

43/18/0065

SUMMERFIELD DEVELOPMENTS SW LTD

Erection of 23 No. dwellings including 5 affordable units with vehicular access, public open space, landscaping and associated works on land off Taunton Road, Wellington as amended by revised Flood Risk Assessment and revised plans.

Location: TAUNTON ROAD WELLINGTON, TA21 9AE

Grid Reference: 314944.121248

Full Planning Permission

Recommendation

Recommended decision: Awaiting S106 Completion DO NOT ISSUE

Recommended Conditions (if applicable)

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

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

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

(A2) DrNo CSL-01 Rev A Site Layout

(A3) DrNo HT.S3A.pe1 Rev A House Type S3/A Plans and Elevations Brick

(A3) DrNo HT.S2C.pe Rev A House Type S2/C Plans and Elevations

(A3) DrNo GAR3.pe Rev A Carport Plans and Elevations

(A3) DrNo GAR2.pe Rev A Double Garage Plans and Elevations

(A3) DrNo GAR1.pe Rev A Single Garage Plans and Elevations

(A0) DrNo 909-01D Landscape Proposals

(A3) DrNo SK-101 Rev B Extent of Highway to be Adopted

(A3) DrNo PHL-101 Rev B Proposed Access Arrangements

(A1) DrNo PHL-201 Rev C Preliminary Highway Layout

(A2) DrNo PHL-301 Rev B Preliminary Highway Profiles

(A1) DrNo ATR-101 Rev B Swept Path Analysis

(A3) DrNo HT.S3A.pe2 Rev B House Type S3/A Plans and Elevations Render

(A3) DrNo HT.S3D.pe Rev A House Type S3/D Plans and Elevations

(A3) DrNo HT.S3D-A.pe Rev A House Type S3D - Variation A Plans and

Elevations (A3) DrNo HT.S4B.e1 Rev B House Type S4/B Elevations Brick

(A3) DrNo HT.S4B.e2 Rev A House Type S4/B Elevations Render

(A3) DrNo HT.S4B.p Rev C House Type S4/B Plans
(A3) DrNo HT.S4F.e Rev B House Type S4/F Elevations
(A3) DrNo HT.S4F.p Rev B House Type S4/F Plans
(A3) DrNo HT.SCHA.pe Rev A House Type SCHA Plans and Elevations
(A2) DrNo ML-01 Rev B Materials Layout
(A2) DrNo RSL-01 Rev B Refuse Strategy Layout
(A2) DrNo SL-01 Rev B Site Layout
(A3) DrNo SLP-01 Rev B Site Location Plan
(A2) DrNo SS-01 Rev B Street Scenes

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

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

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

Reason for Pre-commencement: To ensure that a drainage strategy is agreed prior to commencement on site.

4. 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 be based on the advice of Green Ecology's preliminary ecological appraisal submitted report, dated July 2018 and the Bat Addendum report and include:
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 3. Measures for the retention and replacement and enhancement of places of rest for the species;
 4. A Construction and Environmental Management plan (CEMP);
 5. A landscape and ecological management plan(LEMP);
 6. Details of external lighting.

Once approved the works shall be implemented in accordance with the

approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority 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.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Reason for Pre-commencement: To ensure that measures for safeguarding protected species are in place prior to commencement on site.

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

Reason: In the interests of highway safety.

6. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. The final surface dressing for the roads and footpaths shall be applied within 3 months of the occupation of the final dwelling.

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

7. (i) Prior to the commencement of the development hereby permitted, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also show the existing hedges to be protected and retained during the course of the development and the method of protection.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

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

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

Reason for Pre-commencement: To ensure that satisfactory landscape details are agreed prior to commencement.

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

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

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

Reason: In the interests of highway safety.

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

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

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

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

11.
 - i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
 - ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
 - iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

Reason for pre-commencement: To ensure that the trees are protected before any site clearance commences on site.

12. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

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

13. Prior to the construction of the dwellings, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the area.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, outbuildings, gates, walls, fences or other means of enclosure, shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent over development and to safeguard the appearance of the area.

15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) revision C by AWP and dated 24 January 2019 and the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To prevent the increased risk of flooding.

Notes to Applicant

1. **Informative Note**

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Summary

Members will recall that this application was deferred at the Planning Committee on 20th June 2019 for the following reasons:

1. Further information required around the 18 unit's permission and what was secured under that permission and to confirm that it is an extant permission;
2. Officers to go away and speak to the applicant to negotiate the issues raised by the Committee for the size of the units, the number of parking spaces, the cycleway and the viability issues around numbers of affordable housing.

Members will have been circulated a copy of Collier Planning's letter dated 15th July 2019, which comprehensively addresses the issues raised by Members.

Proposal

This application, as amended, seeks full planning permission for the erection of 23 dwellings on land to the south of Taunton Road, Wellington. The site will be accessed from Taunton Road from an existing access that serves a Veterinary Hospital on land to the north of the site. This access is left hand turn only when approached from the south. There is no right turn entry when approaching from the north. An existing large, protected tree will be retained towards the eastern extent of the area proposed for development. The new development will be on the western part of the site whilst the eastern extent will be left open as Public Open Space.

