

Site: 29 RICHARDS CLOSE, WELLINGTON, TA21 0BD

Application number: 43/17/0133

Proposal: Replacement of garage and shed with the erection of 1 No. dwelling in the garden to the side of 29 Richards Close, Wellington

Appeal Decision: 10 September 2018 Allowed

Site: LAND WEST OF BAGLEY ROAD, ROCKWELL GREEN, WELLINGTON

Application No: 43/17/0002

Proposal: Outline Application with all matters reserved, except for means of access, for the erection of up to 205 dwellings and up to 60 apartments with care (Class C2), with public open space, landscaping, sustainable drainage system and vehicular access points from Exeter Road on land to the west of Bagley Road, Rockwell Green

Appeal Decision: 25 Sep 2018 Allowed



Appeal Decision

Site visit made on 17 July 2018

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10th September 2018

Appeal Ref: APP/D3315/W/18/3195540
29 Richards Close, Wellington, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mitchell Developments Ltd against the decision of Taunton Deane Borough Council.
 - The application Ref 43/17/0133, dated 27 November 2017, was refused by notice dated 2 February 2018.
 - The development proposed is demolition of existing garage and shed and erection of new house in the garden of 29 Richards Close, Wellington .
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and shed and erection of new house in the garden of 29 Richards Close, Wellington, Somerset in accordance with the terms of the application, Ref 43/17/0133, dated 27 November 2017 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
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- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 55036/P/04B; 5036/E/01A; 5036/P/03A; 5036/P/01A; 5036/P/02A; and 5036/P/05 insofar as it relates to fence details.
- 3) Notwithstanding condition 2 above no development shall take place until details of the screening to the balcony have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the dwelling hereby permitted and the screening shall be maintained thereafter.
- 4) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 5036/P/02A.
- 5) The dwelling hereby permitted shall not be occupied until the car parking spaces shown on drawing 5036/P/03A to serve No 29 Richards Close and the permitted dwelling have been laid out and the spaces shall thereafter be kept available at all times for the parking of vehicles.
- 6) The tree and hedge planting shown on approved drawing 5036/P/03A shall be carried out in the first planting season following occupation of the dwelling hereby permitted. All the trees and hedges shown on drawing

5036/P/03A to be retained shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Application for costs

2. An application for costs was made by Mitchell Developments Ltd against Taunton Deane Borough Council. This application will be the subject of a separate Decision.

Preliminary matters

3. The revised National Planning Policy Framework was published on 24 July 2018 and both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework.

Main Issues

4. These are: (i) the effect of the proposal on the character and appearance of the area; (ii) whether the proposals would provide adequate living conditions for future occupiers with regard to internal space; and (iii) the effect of the proposal on living conditions for occupiers of existing property with particular regard to privacy.

Reasons

Character and appearance

5. 29 Richards Close (the host property) is a two storey dwelling at the western end of a group of five terraced properties. A further short terrace is set a right angles and to the north of the appeal site. The appeal site and parking for other dwellings is accessed via a driveway leading from Richards Close.
6. The host property has an irregularly shaped side and rear garden with one boundary backing onto land at Stoneleigh Close. The single entrance porch to the proposed dwelling would align with the existing side wall of the garage which is to be demolished.
7. The proposed dwelling would differ in appearance from other dwellings in the immediate area as it would be detached rather than terraced. The front elevation would be considerably wider than that of the individual terraced houses. However the eaves and ridge height would align with those of the host property and the existing and proposed buildings would be separated by the parking spaces for the host and proposed dwellings. Materials would match those of the host dwelling. The dwelling would be set slightly behind the line of the front wall of the host dwelling. The site is set back from the carriageway of Richards Close and by the existing access drive. Taking all of these factors into account, I find that the development would not appear unduly out of place. I am satisfied that in public views from the highway and approach to other

