

49/18/0045

WEST OF ENGLAND DEVELOPMENTS AND SUMMERFIELD DEVELOPMENTS
(SW) LTD

Outline planning application with all matters reserved for the erection of up to 94 No. dwellings and 9755sqm of mixed use light industrial units with associated works and access on land at Sandys Moor, Wiveliscombe

Location: LAND AT SANDYS MOOR, WIVELISCOMBE

Grid Reference: 308788.127625

Outline Planning Permission

Recommendation

Recommended decision: Conditional Approval subject to a Section 106 to secure the development of industrial buildings and servicing of employment land; travel plan; children's play provision; and affordable housing, the application be delegated to Officers to determine.

Recommended Conditions (if applicable)

1. Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A3) DrNo P003 Location Plan

(A2) DrNo P002 Existing Site Plan

(A2) DrNo P004 Framework Indicative Masterplan

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

3. Plans and particulars of the reserved matters referred to in condition (01) above shall include details of:
- (a) the provision to be made for garaging and parking of vehicles within the site.
 - (b) the space to be provided for the loading, unloading and turning of vehicles within the site.
 - (c) the hard and soft surface treatment of any roadways and other parts of the site which will not be covered by buildings.
 - (d) all external materials to be used in the development.
 - (e) space to be provided within the site to accommodate (i) parking the vehicles of site personnel, operatives and visitors; (ii) loading and unloading of plant and materials; and (iii) storage of plant and materials used in constructing the development.
 - (f) the redesign of the existing access to the B3277 to accommodate the traffic to the sewage treatment works.
 - (g) vehicular access to the sewage treatment works
 - (h) existing and proposed ground and floor levels.
 - (i) noise and odour reports from existing sources (including the former abattoir and the sewage treatment works)

Reason: This is an outline permission and these matters require detailed consideration by the Local Planning Authority.

4. A detailed phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to reserved matter details being submitted for approval and shall be carried out as agreed unless a variation is agreed in writing by the Local Planning Authority.

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

5. No work shall commence on the development hereby permitted until details of the proposed accesses off Sandys Moor to the site and to the sewage treatment works been submitted to and approved in writing by the Local Planning Authority. Such works for each access shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, prior to commencement of the development and shall thereafter be retained in the approved form.

Reason: In the interests of highway safety.

Pre-commencement reason ; to ensure the construction of the development does not interrupt access to the sewage treatment works.

6. 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.

Reason; in the interest of highway safety

Pre-commencement reason; to ensure highway safety in all stages of construction

7. 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 construction work discontinues.

Reason: In the interests of highway safety.

Pre-commencement reason; to ensure safety of the highway during all construction stages.

8. 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.

Reason: In the interests of highway safety.

9. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling/building 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.

Reason: In the interests of highway safety.

10. 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.

Reason: In the interests of highway safety.

11. From the proposed residential access onto Sandys Moor there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the access is brought into use and shall thereafter be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

12. Prior to the business use commencing the cycle parking shall be provided on site in accordance with approved details and shall be maintained thereafter in connection with the use hereby granted.

Reason: In the interests of highway safety.

13. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development.

14. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary. Mon-Fri 0800 hrs to 1800 hrs Sat 0800 hrs to 1300 hrs. At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.
15. No development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the whole site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment

Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved

remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Reason for pre-commencement: It is necessary to fully investigate the potential for contamination before the site is disturbed by development works.

16. All existing hedgerows and trees bordering and within the site to be retained shall be fully protected by fencing prior to any works taking place. During the period of construction of the development the existing soil levels around the base of retained hedgerows shall not be altered. Specific measures to protect all retained hedgerows intended to be within gardens shall be submitted to and agreed in writing as part of the detailed landscaping measures to be submitted as part of the application for Reserved Matters approval.

Reason: To ensure that wildlife is not prejudiced by the development hereby permitted and that future provision is made to ensure the protection of such hedgerows.

17. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

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

18. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental's Preliminary ecological appraisal dated June 2018 and **updated surveys as listed in 5.4 of the report** and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.
- A CEMP(A construction and Environmental Plan) and a LEMP (Landscape and ecological management Plan)
- Details of lighting

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

Reason: To protect species name and their habitats from damage.

Reason for pre-commencement; To ensure protection of wildlife during all stages of construction.

19. No business operations shall take place within the site outside the hours of 7.00hrs – 19.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

20. Prior to any business use commencing within any building, details regarding the use class of that building shall be submitted to and approved in writing by the local planning authority. No other uses shall take place in that building without the prior express grant of planning permission

Reason: To protect the amenity of nearby residents.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The provision of the access off Sandys Moor will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

3.
 1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
 2. 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.
 3. Bats may be roosting in trees on site.
The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2017. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.
NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

Proposal

Outline planning permission is sought for a mixed use residential and light industrial development. The scheme proposes 3.75 ha to be used for residential use to provide up to 94 dwellings and 2.92 ha to be commercial use class B1/B2/B8. The application includes improvements to the existing access.

All matters are reserved for future consideration as a Reserved Matters application.

Site Description

The site comprises 6.67 ha of gently sloping agricultural land sited to the east of Wiveliscombe. The application site contains the allocated employment site of 4.5 ha plus land to the west.

The application site currently appears as two fields. The land to the west is partly agricultural land but is no longer being farmed/managed and part is in use as a car park for adjoining industrial units. The western field is in use as arable farmland use. An existing access track runs north to south down the middle of the site, providing access to the sewage treatment works. There are some existing trees and hedges within and bordering the site.

The B3277 (main route to Taunton) runs along the northern boundary of the site. Agricultural land lies to the east and south of the site and there is industrial land to the west and south. The sewage treatment works (STW) are sited further south of the site, beyond the industrial land.

