

GLADMAN DEVELOPMENTS LTD

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

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

Grid Reference: 312264.119438

Outline Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed development is outside the defined settlement limit of Wellington and Rockwell Green. It would result in an unplanned extension of the town, preventing a full assessment of the most sustainable options for future growth. It is, therefore contrary to Policies CP8 and DM2 of the Taunton Deane Core Strategy.

The site is too far distanced from Rockwell Green Primary School and parts of the development are too far distanced from local shopping facilities for residents of the proposed development not to be reliant on private cars to access these facilities, contrary to Policy A5 of the Taunton Deane Site Allocations and Development Management Plan. In any case, there is insufficient capacity at Rockwell Green Primary School to accommodate the likely increase in pupils that would result from the proposed development and future occupiers would need to travel even greater distances to primary school or displace existing residents of the area. Accordingly, the proposal is in serious conflict with Policy A5 as the access to primary education cannot be mitigated. The development is, therefore, not sustainable within the meaning of the National Planning Policy Framework.

- 2 Insufficient information has been provided to demonstrate that the proposed development is not contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane District Core Strategy (adopted 2011-2028) since the proposed development is likely to result in a severe transport impact, which could be prejudicial to the safety, amenity and convenience of highway users.
- 3 Insufficient information has been submitted to demonstrate that the proposed development will not result in harm to European Protected Species. The development is, therefore, contrary to Policy CP8 of the Taunton Deane Core Strategy.
- 4 There is no mechanism in place to secure appropriate affordable housing provision, children's play facilities or an acceptable travel plan as part of the

development. The proposal is, therefore, contrary to Policy CP4 of the Taunton Deane Core Strategy and Policies A2 and C2 of the Taunton Deane Site Allocations and Development Management Plan.

Recommended Conditions (if applicable)

Notes to Applicant

Proposal

This application seeks outline planning permission for a residential development of up to 205 dwellings with up to 60 bed apartments with Care (C2 use class). Approval is sought for access at this stage, with two vehicular access points proposed from Exeter Road and further pedestrian access routes at the northern end of the site to Exeter Road and Bagley Road.

A development framework plan indicates that the C2 apartments would be provided centrally on the Exeter Road frontage, additional tree planting is proposed along the A38 to the south of the site to form a 15m landscape buffer; a 10m wide landscaped strip would be provided along Exeter Road. The plans show likely locations for surface water attenuation facilities in the northern part of the site and centrally positioned public open space and play facilities. The plans also indicate that the garden areas of two adjoining properties on Bagley Road would be extended into the site.

Site Description

The site is a relatively flat, broadly triangular area of land on the western extremity of Rockwell Green. It is bordered to the northwest by Exeter Road – the main route into Wellington from the west and to the south by the A38 Wellington relief road. The southern boundary is fairly heavily planted with existing trees obscuring views into the site from the A38; the north western boundary is more open with lower hedge planting and some views into the site. There is a wide highway verge along much of the boundary, which includes some tree planting.

To the east the site is bordered by Bagley Road; there are a number of dwellings whose curtilages extend from the road towards the site. There are a couple of additional dwellings adjoining the northern part of the site adjoining Exeter Road, one of which is accessed from Exeter Road, the other from Bagley Road.

Relevant Planning History

There is no relevant planning history for this site.

Consultation Responses

WELLINGTON TOWN COUNCIL - Recommended that permission be refused for

the following reasons:

- The application does not fall within the Core Strategy.
- There is already an adequate supply of allocated land in Wellington.
- There is insufficient infrastructure in Wellington, Rockwell Green and the surrounding area to support this development.

SCC - TRANSPORT DEVELOPMENT GROUP – The applicant wishes to erect up to 205 dwellings and up to 60 apartments ‘with care’ and associated Infrastructure and Public Open Space. The dwellings and apartments are to be accessed by a series of new residential roads that feed onto two junctions with Exeter Road.

The proposal in question lies east off the classified Exeter road and west off the classified Bagley Road situated south west of Rockwell Green and west of Wellington. The speed limit is derestricted past the proposed accesses & therefore appropriate visibility splays of 2.4m x 215m would be required unless as proposed there is a change in speed limit, which would result in a reduction of visibility requirement. The proposal would generate a substantial increase in vehicular movement onto the local highway.

Transport Assessment

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

TRICS outputs for the 60 care apartments from the proposal have not been included.

On reviewing the submitted documentation, whilst it is the opinion of the Highway Authority that the immediate highway can accommodate the likely traffic from the proposal there is no information on the impact the additional vehicle movements from the proposal would have on the surrounding road network & key A38 junctions, namely Pyles Thorne Road and Chelston Roundabout.