- dwellings, the development would not harm the character or appearance of the area.
8. At the rear of the house, the footprint of the proposed dwelling would follow the line of south western boundary of the site. Consequently the side of the house would have elevations facing both west and south west. Given the relationship with existing properties I find that this would not be harmful in terms of visual impact. Nor would this proposed arrangement harm views from the public realm.
 9. Although the house would be built partially along the boundary with third party land, in this area of terraced housing I do not find that this arrangement would be unacceptable. A small area of garden would be provided to the west side of the property at the front of the dwelling and the rear garden would be of sufficient size to serve the proposed property without unacceptably reducing the rear garden of the existing property. Accordingly the proposal would not appear cramped or an overdevelopment of the site.
 10. Policy D7 of the Taunton Deane Adopted Site Allocations and Development Management Plan December 2016 (DMP) relates to design quality. This policy requires a high standard of design and sense of place. The proposal would integrate into its surroundings and whilst it would not enhance the street scene, neither will it harm it and the proposal would comply with Policy D7.
 11. Consequently, I find no material conflict with Policy DM1 of the Taunton Deane Core Strategy 2011 – 2028 adopted September 2012 (CS) which sets out general requirements for all development and in particular with criterion 'd' of Policy DM1 which requires the appearance and character of any affected street scene not be unacceptably harmed. Although the Council does not provide any specific design guidance for this area, I find the proposal does not conflict with CS Policy DM4 regarding a sense of place.
 12. The Framework sets out that good design is a key aspect of sustainable development. It also promotes the efficient use of land taking into account, amongst other matters, the desirability of maintaining an area's prevailing character and setting including residential gardens. Gardens in built up areas are excluded from the definition of previously developed land. Nonetheless, I am satisfied that the development of the garden land in this particular case would not harm the prevailing character of the area and that the proposal is consistent with the Framework.

Living conditions for future occupiers

13. The Council's reasons for refusal included the failure of the proposals to meet the space standards set out in Policy D10 of the DMP. The three bedroom dwelling proposed exceeds the minimum floor area required for a three bedroom four person dwelling as set out in the government's nationally described space standards. The submitted drawings do not include stated dimensions for individual room sizes and therefore the width of bedroom 3 is not clear from the plans despite the 1:100 scale drawings. The appellant has confirmed the width to be 2.15m in written evidence with the appeal.
14. The plans appear to indicate bedroom 2 and the utility room would have built in storage although this is not clearly labelled. The appellant has confirmed the extent of internal storage intended and this exceeds minimum standards.

15. Given the dimensions of bedrooms 1 and 2 and the overall internal floor area which exceed minimum requirements I am satisfied that the dwelling would provide adequate living space and Policy D10 would be satisfied.

Living conditions for existing occupiers

16. The proposal includes a triangular shaped balcony off the main bedroom. The south western side of the balcony would directly adjoin third party land and although some of this land is used on a communal basis, I share the Council's concerns with regard to potential loss of privacy. The proposed railings would not secure privacy to users of land outside the site. As part of the appeal, the appellant suggests a screen of 2 metres height would overcome any potential loss of privacy.
17. I consider that the potential loss of privacy relates not only to the south western side of the balcony but also to the south eastern side as there would be potential for persons standing on the balcony to overlook the rear garden of the host property and other gardens beyond in Richards Close.
18. As I have found that the appearance and design of the dwelling is generally satisfactory, I consider that the deficiencies of the balcony with regard to preserving existing levels of privacy could be addressed by a condition to secure appropriate screening.

Other matters

19. In addition to those matters addressed above, concerns are expressed by neighbours regarding access across the shared driveway and parking areas. The highway authority has not raised any specific objections the proposal and, whilst vehicles will need to reverse out of parking spaces such arrangements occur in many private parking areas. In any event, the grant of planning permission does not override any private rights of access or ownership.

Conclusion and Conditions

20. For the reasons given above, I conclude the appeal should be allowed, subject to conditions.
21. A condition is required to specify the approved plans. A condition is also necessary to secure the landscaping proposals shown on the plans. The Council has suggested a number of conditions in the event of planning permission being granted. Control over the materials to be used on the external faces of the buildings is necessary. Securing adequate parking for the existing and proposed dwelling is also necessary. However, removal of permitted development rights requires particular justification and the rights themselves require compliance with various criteria. The Council has not provided any detailed evidence to explain why permitted development rights should be removed in this case and I find the suggested condition would not meet the necessary tests.