The dwellings will be a mix of detached, semi-detached and terraced

dwellings, arranged around a curved cul-de-sac. The dwellings will be two-storey, finished in render and red brick under reconstituted slate and Double Roman roof tiles. Five affordable houses will be provided.

Site Description

The site comprises a parcel of agricultural land on the eastern side of Wellington, south of Taunton Road. The site immediately adjoins the Cades Farm development to the west and the south. To the north between the main part of the site and Taunton Road, lies a new veterinary hospital. A tributary of the River Tone runs along the southern boundary of the site.

Relevant Planning History

43/13/0128 - Planning permission for the erection of 18 dwellings was granted in 2013 subject to a S106 agreement to secure the following:

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

The Council has accepted that the works that had been undertaken to the access were sufficient to implement the permission and that the permission remains extant.

Consultation Responses

WELLINGTON TOWN COUNCIL -

Recommended that planning permission be granted, although the Council would expect the Section 106 agreement to be enhanced to include more affordable housing, additional play areas and sympathetic landscaping. It was also hoped that the arrangement at the existing junction onto the Taunton Road would remain and be enforced.

(FURTHER COMMENTS) - Recommended that permission be granted with the present access arrangements remaining in place.

SCC - TRANSPORT DEVELOPMENT GROUP (Original Comments) -

I refer to the above-mentioned planning application received on 17 July 2018 and after carrying out a site visit on 27th July 2018 have the following observations on the highway and transportation aspects of this proposal. I apologise for the delay in our response.

The proposal is for the erection of 23 dwellings, and vehicular access at the above address. The proposal site has planning consent for the erection of 18 dwellings (ref:43/13/0128).

It is important for the applicant to note that the red line plan doesn't appear to

encompass all of the proposed access to/from the veterinary surgery and the access from the B3187 that would require works. In order for any suitable works to be carried out at this location the applicant will need to ensure that the red line plan covers the whole desired area that would require such works. The following comments are on the basis that the applicants red line plan has the capacity to cover all of the area in question.

The Highway Authority did not consider previous application 43/13/0128 would be likely to hold capacity issues on the local highway network. Whilst the current proposal would generate small additional vehicle movements compared to the consented planning application (43/13/0128), the Highway Authority do not view this a reason to recommend refusal in this instance.

However, previous Highway Authority comments did highlight the additional distance and direction of travel vehicles would travel given the nature of the now existing access design onto Taunton road and the increased likelihood that drivers would look to use one of the accesses closer to the site to turn around.

It is important to note that should a future application be submitted that would result in a cumulative impact to the access/site the Highway Authority may need revisit the existing access arrangement and reserve the right to request mitigation measures (e.g. a right turn lane) into the site for the betterment of all associated users.

Access

The Highway Authority stated in our previous response for application 43/13/0128 dated 18 December 2013 that the primary route into the site should be to serve the residential development not the veterinary practice and appropriate signage/give way markings should be located.

A small length of footway has been provided linking the estate road with the footway/cycle way to the west. However, no consideration has been given to how cyclists are expected to access this route safely from the development. Furthermore it would appear that this length of footway stops at the back of a parking area and that pedestrians are expected to walk in the carriageway.

Given the current access arrangement onto the B3187 there does not appear to be any clear means by which cyclists can enter and leave the shared cycle route that runs alongside the B3187 Taunton Road. This will increase the potential for vehicles to collide with cyclists. The applicant may wish to consider how this arrangement will work.

The proposed footway to the eastern side of the estate road terminates next to some car parking spaces and there is no provision for pedestrians or cyclists on the western side increasing the potential for collisions between pedestrians, cyclists and vehicles.

It is recommended that the footway/cycleway is extended round in to the development and that signs, drop kerbs and tactile paving are provided/alterd to facilitate this. The footway/cycleway should also be extended round across the entrance of the veterinary practice access.

There are concerns that vehicles leaving the B3187 Taunton Road and turning left

in to the development may not be able to see far enough around the curve to a stationary vehicle waiting to turn right in to the veterinary hospital increasing the potential for shunt type collisions at this location.

Suitable and sufficient forward visibility around the curve demonstrated on a suitably scaled drawing should be submitted by the applicant for consideration with the next submission.

No details of the proposed carriageway have been provided to demonstrate that suitable gradients, surface water, drains/gullies, lighting, road markings/signs etc can be achieved. Additional drawings would be required for this purpose, especially if there is a desire for this to become adopted public highway.

Estate Road

The following comments are in relation to the proposed internal layout and submitted drawing numbers sk-101/A and CSL-01/A.

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code.

Following the publication of The Department for Transport's (DfT) Inclusive Mobility Strategy Local Highway Authorities have been told to 'pause the development of shared space schemes, which incorporate a level surface while we review and update guidance'. No further guidance has at yet been released by the DfT, and in the meantime the Highway Authority is currently unlikely to consider new roads that incorporate a shared surface as suitable for adoption as highway maintainable at the public expense. The Highway Authority does not object to the principle of shared surfaces, but it will remain the developer's responsibility to ensure they are appropriate and the applicant should bear in mind that such roads are likely to remain private.