Furthermore, the TA has not taken into consideration committed development. Jurston Farm would need to be included in consideration of those junctions. Development at Cades Farm and Longforth Farm (not yet built out) and Comeytrove would need to be considered for an assessment of the Chelston Roundabout.

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

Road Safety

The A38 Exeter Road/Nowers Lane roundabout layout is not to current highway standards, and has poor deflection on some approaches which might encourage higher traffic speeds than would be desirable. Consideration should be given to any improvements that could be made at this location. Whilst not a capacity concern, there is a history of accidents & the additional traffic from this proposal could add to

the safety concern.

Exeter Road is currently a relatively wide straight section of road under the national speed limit that used to be the A38. Residents from Wellington and Rockwell Green use this as an easy and convenient access to and from the towns and any additional junctions are likely to cause conflict if not properly designed and executed.

The proposal indicates the current derestricted limit along Exeter Road and the proposed access points to be reduced to 30mph. If it were to be reduced subject to TRO, any change to the speed limit may require a range of engineering treatments to change the environment due to the current width of the carriageway.

The application highlights that potential pedestrian connections to the east have been identified. There appears to be no further information regarding pedestrian linkage and a provision of consistent footway currently lacking, to the east of Bagley Road.

Accident History

On reviewing the recorded PIA's (Personal Injury Accidents) for the last five years 4 were recorded on the nearby roundabout south-west of the site and two accidents, were recorded north east of the site where Bagley Road meets Exeter Road. Additional vehicular movement generated from the proposed development could increase the PIA occurrence.

Travel Plan

The Framework travel Plan (FTP) as it currently stands has not been approved as many elements are missing. Although this is outline, with reserved matters, it is important to include the principles within the FTP. However, there are also significant amendments to be made to the TA which will have a detrimental impact on the FTP. Therefore we will not comment until further investigation and justification of the TA has been addressed.

Estate Road

As an Outline application with all matters reserved (except for means of access) the internal layout is not being considered at this time given our other concerns & findings.

Flood Risk Assessment

Please find the comments below relating to both the existing and prospective public highway networks.

Comment 1

Clause 2.5 relates to the existing surface water drainage arrangements within and adjacent to the site and specifically identifies a culvert running diagonally south east to north west across the site. Our limited highway drainage records indicate the presence of highway drains/culverted ditches at both the southern and northern ends of Bagley Road but unfortunately do not confirm any connectivity with the culvert crossing the development site. This notwithstanding, given the location of the culvert it more than probably serves to transfer surface water run-off from Bagley Road to the watercourse on the north western side of Exeter Road. This being the case, the highway authority enjoys the prescriptive rights to discharge into this culvert and these rights must be represented in the surface water management strategy for the development.

Comment 2

In clause 2.5.4 it is speculated that the ditch on the north western side of Exeter Road, in close proximity to the junction of Exeter Road with Bagley Road, accepts surface water flows from the new Redrow development and/or highway drainage from Bagley. Wessex Water's sewer maps would indicate that the surface water from the development discharges to ditches to the east of the development and not towards Exeter Road. However, our limited highway drainage information for the northern end of Bagley road indicates that a highway drainage system could outfall towards the above mentioned ditch.

Comment 3

The surface water management strategy proposed dissects the development into 2 catchment areas, Area A to the south of the presumed route of the existing culvert running diagonally across the site and Area B to the north of this same culvert. The performance of this culvert is of interest to the highway authority as summarised previously and should it be over-burdened then this may have a detrimental effect upon the collection and discharge of highway run-off.

Unless this culvert is perforated or laid with open joints then the contours of the land would indicate that the natural run-off from only a small proportion of Area A currently finds its way into this existing culvert. It would be appropriate therefore to assess the capacity of this culvert to ensure that its capacity is not compromised and upgrade as necessary.

Comment 4

In terms of the second catchment, Area B, the question is as to whether this drain/culvert currently serves to accept natural run-off from the development land and therefore whether the drain/culvert has the capacity to accept the increased flow. As this drain/culvert currently serves to discharge run-off from Bagley Road then any reduction in its performance could lead to flooding on the road. As this drain/culvert was affected by the installation of the new footway serving the Redrow development then records of its size, location and condition may have been ascertained during the development works. It is possible that this drain/culvert was installed solely for the purpose of draining the highway but this will need to be ascertained through further investigation. We will interrogate our files to establish whether any such records have been secured and advise the Local Planning Authority further.

Comment 5

The indicative internal road layout on the Surface Water Drainage Strategy plan shows the existing culvert passing under one of the estate roads. Allowance should be made to replace that section of the culvert passing under the road to ensure that it satisfies current adoptable standards. Access manholes should be provided at the upstream and downstream ends of the road crossing to facilitate maintenance access.