J E Tempest

INSPECTOR

Appeal Decision

Inquiry held on 13 - 14 February, 24 April, 17 - 19 July 2018

Site visit made on 18 July 2018

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th September 2018

Appeal Ref: APP/D3315/W/17/3179264

Land west of Bagley Road, Rockwell Green, Wellington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Taunton Deane Borough Council.
 - The application Ref 43/17/0002, dated 23 December 2016, was refused by notice dated 6 April 2017.
 - The development proposed is the erection of up to 205 dwellings and up to 60 bed apartments with care (C2), with public open space, landscaping, a sustainable drainage system and vehicular access points from Exeter Road.
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Procedural matters

1. The application was in outline with all matters reserved aside from the principle of the development and the access. I have dealt with the appeal accordingly.
2. The Inquiry was adjourned on two occasions, both times after hearing a limited amount of evidence. On the first occasion this was due to the introduction of a substantial new argument at the beginning of the Inquiry, which necessitated the production of new evidence. On the second occasion it was due to the illness of a witness and the impossibility of finding a replacement at short notice.
3. The application was refused by the Council for four reasons. Before the Inquiry three of these reasons were addressed to the Council's satisfaction either by additional evidence or by the production of a Planning Obligation, and the Council withdrew these reasons for refusal. These related to highways matters, protected species, and the provision of affordable housing (along with play facilities and a Travel Plan).
4. With that background, only one reason for refusal remained at the start of the Inquiry – related to the location of the site outside the defined settlement limits of Wellington and Rockwell Green and the resultant consequences for sustainability and accessibility, including the access to primary education. As the Inquiry progressed witnesses for both main parties were changed for various perfectly proper reasons, and the Council's planning witness who appeared at the inquiry accepted that the Council's position on policy conflict could not be sustained.

5. The Council's position, after the evidence and examination of its witnesses, was set out in the Closing Submissions¹. This was that the appeal scheme did not conflict with the development plan, specifically policies CP8 and DM2 of the Core Strategy 2011-2028 (2012) (CS) and policy A5 of the Sites Allocation and Development Management Plan (2016)(SADMP).
6. Having reached that view the Council stated that there was no conflict with the policies of the development plan and withdrew its objection on all remaining matters. There being no remaining reasons to refuse planning permission, the Council recommended that the appeal be allowed.
7. Shortly after the close of the Inquiry the appellant submitted a Unilateral Planning Obligation². This had been discussed in full draft at the Inquiry. This material consideration is considered below.
8. At the time of the Inquiry it was anticipated that the revised National Planning Policy Framework (the Framework) would be published shortly after the Inquiry closed. In view of the position which the parties had reached it was agreed that this should form the basis of a Supplementary Statement of Common Ground³, which has been taken into account in this decision.

Decision

9. The appeal is allowed and planning permission is granted for the erection of up to 205 dwellings and up to 60 bed apartments with care (C2), with public open space, landscaping, a sustainable drainage system and vehicular access points from Exeter Road on land west of Bagley Road, Rockwell Green, Wellington in accordance with the terms of the application, Ref 43/17/0002, dated 23 December 2016, subject to the conditions set out at the end of this decision.

Main issue

10. Given the position reached by the main parties on the appeal there is one main issue in this case.
11. That is whether the proposal accords with an up-to-date development plan in relation to settlement boundary policy and accessibility, and whether there are any material considerations which indicate a decision otherwise than in accordance with the development plan.

Reasons

The site and the proposal

12. The appeal site is located to the west of Bagley Road beyond the southwest edge of the settlement boundary of Rockwell Green, around 2km from the centre of Wellington. It comprises around 10.5 hectares of agricultural land, bounded on three sides by the existing road network, and wrapping around seven dwellings.
13. The proposal is as described in the bullet points above. The scheme includes a Framework Plan showing a road layout for the site and how the development

¹ Document 15

² Document 2

³ Document 17

could be accommodated – in particular it illustrates a developable area of around 6.3 hectares at a range of densities.

