



## PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 26TH MARCH 2008 AT 17:00.

(RESERVE DATE : THURSDAY 27TH MARCH 2008 AT 17:00)

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### AGENDA

1. Apologies.
2. Minutes of the meeting of the Planning Committee held on 27 February 2008 (attached).
3. Public Question Time.
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
5. West Monkton - 48/2007/019  
Construction of a roundabout and alteration of associated roads and highway structure at the former Chicken Hatchery, Bridgwater Road, Monkton Heathfield.
6. West Monkton - 48/2007/061 Report item  
Proposed mixed use urban extension comprising 900 dwellings, B1 business, local centre, primary school, playing fields and open space, new A38 Relief Road at Monkton Heathfield Development Site, Monkton Heathfield.
7. ASH PRIORS - 02/2008/001  
ERECTION OF DWELLING (RENEWAL OF PERMISSION 02/2005/001). LAND ADJACENT TO BROOKLANDS, ASH PRIORS.
8. COMBE FLOREY - 11/2008/001  
ERECTION OF EXTENSION TO REAR AND RE-ROOFING OF GARAGE TO FORM GARDEN ROOM AT LITTLE ORCHARD, COMBE FLOREY
9. LANGFORD BUDVILLE - 21/2008/001  
ERECTION OF DWELLING ADJACENT TO WHITE OAKS AND ALTERATIONS TO WHITE OAKS, LANGFORD BUDVILLE (RESUBMISSION OF 21/2007/025)
10. STOKE ST GREGORY - 36/2007/022  
CHANGE OF USE OF LINHAY AND CAR PORT TO GAMES ROOM AND INDOOR SWIMMING POOL AND ASSOCIATED INFILLING OF OPENINGS IN BARN AND CAR PORT, NEW RAISED ROOF STRUCTURE OVER CAR PORT AND ENLARGEMENT OF ACCESS

GATE OPENING AT WALNUT ARBOUR, CURLOAD, STOKE ST GREGORY, TAUNTON

11. TAUNTON - 38/2008/045  
CONSTRUCTION OF THIRD WAY ROAD INCLUDING A NEW BRIDGE OVER THE RIVER TONE BETWEEN CASTLE STREET AND WOOD STREET, TAUNTON
12. TAUNTON - 38/2008/063  
RETENTION OF CONSERVATORY TO SIDE AND RETENTION OF 2.2 METRE FENCE TO SIDE AT 31 WELLINGTON ROAD, TAUNTON
13. WELLINGTON - 43/2008/016  
RETENTION OF FENCE AT 32 SEYMOUR STREET, WELLINGTON
14. E274/25/2007 - 2m close boarded fence erected at Levan Barn, Harnham Court, Norton Fitzwarren. Enforcement item
15. E319/38/2006 - Multi-Storey Car Park not in accordance with the approved plans at Musgrove Park Hospital, Taunton. Enforcement item
16. E187/38/2007 - Fence erected adjacent to highway over 1m in height at 55 Buckland Road, Priorswood, Taunton. Enforcement item
17. E346/38/2007 - Erection of 1.8 m high fence and inclusion of land into domestic curtilage at 76 Wood Street, Taunton. Enforcement item
18. E369/38/2007 - Unauthorised use of 94 Normandy Drive, Taunton to operate a double glazing and acrylic canopy business T/A Taunton Canopies together with the erection of a large summer house in the rear garden. Enforcement item
19. E349/49/2007 - Installation of UPVC windows to listed building at Woodvale, Croford Hill, Wiveliscombe. Enforcement item

G P DYKE  
Democratic Services Manager  
19 March 2008

Tea for Councillors will be available from 16.45 onwards in Committee Room No.1.

Planning Committee Members:-

Councillor Mrs Hill (Chairman)

Councillor Mrs Allgrove (Vice Chairman)

Councillor Bishop

Councillor Bowrah

Councillor Critchard

Councillor Denington

Councillor C Hill

Councillor House

Councillor Miss James

Councillor McMahan

Councillor Mrs Smith

Councillor Watson

Councillor Ms Webber

Councillor A Wedderkopp

Councillor D Wedderkopp

Councillor Miss Wood

Councillor Woolley





Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



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Website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

## Planning Committee – 27 February 2008

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Bowrah, Critchard, Denington, C Hill,  
House, Miss James, McMahon, Mrs Smith, Watson,  
Ms Webber, A Wedderkopp, D Wedderkopp, Miss Wood and  
Woolley.

