurant, recreation, play areas are insufficient and the public house inappropriate as there are two such establishments in the locality. There is support within the Tudor Park development for a community orchard to be provided where it is currently located, to the east of the Tudor Park development and this could be managed locally.
- If provided the community orchard would provide a landscape buffer between the development and Tudor Park and protect the historic integrity of the listed farmhouse.
- The additional cyclists and pedestrians using the canal path will swamp the local area
- There are three public houses and restaurants within walking distance and another such establishment is not need
- The provision of a pub in the location shown on the plan would result in noise, smell, additional lighting and nuisance to local residents

A petition with 35 signatures (all residents of the area and 11 of whom have also written in separately) has also been received objecting to the development as it is contrary to the approved Local Plan; highway safety and traffic impact; flood plain; loss of visual amenity, trees and wildlife; over development of the area and overlooking/loss of privacy.

PLANNING POLICIES

PPS 1 SUPP - Planning and Climate Change,
PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPS9 - Biodiversity and Geological Conservation,

PPG15 - Planning and the Historic Environment,
PPG16 - Archaeology and Planning,
PPG17 - Sport and Recreation,
PPS22 - Renewable Energy,
PPG24 - Planning and Noise,
PPS25 - Development and Flood Risk,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP9 - S&ENP - The Built Historic Environment,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EN1 - Landscape and Biodiversity,
EN2 - TDBCLP - Sites of Special Scientific Interest,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
EN12 - TDBCLP - Landscape Character Areas,
EN13 - TDBCLP - Green Wedges,
EN21 - TDBCLP - Nationally Important Archaeological Remains,
EN24 - TDBCLP - Urban Open Space,
EN25 - TDBCLP - The Water Environment,
EN28 - TDBCLP - Development and Flood Risk,
C1 - TDBCLP - Education Provision for New Housing,
C3 - TDBCLP - Protection of Recreational Open Space,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
T1 - TDBCLP - Extent of Taunton,
T34 - TDBCLP - Approach Routes to Taunton,
T38 - TDBCLP - Maidenbrook Playing Field Allocation,
M4 - TDBCLP - Residential Parking Provision,
M5 - TDBCLP - Cycling,
CAS - County Archeological Site,

DETERMINING ISSUES AND CONSIDERATIONS

Policy

The application site is lies outside of the settlement limits of Taunton and Monkton Heathfield in open countryside where it is the policy of the Local Planning Authority to resist any new development unless it unless it maintains or enhances the environmental quality and landscape character of the area and

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific Development Plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

The proposed development would not maintain or enhance the environmental quality or landscape character of the area and does not meet any of the specified criteria

and is therefore considered contrary to that policy.

In addition the site is located within a well established allocated "green wedge". That area separates the market town of Taunton from the neighbouring village of Monkton Heathfield. Taunton Deane Local Plan states that green wedges are important to avoid the coalescence of settlements in order to preserve their identity; to act as air conduits, flushing pollutants from the urban system; act as valuable wildlife corridors; allow views of the countryside beyond and provide an opportunity for playing fields in a good position for the growing town. There are three policies that are applicable to this site:- Policy EN13 will not permit development that would harm the open character of the green wedge area and policy T38 a site of approx 9.5 ha at Maidenbrook Farm as shown on the proposals map is allocated for playing fields. Given the T38 allocation it is considered that policy C3, affording protection to recreational open space, should still apply.

The proposed development would introduce an urban form, comprising mainly residential development and associated infrastructure, onto a substantial part of the green wedge along with the provision of a new road junction involving a realignment of the A3259 to serve that development. It will result in the loss of the open character of a substantial part of the green wedge and is clearly contrary to the development plan for the area.

Taunton Deane Borough Council are currently in the process of preparing its core strategy document which will plan for the future needs of the Borough. One of the documents, the Green Infrastructure Strategy, has recently been published under Regulation 25 Core Strategy and Small sites consultation. This document identifies a network of green spaces in and around the town that will be maintained and enhanced as the town grows. The Maidenbrook – Monkton Heathfield area will form part of a green link that will join the Quantock Hills AONB in the north, via a new country park around Hartnells Farm, south to the canal and onwards to the Halcon ward, the most deprived part of the town. The loss of this link in the green infrastructure and green links at Maidenbrook Farm will prevent this important objective and frustrate the ability to improve access to the areas from Halcon now and in the future. Furthermore the development of this site was previously considered by the Council when looking at sites for development in the core strategy and it has been excluded due to the importance of its "green wedge" functions. Indeed if permitted the development is likely to result in the need for a reassessment of the core strategy to reconsider the balance in the area of development and open space.