Relevant Planning History

49/13/0025 - Locked rehabilitation unit (C2) and a 28 bedroomed low secure facility (C2a) with associated access and works conditional approval; Extant

49/16/0047 Non-material amendment to Condition No 07 of planning consent 49/13/0025 to allow for setting out of road and building in accordance with submitted setting out drawing and tree protection plan. Approved

49/14/0050 – Outline application for the change of use of agricultural land to uses class B1, B2 and B8 on land to the south side of the B3227 - Conditional approval; Consent expired

Consultation Responses

WIVELISCOMBE TOWN COUNCIL – The Town Council objects to this application:

The application does NOT fall within the core strategy. CP 4 sets out the number of dwellings to be delivered between April 2011 and March 2028 after the deduction of completions to date Core Strategy Policy. Wiveliscombe has already built more than 45% of the required houses and as another 140 houses on allocated sites to be built in the plan period. The site constitutes an allocation retained from the Local Plan. It is required to ensure Wiveliscombe, and its rural hinterland, has enough employment land to meet future requirements. Wiveliscombe is identified in the Core Strategy policy SP1 as a Major Rural Centre. As a sustainable development location, it offers a balance of employment, services and facilities for the wider rural community to warrant further employment growth. Sandys Moor has not been allocated for housing in the Local Plan and the site should be retained for business use only. The developers claim that housing should be allowed because business-use applications have not been made for the site. However, at the current time, planning permission has been given at Sandys Moor for: a new Enterprise Centre, which is due to be built soon; new business-use applications have been submitted and approved for Sandys Moor. Mix use of the site will lead to the conflicts that now arise on the ford road industrial site with the complaints about noise, smells and lorry movements. In the original local plan, the site was allocated B1, B2 and B8 use. This application suggests any business use will be reduced to B1 and B8. This will have a serious impact on new business use in Wiveliscombe. Containment of this site would be difficult to achieve, since it is separated from the settlement by former railway line. Site is relatively poorly related to services and facilities in the centre of the Town. Infrastructure in Wiveliscombe, including schools, doctor's surgery and parking, is already under pressure and this would increase with additional housing on top of the amount already planned. Government policy recognises, the need to plan proactively to support business growth, which is supported through Core Strategy policy CP2. This policy also establishes a presumption against the loss of employment land or buildings unless the overall benefit outweighs the disadvantages of its loss. In addition, Policy EC1 of the SADMP provides flexibility for additional employment generating activity within employment areas. The residential healthcare facilities approved on part of this site in 2013 is therefore consistent with this policy approach. The major reduction in the bus service to Taunton makes it more difficult for workers to travel to and from work without a car. No bus before 7.30am, last bus from Taunton 5.30pm, buses on

every 2 hours in the day. No bus service on Sunday, no bus service to Wellington. The housing would lead to an increased reliance on the use of cars and increase in carbon emissions, making it unsustainable and not supporting the travel plan. The roads and centre of Wiveliscombe are already congested with traffic with limited parking and need improving before further development takes place in the town.

The 25% low cost housing being mainly two bedroomed as we have evidence from Magna Home applications and our own survey of the need for 3 bed family homes. We get complaints from the homes on Station road, Nordens Meadow about the odours from the sewage work on a regular basis. This site is much closer. Removal of the attenuation pond by the old pig plant may lead to flooding. Removal of the car parking by the old pig plant may lead to lack of parking on that site.

SCC - TRANSPORT DEVELOPMENT GROUP –

The applicant has since produced a Technical Note as part of the amended plans in further support of the application which has been assessed by the Highway Authority. The uncontrolled pedestrian crossing at the mouth of this access appears acceptable subject to agreeing the design detail. However, no other pedestrian/cycle crossings/visibility splays appear to of been provided. The applicant has provided a swept path analysis (Drawing No:18027-001 A) of an 11.2m refuse vehicle (scale 1:500) entering and egressing from the residential access off Sandy's Moor. As mentioned in our previous comments, the Highway Authority would expect a suitable swept path analysis of an 11.4m refuse vehicle on a 1:200 scale to be demonstrated. It is to our understanding that this is the standard size Somerset Waste Partnership use. It is therefore advised that the applicant contact the local waste management company to understand what size refuse vehicle would be likely to service the site. The applicant has submitted a revised visibility splay of 2.4m x 43m in both directions to the nearside carriageway edge from the proposed residential access as advised previously by the Highway Authority. Drawing No: 18027-002 A, demonstrates a forward visibility of 43m around the curvature of Sandy's Moor towards the proposed commercial site entrance. The dimensions of this are considered acceptable by the Highway Authority and recommended to be provided and maintained at all times. A review of the Framework Travel Plan (FTP) within the Technical Note shows that most Travel Plan requirements have been addressed. However the following still remain outstanding for the applicant to note and amend:

The TP needs to demonstrate that the additional trips generated by the development as set out in the TA will be offset by a reduction in SOV use and an increase in sustainable modes. The measures proposed in the FTP must be robust enough to achieve this. Census data for both residential and employments sites can be found as attached for the applicants convenience (With reference to 4.2.4 in the FTP) Provide detail of what facilities are available at the nearest bus stop. e.g. shelter, timetables etc. (With reference to 3.13) Ground anchors should be available up to 3 tenures over 5 years. (With reference to points 7.3 and 7.6 in the FTP) It should be amended to commit to undertaking first survey at 80% occupation and annually thereafter for 5 years. Targets have not been set as per SCC Travel Planning Guidance. The targets need to be realistic and clearly relate to the findings of the Site Audit/Accessibility Audit and the proposed measures and have been informed by the Census data 2011 at ward level for both residential and

employment. Census base line data and projected five year figures should be provided for both residential and employment separately. Please see Excel spread sheet attached for information. The applicant should also note the following: (With reference to 6.3 in the FTP) The 'Moving Forward' website no longer exists, please refer to <http://www.somerset.gov.uk/policies-andplans/plans/new-developments/> (With reference to 6.16 in the FTP) carsharesomerset.com no longer exists. Please refer to liftshare.com. The applicant has not clarified how access to the existing Sewage Treatment Plan will be maintained. It is important that this is addressed by the LPA prior to any planning decision being made. With the above in mind, there will be alterations existing public highway and these will require the applicant to enter into a suitable Licence/Legal agreement with the Highway Authority. A suitable Travel Plan will need to be agreed in full and secured in the S106 prior to the commencement of any works at the site. If the LPA are minded to grant planning permission, it is recommended that the following conditions are attached:

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 construction work discontinues;

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 first occupation and thereafter maintained at all times;

No part of the residential development hereby permitted shall be first occupied until the proposed access off Sandys Moor has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

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;

From the proposed residential access onto Sandys Moor there shall be no obstruction to visibility greater than 600millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside

carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

The development hereby permitted shall not be first occupied until an agreed number parking spaces for the development have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

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.