Consideration against the development plan

14. The development plan includes the CS and the SADMP, and no suggestion was made by any party that the development plan is not up to date. The three policies cited in the last remaining reason for refusal at the start of the Inquiry related to settlement boundaries and accessibility will be considered below, as these remain matters raised by residents and they represent the most directly relevant policies in this appeal.
15. In terms of the settlement boundary, CS policy DM2 provides that, outside defined settlement limits, certain uses will be supported (not including housing development). However, it does not state that other types of development will be refused. As agreed by the Council the fact that a proposal is not one of the uses specifically supported by the policy does not mean that there is conflict. Other uses should be determined against Policy CP8, which deals with all development.
16. CS policy CP8 applies to all development outside the settlement boundary and is therefore relevant to the appeal proposal. It provides that development outside settlement boundaries will be permitted where a number of criteria are met. It was accepted by the Council at the Inquiry that all the criteria, none of which deal with matters in dispute, are met. There is no need to rehearse the detail here. As the authority accepts, the proposal complies with this policy and with the Framework paragraph 170 which provides that the intrinsic character and beauty of the countryside should be recognised.
17. Overall, there is clearly no conflict with the development plan in terms of settlement boundaries.
18. The remaining original policy objection raised by the Council related to SADMP policy A5, dealing with accessibility. The background to this is that Wellington (including Rockwell Green) is the sixth largest settlement in Somerset - CS policy SP1 identifies defines Wellington (specifically including Rockwell Green) as a secondary focus for growth, seeking to develop its role as a market town serving a wide rural hinterland. Rockwell Green is therefore accepted as a sustainable location in principle.
19. Policy A5 states that residential development is acceptable where it is within walking distance of, or has access by public transport to, employment, convenience and comparison shopping, primary and secondary education, primary and secondary health care, leisure and other essential facilities. The definition of public transport accessibility is dealt with in Table 1 of the policy, which provides that the maximum acceptable travel times for public transport, including waiting time and walking times at each end of the journey, is 25 minutes. The Council agreed with the appellant's Transport Assessment⁴ to the effect that there is a range of services and facilities within the 25 minute public transport time, and that the services are regular. In particular, all relevant primary schools would be accessible by bus in under 25 minutes. This level of accessibility would be improved by the proposed new bus stops to serve the proposal.

⁴ CD 1.07

20. Access to the facilities in Rockwell Green/Wellington would also be accessible on foot, with even the centre of Wellington around 2km from the appeal site. Rockwell Green and Wellington are both well within the 5km cycle distance. These matters were accepted by the Council at the Inquiry, and it was further agreed that there are no highway safety or other matters that would make the routes unattractive.
21. Overall the proposed development is in an accessible location related to a wide range of services and facilities and, as the Council accepts, the proposal complies with SADMP policy A5.
22. For the above reasons, the proposal accords with all the policies originally cited by the Council in its reasons for refusal. As the authority now accepts, the appeal scheme accords with an up-to-date development plan and, in line with the Framework, planning permission should be granted without delay.
23. I will now turn to the other matters raised by the proposal, in order to consider if, individually or jointly, they amount to a reason for a decision otherwise than in accordance with the development plan.

Other considerations - education

24. Accessibility of the site to primary schools was a matter raised in a reason for refusal and was the subject of evidence at the Inquiry. As summarised above, and as accepted by the Council at the Inquiry, this matter is no longer in dispute.
25. It was also accepted by the Council that primary school capacity was not part of the reason for refusal, although some of the evidence given by the Council did address that matter. In any event, as the Council has adopted a CIL charging schedule that includes primary education on the Reg. 123 List, the Levy is expected to cover that issue. There would otherwise be a danger of duplicating payments, which would be unreasonable and is advised against by CS policy CP7. Should the authority be concerned that the CIL payments would be inadequate, the solution would be to review the charging schedule, not resist otherwise acceptable development. In a similar vein, the complaint by the education authority that it has yet to receive CIL payments from the Council is a matter to be resolved between the authorities and cannot be a sound reason for resisting development in the meanwhile.
26. More specifically, the Council's Infrastructure Delivery Plan⁵, envisages that a new school is to be provided to meet housing growth at Longforth. From the evidence it is clear that this proposal has outline planning permission, has secured grant funding, does not raise concerns in respect of viability, and has reached the trigger point whereby it is to be transferred to the Education Authority. The Council state that the school will be built by 2020/21. This would add to the capacity in the area and would serve the proposed development.

Other considerations – housing land supply

27. There is an unresolved dispute between the main parties as to whether the Council has a 5 year supply of deliverable housing sites in line with the Framework. The areas of dispute relate to whether there has been persistent

⁵ CD 6.11

under delivery and whether a 5% or 20% buffer should be used; whether the agreed shortfall should be dealt with by the 'Sedgefield' or 'Liverpool' method; and the extent of the supply. Depending on the approaches taken there are 8 outcomes⁶, showing figures ranging between 3.4 years to 5.67 years.