Highways

Whilst the proposals are contained within an outline application details of a new road junction, involving a realignment of the A3259, have been submitted as reserved matters.

The proposal is for the creation of a junction onto the A3259 approximately 170m from the Maidenbrook Farmhouse access road, which lies to the west of the site and approx 170m from the Allen's Brook, which marks the boundary with Monkton Heathfield. The proposals would realign the A3259 further to the south involving the removal of the existing boundary hedge, provide a toucan crossing to the east of the new access road, create a new footpath/cycleway link to the south of the road, provide two bus stops (one either side of the road) and a right hand turning lane for

traffic travelling eastwards. The proposal would also reserve land for the provision of a dedicated bus lane to the south of the realigned A3259 and new roadway to link to the “ Monkton Heathfield” Western Relief Road.

A traffic assessment and travel plan have been submitted in support of the application. The County Highway Officer considers that the proposals are acceptable subject to some alterations to the travel plan and the submission of a Section 106 agreement covering the following matters:

1. The access and highway works shown on Drg No P9320/H105/B or any subsequently approved revision
2. The dedication of that area of land required to construct the proposed road linking the land to the east to the A3259 together with the proposed bus lanes shown on Plan 89320/H 107/A
3. A Travel Plan including appropriate measures and outcomes including green travel vouchers.
4. A contribution of £250K towards sustainable travel initiatives in the area.

It must be noted that whilst the applicant has agreed to these requests there is no signed Section 106 agreement or similar at the present time. Failure to supply such agreements in reasonable time to be considered before the planning Inspectorate deadline for the submission of appeal statements may result in an additional reason for refusal.

Landscape

The site comprises open grassland with hedge boundaries and is clearly visible from the Taunton Bridgwater Canal, Creechbarrow Hill and the Quantock Hills and forms a visual break between the two settlements of Taunton and Monkton Heathfield. The land enables clear views from the south to the Quantock Hills beyond enhancing the quality of the wider environment as a result. The development of the site as proposed would detrimentally effect the low vale character of the site and even with the proposed planting the site is likely to be poorly screened for at least 10-20 year and is clearly contrary to the development plan policies.

Ecology

The proposal is for the urban development of agricultural fields, recreation and play areas, restaurant, surface water drainage attenuation and car parking on land at Maidenbrook Farm and this will have an impact on wildlife present on the site. An ecology report was included in the Environmental Assessment submitted with the application. This recorded protected species (bats birds and badgers) on the site and proposed mitigation measures to compensate for the impact on those species and their habitat.

Planning Policy Statement 9 Biodiversity and Geological Interests identifies the considerations that should be given to planning applications with Ecological interests such as those present on the application site it states that “The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation

measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

The submitted ecological report was updated in October 2010 this found 20 species of bird displaying breeding behaviour, 6 species of bat of which 3 are a Priority species in the UK BAP and are of special importance; a badger sett was found just outside of the site boundary with signs of ancillary activity on the site. The report considered that the impact of the development on the birds would be at worst moderate and the impact on the badgers not significant. The Lesser Horseshoe Bats have been considered separately to the other species as they have the potential to be linked to the Hestercombe House Special Area of Conservation (SAC) where more stringent requirements are in place. The report considers that the impact on the remaining 5 bats will depend on their tolerance for feeding in lit areas. It is considered that the impact of the development will be permanent and irreversible but that there is adequate alternative grassland with hedges where they will be able to feed and for these reasons the report claims that the effects are minor and not significant. The Somerset County Council Ecologist (Spatial Planning), advising TDBC on these matters disagrees with this assumption. "Habitat surveys for an area of 6 kilometres around Hestercombe House show that there is only 106.94 hectares of suitable habitat. 6.5 hectares represents approximately 6% of the local resource. In addition, bat species such as Pipistrelle and Natterer's have limited foraging ranges and further analysis is required before considering that the impact would be minor. The Planning Authority has a responsibility to ensure that a Favourable Conservation Status is maintained for European Protected Species and this cannot be assumed without that additional analysis.