Conclusion

On balance of the above the application lacks the required information for the scale of the proposal. The Highway Authority is concerned that the proposal could have a negative impact on the local surrounding network. The applicant would have to provide further detailed evidence as mentioned above to justify the application in accordance with the NPPF. Therefore The Highway Authority would recommend refusal.

SCC - CHIEF EDUCATION OFFICER – Thank you for your notification regarding application 43/17/0002 an outline application for 205 dwellings and up to 60 apartments west of Bagley Road Rockwell Green. We are also aware that there is a further application submitted for 29 dwellings (43/16/0135) within the Rockwell Green C of E Primary School catchment area. The authority wish to bring to your attention that whilst this school is currently being expanded by 30 places, this is to accommodate the existing need within this catchment area. Due to site constraints, once this work is completed, the school cannot be expanded further. It follows that SCC would not be able to provide sufficient places at this school for children coming forward from these or any further developments in Rockwell Green.

SW HERITAGE TRUST (ARCHAEOLOGY) – The applicant has submitted an archaeological desk-based assessment (d-ba) in support of the application. In general I agree with the conclusions of the d-ba that any archaeology on this site is likely to be of local significance and can be dealt with through the imposition of a condition on permission.

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

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

SCC - RIGHTS OF WAY – No comments received.

WESSEX WATER – The LLFA have responded on the proposals for surface water and we have no further comments.

We have previously confirmed a point of foul water connection is available in Bagley Road and that there is sufficient treatment capacity at the Sewage Treatment Works to treat additional flows from the development. The on-site network of foul sewers will be adopted under S104 agreement subject to technical approval.

As the applicant identifies there are existing Public Foul Lateral Drains within the site which may require relocation if they cannot be accommodated in the current location.

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

The applicant has indicated an intention to drain the site in two sections. For Area A, 6.24ha, it is proposed to construct an attenuation pond onsite and discharge at greenfield rates to the existing culverted watercourse that runs through the northern area of the site; for Area B, 0.65ha, it is proposed to construct an attenuation pond onsite and discharge at greenfield rates to the existing culverted watercourse on the opposite side of the existing carriageway to the Eastern boundary, however catchment details or calculations have been included to prove that either of these culverts can accommodate any additional surface water runoff.

The applicant will need to provide substantive details within any further application to prove the validity of their proposals.

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

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

The Design and Access Statement proposes "Local Equipped Area of Play Space. An equipped children's play area to offer toddler, child and teenage provision. The play space will be set within an area of public open space to the south of the site."

Children aged 8 years and under should not have to walk more than 400 metres to their nearest equipped play area. The development outline proposals does not appear to have dwellings more than 400 metres from the further dwelling. Locating all children's play within the one site within the development is therefore to be welcomed as it provides a better play experience.

However the proposal for 1 x Local Equipped Area of Play Space (LEAP) is unacceptable on a development of this size. 205 dwellings if all 2 bed+ should provide 20 sq metres of equipped and non-equipped play space giving a total of 4,100 sq metres. The development should therefore provide 1 x LEAP and 1 x

NEAP (Neighbourhood Equipped Area for Play), as a minimum of the equipped play space.

The LEAP of at minimum of 400 sq metres should contain at least 5 pieces of play equipment for children aged 4 – 8 years to cover all the play disciplines of swinging, sliding, rotating, climbing, rocking and balancing. The NEAP of at least 1,000 sq metres should contain at least 8 pieces of equipment to cover the disciplines and be suitable for ages 8 years to adult. Both areas should contain a seating, bin and signage.

The play areas should as proposed be centrally located and overlooked by front facing properties to promote natural surveillance. The LEAP should be fenced with at least 2 x outward opening self-closing gates and a gate for maintenance access.

Provision for the under 4's could be made within the LEAP, which would then need to be larger than 400 sq metres to accommodate the extra equipment.

The design of the play areas should be submitted for approval by TDBC Open Spaces.

Open Spaces should also be asked to comment on the green infrastructure and its layout proposals

HERITAGE – No comments received.

LANDSCAPE – A Landscape and Visual Appraisal (LVA) of the proposed development carried out by FPCR Environmental and Design Ltd is in accordance with the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3), published by the Landscape Institute.

The site is broadly triangular and is situated at the south western edge of the village of Rockwell Green. It comprises two pastoral fields and one arable field divided by field boundary vegetation and trees, surrounded on three sides by roads. The southern boundary follows the relatively busy A38, the northern boundary follows Exeter Road, and the eastern boundary follows Bagley Road.