Allowance shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers. The section of the access road extending south between the new junction and the ramp should be a type 4 bituminous macadam carriageway with a longitudinal gradient of no slacker than 1:90 to assist with surface water drainage disposal. The proposed block paved shared surface carriageway that will serve the site, should be constructed with a longitudinal gradient of no slacker than 1:80 to aid surface water drainage.

Drawing number CSL01/A shows a proposed footpath link extending north-east/south-west connecting the type 4 access road with the housing estate. However drawing number SK-101/A does not show this link. If the proposed development site is offered up for adoption, the limits of the adoption may need revisiting as indicated within drawing number SK-101/A. A link design that would accommodate a mixed use of pedestrians and cyclists may be beneficial.

An adoptable 17.0m forward visibility splay will be required across the carriageway bend opposite plot 1. There shall be no obstruction to visibility within the splay that

exceeds a height greater than 600mm above the adjoining carriageway level. The full extent of the splay should be clearly indicated within all future revisions of the layout drawing(s). The insides of carriageway bends within the shared surface road, should be widened by 500mm.

Surface water from all private areas, including drives and parking bays, must not discharge onto the prospective publicly maintained highway. Private interceptor drains shall be put in place to prevent this from happening.

There appears to be a proposed footpath link within the site that terminates at the western site boundary immediately to the north of plot 11. The applicant will need to clarify whether this link will be offered to SCC for adoption and potentially continue beyond the western site boundary as part of any future development.

Private drives serving garage doors should be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary. Parking bays should be 5.0m in length except where they immediately but up against any form of structure (plants, walls or footpaths), when a minimum length of 5.5m should be provided. Tandem parking bays should be 10.5m in length. All measured from the back edge of the prospective public highway boundary. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy submitted to SCC.

No doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface carriageways. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.

The applicant should note any proposed retaining/sustaining structures to be built as part of this scheme that will either be offered to SCC for adoption or will remain within private ownership but will be located 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary will require detailed drawings/calculations will need to be submitted to SCC for checking/approval purposes.

Parking

The applicant has proposed 63 parking spaces, including visitor parking. The Somerset Parking Strategy (SPS) optimum standard in this instance would be 64 before visitor parking. The proposed parking arrangements are nominally below the optimum that would be expected for this location. The Highway Authority would prefer all proposed dwellings provide suitable parking spaces in line with the SPS. It may be considered necessary to request that a designated motorcycle parking space be provided (in line with the current the County Council's parking strategy) for the dwellings that do not meet their optimum parking strategy standard. Suitable electric vehicle charging facilities should be conditioned on any planning consent. Safe, secure and accessible cycle parking should be provided at a rate of 1 space per bedroom.

Drainage

The application was accompanied by a Flood Risk Assessment this has been submitted for a drainage audit. This has now been completed and whilst there is no objection to the contents a

the conclusion the Highway Authority's comments are set out below.

It is important the developer is aware that only the section of the hospital access junction falling within the public highway limits has been designed and constructed to adoption standards.

As such, if it remains the intention to seek adoption of the development access road then this approximately 16 metre length of access road will need to be reconstructed to a profile and specification approved by the Highway Authority. Further, the surface water run-off from the entire 'adoptable' highway will need to be collected into a positive system, ideally the surface water system proposed in the drainage strategy, which will omit the need to secure discharge rights and easements fo

the current

drainage arrangements at the hospital junction. It should also be noted that surface water from the unadoptable 'private' entrance into the hospital from the access road will need to be prevented from discharging onto the prospective public highway and interceptor drainage will therefore be necessary.

Arrangements should be incorporated within the design to enable access from the access road to maintain the attenuation pond.

Conclusion

With the above in mind the proposed residential development is unlikely to have a detrimental impact on traffic movements on the local highway network, considered severe in this instance. The Highway Authority would recommend the following conditions in the event of planning permission being approved.

1. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.
2. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.
3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.
4. 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, electric vehicle charging facilities and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

5. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

6. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

7. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

8. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

9. There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

10. A condition survey of the existing public highway network will need to be carried out and agreed jointly between the developer and the Highway Authority prior to works commencing on site. Any damage caused to the existing highway as a result of this development, is to be remedied by the developer to the satisfaction of the Highway Authority prior to occupation of the development. It is recommended that contact be made with the Highway Service Manager (Taunton Deane Area – 0845 345 9155 to arrange for such a survey to be undertaken.

11. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;

- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

12. No work shall commence on the development hereby permitted until the proposed signage strategy has been submitted to and approved in writing by the Local Planning Authority.

Note

The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

SCC TRANSPORT DEVELOPMENT GROUP (FURTHER COMMENTS FOLLOWING A HIGHWAYS AUDIT) -

The additional information provided in further support of the application has been assessed and audited by the Highway Authority, where it still appears that a number of points raised in our previous comments dated 3 September 2018 remain relevant and outstanding.