Prior to first occupation of the development hereby permitted, access to covered cycle, motorcycle and electric vehicle charging points shall be in accordance with a detailed scheme to be submitted to and approved in writing by 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 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;

No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;

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;

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:

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

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

Note

The applicant will be required to secure appropriate Licence/legal agreement 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.

WESSEX WATER –

Development in proximity of a Sewage Treatment Works

The proposed development is in proximity of the Wiveliscombe Hillsmoor Sewage Treatment Works (STW) and lies within the consultation zone for risk of odour emissions that could affect residents amenity. We have reviewed our records and previous odour risk assessments for this area, and have concluded that this development is at low risk from odour nuisance. Further odour assessment is not required, however should proposals change, we request that we are re-consulted.

Access to Hillsmoor Sewage Treatment Works

The applicant intends to develop areas that include our access road to the Hillsmoor Sewage Treatment Work (STW). The existing access road off the B3227 is used to provide statutory services for sewage treatment 24 hours a day and we have concerns that proposed development and construction works will impede the existing access route and disrupt operational activities that maintain public services.

We understand that the developer intends to remove the northern section of our access road, where it runs through the proposed residential area, and re-direct Wessex Water vehicles to the local roundabout and along Sandy's Moor, re-joining the current access route between industrial units A and B. It is essential that any proposal to re-route our access road ensures that unrestricted vehicular access to the STW is maintained at all times; the proposed scheme must not impede the frequency of Wessex Water vehicle movements 24 hours a day. We are also concerned that the developer is promoting a working section of the access road (between proposed industrial units A & B) as a pedestrian route. For us to consider the revised access route we would expect to see the following requirements as a minimum:

- Wessex Water's 24 hour operational and maintenance activities both inside and outside the STW must not be impeded or restricted due to the construction of the proposed scheme or thereafter.
- The access route using Sandy's Moor must be designed to accommodate the vehicle turning movements of the largest articulated vehicles using our STW site.
- The access route using Sandy's Moor should be of sufficient width to allow the largest vehicles the ability to safely pass oncoming traffic or parked vehicles.

- A new junction off Sandy's Moor (adjacent to proposed industrial Unit A) is required to connect to the existing access (this has not been clearly shown on the masterplan).
- In the interest of public safety the access road to the sewage treatment works must not be designated a pedestrian route and may require fencing.
- If there are any changes to Wessex Water boundary plans and fence lines these must be by agreement with Wessex Water.
- The Hillsmoor STW security arrangements must not be compromised during the construction of the scheme and thereafter.

Sewerage infrastructure

The site shall be served by separate systems of drainage. In the absence of a foul drainage strategy to support the application we would advise as follows: There are no foul sewers in close proximity of the site and we consider a pumped connection direct to the sewage treatment works as a possible solution. An adoptable pumping station will require a 15m buffer zone to the nearest dwelling and satisfactory access arrangements. Wessex Water can provide network capacity for domestic foul flows from this development. The point of connection to the public foul network is by application and agreement with Wessex Water, who will adopt foul sewers through a formal agreement subject to satisfactory engineering proposals constructed to current adoptable standards. The applicant should contact our local development engineer, development.west@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction.

Surface water to be disposed of in accordance with Building Regulations Hierarchy and NPPF Guidelines with discharge to local land drainage systems. The outline drainage strategy considers the use of attenuation based SuDS to be feasible with a discharge to the ditch on the southern boundary of the site, which will require the approval of the Lead Local Flood Authority. Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Water Infrastructure

Our records indicate that there are no water mains adjacent to the site boundary. The nearest water main 125mm is recorded to the north west at Nordens Meadow. A water supply can be made available to the proposed residential development with new water mains installed under a requisition arrangement. Point of connection on the public network can be agreed upon receipt of a Section 41 Requisition Application The developer should consult the Wessex Water website for further information.

www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnection s. Buildings above two storeys will require on site boosted storage. Water supply arrangements for the light industrial units can be assessed upon receipt of predicted demand rates.

DRAINAGE ENGINEER – LLFA

We have no objections in principle to this application, as the applicant has calculated the impact of the proposals on surface water, and has made provisions to manage the increase runoff through on site attenuation. Should the development be granted planning permission, we would expect to see more detailed surface

water drainage proposals come forward which address flood risk as well as providing wider benefits in terms of water quality, amenity and biodiversity benefits. We would expect these to be secured via an appropriate condition which would also cover any phasing (including interim drainage / construction phase), exceedance of the drainage system (a plan showing route and temporary storage areas), detailed calculations based on final layout as well as any maintenance and adoption proposals. The developer should consider a suite of SUDS features throughout the development, within the landscaped open space areas. It is important that any drainage infrastructure (including outfalls) can be easily accessed for maintenance, and that attenuation structures are designed to be safe.

ECONOMIC DEVELOPMENT –

Whilst the proposal does include housing which reduces the size of the allocated employment this approach will bring forward the site. This housing will act to enable the site and is an effective way to deliver the funding that will be required to deliver the employment site. The applicant has indicated that the infrastructure to the employment site will be delivered early into the development and this is an important element of the application. We believe this new site is appropriately sized to support the business community in this area of Taunton Deane. The site itself will complement the planned enterprise centre and the existing units south of the proposed site. This application also includes a number of plots which are intended for freehold sale which is very uncommon in the Taunton Deane area and will be sought after by businesses. The application will also provide a mixed range of plots and potential employment units which will support and serve businesses across the broader rural area. This mix of units will enable move on accommodation from the proposed enterprise centre to be readily available to growing businesses so supports this area of the site.