The site has a high point of approximately 97m AOD in the middle of the southern boundary of the site where it adjoins the A38. From this highpoint it slopes down to the northern, eastern and western boundaries, reaching a low point of 88m AOD at the junction of the A38 and Exeter Road.

Landscape character

At a national scale, the site lies within NCA 146: Vale of Taunton and Quantock Fringes. At a local scale, the site is located within Landscape Character Type 3: Farmed and Settled High Vale and within the sub Character Area 3b: Blackdown Fringes.

The Blackdown hills AONB lie to the south of the site.

The site (lying within the close context of the existing settlement edge of Rockwell Green) and immediate surroundings are urban edge in character, being surrounded on all three sides by roads, and on the east side by residential development and an industrial estate.

The site landscape itself is of medium overall sensitivity and landscape value. It is not designated and contains relatively few significant or particularly distinctive landscape features, the majority of which are to be retained.

Visual

The site's southernmost field is quite open, and there are views out of the site towards both the Quantock Hills to the north, and to the Blackdown Hills to the south, with the Wellington Monument visible on the skyline. However, views are effected by the existing houses, roads and industrial units. Whilst the view is pleasant, it does not convey a strong sense of scenic quality due to the surrounding road network and adjacent settlement.

The appraisal viewed the site from seventeen viewpoints.

The visual envelope is relatively restricted to the immediate south, due to a combination of overlapping hedgerows and contours. There are medium distance views towards the site from the north due to the topography of the site, from a number of minor roads and footpaths, however these are generally distant views as close-range views are screened by the planting alongside Exeter Road.

Views from the east are restricted by the existing adjacent settlement.

Vehicular users of the A38 will experience a change to the view both on approach from the east and west. I consider the most prominent view is from the west, where the site is visible along the channelled approach to Rockwell Green on the A38. The closest residential receptors are seven existing properties that back onto the site off Exeter Road and Bagley Road. These properties have been considered within the master plan and a number of different treatments are proposed including extension of gardens and buffer planting.

Visitors to the Wellington Monument approximately 2km to the south of the site have views north towards the Quantock Hills. There will be potential glimpses of the proposed dwellings on the site in winter, but these will be seen from a distance and in the context of the adjacent settlement.

Summary and Conclusion

The site is not subject to any national, local or other landscape designations. It is characterised by intensively farmed agricultural land, both pastoral to the north and arable in the south. All trees are located along the boundaries of the field parcels and overall the landscape of the site is judged to be of moderate condition. The landscape within the site is influenced both by the existing settlement edge and the roads that surround the site.

Views from the site are effected by the existing houses, roads and industrial units. To the west, the site is visible along the channelled approach to Rockwell Green.

The proposed landscape buffer adjacent to the existing roundabout (which I consider should be increased in depth on this corner to 20 m) will help to mitigate

this view by creating a green, wooded approach to the settlement.

From the east, the vehicular user's view will be improved by new buffer planting.

To conclude, I agree that, subject to extensive landscaping, a residential scheme can be accommodated on the site without any unacceptable landscape or visual effects.

ECONOMIC DEVELOPMENT – No comments received.

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

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

The required mix would be:

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

The intermediate housing should be in the form of 2b4p and 3b5/6p houses.

The affordable units should be an integral part of the development and should not be visually distinguishable from the market housing on site. The affordable housing should be evenly distributed across the site and in clusters of no more than 15 units. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list. Additional guidance is available within the adopted Affordable Housing Supplementary Planning Guidance.

POLICE ARCHITECTURAL LIAISON OFFICER – Comments as follows:

Crime Statistics – reported crime for the area of this proposed development during the period 01/01/2016-31/12/2016 (within 500 metre radius of the grid reference) is as follows:-

Burglary - 2 Offences (both dwelling burglaries)

Criminal Damage - 2 Offences (both criminal damage to motor vehicles)

Drug Offences - 1

Theft & Handling Stolen Goods - 3 Offences

Violence Against the Person - 5 Offences (incl. 3 assault ABH & 1 harassment)

Total - 13 Offences

This is just over 1 offence per month, which is classed as a very low level of crime.

Design & Access Statement - the DAS accompanying the application contains a section, entitled '**Safer Places and Crime Prevention**', which is self-explanatory, and indicates to me that the applicant has considered the potential crime and disorder implications of this application. I support the various comments made in this

section, which refers to the '**Secured by Design**' police initiative and explains how the application addresses these criteria. I would add the further comments:-

Layout of Roads & Footpaths – generally speaking, 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 within the development would help reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The limited number of vehicular and pedestrian routes into the development also has advantages from a crime prevention viewpoint in that it can help frustrate the search and escape patterns of the potential offender. I have some concerns about the route of the proposed footpath around the edge of the development which, although overlooked by dwellings in some areas, appears to go through areas of planting and landscaping in some places which could be a personal safety concern.