Access

It is noted that the revised entry radius in to the hospital access from the estate road is to be 5m. Whilst this is tighter than the minimum 6m radius for an urban environment, it is likely to be acceptable to the highway authority subject to any comments made by the supervision engineer at the Detailed Design stage.

It is noted from the revised drawings that the carriageway width will be 6m which is likely to be acceptable to the Highway Authority.

It would appear from the estate road layout that pedestrians and cyclists will share the same space as motorised vehicles. The link between the development and the existing highway infrastructure does not appear to be adequate enough to protect pedestrians and cyclists from passing vehicles.

It is recommended that the footway/cycleway is extended round in to the development and that signs, drop kerbs and tactile paving are provided/alterd to facilitate this. The footway/cycleway should also be extended round across the entrance of the hospital access.

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

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

It is noted from the long section provided that the new access road will fall back in

to the site at a gradient of 3.3%. It is not clear how this will tie in with the existing carriageway. It is recommended that the long section is extended beyond the tie in point along the centre line of the existing access road and provided for consideration with the Detailed Design Stage.

Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards. Where necessary, the designer must submit a comprehensive set of traffic management drawings and sign schedules for approval by the SCC area traffic engineer.

The Highway Authority retains concerns that vehicles leaving the B3187 Taunton Road and turning left in to the development may not be able to see far enough around the curve to a stationary vehicle waiting to turn right in to the veterinary hospital increasing the potential for shunt type collisions at this location. It is recommended that the applicant Re-landscape this area within the visibility splay to minimise future maintenance and the potential for the forward visibility splay to be obscured.

B3187 there does not appear to be any clear means by which cyclists can enter and leave the shared cycle route that runs alongside the B3187 Taunton Road. This will increase the potential for vehicles to collide with cyclists. The applicant may wish to consider how this arrangement will work.

To reiterate from our previous comments the proposed footway to the eastern side of the estate road terminates next to some car parking spaces and there is no provision for pedestrians or cyclists on the western side increasing the potential for collisions between pedestrians, cyclists and vehicles.

It is recommended that the footway/cycleway is extended round in to the development and that signs, drop kerbs and tactile paving are provided/alterd to facilitate this. The footway/cycleway should also be extended round across the entrance of the veterinary practice access.

Estate Roads

The following highway related comments in terms of the Estate Road have been made as a result of looking at submitted drawing numbers **0748/ATR-101/B**, **0748/SK-101/B**, **0748/PHL-101/B** and **0748/PHL-201/C** together with our previous planning comments contained within our response dated 3 September 2018.

The applicant will need to provide confirmation if any proposed retaining/sustaining structures to be built as part of this scheme that will either be offered to SCC for adoption or will remain within private ownership but will be located 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary. This will require detailed drawings/calculations will need to be submitted to SCC for checking/approval purposes.

It appears that parking bays that immediately butt up against footpaths, have not been indicated as being 5.5m in length as measured from the back edge of the prospective public highway boundary and that tandem parking bays have not been constructed to a length of 10.5m (between plots 3 and 4 for example). The design engineer will need to re-visit these items.

The required adoptable forward visibility splays as indicated within drawing number **0748-PHL-101/B** as being outside plot 18 and across a corner of the Public Open

Space to the east of plot 19, need to be clearly shown within drawing number **0748-SK-101/B**.

The remaining comments within our previous Estate Roads comments (dated 3 September 2018) remain relevant.

TREE OFFICER -

I think that it would be useful to have sight of the tree survey. There must have been one, and it's standard practice for it to be submitted as part of the application.

My current thinking on this one is that, as is often the way, they've squeezed plots 20, 21, 4 and 5 as close to the theoretical RPAs of the oak and ash as possible, but realistically this may be the cause of concern to future residents of these plots who may be affected by:

- a) excessive shade;
- b) shedding of leaves, seeds, minor branches, sap, bird droppings etc;
- c) perceived threat of the trees or branches falling in severe weather.

These are often not considered by potential residents until they have moved in. Whereas at present they only overhang a field, after development they will overhang 'targets' – people and property. This could result in pressures to prune or fell them. They are, as the Design and Access Statement says, distinctive key features of the site.

I would therefore like to see more space given to these trees, either by omitting these plots, or by re-designing the layout (possibly by continuing the plots alongside plot 1?).

WESSEX WATER - No comment.

DRAINAGE ENGINEER - We would like to raise the following points which have not been addressed in the submitted FRA and drainage strategy. Additional information in that respect will need to be submitted prior to planning permission being granted.