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

The type and size of the affordable housing units to be provided should fully reflect the distribution of property types and sizes in the overall development.

The initial mix is noted, however taking the Homefinder information for Wiveliscombe into account, along with the results of the recent Housing Needs Assessment, there appears to be a significant need for 1b2p accommodation, which we would seek in the form of maisonette style properties with their own access and garden area. There is also a number of people looking for 2b4p accommodation.

On this basis, we would suggest a mix along the lines of:

- 15% 1b2p
- 40% 2b4p
- 35% 3b 5/6p
- 10% 4b6p

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

Whilst no indication of the location of the affordable units has been provided at this stage, these should be an integral part of the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to 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.

Due to the size and location of the scheme, there would be a requirement for a local connection clause in relation to the affordable housing. Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. Early engagement with the Housing Enabling Lead to agree the affordable housing provision is recommended. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

BIODIVERSITY –

Blackdown Environmental carried out a Preliminary Ecological Appraisal of the site in June 2018 (Several surveys have previously been carried out on the land dating back from 2007) Findings of this latest survey (June 2018) are as follows

Designated Sites - There are four statutory designated sites located within a 5km radius of the survey site.

Habitats - The grassland on site was found to contain orchids, therefore consideration should be given to translocating species rich turf.

Bats - No buildings are located within the site and nearby industrial units to the west were considered to offer only low potential for bats. As at least ten species of bats have been recorded within 4km of the site, it is likely that bats use the hedgerows, woodland strip and ditches for foraging and commuting.

I support the recommendation to carry out bat activity surveys on site

Three Mature and semi mature trees on site, had features of potential value for bats and so should be retained. If this is not possible then specialist surveys, **including emergence surveys**, should be carried out on individual trees. If bats are found to be present in any tree, an EPS licence will be required to carry out work. Any proposed lighting for the development should be sensitively designed to minimise light spill on wildlife corridors. I support the surveyor's recommendation for the erection of bat boxes within the new development.

Badger – No evidence of badger was found during the survey. However I support the recommendation to carry out a badger survey prior to construction. The current heras fencing should be modified to permit access for badgers.

Dormouse - There are records of dormice within 2km of the site. I support the

recommendation to carry out a dormouse nest tube survey.

Birds - The vegetation on site is suitable for nesting birds. Any works to vegetation should take place outside of the bird nesting season. As the proposal includes the removal of a section of stream, the surveyor has recommended a kingfisher survey. I support the surveyor's recommendation for the erection of bird boxes.

Otter - No otter spraint was found during the survey but there are several wet ditches and streams which would allow otters to commute through the site. The proposal to remove a section of the wet ditch for the access road could impact on otters so I agree that this area should be checked for holts or layup areas prior to construction works

Water voles - The stream and wet ditches were heavily shaded so provided sub optimal habitat for water vole. However I support the recommendation to carry out water vole surveys to ascertain presence or absence.

Great crested newt - There are no ponds on or near the site which offer potential for great crested newts.

Reptiles - Areas of unmanaged grassland offer potential for reptiles. Reptile fencing was seen to surround the site to the west where a small population of slow worm was confirmed present. I support the recommendation to carry out further reptile survey

I suggest the following condition

Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental's Preliminary ecological appraisal dated June 2018 and ,**updated surveys as listed in 5.4 of the report** and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
3. Measures for the enhancement of places of rest for, bats and nesting birds.
4. A CEMP(A construction and Environmental Plan) and a LEMP (Landscape and ecological management Plan)
5. Details of 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. 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. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife and their habitats from damage.

Informative Note

1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

2. 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.

3. Bats may be roosting in trees on site.

The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2017. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

LANDSCAPE –

The proposal is an outline application for the erection of 94 dwellings and an area of light industrial units on land at Sandys Moor, Wiveliscombe. The 6.8 ha site consisted of a large arable field to the east bound by species rich hedgerows to the north and south with fencing and a track to the east and west. The western extent comprises unmanaged grassland and a disused car park. This area is bordered by ruderal vegetation and plantation woodland which forms a screen from the B3227. A fenced off disused reservoir is situated in the grassland.

Landscape - I am not convinced that this is the best layout for this proposal. I consider that alternative layouts should be explored to avoid the breach of the stream and woodland to accommodate the access road. I support the planting of a woodland strip separating the housing and the industrial units but would like to see this area of planting wider than shown. The development will be screened from the north and west by existing trees on site but I consider will be seen when approaching Wiveliscombe from the east so screening is also required from the east.

POLICE ARCHITECTURAL LIAISON OFFICER –

Crime Statistics – reported crime for the area of this application (within 500 metre radius of the grid reference) during the period 01/07/2017-30/06/2018 is as follows:-

Burglary – 1 Offence (Business & Community)

Theft & Handling Stolen Goods - 1 Offence (interference with motor vehicle)

Violence Against the Person – 2 Offences (incl.1 causing harassment, alarm, distress)

Total - 4 Offences

This is a very low level of reported crime. ASB reports for the same period and area total 6, which is also a very low level.

Design & Access Statement – the DAS includes sections entitled ‘**Security**’ & ‘**Lighting**’, which refer to Safer Places and Secure by Design, and which indicates to me that the applicant has considered appropriate crime prevention measures in the design of this scheme. A number of points are made in these sections which I support and comment on further below:-

Residential Development

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 proposed use of physical or psychological features i.e. rumble strips and road surface changes by colour or texture for the secondary road and parking areas helps reinforce defensible space giving the impression that the area is private and helping deter unauthorised access.