Orientation of Dwellings – all the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. A majority of the dwellings are also 'back to back', which improves their rear security by restricting unlawful access to the rear, which is where the majority of burglaries occur.

Play Area - 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 proposed Play Areas are located in the centre of the development with good all round surveillance from nearby dwellings.

Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. From the Illustrative Masterplan, this appears to be the case in this development and, although the fine detail of dwelling boundaries cannot really be assessed, this is confirmed in the above-mentioned section in the DAS. Vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable.

Car Parking – police advice is that cars should either be parked in a locked garage or hard standing within the dwelling curtilage. Where communal parking areas are essential they should be in small groups, close and adjacent to homes and within

view of active rooms within these homes. The proposed parking arrangements appear to comply with these recommendations.

Landscaping/Planting – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. From a personal safety and safeguarding children perspective, this is particularly important in respect of the proposed planting between the Play Areas and overlooking dwelling frontages. Low level shrubs or open columnar trees should be planted in this area to avoid restricting surveillance of the Play Areas.

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**, all external doorsets and easily accessible windows and rooflights must comply with PAS 24:2016 security standard or equivalent.

Secured by Design - if planning permission is granted, the applicant is encouraged to refer to the '**SBD Homes 2016**' design guide available on the police approved Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

BIODIVERSITY - This application is outline for the erection of up to 205 dwellings and 60 apartments on land to the west of Bagley Road, Wellington.

The site comprises of three fields bounded on all sides by roads. The fields were generally of low ecological value. The hedgerows on site were classed as having moderately high ecological value. The proposal includes the retention of hedgerows but with four breaks amounting to the removal of 46m of hedgerow. Each break will not exceed 10-12 m. To compensate for this loss the applicant proposes to plant 141 m of new hedgerow.

A group of mature trees was located at the entrance of field F3.

FPCR Environment and Design Ltd carried out an Ecological Appraisal of the site in December 2016.

Dormice

A dormice survey was carried out by the applicant but this did not commence until August so it was not possible to achieve the recommended effort score as stated in The Dormouse Conservation handbook.

I therefore consider that prior to any development additional survey should

take place over the next survey season to obtain a clearer use of the site by dormice.

No individual dormice were identified during the survey but a small number of mammal nests were identified. The surveyor therefore does not know if the presence of dormice needs to be considered or not. He does however consider that an EPS licence is not considered appropriate.

As the presence of dormice cannot be ruled out he has suggested displacement of any individuals by persuasion.

He has also suggested planting overhanging trees over the highway but the County Ecologist is not confident that this form of mitigation will be acceptable to Somerset Highways as it would block street lighting and could become a future maintenance problem. Dormice are known to cross roads but this activity is in unlit conditions.

To conclude, as the mitigation could be doubtful it would be useful to have full surveys to determine presence/absence so that an informed comment could be made. If dormice are not present on site, which may be the case, then there is no concern.

Reptiles

Boundary vegetation and areas of grassland and bare ground offer the best potential reptile habitat. A total of 60 artificial refugia were located around the site. Seven repeat visits were undertaken but no reptiles were recorded throughout the survey period.

The surveyor has suggested as a precautionary measure that the potential habitat for reptiles should be maintained by regular mowing or grazing.

Bats

It was not possible within the time scale to complete a full survey over the complete active season for bats.

At least ten species of bat were recorded on site, with common pipistrelle being the dominant species. Generally levels of activity were low with higher levels recorded along the hedge across the centre of the site.

Barbastelle, lesser horseshoe and greater horseshoe were recorded on site, albeit in low numbers. The surveys showed that species were using the linear features on site for casual foraging and commuting purposes

Trees on site were assessed for potential for bat roosting. Three trees were assessed as having potential to support roosting bats. On closer inspection the three trees were then assessed as having low to negligible potential. The tree with low potential is to be retained within the green infrastructure

To minimise the potential impacts of the development where hedge lines are

interrupted the applicant suggests appropriate management to create hop overs to facilitate unhindered movement of bats. This will help pipistrelle bats. The use of lights on sections of road bisecting hedges should be avoided.

Birds

A scoping bird survey was conducted on 16th August .The site supports unremarkable numbers of common and widespread bird species.

The improved grassland and boundary hedging are typical of edge of settlement farmland and so are considered to only likely to support low numbers of birds.

Removal of vegetation should take place outside of the bird nesting season.

Badger

The surveyor found no evidence of occupation by badgers on site but noted evidence of use of the site by badgers for casual foraging.