28. It would normally be necessary to attempt to resolve this matter and come to a conclusion as to whether a five year supply exists. However, given the acceptance by the parties that the proposal does not conflict with the development plan and that there is a need for market and affordable housing, the resolution of the housing land supply position is superfluous. Were it to be concluded that there is not a five year supply, the consequence would be that Framework paragraph 11d) presumption in favour of sustainable development would apply. But this already applies due to the lack of conflict under paragraph 11c).

Other considerations – policy related to apartments with care

29. Part of the proposal is for apartments with care (Class C2). The appellant argued that the development plan is silent on this element, although this was not accepted by the Council. Both parties submitted evidence on this issue.
30. There was no reason for refusal on this basis and there is an agreed position between the main parties that the appeal proposal does not conflict with the development plan. Therefore, the only relevance of the matter could relate to Framework paragraph 11 and the alleged absence of development plan policy in this respect. However, as with housing land supply, this is not a matter which is of consequence to this decision as the presumption in favour of sustainable development applies in any event.

Other considerations raised by residents

31. Residents raised concerns regarding highway safety and the capacity of the surrounding road network. This was one of the Council's original reasons for refusal which was subsequently withdrawn. While I can understand the concern of residents at the introduction of additional traffic onto the roads in the area, I do not have any detailed evidence to set against the appellant's Transport Assessment⁷. This concludes that the proposed layout would provide a safe and acceptable access to the site. Whilst accepting that, despite the sustainability of the site, the proposed development would generate additional traffic onto the network, key junctions on the network have been identified and it was concluded that the impact on the local road network cannot be classed as material or severe and that there are no issues with traffic impact. The main parties agree that, subject to the provision of highway improvements, the proposal is acceptable in highways terms. The proposal would not have an unacceptable impact on highway safety and this matter does not weigh against the appeal.
32. Some residents raised concerns regarding the ecological impact of the proposal, and this was another initial reason for refusal which was subsequently not pursued by the Council⁸. There is no evidence to set against the appellant's Ecological Appraisal⁹ which undertook a thorough assessment

⁶ Document 14 Paragraph 9

⁷ CD 1.07

⁸ Document 13 Paragraph 4.14.

⁹ CD 1.09

and concluded that there were no ecological matters which would constrain development.

33. The consequence for educational provision has already been addressed. In addition some residents expressed concern regarding stress on medical facilities. However the Council did not raise objection on the basis of the impact on healthcare and has confirmed that there no objection from the NHS Clinical Commissioning Group¹⁰. There is therefore no sound reason for opposing the development on this basis.
34. The Council has stated that the area of the site to be developed, as shown on the Framework Plan, is located within Flood Zone 1. This is the area at the least risk from flooding, where the principle of residential development is acceptable. The parties agree that the proposal would not lead to flood risk elsewhere¹¹ and concerns over flooding cannot be substantiated.
35. The proposal would obviously result in the loss of agricultural land, which the Council has confirmed is Grade 2 and Subgrade 3a¹². However there is no objection from the Council on this basis, and any objection to the loss of this land falls far short of a reason for dismissing the appeal.
36. None of the other matters raised by residents, separately or in combination, comprise a reason leading to a decision otherwise that in accordance with the development plan.

Conditions and Planning Obligation

37. A set of conditions was agreed at the Inquiry, which I have slightly amended, and which is appended to this decision.
38. In the interests of precision the approved plans are set out and a further condition limiting the scale of development is necessary (Conditions 1 and 2). Reserved matters are set out along with the timescale for their submission (3 and 4), along with conditions relating to landscaping works (13, 14, 15).
39. In the interests of ensuring a safe development, details of surface water and foul drainage are necessary (5 and 6). A wildlife strategy needs to be submitted and implemented in the interests of the ecology of the site (7). For heritage reasons, a scheme of archaeological investigation should be submitted and implemented (8). Public open space to serve the development and the wider area is necessary in the interests of the amenity of existing and future residents (9). In the interests of highway safety, works need to be undertaken on and off the site (10, 11, 12).
40. The proposal is accompanied by a Unilateral Planning Obligation¹³, which is discussed in the CIL Compliance Statement. In particular the Obligation provides for the laying out and management of open space on the site, in accordance with SADMP policy C2 and Appendix D. The provision of 25% affordable housing and its tenure split would be in line with CS policy CP4 and the Affordable Housing SPD (2014). The Obligation provides for a number of transport matters, including a contribution towards bus stops and the production and implementation of a Travel Plan. These matters are in

¹⁰ Document 13 Paragraph 4.17

¹¹ Document 17 Paragraph 2.2.13

¹² Document 13 Paragraph 4.9

¹³ Document 2

accordance with CP policy CP6 and SADMP policy A2, and the Council's Travel Plans SPD.