- We concur with the EA's view that the WYG 2013 model of the unnamed watercourse should be reviewed in light of the revised climate change allowances. This should be 40%, not 30%. As any change in the flood extent may result in a need to amend the site layout, and consequently the drainage proposals and location, sizing etc. of the attenuation pond. Therefore, any drainage calculations would need to be reviewed and updated.
- The assumed private surface water system that serves the adjacent Mount Vets site is identified on the plans and in the FRA as passing through the gardens of several properties. The risk of an exceedance event within this system is mentioned in the FRA, but not addressed. It is not appropriate for the gardens of these properties to flood when the site layout could be amended to deal with this risk, but also, the issue of access and maintenance of that surface water system becomes problematic when

located within the grounds of private dwellings. A full understanding of overland and exceedance flow routes from offsite, through the proposed development to the watercourse, should be provided.

- The drainage principles put forward in the FRA seem sound and reasonable, but as highlighted in my email to AWP prior to submission of this application, the LLFA are looking for SUDS to have both a flood risk and environmental enhancement element (i.e. water quality, amenity, biodiversity). Opportunities to utilise SUDS throughout the development have not been considered and the drainage strategy relies on a large single attenuation feature. There are a broad range of SUDS that can be utilised, particularly given that there are several areas within the site boundary not shown to be earmarked for development. We would be looking at this stage for a commitment to using SUDS and indication of where features could be utilised, with a more detailed strategy coming forward in later design phases post-permission.

We would wish to be consulted again should the LPA decide to grant the permission prior to the information above being submitted, so that we can look to provide suitably worded conditions.

DRAINAGE ENGINEER (REVISED COMMENTS) - My understanding has always been that the guidance seeks to avoid development over or near a sewer to allow for appropriate maintenance. However, the developer states that this has been undertaken on a site elsewhere and this appears to have been acceptable. I understand the developer wants to maximise his space for viability, but it does then put the potential risk on the property owners for the future. My email to yourself was to advise the LPA of the potential issues, and see if it could be addressed through better design, but this is not a matter we will pursue.

ENVIRONMENT AGENCY - OBJECTS to the proposed development, as submitted, on the following grounds:

We object to this application as the Flood Risk Assessment (FRA) is relying on the 1 in 100 year flood level from the 2013 WYG river model, which was not validated by us.

The WYG model also used a 30% figure for Climate Change, while the current practice is to use 40%.

We therefore do not know if the current flood level prediction in the FRA is correct. Before we can agree the finished floor level for the site, and agree the location of the houses and attenuation pond, the applicant must review the predicted 1 in 100 year flood level from the WYG model, and assess the impact of the new climate change factor on the site. We would ask that the residential development and the attenuation pond are located outside the 1 in 100 year level plus climate change, and that the finished floor levels are set a minimum of 300 mm above the 1 in 100 year plus climate change flood level.

We would also request the applicant to submit a copy of the revised model of the stream for our review, and a plan drawing of the development showing the revised Flood zones, with and without climate change in relation to the dwelling and attenuation pond.

ENVIRONMENT AGENCY (FURTHER COMMENTS) - We object due to the close proximity of the houses to Flood Zone 3, and because climate change has not been taken into account. Therefore in time, there is a high risk that the houses that are nearest to Flood Zone 3 will be located within an area at a higher risk of flooding. We also have doubts as to the accuracy of our model at that location. The previous application for this site was subject to a model to improve the understanding of flood risk at the site. Unfortunately, this application is not using the outcome of the model to inform development layout and finished floor level.

We are also concerned that the back gardens of the houses are within Flood Zone 3 and that the developer is going to erect sheds and fences across the flood plain reducing the flood conveyance, removing connectivity between the river and the floodplain. The developer needs to make sure that there is no development taking place within the floodplain and that includes fences and land raising within Flood Zone 3.

ENVIRONMENT AGENCY (FINAL COMMENTS) -

The Environment Agency would WITHDRAW its earlier objection to the proposed development, subject to the inclusion of the following condition within the Decision Notice:

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) revision C by AWP and dated 24 January 2019 and the mitigation measures detailed within the FRA: The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

REASON:

To prevent the increased risk of flooding.

The above proposal falls on the edge of Flood Zone 3 which is an area with a high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year.

We therefore request that permitted development rights are removed for any property which has the garden located within Flood Zone 3. This is to ensure that future extensions are not permitted at risk of flooding.

CRIME PREVENTION- No Objection

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

"Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."

Guidance is given considering 'Crime Prevention through Environmental Design', 'Secured by Design' principles and 'Safer Places.

Design & Access Statement – the DAS, under the heading ‘*Crime Prevention*’ includes a number of bullet points relating to designing out crime and disorder, which indicates to me that the applicant has taken into account crime prevention measures in the design of this development. In particular, the section refers to Secured by Design, which is the UK Police flagship initiative founded on the principles of designing out crime. I agree with the comments made in this section and would expand on them further below:-

Layout of Roads & Footpaths - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features such as road surface changes by colour or texture, rumble strips or similar at the entrance to and within the development would help reinforce the defensible space of the development giving the impression that the area is private and deterring unauthorised access. The short cul-de-sac nature of the development with a single vehicular entrance/exit and limited pedestrian links also has advantages from a crime prevention viewpoint in that it can help frustrate the search and escape patterns of the potential offender.