I agree that further survey would be advisable if a period of time lapses before the commencement of any construction. I agree that precautionary measures are required during any construction stage

I support the recommendation to leave a 5m buffer against existing hedgerows and to carry out biodiversity enhancements through the landscape plan

ENVIRONMENT AGENCY – No comments received.

WALES AND WEST UTILITIES – Gas pipes in the vicinity may be affected by the proposal. The developer should contact W&W directly should permission be granted. Guidance and further information provided.

Representations Received

Ward Councillor (Cllr J Reed): "The Green Fields have been one of the things that has made this Country special helping to contain the ugly urban sprawl that blights much of Europe and America. This application is outside the village settlement area and a threat to yet more concrete covering our countryside.

Brexit should ease the population pressure that has caused building on our countryside so it is unnecessary to continue using Green Field Sites for Housing.

Many residents living in Bagley Road and Rockwell Green will be aware of flooding issues in this area in the past and building on this land will make this problem far worse".

38 letters of **objection** have been received raising the following issues:

- It is questionable whether additional housing is required.
- There are insufficient employment opportunities for future residents.
- The proposal is contrary to the development plan.
- Development here would undoubtedly lead to the allocation of land to the north of Exeter Road in the future.
- The site is not as well related to the urban form of Wellington and Rockwell Green as compared to other sites presented through the SHLAA and has been discounted for this purpose.
- The Council is able to demonstrate a 5 year land supply, with the relevant buffers.
- There is already substantial development in Wellington.
- The developer's assertion that there are good local facilities is laughable. The only limited facilities are accessed via the narrow Popes Lane that can only carry single file traffic. The site is not well related to existing facilities.
- There will be extra traffic in Exeter Road and Bagley Road which have already seen significant increases in traffic.
- The loss or interruption of the footpath along Exeter Road would be detrimental to local residents' enjoyment of the area.
- New pedestrian crossing facilities of Exeter Road will be required and should be funded by the developer.
- Public transport connections in the vicinity are insufficient, especially for travel to Taunton.
- There is already too much pressure on schools, doctor's surgeries and sports facilities.
- Musgrove Park Hospital is overstretched and there are likely to be cuts.
- No provision is made for local shops – it is a long walk for elderly residents to facilities from the site.
- Homes could be allocated to 'problem families' causing anti-social behaviour.
- Massive loss of farmland will cause problems in the future.
- Wellington's relationship with the Monument and Blackdown Hills would be further eroded.
- Development of the site would be an unsightly intrusion into the rural scene.
- Mobile homes in the park home site opposite would be particularly vulnerable to increased noise.
- The development will lead to increased flooding in the area.
- The plans currently look attractive, but the builder who buys the land may have different ideas about how to lay out the site.
- Dormice are present in the existing hedgerows.
- Solid boundaries should be provided to existing residential boundaries.
- If permission is granted, the promised garden extensions to existing properties on Bagley Road must be secured.
- The development will overlook existing dwellings; insufficient boundary screening is shown.
- Local activities such as the carnival and fair would be put at risk.

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.

CP1 - Climate change,
CP4 - Housing,
CP5 - Inclusive communities,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
A1 - Parking requirements,
A2 - Travel Planning,
A5 - Accessibility of development,
D2 - Approach routes to Taunton and Wellington,
C2 - Provision of recreational open space,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £2,345,750.00. With index linking this increases to approximately £2,845,500.00.

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	£235,489
Somerset County Council	£58,872

6 Year Payment

Taunton Deane Borough	£1,412,934
Somerset County Council	£353,233

Determining issues and considerations

The main issues in the consideration of this application are the principle of the development, the impact on the highway network, infrastructure and accessibility, the landscape and visual impact, the impact on nearby residents, flood risk and biodiversity.

Principle of development

The site is outside the identified settlement limit for Wellington. The proposal is, therefore, contrary to Policies CP8 and DM2 of the Taunton Deane Core Strategy and unacceptable in principle. The applicant submits that the Council is unable to demonstrate that it has a 5 year deliverable supply of housing land and, therefore, in accordance with the NPPF that the policies relating to the supply of housing in the development plan should be considered out of date. It would then follow that the 'presumption in favour of sustainable development' set out at Paragraph 14 of the NPPF would be engaged and permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. The applicant goes on to suggest that there are no significant or demonstrable harms that would result – an assessment of which will follow through the subsequent sections of this report.

Your planning policy officers are currently considering updates to the Strategic Housing Land Availability Assessment (SHLAA), which should be published prior to the committee meeting (members will be updated accordingly). However, your officers are confident that the SHLAA will show that there is a 5 year supply of housing land, including the necessary buffers. Therefore, the policies relating to the supply of housing should be considered up to date and attributed full weight in the decision making process.