Officers:- Mr T Burton (Development Manager), Mr J Hamer  
(Development Control Area Manager – West), Mr G Clifford  
(Area Planning Manager - South), Mr M Roberts (Area Planning  
Manager - East), Mr A Pick (Principal Planning Officer - West),  
Mrs J M Jackson (Senior Solicitor) and Mrs G Croucher  
(Democratic Support Officer).

Also present:- Councillor Farbahi in relation to application No 27/2007/026 and  
Councillor Coles.

(The meeting commenced at 5.00 pm.)

### 18. Minutes

The minutes of the meeting held on 13 February 2008 were taken as read and were signed subject to the resolution of Minute No. 13, Redevelopment of shop and storage/garage to form a dwelling with replacement of shop-front at 24 Silver Street, Wiveliscombe (49/2007/076) being amended to read:-

“**Resolved** that subject to the receipt of:-

- (i) a satisfactory amended plan indicating the restoration of a rubble wall on the southern elevation of the building; and
- (ii) no adverse views from the County Archaeologist,”

### 19. Declarations of Interest

Councillor Bishop declared a personal interest in application No 27/2007/026 as an Oake Village Hall Trustee.

Councillor Mrs Allgrove also declared a personal interest in relation to application No 34/2007/057 as she knew one of the objectors. She left the meeting during consideration of this application.

### 20. Applications for Planning Permission

The Committee received the report of the Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **planning permission be granted** for the under-mentioned developments, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

**29/2007/013**

**Proposed gypsy caravan site for three mobile homes with touring caravans and portable shower block at Daneswell, adjacent to gypsy site, Culmhead**

**Conditions**

- (a) C001A – time limit;
- (b) C511 - caravans - gypsy occupation;
- (c) Not more than one mobile home and one touring caravan shall be stationed on each pitch on the site at any one time, in accordance with details to be submitted to the Local Planning Authority;
- (d) The existing boundary hedges to the site shall be retained and not lopped, felled or removed without the prior consent of the Local Planning Authority;
- (e) C201 - landscaping;
- (f) No business activities shall be conducted at the site unless otherwise agreed in writing by the Local Planning Authority;
- (g) P006 - no fencing;
- (h) There shall be no external lighting provided on the site unless otherwise agreed in writing by the Local Planning Authority;
- (i) The access drive shall be provided prior to the occupation of any unit and shall be kept clear of obstruction and details of alignment and surfacing shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) C010A - drainage - not commenced until percolation test approved;
- (k) Details of parking and turning facilities within the site shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter shall be provided prior to the occupation of any unit on site.

**Reason for granting planning permission:-**

The additional pitches were considered to fulfil an outstanding gypsy need in accordance with Taunton Deane Local Plan Policy H14 - Gypsy and Traveller Sites (as amended).

**34/2007/057**

**Erection of building to house indoor netball/tennis court, formation of three outdoor netball/tennis courts, one outdoor netball court and synthetic turf pitch for football and hockey all floodlit by 16 x 10 m high floodlight columns at Taunton Vale Sports Club, Gypsy Lane, Staplegrove**

**Conditions**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) The floodlights shall not remain on after 22:00 hrs each evening;
- (e) Prior to the installation of the proposed floodlights, details of a scheme to provide shields to all existing floodlights to prevent lights shining into adjacent residential properties, shall be submitted to, and approved in writing by, the Local Planning Authority and such scheme as approved, shall be implemented. Within four weeks of installation and following supervised testing by the Local Planning Authority, any further modifications required by the Local Planning Authority shall be carried out to ensure light is not shining into adjacent properties. Such shields shall be maintained thereafter;
- (f) The proposed new floodlights shall be installed in accordance with the approved details. Within four weeks of installation and following supervised testing by the Local Planning Authority, any modifications required by the Local Planning Authority shall be carried out to ensure light is not shining into adjacent properties.

**Reason for granting planning permission:-**

The proposal was supported by the provisions of Planning Policy Guidance Note No 17 (Sports and Recreation) and was not considered to adversely affect the amenities of the area and, on balance, would not be contrary to Taunton Deane Local Plan Policies EN13 (Green Wedge) or EN34 (Control of External Lighting).