Communal Areas – communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to enable surveillance from nearby dwellings with safe routes for users to come and go. The public open space incorporating a LAP in the centre of the development appears to be fairly well overlooked by dwellings on three sides but less so from the west. In view of this, from a safeguarding children perspective, the proposed planting to the west of the LAP should be kept low to aid surveillance. The proposed footpaths through the green corridor and meadow/woodland area in the centre of the development should be kept as straight as possible, wide, devoid of potential hiding places and well maintained in order to enable surveillance along them by users.

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. The two blocks of dwellings in the centre of the development are also ‘back to back’, which is recommended, as this restricts unauthorised access to the vulnerable sides and rear of 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. 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. This is particularly relevant in respect of the rear boundaries of the dwellings around the perimeter of the development backing onto hedges and fields. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable. Judging from the Masterplan, these recommendations would appear to be proposed.

Car Parking – is a mix of on-plot garages and parking spaces and two rear parking courtyards, the former being the recommended option. Rear parking courtyards are discouraged as they enable unauthorised access to the rear of dwellings which is where the majority of burglaries occur. Vehicles parked in such courtyards provide

multiple potential targets and are also more vulnerable to attack than those parked on-plot.

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. This is particularly relevant in respect of the green corridor and meadow/woodland areas in the centre and to the west of the development.

Street Lighting – all street lighting for 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.

Secured by Design - the applicant is aware of this police initiative and 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.

Commercial Development

Layout of Roads & Footpaths – the single entrance/exit for motor vehicles and pedestrians has advantages from a crime prevention perspective in that it can help frustrate the search and escape patterns of the potential criminal. Routes appear to be visually open and direct and road surface changes would help differentiate public/private areas. Access control in the form of a rising barrier or similar at the entrance to the commercial area would prevent unauthorised vehicular access to this area outside normal working hours.

Perimeter Security of Commercial Units – all appear to be basically open-plan which enables easy unlawful access to individual units. An appropriate form of perimeter protection in the form of weldmesh fencing or similar is recommended in respect of these units, particularly to deter unlawful access to the side or rear.

Motor Vehicle Parking – all parking appears to be on unit forecourts in areas with good surveillance opportunities. The DAS states that secure motor/pedal cycle parking facilities will be provided either in the units themselves or in the form of stands/shelters on the unit forecourts, which is recommended.

Landscaping/Planting – as Residential comment above.

Lighting – as Residential comment above.

Additional Security Measures – at the detailed design stage, additional features such as cctv and intruder alarms for the individual units should be considered.

Secured by Design Commercial – if planning permission is granted, the applicant is advised to refer to the ‘**SBD Commercial Developments 2015**’ design guide and also the **Interactive Commercial Guide** available on the SBD website referred to above, which contain further detailed advice regarding the physical security of commercial developments.

ENVIRONMENTAL PROTECTION CONTAMINATED LAND –

Re Contaminated land.

The site appears to be mainly agricultural land, however, the area to the west has had other commercial uses, therefore, there is the potential for contamination to be present. A Ground Investigation report has been submitted with the application (Structural Soils August 2006). However, this was prepared for a previous application which did not cover the whole site (in particular it did not cover the western area) and also the report is 12 years old and does not follow current guidance. Therefore, I would recommend that a suitable investigation and risk assessment is carried out for the site. A condition that could be used is given below. If this is not put on this application then a suitable report should be submitted with any more detailed application before any work starts on the site. The developer should be aware that under the National Planning Policy Framework, where a site is affected by contamination responsibility for securing a safe development rest with the developer and/or landowner. If any unexpected contamination is found during site works the developer should assess any potential risks and carry out any appropriate remedial work. Compliance with the planning condition does not rule out future action under Part 2A of the Environmental Protection Act 1990, for example, if additional information is found concerning the condition or history of the site.

Re Noise

The development is for mixed residential and commercial uses (B1, B2 and B8 uses). B2 (industrial) and B8 (storage and distribution) uses generate high levels of noise and some of the proposed units are close to new residential properties so there is a potential for disturbance. Also, no hours of operation are included in the application. The developer should consider ways to avoid unreasonable disturbance to any residents. This could include restricting the use of the commercial units closest to the houses to B1 use only and avoiding the siting of noisy plant or equipment close to residential properties.

At other mixed commercial/residential developments a noise condition has been used as a way to limit the level of noise at residential premises. An example is given below.

Noise/odour from existing industrial premises.

The western part of the residential site is only 30m away from a commercial site with

B1, B2 and B8 uses (the old abattoir). There is the potential for future residents to be disturbed by noise and odours from activities on this site. The applicant should provide an assessment of the potential noise/odours that could come from the adjacent site and show that they are able to design the development so that residents will not be adversely affected by noise or odours. If the residential

development does get approval any future residents would be able to make complaints about the noise or odours from the adjacent site. These could be investigated by the Council as a potential statutory nuisance. If it is established that the noise/odour is causing a statutory nuisance the operators would be required to abate the problem. However, they can only be required to use best practice and the Council cannot stop them using the site for its' allowed use. There could be the situation where residents in the new houses are suffering a nuisance, but the Council is not able to take any action to resolve the problem. Therefore, it would be best to ensure that the planning process is used to ensure that this situation does not arise.

Condition re Contaminated Land.

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

b)

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

- An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and

assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above). The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved. All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

Noise Condition. Business units in mixed commercial/residential area.

Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary. Mon-Fri 0800 hrs to 1800 hrs Sat 0800 hrs to 1300 hrs. At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

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.