As stated above, the Lesser Horseshoe Bat(s) foraging in the area has the potential to come from the Hestercombe House SAC. Planning Policy Guidance 9 requires that in such cases a precautionary principle is applied. So without any evidence to the contrary it must be assumed that this is indeed the case. A "test of significance" was undertaken on behalf of the District Authority by the County Ecologist.

This concluded that the development would not have a significant effect on the European Site PROVIDED the same mitigation methodology (agreed with natural England) is applied to the site as identified for the sites being considered to the north of the town in the LDF. This requires on site and offset planting as follows:-

On site mitigation

1. A 20m wide buffer of woodland planting along the eastern edges of the housing and playing areas including the proposed highway.
2. The woodland buffer areas should not be artificially lit and any residential lighting must be directed away from the woodland buffer.
3. Any paths through the woodland must be sinuous, a maximum of 1m wide and unlit.
4. Street lighting in the vicinity of the recreation land should be the LED type.
5. Finally no development should take place on the site until 40% of the trees have reached 5.5m in height(approx 10 years)

Offset Planting

1. Off set planting of a 2.81 ha in an area to be specified by the Local Planning

Authority. Such an area must be FUNCTIONAL before development can commence on the site.

(The definition of functional requires the planting mitigation to have established and it is estimated that this would take at least 10 years)

The current proposals do not include sufficient mitigation measures and no offset planting and the impact on the Lesser Horseshoe Bat population must therefore be considered as significant and planning permission cannot be granted in such circumstances.

Housing – forward plans

Taunton Deane Borough Council will publish its review of the Strategic Housing Land Availability Assessment which will acknowledge a supply of 5.03 years against its own locally derived and agreed housing number target. PPS3 paragraph 69 requires housing development to have regard to the suitability of the site for housing, including its environmental sustainability. In this case the potential negative impact on protected species including of Lesser Horseshoe Bat weigh heavily against the development of the site because the mitigation and offset planting will mean that the site is not deliverable now (estimated period of 10+ years for mitigation planting to become functional) and the use of the site as a green wedge

The applicant's argue that planning permission should be granted for this site because it is close to services and has good infrastructure links; that the development of this site will not prejudice the outcome of the development plan process and that the site has a reasonable prospect of being delivered within the next five years. I agree that the site is relatively close to services in Monkton Heathfield although the distance to services are beyond a 10 minute walk (800m) normally required for sustainable locations and will be likely to require public transport to avoid the use of the car. I disagree that the development of this site will not prejudice the development plan process as the site is included within the Green Infrastructure proposals in the core strategy and its partial development will have an impact on those proposals and can therefore be regarded as premature. The site is used by Lesser Horseshoe Bats and the Test of Significance undertaken by Taunton Deane requires planting on site and offset to mitigate against the loss of habitat. The planting has to be functional before any development of the land can proceed. This is likely to take a minimum of ten years and as a result the site is not available and will not aid in the provision of housing now or within the next five years as a result of these proposals.

Affordable Housing

Taunton Deane Local Plan policy H9 requires the provision of affordable housing to be provided on sites of over 1ha or 10 dwellings. As this is not an allocated site there are no predetermined levels for the amount of Affordable housing but the nearby allocated site has a Section 106 agreement for the provision of 35% affordable housing comprising 50% social housing and 50% shared ownership. The need for affordable housing in Taunton has increased since that agreement and I would suggest that a figure of 35-40% may be suitable for a Greenfield site such as this. Whilst the developer has indicated that a section 106 would be discussed and agreed as part of this application no such discussions have taken place and therefore the proposal is contrary to Taunton Deane Local Plan policy C1

Education

Taunton Deane Local Plan policy C1 requires that where development generates a significant need for statutory education provision (ie for 4-16 years old), that cannot be accommodated at existing schools, it should be provided by the developer.