41. The CIL Compliance Statement and other evidence demonstrate that the provisions are directly related to the proposed development and are necessary to make the scheme acceptable in planning terms. Therefore the Obligation meets the policy in paragraph 56 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. Some of the provisions are designed to mitigate the impact of the proposal and these elements therefore do not provide benefits in favour of the appeal. However other matters, most notably the provision of affordable housing, weigh in favour of the appeal.

Planning balance and conclusion

42. The main parties agree that there would be net economic, social and environmental gains in line with the Framework. There would be a short/medium term increase in construction and related employment, and an increased spends for local businesses and services arising from the population increase. Irrespective of whether the Council can demonstrate a five year housing land supply, there would be a significant social gain arising from the provision of general needs housing, extra care accommodation and affordable housing in an accessible location.
43. Overall, the proposal is clearly sustainable development with significant economic and social benefits which weigh heavily in the planning balance. The appeal scheme is for a sustainable development which complies with an up to date development plan. There are no material considerations which come close to indicating that the decision should be otherwise than in accordance with the development plan and both main parties agree that planning permission should be granted.
44. For the reasons given above I conclude that the appeal should be allowed.

P. J. G. Ware

Inspector

Conditions

Plans

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site access drawing 4969/00/04; Development Framework 7411-L-03 rev J; Location plan 7411-L-01.

Quantum of Development

- 2) The development hereby approved shall not exceed 205 dwellings and 60 apartments with care (Use Class C2).

Reserved matters and time limits

- 3) Approval of the details of the (a) layout (b) scale (c) appearance (d) internal access roads and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced and the development shall be carried out in accordance with the approved details.
- 4) Application for approval of all of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Surface water drainage and flood risk

- 5) No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details. These details shall include: -
 - Information of maintenance of drainage systems during construction of this and any other subsequent phases.
 - Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters
 - Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include

refurbishment of existing culverts and headwalls or removal of unused culverts).

- Flood water exceedance routes both on and off site. No part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Foul Drainage

- 6) Prior to construction of any buildings, full details of the means of foul water disposal shall be submitted to and agreed in writing by the Local Planning Authority. Such details shall be implemented such that each dwelling is served by the approved system prior to occupation of that dwelling and shall thereafter be maintained as such.

Wildlife and biodiversity

- 7) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development.
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance.
 - Measures for the retention and replacement and enhancement of places of rest for the species.
 - Lighting detail.
 - A LEMP.

Once approved the works shall be implemented in accordance with the approved details and timing of the works and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented

Archaeology

- 8) No development hereby approved shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved programme of archaeological work.

Public open space

- 9) Prior to the occupation of 75% of the dwellings hereby permitted public open space including children's play facilities shall be laid out on the site and be made available for use by the public. Details of the public open space shall be submitted as part of any reserved matters application and shall include provision of a Local Equipped Area for Play and a Neighbourhood Equipped Area for Play. Once provided the public open space and children's play equipment shall be thereafter maintained as such.

Highways

- 10) Prior to the commencement of the development hereby permitted detailed plans and specifications for the Exeter Road/A38 roundabout junction generally in accordance with drawing number 4969/00/05 submitted with Stirling Maynard's "Technical Note 2" shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until alterations have been made to the Exeter Road/A38 roundabout junction in accordance with the approved details.
- 11) Prior to the commencement of the development hereby permitted full details of the access arrangements and frontage works to Exeter Road shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.
- 12) Prior to development commencing, details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/ bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture and a timetable for their implementation shall be submitted to and approved by the Local Planning Authority. For this purpose details should include, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction as appropriate.