Representations Received

TAUNTON DEANE SWIFTS - We would urge the council to ensure that the developer incorporates Swift

Schwegler bricks and other bird and bat roosting/nesting bricks into the walls of the buildings at a frequency of at least 2 bricks in 50% of the buildings. This is an invaluable opportunity to support species such as starling, house sparrow and swift in the local area. UK populations of swift, house sparrow and starling have decreased significantly and every measure must be taken to make provision for nesting birds in the fabric of new buildings. This would also help to offset any habitat loss outlined in the Blackdown Environmental Ecological Appraisal. In a time of uncertainty for the future of our native flora and fauna, new builds must be consistently designed with bird and mammal life in mind if we are to address the decline in our native species. Nesting bricks are a relatively

inconspicuous and inexpensive strategy to cater for these threatened bird species and must be a staple ingredient of any new building design in Taunton Deane. We can offer advice regarding the siting of these bricks if necessary as incorrect siting can render any installations useless to birds and mammals

WIVELISCOMBE CIVIC AND HISTORICAL SOCIETY - The application should be refused for the following reasons

1. Core Strategy policy SD1 clearly states that where there are no relevant policies or a plan is out of date there is a presumption in favour of granting permission unless material considerations do not indicate otherwise. However, in this instance plans are not silent, are up to date and other material considerations indicate otherwise. In

particular:

- a) Core Strategy policy SP1 allocates "up to 200 new net additional dwellings" in Wiveliscombe. This has been achieved and many additional windfall sites have already taken the total above this;
- b) Additional development on the Sandys Moor sites (c94 plus) would seriously undermine the Development Plan strategy; an important consideration for Local Plan Inspectors in the Deane when rejecting sites in the past;
- c) SADMP policy EC1 would also apply. Residential is not a use permitted in the list of acceptable uses under this policy.

2. This site and the adjoining employment site is not a sustainable location for residential use, being a considerable distance from the centre and could thus prejudice development of the more sequentially acceptable locations allocated in the Development Plans. This has been stated to developers in the past by Officers at TDBC.

3. Additional land for residential will undoubtedly be more appropriately sought as other businesses from Ford Road relocate to Sandys Moor. This was a reason why Sandys Moor was allocated in the first place in the 2004 Taunton Deane Local Plan.

4. TDBC are currently fighting an appeal from Gladman against proposals to build 90+ houses north of Wiveliscombe. It would be totally inconsistent and prejudicial to allow one and not the other. A point Gladman will be sure to exploit at the appeal if a firm view is not expressed by TDBC against the Sandys Moor proposals.

5. Whilst not considered for residential use in the SADMP the Council's Sustainability Appraisal accompanying the Plan notes that the site is not accessible by foot, is 400 metres from the nearest bus stop, thus promoting the use of private car and proximity to industrial pollution, including a sewage works, which may impact on the health of workers. These concerns must therefore be greater for a 24 hour a day residential use. Further, the S.A. notes that the Gladman site at Langley Cross has a strong conflict with capacity of schools and distance to convenience stores. This would be equally the case with Sandys Moor and more so since distance to the primary school is greater than in the Gladman proposal as are parts of the site in terms of proximity to a convenience store for both car drivers and on known pedestrian routes.

6. In reply to the Civic Society's letter to Taunton Deane dated 7th July 2018 which raised these concerns, Tim Burton stated that there are other material considerations to consider. Determination of planning applications must be totally transparent. It is a very dangerous precedent to potentially approve an application utilising information not in the public domain and thus withholding the opportunity of an affected community to comment. Thus, from information in the public domain or summarised, we would draw these facts to your attention.

A). Paragraph 120 of the (2018) NPPF states that if allocated land is unlikely to come forward for development the LPA should reallocate as part of a plan update or deallocate. This proposal is thus premature in advance of a Plan update. Moreover, land at Sandys Moor is now being progressed for employment uses including a new Enterprise Centre, relocation of EPS Saws from Ford Road, a considerable expansion of Brendon Powerwashers and a relocation of a further business, AA

Tooling. Previous delays in progressing development here can to a large extent be attributed to the need for a second access due to restrictions placed by the then Abattoir and the global recession. The land was allocated in 2004 (prior to the global recession) at least in large part to assist relocation of employment uses on Ford Road, not for additional residential use, for which other and more sustainable sites were chosen.

B). Paragraph 120 of the NPPF also states that 'in the interim' of a Plan update alternative uses can be considered if it would contribute towards an unmet need for development. Again, this is not applicable. Paragraphs 5.2 to 5.11 of TDBC's Rule 6 Statement for the current Gladman appeal, also in Wiveliscombe, states that the Development Plan is up to date allocates sufficient sites and housing numbers for Wiveliscombe, that the Council's policies for housing are up to date, that it has a 5 year housing land supply plus buffer against both its adopted Core Strategy target and even more so against the government's new methodology of calculating housing need. Clearly housing need cannot thus be considered a factor in on this application either.

C). Neither can it be claimed that this site is required to contribute towards any identified affordable housing need which could not be met elsewhere locally. For example, the Town Council have recently identified at least two sites, more sustainably located towards the centre of Wiveliscombe that landowners are willing to release for affordable housing only schemes. Again, it is clear that any argument that a site is required to meet any identified affordable housing need cannot be considered a factor in this case either.

D). Supporting evidence with the application (Design and Access Statement) states that the proposal will deliver access and services to the boundary of the employment site thus ensuring that the employment site is available at the earliest opportunity. This is not enabling development since access to the existing employment area and thus presumably an element of services already exist at the northern entrance of the site (ie where the proposed housing is to be accessed), as it served the adjacent, previous occupiers. Employment uses can thus already be located in this area. Furthermore, as units are not to be built in advance, largely Design and Build to a high standard, rather than cheaper units more befitting to potential occupiers in this area and, often leasehold, any such employment 'take up' will be extremely slow and costly and cannot be relied on to happen on such terms.