Orientation of Dwellings - all appear to overlook the street and public spaces which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection.

Communal Areas - have the potential to generate crime, the fear of crime and ASB and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. The POS at the front of this development appears to be well overlooked by the dwellings.

Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front should be kept low, maximum height 1 metre to assist this, which appears to be proposed. More vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fencing and lockable. This is particularly relevant, as the dwellings around the perimeter back onto open fields or the veterinary hospital. Plot 1 immediately abuts the POS, so the gable end of this plot should incorporate an element of defensible space to deter crime and ASB affecting this particular dwelling.

Similarly, Plots 21 & 22 abut a public footpath and an element of defensible space should be incorporated into the gable ends of these plots, even if only in the form of a narrow strip of planting or similar.

Car Parking – the majority of parking appears to be on-plot garages and parking spaces, which is the recommended option. The communal on-street parking spaces for Plots 8-11 are close to and well overlooked by these dwellings, which is also recommended.

Landscaping/Planting – should not impede opportunities for natural surveillance

and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, i.e. dwelling frontages shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. This is particularly relevant in respect of the dwellings overlooking the public open space.

Street Lighting – all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.

Physical Security of Dwellings – in order to comply with *Approved Document Q: Security – Dwellings* of building regulations, all external doorsets and ground floor or easily accessible windows and rooflights must be tested to PAS 24:2016 security standard or equivalent.

HOUSING ENABLING (ORIGINAL COMMENTS) - Following the submission of a viability appraisal detailing the abnormal works required across the site including :

- Delivery of a large public open space to an appropriate standard.
- Upgrading the existing access.
- Delivering an abnormally long spine to adoptable standards for only 23 houses.
- Flood mitigation works.

It has been agreed the affordable housing requirement will be 5 Discounted Open Market (My Home) houses to be sold at no greater than 80% of the open market value in perpetuity. The mix of these homes are intended to be 4 x 2 bedroom semi-detached houses and 1 x 2 bedroom coach house.

The S106 Agreement will contain the Taunton Deane Standard Clauses to detail the conditions for the sale and any subsequent resale of Discounted Open Market properties, such clauses to be agreed with the Housing Enabling Lead or such post that supersedes this role.

HOUSING ENABLING (FURTHER COMMENTS) - Following the submission of a viability appraisal detailing the abnormal works required across the site including :

- Delivery of a large public open space to an appropriate standard.
- Upgrading the existing access.
- Delivering an abnormally long spine to adoptable standards for only 23 houses.
- Flood mitigation works.

It has been agreed the affordable housing requirement will be 5 Discounted Open Market (My Home) houses to be sold at no greater than 80% of the open market value in perpetuity. The mix of these homes are intended to be 4 x 2 bedroom semi-detached houses and 1 x 2 bedroom coach house.

The S106 Agreement will contain the Taunton Deane Standard Clauses to detail the conditions for the sale and any subsequent resale of Discounted Open Market properties, such clauses to be agreed with the Housing Enabling Lead or such post that supersedes this role.

HOUSING ENABLING (FINAL COMMENTS)

From a scheme of 23 units the policy position of 25% does trigger 5.75 affordable housing contribution, however a viability assessment was put forward by the applicant which demonstrated the scheme was unable to provide any affordable housing. As included with the consultee comments the main triggers for viability issued include :-

- Delivery of a large public open space to an appropriate standard.
- Upgrading the existing access.
- Delivering an abnormally long spine to adoptable standards for only 23 houses.
- Flood mitigation works.

Following detailed discussions around the viability information over many months, including seeking independent advice and a further reappraisal by the developer it was agreed the scheme could deliver 5 discounted open market properties at 80% of open market value.

SOUTH WEST HERITAGE TRUST - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

LEISURE DEVELOPMENT - Provision for childrens play should be made. 20 sq.m of both equipped and non-equipped child's play space per each 2 bed + dwelling is required.

1 x LEAP at 400 sq.m should be provided. The LEAP shall contain at least 5 items of play equipment covering the play disciplines of swinging, sliding, climbing, spinning, rocking and balancing along with a seat, bin and sign. If fenced, 1 x access gate and 2 x pedestrian outward opening gates should be provided.

All play equipment must have a manufacturers guarantee of at least 15 years. Wooden equipment should be in metal feet.

A detailed plan of the LEAP should be submitted for approval prior to implementation.

BIODIVERSITY - Landscape

The site already has outline permission for the development of 18 dwellings. I consider that the new houses should be located further away from the southern stream, which should be buffered.

There is also scope for much more landscaping, adjacent to the stream but also in the open space to the west of the development.

Species chosen are typical of new housing areas but I would like to see the planting of native trees in the open space.

The design of the pond should provide biodiversity gain. For what amount of time will it hold water? Is there scope for some marginal vegetation?

Biodiversity

Given that several years have passed since the previous ecological surveys were

carried out, Green Ecology carried out a preliminary ecological appraisal of the site dated July 2018.

Findings were as follows:

Habitats

The habitats within the site have mainly remained unchanged since 2013.