The Core Strategy allocated strategic sites at Cades/Jurston and Longforth to accommodate Wellington's required growth over the plan period. Alongside housing, the allocations provided for the necessary local centres, playing pitch and education provision to accommodate the planned growth for the town. In adopting the Site Allocations and Development Management Plan (SADMP) in December last year, the Council has confirmed that in order to ensure an appropriate distribution of development across the Borough, and to ensure that development occurs alongside the necessary infrastructure provision, there is no need for further incursions into open countryside in Wellington to meet housing requirements. Furthermore, it should be noted that this site was not promoted through the plan-making process, given the importance the Government attaches to the Plan-Led system this is an important consideration. The current proposal, therefore, is firmly contrary to policy and should be resisted.

The NPPF states that Local Planning Authorities should consider the economic and other benefits of the best and most versatile agricultural land and that, where significant development of agricultural land is required, lower quality land should be used in preference to that of a higher quality. The application site is thought to be grade 2 or 3a – and, therefore, considered as 'best and most versatile'. Across the Borough, significant development of agricultural land is required and has been

allocated through the development plan. Whilst there are no development management policies specifically protecting higher grade land, the development planning process would have taken this into account when allocating sites, as required by the NPPF. The piecemeal release of land to housing in an unplanned way does not allow any assessment to be made and, therefore, development of the Borough cannot occur in a sustainable manner overall, protecting the benefits of best and most versatile land. This adds weight to the case for refusal of the application.

Highways

There is considerable local concern about the capacity of the local highway network in and around Wellington. In this case, the Local Highway Authority have not raised concerns about the capacity of the network within the town centre, but do consider that the analysis of the junctions at Pyles Thorne and the Chelston Roundabout on the A38 is insufficient to demonstrate that impacts will not arise at these points on the network. They are further concerned about the potential for increased accidents at the poorly aligned roundabout where Exeter Road meets the A38 to the immediate west of the application site, where there is already a record of injuries. The submitted transport assessment is not considered to be sufficient to confirm that there would not be an adverse impact upon the highway network and refusal is recommended on this ground.

Infrastructure and accessibility

Concerns have been raised in the representations about the capacity of local primary and secondary schools, doctors' surgeries and sports pitches. Education and sports provision can, theoretically, be enhanced from CIL contributions, however, there are concerns about the inability to increase the capacity of Rockwell Green Primary School. The Local Education Authority have further confirmed that there are there is currently insufficient primary school capacity in Wellington overall; the building of new schools on the allocated sites at Longforth and/or Jurston will cater for the demands of the new development in that part of the town. Further, Rockwell Green Primary School does not (and will not, once extended) have the capacity to cater for the children that already live within the catchment of the school.

It follows from this that there is insufficient capacity at Rockwell Green Primary School for residents within the existing catchment or residents of the proposed the development to attend the local school. The next closest schools at Wellesley Park and Beech Grove are 1.8 and 1.1 miles respectively from the site; well in excess of the 600m acceptable walking distance stipulated in the SADMP. In any case, the site is 960m from Rockwell Green Primary School when taken from the closest part of the site and fails to comply with Policy A5 of the SADMP in any case.

In respect of other local shopping facilities, approximately half of the dwellings would be within the 800m required by Policy A5.

In considering the Infrastructure Delivery Plan, the NHS did not seek any funding from CIL for Primary Health Care or expansion of Musgrove Park Hospital. It is

understood that funding for GP spaces is derived from other means and there is no evidence that the developer should be expected to contribute to this provision.

Landscape and visual impact

Any greenfield development will have an urbanising impact. The development seeks to strengthen the boundary along the A38, which is considered to make the development acceptable in terms of short range views from the south. From Bagley Road, the development would already sit within an urban context. The greatest impact would be felt from the approaches to Wellington from the west, along the A38 and Exeter Road, where the site is seen within a 'channelled' view.

The approach route to Wellington from the west currently gives a relatively 'gentle' introduction to the built form and this is also true of the approach routes from the north and east, even with the extensive development at Cades and Longforth. Development of the site would almost certainly result in fairly dense built development butting right up to the right edge of the rural area, although the wide highway verge and proposals for further landscaping are likely to reduce this to the point that it does not cause substantial harm to the visual amenities of the area or offend Policy D2 of the SADMP, which seeks to protect the visual qualities of approach routes to the town.

Impact on neighbouring residents

There are a small number of residential properties that directly adjoin the site, all within the eastern part of the site and, with the exception of 5 Exeter Road on the north western site boundary, accessed from Bagley Road. It is proposed to place some landscaped areas along these boundaries with these properties. Whilst any tree planting could not be safeguarded to prevent long-term overlooking, the development framework plan does give sufficient assurance that the proposed new dwellings would be sufficiently distanced from existing properties to avoid any unacceptable relationships.