Landscaping

- 13) No development shall take place until a full landscape planting scheme has been submitted to and approved, in writing, by the local planning authority. This should include the retention of boundary habitats including hedgerows, tree lines, scrub, grassland and individual trees where possible, with buffers and open space to provide continuous green corridors.

- 14) All works comprised in the approved details of landscaping should be carried out in accordance with an implementation scheme which shall first be submitted to and approved in writing by the Local Planning Authority.
- 15) Trees, hedges and plants shown in the landscaping scheme to be retained or planted, which during the development works or during a period of five years following implementation of the landscaping scheme, are removed or die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the local planning authority.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:	
Miss N Sharif of Counsel ¹⁴ Mr S Stemp of Counsel ¹⁵	Instructed by the Head of Legal Services
They called	
Ms H Waring	Somerset County Council (Education)
Mrs J Moore BSc BTP MRTPI	Project Team Leader, Planning
Mr J Gardener BSc MSc	Justin Gardner Consulting
Mr M Evans ¹⁶	Solicitor to the Council

FOR THE APPELLANT:	
Miss S Reid of Counsel	Instructed by Gladman Developments Limited
She called	
Miss A Gilham BA MSc	Director, Turley
Mr D Dunlop BA(Hons) MRTPI	Managing Director, D2 Planning
Mr N Weeks BSc F.Con.E	Technical Director, Stirling Maynard Transportation
Mr R Lomas BSc PGDipTP MRTPI	Planning Manager, Gladman Developments Limited

INTERESTED PERSONS:	
Councillor R Bowrah	Wellington and Taunton Dene Councillor
Councillor J Lloyd	Wellington Town Council
Councillor J Thorne	Wellington Town Council

INQUIRY DOCUMENTS

1	List of persons present at the Inquiry
2	S106 obligation dated (20 July 2018)
3	Google shot of Rockwell Green school
4	Extract from schools guide
5	Emails from Mr and Mrs White, Ms Anton
6	Appellant's note on the 'silence' of the development plan regarding C3 extra care
7	Councillor Thorne statement
8	Clarification by the Council on elements of the Statement of Common Ground
9	Somerset School Population Forecast 2017
10	Appeal decision (22 May 2018) APP/T2350/W/17/3186969
11	Extract from Planning Practice Guidance – local plans
12	CIL compliance statement
13	Planning Statement of Common Ground (February 2018)
14	Housing Statement of Common Ground (April 2018)

¹⁴ February and April sessions¹⁵ July sessions¹⁶ Conditions and s106 discussion only

15	Council's closing submissions
16	Appellant's closing submissions
17	Supplementary Statement of Common Ground (August 2018) on the revised National Planning Policy Framework

CORE DOCUMENTS

ORIGINAL PLANNING APPLICATION DOCUMENTS	
1.01	Application Letter, Form and Certificates
1.02	Location Plan (7411-L-01) (December 2016)
1.03	Development Framework Plan (7411-L-03 Rev J) (December 16)
1.04	Design and Access Statement (Rev C) (December 16)
1.05	Landscape and Visual Impact Assessment (Rev A) (December 16)
1.06	Layout of Proposed Access Junctions (Access Drawing) (4969/00/04) (December 16)
1.07	Transport Assessment (Rev A) (December 16)
1.08	Framework Travel Plan (Rev A) (December 16)
1.09	Ecological Appraisal (Rev B) (December 16)
1.10	Arboricultural Assessment (Rev A) (December 16)
1.11	Phase I Geoenvironmental Assessment (6105/R1) (December 16)
1.12	Flood Risk Assessment (6105/R2) (December 16)
1.13	Foul Drainage Analysis (December 16)
1.14	Air Quality Assessment (LE13696-003) (December 16)
1.15	Noise Assessment (LE13696-001) (December 16)
1.16	Archaeological Desk Based Assessment (HS/22737 v1) (November 16)
1.17	Utilities Appraisal (December 16)
1.18	Statement of Community Involvement
1.19	Socio Economic Sustainability Statement
1.20	Planning Statement
1.21	Affordable Housing Statement
1.18	Statement of Community Involvement (December 16)
1.19	Socio-Economic Sustainability Statement (December 16)
1.20	Planning Statement (December 16)
1.21	Affordable Housing Statement (December 16)
CORRESPONDENCE WITH LOCAL PLANNING AUTHORITY	
09.01.17	– Letter from Taunton Deane BC – Written Pre-Application Advice 1-2
12.01.17	– Letter from Taunton Deane BC – Application Valid 3-4
09.01.17	– EIA Screening Opinion 5-6
14.03.17 to 16.03.17	– Correspondence between Gladman and Taunton Deane BC 7-9
RELEVANT CONSULTATION RESPONSES	
13.01.17	– Somerset Ecology Services 1
16.01.17	– Community Leisure 3-4
17.01.17	– Notice from Somerset County Council (Highways Authority) 5
20.01.17	– Biodiversity 7-10
20.01.17	– Somerset County Council (Lead Local Flood Authority) 11-12
24.01.17	– Wessex Water 13
25.01.17	– Crime Prevention Design 15-17
01.02.17	– Somerset County Council Estates and Planning 19-20
08.02.17	– Landscape 21-23
10.03.17	– Somerset County Council (Highways Authority) 24-27
COMMITTEE REPORT AND DECISION NOTICE	