Protected sites

There are several statutory sites located within 5km of the site as well as several non-statutory sites located within 2km of the site.

Badgers

The surveyor noted no signs of badgers on site although there were several mammal crossings on the stream banks and there is potential foraging in the grassland.

Bats

At least 8 species of bat use the site, including lesser horseshoe. During surveys carried out in April and June 2018 common pipistrelle, soprano pipistrelle and noctule bats were seen foraging on site. Surveys are ongoing.

Birds

Hedgerows and potentially grassland offer nesting and foraging potential for birds on site.

No vegetation should be removed outside of the bird nesting season and the grass within the field should be regularly mown to deter ground nesting birds.

Dormice

A dormouse nest was recorded in August 2013 so dormouse are still assumed to be present on site. Hedgerows will remain unaffected. I would like to see all vegetation retained and a sensitive lighting strategy designed to minimise effects on dormice. Additional planting on this site would also be of benefit to dormice. If any vegetation is removed an EPS licence would be required.

Great crested newts

Two ponds that link to the site via hedgerows are located within 0.5km of the site. A low population of GCN was recorded in the area in 2005. eDNA surveys returned a negative result for GCN so no impact is envisaged. I think it unlikely that GCN would be present in the stream.

Reptiles

The hedgerow bases may offer suitable habitat for reptiles.

White clawed crayfish

Given the stream's silty bed and lack of large boulders and submerged rocks the stream is considered sub optimal for WCC.

Otter

No field signs of otter were noted on site.

Water vole

The banks of the stream are shaded. No signs of water vole were noted. I support the proposal to carry out native, shrub and tree planting, create a pond and install bird and bat boxes. However I would like to see the area of planting increased and a buffer planted adjacent to the stream.

Suggested Condition for protected species:

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 be based on the advice of Green Ecology's preliminary ecological appraisal submitted report, dated July 2018 and the Bat Addendum report and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
3. Measures for the retention and replacement and enhancement of places of rest for the species;
4. A Construction and Environmental Management plan (CEMP);
5. A landscape and ecological management plan (LEMP);
6. Details of external lighting.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority 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.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

SCC - RIGHTS OF WAY - No comment.

Representations Received

Four letters of objection are summarised below:

- there is no need for more housing in Wellington;
- it will result in an increase in traffic and use of a dangerous access;
- loss of wildlife;

- the discharge of storm water into an adjacent stream will cause flooding down stream.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
CP4 - Housing,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
DM4 - Design,
A5 - Accessibility of development,
C2 - Provision of recreational open space,
D10 - Dwelling Sizes,
D2 - Approach routes to Taunton and Wellington,
D7 - Design quality,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
SB1 - Settlement Boundaries,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
Proposed development measures approx. 2312sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £289,000.00. With index linking this increases to approximately £384,500.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£24,819
Somerset County Council	£6,205

6 Year Payment

Taunton Deane Borough	£148,911
Somerset County Council	£37,228

Determining issues and considerations

Principle of Development

This application lies outside, but adjoining, the settlement limit for Wellington. Residential development of this land is therefore contrary to Policy DM2 and CP8 of the Core Strategy and there is a presumption against the development. The Site Allocations and Development Management Policies Plan (SADMPP) identifies the land as recreational space protected under Policy C2. The site comprises a parcel of semi-improved grassland formerly in agricultural use. Although the site is allocated for recreational space, there is no formal public right of access to the site. The application proposes to confine built development to the western part of the site whilst making the eastern part of the site closer to the main road, available as a new public open space. The formalisation of this open space with the additional planting proposed is considered to be a positive benefit that weighs in favour of the application.

This site is on the edge of Wellington and is some distance from the facilities and services offered by the Town Centre. The site is around 800m from the closest Primary School (St. Johns) and around 1200m from the Town Centre (North Street/South Street; Fore Street/High Street cross roads) as the crow flies. The proposed footpath link into the main Cades Farm development from the eastern site boundary means that the walking routes are not much greater than these (c.900m and 1400m respectively). The site is also well served by frequent buses between Wellington and Taunton, which would stop close to the site entrance on Taunton Road and provide an easy and regular link into town. It is also close to employment opportunities at the Chelston and Westpark Business Parks. The site is therefore within a reasonably sustainable location on the edge of Wellington.

Notwithstanding the fact that the total amount of housing for Wellington is already allocated in the plan, the proposal will result in the delivery of additional housing and the economic benefits that stem from that. The NPPF is clear that housing, generally, is considered to be a benefit and that permission should generally be granted for 'sustainable development'. It is also of relevance that the planning permission for 18 dwellings on this site (including 5 affordable units) granted in 2014 remains extant. It is therefore a material consideration. In addition, there has been no material change to local plan policy since that date. It is considered that sufficient weight can be attributed to these considerations to outweigh the conflict with the development plan in terms of the principle of the development.