**49/2007/074**

**Change of use from office to restaurant and takeaway at 3 Silver Street, Wiveliscombe**

**Conditions**

- (a) C001A - time limit;
- (b) Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation. The external ducting shall be so designed that the flue discharges not less than one metre above the roof eaves level;
- (c) Noise from any air extraction system shall not exceed background noise levels by more than 3dB(A) for a 2 minute Leq, at any time when measured at the façade of residential or other noise-sensitive premises;
- (d) The property shall not be open for business other than between the hours of 11:00 and 22:00 hrs;



- (e) Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise nuisance to neighbouring premises will not be caused. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report shall be agreed in writing by the Local Planning Authority, prior to the commencement of development works and all work identified to be undertaken, shall be implemented before the business is open for operation;
- (f) Any building work shall be carried out between the hours of 08:00 and 18:00 hrs on Mondays to Fridays and 08:00 and 12:00 hrs on Saturdays.  
(Notes to applicant:- (1) Applicant was advised that any other external alterations or advertisements may require the benefit of planning permission and advertisement consent and you are therefore requested to contact Planning Services to seek advice on these issues; (2) During the planning, design and operation of this establishment, applicant will need to have regard to the requirements of the various Food Safety and Food Hygiene Regulations. Failure to comply with the regulations is a criminal offence. It is strongly recommended that the applicant contacts the Food Safety Team of the Environmental Health Department once plans showing the proposed layout and workflow are available. This is to discuss any details, which may need amending to ensure the premises will comply with current legislation. "Safer Food, Better Business" packs are available from the Food Standards Agency. Applicant was also strongly urged to obtain a copy of the relevant Industry Guide which provides detailed guidance on compliance with these regulations. If this is a new food business, the premises must be registered with the Environmental Health Department at least 28 days prior to opening. Failure to register is a criminal offence; (3) With regard to condition (b), applicant was advised that the provision for carbon filters should be built into the system so that if odours are a problem in the future, carbon filters can be easily installed.)

**Reason for granting planning permission:-**

The proposal would contribute to the vitality and viability of Wiveliscombe Central Area, would not adversely affect the character and appearance of the Conservation Area, nor the setting of listed buildings and would not unduly affect visual amenity, residential amenity or road safety. Accordingly, the proposal complied with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN16 (Listed Buildings) and WV4 (Shopping and Services).

**49/2007/077**

**Construction of agricultural access (retrospective), Candletrees, Jews Farm, Maundown, Wiveliscombe**

**Reason for granting planning permission:-**

The proposed development would not adversely affect visual amenity or road safety and therefore did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

- (2) That **planning permission be refused** for the under-mentioned development, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

**27/2007/026**

**Outline application for residential development of 22 affordable homes and associated parking, together with replacement storage building and relocation of stables at land to south and east of Barton House, Oake**

**Reasons**

- (a) The proposed development fails to accord with the provisions of Local Plan Policy H11 (Rural Local Needs Housing) on the grounds that the proposed single tenure, or discounted purchase, does not meet a range of needs for affordable housing and, in particular, from those households in need of social rented accommodation. The proposal is not based on an assessment of local affordable housing needs which is then related to in terms of scale, tenures, types and sizes. Furthermore, insufficient information has been provided to demonstrate that there is a proven local affordable housing need in this instance and the number of houses proposed is considered to be excessive and disproportionate to the village. As such, the proposal would be contrary to the provisions of Taunton Deane Local Plan Policy H11;
- (b) The proposed development does not immediately adjoin the settlement of Oake. As such, the proposal would create a form of unacceptable sporadic development in the open countryside which would be seen as a linear extension of the village towards the B3227 and begin to erode the open space between Oake and Hillcommon. The site is not well-screened and the proposed development would harm the rural character and appearance of the area. The development is therefore contrary to the provisions of Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), H11 (Rural Local Needs Housing) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

21. **Erection of six dwellings at land off Gay Close, Wellington (43/2007/003)**

Reported this application.