4.01 05.04.17 – Committee Report
4.02 06.04.17 – Decision Notice
OTHER RELEVANT DOCUMENTS
5.01 Taunton Deane Core Strategy
5.02 Taunton Deane Site Allocations DPD
5.03 Inspector’s Report on Taunton Dean Core Strategy
5.04 Inspector’s Report on Site Allocations DPD
5.05 Council’s 5 Year Housing Land Supply – March 2017
5.06 Hourigan Connolly Report
5.07 Savills Report
5.08 Appeal Decision – Congleton Road, Sandbach
5.09 Appeal Decision – Iron Acton Way, Engine Common
5.10 Appeal Decision – Butts Road, Higher Rideway, Ottery St Mary
5.11 Appeal Decision – Mount Hindrance, Chard
5.12 Appeal Decision – Sandford, North Somerset
5.13 Appeal Decision – Hill Lane Blackrod Bolton
5.14 Appeal Decision – Land at Fairfield Road Framlingham
5.15 Appeal Decision – Land South of Tilden Gill Road Tenterden
5.16 Appeal Decision – 35 Frensham Vale Lower Bourne Farnham
5.17 Appeal Decision - Land North of Haygate Road Wellington
5.18 Appeal Decision - Uffculme Road Uffculme
5.19 Appeal Decision – Land East of Wolvey Road Three Pots Burbage
5.20 Appeal Decision – Land adjacent Sports Ground Saxmundham
5.21 Appeal Decision – Land East of Daux Avenue Billinghamurst
5.22 Appeal Decision – Land East of Tudor Park Taunton
5.23 Appeal Decision – Land West of Shottery Stratford Upon Avon
5.24 Appeal Decision -Land opposite The Garage Welshampton Ellesmere
5.25 Cotswold High Court Judgement
5.26 Local Plans Expert Group
5.27 Fixing Our Broken Housing Market
5.28 Colman Judgement
5.29 Annual Monitoring Report 2016 – 17
5.30 Locally Based Housing Projections 2008 – 26
5.31 SHMA 2016
5.32 SHLAA 2017
5.33 Suffolk Coastal Supreme Court Judgement
5.34 SHMA 2008
5.35 SHMA 2008 Executive Summary
DOCUMENTS / CORRESPONDENCE POST SUBMISSION
6.01 Technical Highway Note
6.02 Ecology Objection Removal and correspondence
6.03 Reason for Refusal 2 Removal correspondence
6.04 Ecology Response RE Highways Proposals
6.05 Manual For Streets Walking Extract
6.06 Correspondence RE play space
6.07 Correspondence to Council 25.01.18
6.08 Email correspondence from Council 29.01.18
6.09 CIL 123 List
6.10 Infrastructure Delivery Plan 2011
6.11 Infrastructure Delivery Plan 2014
6.12 Committee Report Appn 43/13/0008

6.13 Committee Report Appn 48/16/0025
6.14 Committee Report Appn 38/16/035
6.15 Appeal Decision – North Curry
6.16 Appeal Decision – Clitheroe
6.17 Appeal Decision - Alderholt
6.18 Appeal Decision - Semington
6.19 School Capacity (SCAP) Survey – Guide for local authorities June 2016
6.20 School Capacity (SCAP) Survey – Guide for local authorities July 2017
6.21 Appeal Decision – Higher Road, Longridge