In an unusual proposal, the development framework plan indicates that Westlands and Maderleigh on Balgley Road would be given extended gardens. These dwellings are particularly tight on the site boundary so the proposal would ensure that an adequate level of amenity was maintained for these properties. However, there is no information regarding the mechanism for delivering this proposal and it is not clear how it could be a legitimate S106 obligation, when satisfactory relationships could be insisted upon at reserved matters stage. Therefore, little weight should be attributed to aspect of this proposal.

It is considered that there is sufficient information within the Development Framework plan to indicate that the site can be developed without an unacceptable adverse impact upon existing residential properties.

Flood Risk

The submitted FRA/drainage strategy indicates that surface water would be attenuated on site to greenfield rates and on this basis the Lead Local Flood Authority raise no objection to the proposal. Further details would be required by condition of any planning permission to secure a detailed drainage design for the site, supported by calculations to prove the proposed attenuation features would be sufficient.

The Local Highway Authority have also raised comments regarding the highway drainage infrastructure in the area, given that there is uncertainty over how the existing highway is drained and the capacity of some of the culverts. It appears that there may be private legal matters that need to be resolved between any developer and the highway authority if connection is required to County Council controlled ditches/culverts. In any case, it is considered that a thorough assessment of capacity and the need for any upgrade could be picked up in site-wide surface water drainage conditions.

Biodiversity

There is anecdotal evidence of the presence of dormice. The submitted ecological survey suspects that protected species are absent, but is of insufficient standard to confirm this. Acknowledging the shortcomings of the survey effort, the report recommends mitigation anyway to preserve the favourable conservation status of dormice. However, this approach is flawed and case-law confirms that a planning permission would be unsound if the determining authority is not furnished with sufficient information to reach a considered decision. Fundamentally, as a competent authority under the Habitats Regulations, the Council must determine whether European Protected Species would be affected by the proposals and, therefore, whether the derogation tests required to allow deliberate disturbance should be engaged. In jumping straight to the third test (demonstrating that the Favourable Conservation Status could be maintained) the applicant is missing consideration of the first two tests – that there should be overriding reasons of public benefit and no satisfactory alternative to the development is available.

The poor survey effort means that the Council cannot reach rational reasoned conclusions on biodiversity issues and the application should be refused on this basis.

Other matters

The settings nearby listed church and water towers are not considered be affected by the proposed development. Children's play, public open space and affordable housing requirements could be adequately dealt with by conditions and/or section 106 agreements should planning permission be granted.

The planning balance and conclusions

The proposed development is contrary to the development plan. To be acceptable, there must be very weighty material considerations that would warrant setting aside the policies of the plan. In this regard the applicant has sought to rely upon their

opinion that the Council is unable to demonstrate that it has a 5 year deliverable supply of housing land; a position strongly refuted by your officers. In any case, to be acceptable, the development of the site would have to be shown to be sustainable within the meaning of the NPPF.

It is clear that there are considerable pressures on infrastructure within Wellington – particularly those relating to primary education and primary healthcare. The lack of ability to accommodate additional pupils at Rockwell Green Primary School means that pupils would, at best, have to travel to schools elsewhere in the town. Such is not sustainable. Piecemeal development such as this cannot adequately mitigate the impact on education facilities, nor can it sufficiently provide for the future residents of the development in an area such as this where those existing facilities cannot be adequately expanded. This is the reason for the plan-led approach favoured by the NPPF: the development plan is the best way to properly consider how development in any given settlement can occur in such a way as to ensure that there is adequate infrastructure provision alongside development. It is the fundamental reason why the ad-hoc release of development sites to the west of Wellington cannot be considered sustainable.

It is accepted that the development can be made acceptable in terms of impacts on neighbouring property, visual amenity and drainage through the imposition of suitable planning conditions and Section 106 agreements. However, at the present time, there is insufficient evidence for the Local Planning Authority to properly consider the impacts on the local highway network or biodiversity interests.

Taken in the round, the development plan sets a presumption against the development of the site. There are clear infrastructure deficiencies in Wellington generally, with no ability to improve this with regard to the western part of the town and Rockwell Green. A plan-led approach is required to ensure that adequate infrastructure is provided in a co-ordinated and joined up way to mitigate the impact of further development; such cannot be provided through this, or indeed a series of stand-alone proposals. This significant and demonstrable harm clearly indicates that the proposed development is not sustainable within the meaning of the NPPF. Considering this together with the other shortcomings of the application that have been identified, there is no compelling material consideration to outweigh the fundamental conflict with the development plan.

The proposal is, therefore, unacceptable and recommended for refusal.

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

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