**Resolved** that subject to the receipt of amended plans which overcome the technical objections of the County Highway Authority, the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) No development shall take place until details of the foul drainage system and surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied;
- (d) C416 - details of size, position and materials of meter boxes;
- (e) C215 - walls and fences;
- (f) P001A - no extensions;
- (g) C201 - landscaping;
- (h) No development shall commence until the means of ensuring that the development is solely for the provision of affordable housing and providing adequate contributions towards leisure and recreation facilities has been entered into and secured in writing with the Local Planning Authority.

(Note to applicant:- Applicant was advised to discuss the requirements of the landscaping scheme with the Council's Landscape Officer.)

**Reason for planning permission, if granted:-**

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H2 (Housing with Classified Settlements), M4 (Residential Parking Provision), H9 (Affordable Housing with General Market Housing), H10 (Affordable Housing Targets) and C4 (Standards of Provision of Recreational Open Space) and material considerations did not indicate otherwise.

**22. Appeal decision relating to the enforcement notice requiring the removal of the 02 mast at Shoreditch Road, Taunton**

Members had previously received a copy of the Inspector's decision letter relating to the telecommunications mast erected on land at Shoreditch Road, Taunton.

The appeal lodged by 02, had been dismissed and there was a requirement for the existing mast to be removed by 27 March 2008. A costs application had also been refused.

However, it was common ground between the parties that there was an existing deemed permission for an alternative mast at the site which would be less bulky and have less impact than the current unauthorised mast.

Following the outcome of the appeal, a letter had been sent to 02 asking them to enter into negotiations for the relocation of the mast to an alternative site in the Council's ownership adjacent to the motorway, for which the Council had obtained planning permission.

Noted that 02 had refused to do so on the grounds set out in a letter, copies of which were circulated.

Reported that the only option remaining open to the Council, appeared to be the revocation of the existing deemed consent before it was implemented.

Such a revocation order, if opposed, would be subject to confirmation by the Secretary of State, following a further public inquiry. If unsuccessful, the Council would run the risk of a costs award against it. If successful, there would be an obligation to pay 02 for loss of anticipated future business profits.

With a telecommunications mast generating an income in the region of £40,000 per annum, the amount of compensation payable to 02 would be significant, especially if the company chose not to replace the mast elsewhere in the vicinity.

02 had confirmed in recent days that if revocation took place, a large part of Taunton would lose coverage.

During the discussion of this item, Members requested further investigation of any other courses of action which might be open to the Council which would result in the mast being relocated.

**Resolved** that:-

- (1) The current situation be noted;
- (2) The Senior Solicitor be requested to consider any other effective measures that could be taken against 02 other than revocation action; and
- (3) If no such other effective measures were available, the likely cost to the Council of taking revocation action be advised to the Chairman, the Ward Councillor (Councillor Denington) and the Development Manager for a decision as to whether the matter should be referred to Executive Councillor Coles for a decision as to whether a supplementary estimate should be sought.

**23. 1.8 m High fence with trellis on top erected in the rear garden of 4 Poplar Road, Taunton**

Reported that this fence had been brought to the Council's attention in September 2007. A site visit had been made and it was found that the fence, including the trellis, measured 2.1m and therefore required planning permission for it to remain. The owner had been requested to submit an application, but had declined to do so.

In the view of the Development Manager, if an application was to be submitted, it was likely to be approved.

**Resolved** that no further action be taken.

(The meeting ended at 7.58pm.)

48/2007/019 (to be considered in conjunction with 48/2007/061)

HOOKIPA LTD

**CONSTRUCTION OF A ROUNDABOUT AND ALTERATION OF ASSOCIATED ROADS AND HIGHWAY STRUCTURE AT THE FORMER CHICKEN HATCHERY, BRIDGWATER ROAD, MONKTON HEATHFIELD**

325558/126220

FULL

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**PROPOSAL**

The proposal is for the erection of a roundabout and associated road links to the A38 and Eastern Relief Road as identified in the Taunton Deane Local Plan allocated site T8. The roundabout would have four arms and link to the A38 south towards Creech Castle roundabout, A38 north through Monkton Heathfield, Milton Hill to the west and would be situated in order to be facilitate a link to the east onto the Eastern Relief Road as proposed in planning application 48/2007/061 and as identified in the Local Plan Major allocated site T8. The roundabout is located to the east of the existing route of the A38 and is largely sited on the former Hatcheries land.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY - I have no objection to the principle of a roundabout being constructed in this location, provided that it is constructed to serve development. The details shown on the drawings accompanying the application are generally acceptable. However, I have certain concerns about the juxtaposition with the existing access into the hatchery and the proposed roundabout, although this could be sorted out at detailed design stage. In consequence, I have no objection to the proposal, subject to the applicants entering into a Section 106 Agreement requiring the design, construction and funding of such a roundabout and a Grampian Condition being attached saying that the roundabout should not be constructed prior to the development associated with it being approved and constructed.