E). Somerset County Council document Cabinet Member Decision Report dated 15 January 2018 refers to disposal of land and buildings at Sandys Moor. The document clearly states that the proceeds of sale are to be 'reinvested into financially supporting the delivery of services', i.e. to meet a budgetary shortfall. This is definitely

NOT a planning consideration and must not be considered a factor in determining this application, directly or indirectly. This appears to be the *raison d'être* for this application. To approve such an application with this factor in mind would totally undermine the legitimacy of the planning system and could lead to a challenge. If, although not stated anywhere, all of the proceeds of any land sale covers and will be specifically ring fenced to fund the construction and internal furnishings etc of the adjoining Enterprise Centre this may be considered a material consideration (and would fit the definition of 'enabling') but would need to be clearly stated, (which it isn't in any planning document), in the public domain and legally enforced. However,

when balanced against the conflict on all other matters referred to above it is the view of the local community that the application should still be refused and monies gained through the sale/rent of other land and buildings at Sandys Moor for employment purposes used to fund the Enterprise Centre along with any other funding sources such as exploration of loans to local authorities at reduced rates (for example as previously considered by TDBC and the cricket ground extensions). These are the only 'material considerations' that can be found in the public domain or 'guessed'. If there are others that the Council is aware of these should be published and the public specifically made aware of what TDBC will consider, so that the local community have an opportunity to respond prior to any decision being made. In order to protect the integrity of the planning system and officers, a recommendation for refusal of application 49/18/0045 can be the only course of action. If, for political reasons, the application is to be approved this must be through Planning Committee overturning the officers' recommendation for refusal.

SOMERSET WILDLIFE TRUST – In general, agree with findings of Ecological Appraisal and support proposals for further surveys and proposals for enhancements. Lighting should limit light pollution. Boundaries should be designed to allow free passage of small mammals.

7 Letters of OBJECTION on grounds of;

- Schools filled to capacity; proposals will add burden on infrastructure and resources such as schools/doctors/town car parks; the bus service only runs every two hours (Mon – Sat);
- Land is designated light industrial - Wiveliscombe does not need more houses;
- Degrade towns character and rural habitat;
- Employment land necessary for social and environmental reasons;
- Granting consent would increase the demand for employment outside of the site;
- Whole area should be developed for light industrial use;
- Public consultation event was poorly advertised;
- Ground investigation report seems out of date as was compiled in 2006;
- Development should not be referred to as "Manor" as there may be confusion in deliveries;
- Tree boundary to the east would shield development from livestock and make it more aesthetically pleasing.
- Noise and smell from farmland may affect residents;
- Proximity to sewage works and Brendon Power Washers may affect amenity;
- There is existing right of way to farmland to south of site
- Drainage should not affect adjoining farmland;
- Existing pipes and ditches may not cope with increase water volume;
- Increase in surface water may increase risk of flooding;
- Will proposal affect National Monument;
- Consideration should be given to speed limit of B3227;
- There is demand for employment land;
- Housing is in excess of local requirements;
- Travel study is inappropriate;
- Local Authority has demonstrated an inability to hold developers to their

commitments;

- Development is contrary to policies SD1 and EC1 and undermines policy SP1 with no overriding material considerations;
- The development seems to be shrouded in secrecy;
- The proposals are too close to the industrial units and may be affected by noise and safety.
- The Council should maintain some legal oversight of the site.

Representation – a micro nature reserve could be created with bat and bird boxes, hazel development for dormice, along with an already developing diverse plant and insect community.

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,
CP1 - Climate change,
CP2 - Economy,
CP4 - Housing,
CP8 - Environment,
SP1 - Sustainable development locations,
SP4 - Realising the vision for rural areas,
DM1 - General requirements,
C2 - Provision of recreational open space,
A3 - Cycle network,
A5 - Accessibility of development,
I4 - Water infrastructure,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
EC1 - Other uses in employment areas,
MAJ3 - South of Taunton Road, Wiveliscombe,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

This is an outline development so no detailed plans but Framework Indicative

Masterplan submitted with application states dwellings are broken down as 30% 2 beds, 45% 3 beds and 25% 4 beds.

Using Residential Testing Assumptions this equates to a residential development of approx. 8180sqm.

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 £1,022,500.00. With index linking this increases to approximately £1,360,000.00.

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	£101,432
Somerset County Council	£ 25,358

6 Year Payment

Taunton Deane Borough	£608,594
Somerset County Council	£152,149

Determining issues and considerations

Principle of Development

The site lies within the settlement boundaries of Wiveliscombe, which is designated under policy SP1 as a Major Rural Centre. Policy SP1 indicates that Major Rural Centres will provide the focus for essential facilities within rural communities, including an appropriate balance of housing provision, small scale employment and other local services. Under Policy MAJ3 of the SADMP the eastern section of the site (representing 4.5ha) is allocated for employment generating uses such as Class B1b, B1c and B8. The purpose of the allocation is to ensure that Wiveliscombe retains sufficient employment land to meet future requirements. It is acknowledged that Wiveliscombe is of sufficient size to warrant employment and housing growth. Whilst there are two other large sites identified within Wiveliscombe for housing allocations the application site constitutes the only allocated significant employment generating site. The provision of sufficient employment land is important to ensure local opportunities for employment in line with the objectives of sustainable development and assisting the self-containment of Wiveliscombe.

The planning history of the site identifies extant permission for residential development in the form of locked rehabilitation and low security facilities sited over 3 ha of the allocated part of the site. This is considered to be an employment generating use. The site is therefore appropriate for development, however development of the site has not been forthcoming. The lack of committed development on the site is of concern and consideration needs to be given as to how the Council can ensure deliverability of some employment generating uses.

In accordance with paragraph 120 of the NPPF the consideration of this application needs to reflect changes in the demand for land. In 2018 the Council undertook and published its Employment, Retail and Leisure Study. The review found that there is an oversupply of allocated employment land which may justify releasing some of the land on allocated employment sites to higher value uses in return for the servicing and sale of the remaining land for employment use. The review suggests that employment parcels should be at least 3 ha in size to ensure critical mass and market presence. In regards to this application the proposals would provide 2.92 ha employment land which would be sited next to the existing adjoining industrial land, sharing the same access off the B3277, providing an overall suitably sized area to function effectively in commercial aspects.

On balance it is considered that the loss of some of the employment land to housing may be acceptable in principle if it enables delivery of employment units. A suitable mechanism such as a S106 would need to secure deliverability. The Council's 5 year housing supply is not in question and it is not being deemed as justification for the development. The proposed density of the housing development over part of the site, resulting in up to 94 dwellings, is considered acceptable.