This proposal for 233 dwellings will be likely to create a demand for 47 primary school places. The local school is currently over capacity and whilst a new school is planned in association with the allocated Monkton Heathfield additional funds would be required for the 47 places. The cost of this would be £576,079. The development would also be expected to generate an additional need for 33 secondary school places. The local secondary school is also over capacity at the current time and additional funds are required to provide for the additional pupils. A contribution of £609,477 would be required. At present the applicants have suggested that such monies can be secured through a section 106 agreement but no such agreement has been supplied at the current time and therefore the proposal is contrary to Taunton Deane Local Plan policy C1.

Archaeology

The environmental Assessment contains information concerning the potential for significant archaeological remains relating to prehistoric and Roman activity. Therefore this site is a Heritage Asset as defined by PPS 5. PPS5 policy HE6.1 requires Local planning authorities to require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. As a minimum the relevant historic environment record should have been consulted and the heritage assets themselves should have been assessed using appropriate expertise where necessary given the application's impact. Where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation.

It is considered that the EIA contains insufficient information about the significance of these archaeological remains, or the impact of the development on them. The idea put forward within the EIA that evaluation will take place as mitigation is unacceptable and contrary to both local and national policy. PPS 5 is clear in stating that a field evaluation should take place when a desk-based assessment is insufficient to properly assess the archaeological interest. The applicant's archaeological consultant was advised of the requirement to carry out all evaluation phases so that the results could be included within the ES. This requirement is acknowledged (in part) within the ES in statement 9.6.2 which makes it clear that the archaeological consultant agreed that archaeological value of the site can only be assessed through trial trenching . At present it is not possible to assess the impact on the significance of the asset nor is it possible to detail a mitigation.

Therefore, this application does not accord with the requirements of PPS5 or the Local Development Scheme May 2009 Saved Policy of the adopted Local Plan EN 23, Areas of High Archaeological Potential, which states:

"Where a proposal affects a site of archaeological interest or Area of High Archaeological Potential, or it is suspected the development could affect archaeological remains, developers must provide for satisfactory evaluation of the archaeological value of the site, and the likely effects on it, before planning applications are determined."

For this reason I consider that the this application is unacceptable as insufficient information has been submitted to assess the significance of the heritage asset or the impact of the development on the asset as required by PPS5 and saved Local Plan Policies.

Planning appeal decision 1999 and Inspectors report on the Taunton Deane Local Plan.

A planning application was previously submitted on this site in 1999. This application was refused for 6 reasons :- the site was outside the defined limits of settlement;

- 1) The proposal did not constitute infill and was therefore contrary to policy C4;
- 2) The proposal would have a detrimental impact on the visual amenity and character of the green wedge and would contribute towards the coalescence of Taunton and Monkton Heathfield;
- 3) The proposal was considered premature to the Local Plan and would predetermine the location of a significant amount of housing and have an adverse impact on the character and identity of the two settlements of Taunton and Monkton Heathfield and undermine the identifiable character of the green wedge;
- 4) There was an attempt to remove the change of use of the listed building from the application.(not proposed in this application)
- 5) There was insufficient information regarding the impact on the listed building, Maidenbrook Farmhouse(not within this site boundary).

The applicant lodged an appeal against the refusal and this was dismissed by the Secretary of State, in accordance with the Planning Inspector's recommendations on 28th February 2000. In the appeal decision the Inspector considered that the site was located outside of settlement limits and should be regarded as open countryside, furthermore he stated that the role of the site, as green wedge, separating the two settlements was vital given the allocated residential development located to the south at Monkton Heathfield. There was an agreed deficit in the housing land supply figures at that time but the Inspector concluded that the lack of a five year supply did not outweigh the harm that would be caused to the Green Wedge by the appeal.

Subsequent to that decision the Local Plan Inspectors report was issued. The Green Wedge allocation at Maidenbrook Farm was challenged by Messrs Tarker Ltd but the Inspector stated "Development of the Tarker land would effectively close the gap between Taunton and Monkton Heathfield and would have a major impact on the integrity of the Green Wedge.