COUNTY ARCHAEOLOGIST - as far as we are aware there are limited or no archaeological implications to this proposal therefore we have no objection.

HIGHWAY AGENCY - no objection.

ENVIRONMENT AGENCY the application falls outside of the scope of matters on which the Environment Agency are a statutory consultee and therefore would wish to make no comment.

NATURAL ENGLAND There will be little or no negative impact on wildlife/protected species as a result of the proposed development therefore no objection.

SOMERSET WILDLIFE TRUST - comments awaited.

CIVIC SOCIETY - the Civic Society supports this application as the best available proposal for the southern termination of the A38 Eastern Relief Road (ERR) proposed for the new developments at Monkton Heathfield. We don't know why there are two alternative proposals for this land. However, having examined both the Consortium's proposals in 48/2005/072 and this 48/2007/019 application we are in no doubt that this is preferable for the following reasons:

- (1) It is less damaging to the Green Wedge, especially if the ERR has to be constructed so that it may be duelled at a later date.
- (2) It does not subject traffic to a turning back "dogleg" manoeuvre to get to Milton Hill and the B3259. The Consortium's proposal for a more southerly roundabout leads to a 3-exit roundabout, and such roundabouts seem particularly prone to priority confusions. This "019" proposal for a conventional 4-exit roundabout with a straight path to Milton Hill seems to be both safer and conducive to better traffic flow.
- (3) The alternative Consortium "072" proposal may eventually result in pressure for a much greater intrusion into the Green Wedge, as there will then be a stronger case for the proposed Western Relief Road (WRR) to be built directly from the more southerly roundabout across the Green Wedge close to Tanpitts Farm. When (if) the WRR is eventually built it may be that the Milton Hill road will need to be widened and given a much better separation for cyclists and pedestrians (heavy usage because of the school), but this would still be less damaging to the Green Wedge than a completely new route.
- (4) The Consortium's proposal is likely, given the planned bus gate towards the northern end of the B3259, to provide an incentive for traffic that would otherwise approach Taunton via the B3259 to continue down the A38 to Creech Castle and the Toneway. We note that the Consortium are proposing quite a large amount of landscaping' and planting to screen their proposed southern end of the ERR, so as to ameliorate the effects on the Green Wedge. However such landscaping is itself a change to the natural environment, and while we think that this proposal may also require both screening and noise containment features, the Wedge is less affected and thus the need for extensive landscaping is reduced. It is most important that, as a matter of principle if nothing else, the Council protects the Green Wedges declared in the current Local Plan. We do not think that they may never be changed within the lifetime of the present Local Plan, but any such change should only occur in cases of absolute necessity, and when all other alternatives (including CPOs if appropriate) have been shown to be unacceptable. We trust that the Council will fully recognise the linkages between this and the older Consortium proposal, and consider them at the same time.

LANDSCAPE OFFICER - the proposals are within the Local Plan development proposals and subject to landscape mitigation it should be possible to integrate them into the surrounding landscape. The proposals largely in keep the Green Wedge width intact between Tanpitts Farm and the land to the east of the Bridgwater Road - EN13.

NATURE CONSERVATION AND RESERVES OFFICER - no objection subject to updated survey, impact assessment and mitigation prior to commencement of works on site and methodology for demolition.

FORWARD PLAN – None received

ENVIRONMENTAL HEALTH OFFICER - No objection subject to conditions for the submission of investigation, assessment and mitigation works (if necessary) for contaminated land, noise and air quality

WEST MONKTON PARISH COUNCIL - The parish Council support this application.