Affordable Housing

The previous permission was for 18 dwellings including 5 affordable units. This scheme was unviable and none of the dwellings complied with the National Space Standards as now set out under Policy D10. The proposal now seeks to provide a total of 23 dwellings with 5 affordable units. There has been a lengthy dialogue with

the applicant over the viability of the site taking into account the site constraints. The applicant has submitted a Viability Assessment which has been independently verified by an external consultant on behalf of the Council. It has now been agreed with the Council's Housing Lead that 5 no. Discounted Open Market dwellings will be provided. Members should note that Discounted Open Market dwellings fall within the definition of affordable housing as set out in the revised NPPF. In addition, the house types have been amended to increase the number of dwellings that will comply with the National Space Standards. In total, 9 no. will be fully compliant; 10 no. will be partially compliant and 4 no. will have minimal compliance. This increase to 9 fully compliant dwellings is considered to be a significant improvement on the previous scheme. This is particularly pertinent with regard to the "fall back" position where none of the dwellings would comply.

Impact on the Green Wedge

The site is bisected north to south by a green wedge, as identified in the SADMPP. The proposed development would be to the west of the green wedge and will abut existing residential development at Cades Farm and the veterinary hospital to the north. The land to the east will remain undeveloped and will be formalised as public open space. Roughly in the centre of the site, towards the eastern extent of the proposed development, there is a large Oak tree, protected by a Tree Preservation Order. This is broadly in line with the access to the veterinary hospital. This large tree is an important visual feature in the area and helps to define the open space between Wellington and Chelston. This tree provides an obvious marker for the eastern edge of the development. This tree will remain the dominant landscape feature of the site and be clearly visible through the access from Taunton Road. It will also help screen the development behind and assimilate it into the open countryside. Although the housing will still be outside the settlement limit, it will be located outside the green wedge. It is therefore considered appropriate for development. It will not harm to the visual amenities of the area or harm the visual and recreational function of the green wedge.

Wildlife

Wildlife surveys submitted with the application indicate the presence of dormice in the boundary hedgerows, which birds may also use for nesting and bats may use for foraging. There was no evidence that otters, water vole, reptiles and crayfish are present in the watercourse as a constraint to development of the site.

The proposed footpath link to the residential development to the west requires the formation of a new gap in the hedgerow. This will result in the deliberate disturbance of Dormouse habitat, which will require a license from Natural England. The hedgerow removal is only required to provide a footpath link to the adjoining residential development. The footpath would significantly reduce walking distances to the nearby children's play area, primary school and town centre services. The removal would be very limited and there are substantial benefits to be gained from providing the footpath link. It is proposed to mitigate the loss of vegetation from the hedgerow. Given that only a narrow gap is required for the footpath, the new planting should establish effectively and quickly.

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

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

Design and Layout

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

The dwellings are considered to be acceptably designed and would be constructed in a mixture of render and red brick. This will fit in with the vernacular of the new development on the adjoining sites.

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

Highway Impact

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

The Highway Authority estate roads team have raised a number of comments about the detailed layout of the highway, but it is considered that these can be dealt with through their standard condition requiring final submission and approval of the estate roads. There will be no adverse impact on highway safety.

With regard to car parking, the development will provide a total of 63 parking spaces. This exceeds the 54 parking spaces required under the Council's adopted parking standards within the SADM. It should be noted that the Somerset Parking Strategy (which requires 64 spaces) has been superseded by the SADM parking policy.

The Highway Authority has recommended a number of conditions. Included in their recommendations are requests for a construction traffic management plan and condition survey of the public highway. Given that the site is directly accessed from

the main road network, which carries a large amount of traffic already, these conditions are not considered reasonable. Conditions requiring the access to be no steeper than 1 in 10 are not necessary as the site is relatively flat. Whilst drainage of the site is considered, it is not considered that obtaining the necessary connection rights to existing drainage infrastructure should be a pre-condition of development.

Flood Risk

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

Trees

The Council's Tree Officer initially raised concerns about the proximity of some of the dwellings in relation to established trees along the southern boundary. The plans have since been revised and Plots 4, 5, 20 and 21 have been re-sited further away from this boundary. The tree root protection areas will not be encroached upon by any of the dwellings, as shown on the revised landscape plan.

Conclusions

The development is contrary to the development plan as it lies outside the settlement limit and partly affects the green wedge. However, the new development will be contained behind the mature tree in the centre of the site. In addition, due to the strong tree line to the southeast, it is considered that the eastern extent of the development is a logical one that respects existing landscape features. The proposed landscaping within the public open space to the east would essentially screen the development from Taunton Road. This will help retain and reinforce the open break between Wellington and Chelston. The provision of a formal public open space will help the green wedge to fulfil one of its stated objectives which would otherwise be unachievable. This combined with the delivery of housing in a sustainable location is considered to outweigh the conflict with the plan.

With regard to the foregoing, and with suitable conditions in place, it is considered that the proposed development is acceptable. It is, therefore, recommended that planning permission is granted subject to a Section 106 agreement. The legal agreement will secure the affordable housing and the provision of public open space, as set out within the consultation responses from the Council's Housing Lead and Leisure Development.

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

Contact Officer: Ms A Penn