Residential amenity

Nearby dwellings - The proposal is not considered to affect the residential amenities of nearby dwellings, all of which are sufficient distance away to not be affected by the proposals.

Amenities of future residents of the development – The appropriate design of the development though the approval of reserved matters can ensure the separation of the residential area from the industrial area, with appropriate landscaping to mitigate visual impact. Due to the proximity of the residential dwellings B2 uses only be acceptable on the very southern part of the site, away from the residential properties. A suitable condition will be required to control the Class B uses over the site. Hours of operation of the business units will need to be controlled to prevent adverse impacts on the adjacent residential area.

The indicative plans show the dwellings in the northern half of the site, with the employment land to the south. The dwellings, as shown in the indicative plan, are sufficient distance from the sewage treatment works to not be affected by noise and odour from the STW. The siting of residential properties next to farmland is acceptable and there is deemed to be no significant adverse impacts upon the future residents from the neighbouring farmland. The agricultural unit is separated from the proposed residential development by agricultural land.

Affordable Housing and Public Open Space Provision

The development will need to provide affordable housing in line with policy requirements. The Housing Enabling Officer has stated 25% of the new housing should be affordable homes, with a tenure split of 60% social rented and 40% intermediate housing in the form of shared ownership. The agent has agreed in writing to this housing mix and it will need to be secured by a S106 agreement.

In line with policy requirements children 8 years and under should not have to walk further than 400m to their nearest equipped play area via a safe walking route. The development will therefore need to provide on-site equipped and non-equipped children's play space for under 8's at 20sqm per 2 bed plus dwelling. An off-site contribution will be required for each 2bed plus dwelling for over 8's play provision and secured through a S106 agreement.

Highways

The development will be accessed off the existing access off the roundabout to the B3277. The internal road/estate layout will be dealt with at reserved matters, including 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. Some improvements/widening of the access road may be required, along with visibility splays. The Highway Authority support the application subject to various conditions and securing a Travel Plan through a S106.

Safe and adequate 24 hour access to the STW must be maintained. The access must not form part of a pedestrian route. Currently there is an access track off the B3277 through the site to the STW, which divides the site. The masterplan does not identify how access will be maintained. A condition can ensure the access is agreed as part of the reserved matters application and implemented accordingly. If suitable access is provided through the industrial area, off the existing roundabout, this could be an improvement to the existing access.

A construction management plan would be required to be submitted and approved prior to commencement to ensure safety to the highway during all stages of the development. A travel plan would need to be approved, implemented and monitored. The Highway Authority require a S106 to secure the travel plan.

Flood Risk

The application site is not located within flood zone 2 or 3. Surface water drainage will need to ensure that the development does not increase flood risk. Full drainage details, including the provision of SUDS will need to be submitted and approved.

Landscape & biodiversity

The development of the site will be visible as you approach Wiveliscombe from Taunton direction and from the wider area. The development will be seen as an extension to the rural centre and will not appear out of context with its surroundings, subject to appropriate design. As already stated, there is an extant permission on part of the site so it is already accepted that the nature of the site will change from its current agricultural form. The revised indicative masterplan shows landscaping within and around the site, including an increased buffer to the eastern boundary. A landscaping condition will be required to ensure suitable landscaping details are

submitted at reserved matters and implemented as part of the scheme.

A Preliminary Ecological Appraisal has been carried out at the site. The Council's Biodiversity Officer agreed with the findings of the report and recommended further surveys are carried out. It is considered that this information is required prior to commencement of any development to ensure adequate protection of flora and fauna. A protective strategy and enhancements will be required, including the provision of bird and bat boxes.

Contamination

The Ground Investigations Report submitted with the application does not cover the whole of the site and is not recent. Further investigations will be required to ensure the development is safe. The Environmental Health Officer has recommended conditions to ensure mitigation of contaminated land.

The site is in close proximity to the former abattoir and other industrial premises. A full noise and odour assessment will need to be undertaken to identify any issues in relation to the siting of the proposed dwellings.

Archaeology/ Scheduled Monument

The proposal is not considered to significantly affect the setting of the scheduled monument "Camp south of Manor Farm". There are no archaeological concerns arising from the proposal.

Other matters

The detailed layout and the matters relating to this raised by the Police Architectural Liaison Officer will be subject of the reserved matters application.

The financial considerations carry limited weight. The application will be subject to CIL payments which will contribute to financing infrastructure though the regulation 123 list. The provision of school places are a County matter and Doctor's surgeries operate independently. The proposed development is not considered to significantly increase the need for car parks within the centre of Wiveliscombe.

Wiveliscombe Civic and Historical Society refer to the proceeds of the sale of land and buildings. This is not considered a material planning consideration.

The public consultation event that took place was at the discretion of the applicant. The application has been advertised in accordance with regulations.

In the event that a public right of way needs to be altered the applicant will need to apply for a diversion order.

Conclusion

Whilst it is acknowledged that the proposal is contrary to policy MAJ3 in the SADMP, however it is considered acceptable and in accordance with Policy SP1 if it is an employment enabling and affordable housing enabling development. The support for this mixed use scheme is considered to be a proactive approach, in line with the NPPF, to facilitate employment land coming forward with an appropriate use of land within the settlement boundaries. Without an adequate mechanism to bring forward the employment land the proposed residential use would be considered unacceptable. A condition would not be considered a suitable mechanism to ensure deliverability of the employment site. A S106 legal agreement, would need to be secured to ensure a fully serviced employment site with appropriate phased triggers.

For example; All plots shall be individually serviced and available and at least two units with a total minimum floorspace of 2,000 sq.m shall be constructed ready for occupation prior to the occupation of the fiftieth dwelling.

The residential use would also be considered unacceptable if it did not enable affordable housing in line with policy requirements. The S106 will ensure the affordable housing is delivered.

The application for outline consent is therefore recommended for conditional approval subject to a S106 to secure; the development of industrial buildings and servicing of employment land; travel plan; children's play provision; and affordable housing.