The Inspector accepted that whilst the "land has only limited landscape value in its

own right, it does facilitate clear long distance views of the Quantock Hills to the north. The land also provides a potential continuous wildlife corridor and, although the quality of that contribution might be diminished by its use for playing fields, its effectiveness could be maintained by careful design and planting of the area, and the incorporation of a structural hedgerow system within the overall layout"

Conclusion

In considering any proposals for development the application must be judged on its conformity with the policies in the development plan and government advice, as contained within the Planning Policy Statements, unless material considerations suggest otherwise. In this case the proposal is clearly contrary to the policies of the development plan. The applicant argues that the Council does not have a 5 year housing supply and that development of the site could take place at an early date and would not be detrimental to the objectives of the Local Plan and forthcoming Core Strategy. I disagree with this and consider that the planning objections, as outlined above combined with the delay in the delivery (due to the time needed for the establishment of the mitigation and offset planting for the Lesser Horseshoe bats) clearly outweigh the provision of housing on the land. Furthermore that development of this land would be premature to the core strategy, due to be published in the early part of 2011.

RECOMMENDATION AND REASON(S)

The planning committee are asked to endorse the following reasons for refusal had they been in a position to determine the application.

01 Under Regulation 9 of the Conservation of Habitats and Species Regulations 2010 Taunton Deane Borough Council consider that there is insufficient evidence to ensure that the development would not affect the 'Favourable Conservation Status', as defined by Article 1 of the Directive, of the populations of European Protected Species recorded on site and the proposal is considered to be contrary to Planning Policy Statement 9, Somerset and Exmoor National Park policy 1.

02 The proposal does not incorporate measures set out in the "test of significance", a legal requirement under the provisions of the Conservation Habitats and Species Regulations 2010, which was submitted to and agreed by Natural England as being necessary to offset impacts on Hestercombe House SAC. The proposed mitigation is considered to be inadequate to compensate for the loss of habitat and the proposal is considered to be contrary to the Conservation Habitats and Species Regulations 2010, Somerset and Exmoor National Plan policy 1 and Taunton Deane Local Plan policy EN3.

03 The site lies outside the settlement limits of Taunton and Monkton Heathfield where new development is resisted. The proposal does not serve an agricultural or other appropriate need and as such is considered to be contrary to Somerset and Exmoor National Plan policy STR6 and Taunton Deane Local Plan policy S7.

04 The proposal will have a significant detrimental impact on the open character of the Taunton-Monkton Heathfield green wedge and would reduce the effectiveness of the area in its role as an effective air conduit and wildlife corridor and would represent an undesirable contribution towards the coalescence of the settlements of Taunton and Monkton Heathfield and is considered to be contrary to Somerset and Exmoor National Plan policy STR1 and Taunton Deane Local Plan policies EN13.

05 The proposed development of this open greenfield site, characterised by hedge enclosed farmland, would be out of character with and detrimental to the landscape character of the area contrary to the requirements of Taunton Deane Local Plan policy EN12 furthermore its development would have a detrimental impact on the character of the Taunton and Bridgwater Canal and approach route into Taunton contrary to the requirements of Taunton Deane Local Plan policies EN25 and T34.

06 Whilst the housing land supply position is uncertain the site does not satisfy the provisions of PPS3, para 69 as the site forms part of an area of proposed green infrastructure that is required to support the emerging Core Strategy and Strategic Urban Extensions at Priorwood and Monkton Heathfield and its loss would undermine the evidence base for the Strategy.

07 The submitted Archaeological assessment states that there is potential for significant prehistoric and Roman archaeological remains at the site and is therefore a Heritage Asset as defined by Planning Policy Statement 5. The current submitted information is inadequate to assess the impact of the development on the Heritage Asset and the proposal is considered to be contrary to policy HE6.1 of that Statement, and contrary to Somerset and Exmoor National Plan policy 11 and Taunton Deane Local Plan policy EN23.

08 Taunton Deane Local Plan policy H9 requires the provision of affordable housing to be provided on sites of over 1ha or 10 dwellings Affordable Housing. The current proposal does not provide for any affordable housing and is considered to be contrary to Somerset and Exmoor national Park policy 35, Taunton Deane Local Plan policy H9 and Planning Policy Statement 3 (paragraphs 27 – 30)

09 The development is expected to result in a need for an additional 47 primary school places and 33 local Primary school places. The existing primary school and secondary schools have no spare capacity to cater for the additional demand and the developer is not proposing any contributions in order for those facilities to be provided as a result the proposal is considered to be contrary to Taunton Deane Local Plan policy C1.

I am also awaiting an update from the Highway Authority on their position given that a signed Section 106 covering the items they list is not available and this may result in an additional reason for refusal.

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

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