14 LETTERS OF OBJECTION have been received raising the following issues:

- the closure of the existing A38 will have a devastating impact on the existing businesses located along the A38 by removing passing trade in addition the closure of the A38 will be difficult to achieve as it must maintain access by delivery vehicles, sales servicing and parts;
- the closure of the A38 north through Monkton Heathfield will disadvantage local people and would hope a solution can be found that enabled access to be maintained;
- the proposed traffic calming measures on the A38 are considered to have a detrimental impact on the trading of existing premises along the A38, which currently benefit from such a busy road side location;
- the proposal for an isolated roundabout will not resulting the comprehensive development of the allocated site as required by the Local Plan policies;
- the applicant should provide a Masterplan identifying how the application would enable the delivery of the application before the application can be determined;
- the proposal does not provide sufficient land within the red line to enable any landscape mitigation as required by the adopted Development Guide; Milton Hill is not adequate to cater for the heavy traffic and is too narrow to take cattle trucks, articulated lorries etc;
- the increased use of Milton Hill will have a detrimental impact on the quality of life of adjacent residents; the proposal should include a bank and screening along the main A38 as a sound barrier to protect the occupants of caravans who may occupy the fields;
- There will need to be sound barrier along the approach road to the roundabout to protect the campers who pitch in the adjacent orchard;
- Tanpits farm own part of the verge adjacent to Milton Hill, if this is required to be used for a cycle/pedestrian link or needed to provide a major road then we would wish for sound reduction measures to protect the existing camp site along Milton Hill;
- If the bus gate was relocated it would be safer to use; the bus gate will cut off access to the shops and schools in Monkton Heathfield and prevent commercial traffic from the motorway accessing ATS and other businesses; residents of Farriers Green will find it even more difficult to exit onto Milton Hill could a mini roundabout or traffic lights be provided?;
- the proposed roundabout will not answer questions of the impact that 900 houses and new businesses will have on the area and the damage to the resulting environment; the proposal will result in piecemeal development prejudicial to the ability to provide a comprehensive development of the Monkton Heathfield Development.



1 LETTER OF SUPPORT - has been received raising the following issues:- the proposed roundabout represents common sense in the provision of the road link to the A38

## **POLICY CONTEXT**

### Site Specific Policies

#### Monkton Heathfield Major Site Allocation

##### Policy T8

Sites at Monkton Heathfield are proposed for a major comprehensive development including housing, employment, and community facilities and associated developments as set out in more detail in Policies T9, T10, T11 and T12. To ensure the provision of a satisfactory overall development, a coordinated approach and the delivery of the following key elements will be necessary:

- (A) primary and secondary school provision accommodation in accordance with Policy C1;
- (B) social and community facilities in the local centre;
- (C) playing fields and public open space in accordance with policy C4;
- (D) preparation and maintenance of a local nature reserve;
- (E) landscaping;
- (F) surface water attenuation;
- (G) affordable housing in accordance with policy H9 and H10 (35% affordable housing);
- (H) bus priority measures within the site and linking the site to Taunton town centre;
- (I) revenue support if necessary to maintain a frequent quality bus service linking the site to Taunton town centre;
- (J) a comprehensive cycle and pedestrian network within the development area and Monkton Heathfield village, providing convenient access to the schools, local centre and employment;
- (K) cycle access to Taunton town centre via the A3259 and the canal, to the Riverside Leisure and Retail facilities and to from Creech St Michael;
- (L) eastern and western relief roads; and
- (M) traffic calming and environmental enhancement on the existing A38 and A3259.

#### East of Monkton Heathfield

##### Policy T9

A site of 50 hectares east of Monkton Heathfield is allocated for a mixed use development, to incorporate the following uses (with a minimum site area shown):

- (A) Housing (25 ha);
- (B) B1 business development (4 hectares);
- (C) Public playing fields (4.5 hectares)
- (D) Primary school (2 hectares);
- (E) Local centre (3 hectares); and
- (F) Landscaping and public open space (10 hectares).

Affordable housing will be sought on this site in accordance with policies H9 and H10.

### North of Aginghill's Farm

#### Policy T10

A site of 4.8 hectares north of Aginghill's Farm as shown on the Proposals Map is allocated for residential development.

Affordable housing will be sought on this site in accordance with policies H9 and H10.

### South of Langaller

#### Policy T11

A site of 10 hectares south of Langaller is allocated for B1 light industry and B8 warehousing development.

### Community Developments

#### Policy T12

A site of 1.6 hectares east of Monkton Primary School is allocated for educational uses.

### General Policies

#### Somerset and Exmoor National Park Joint Structure Plan Review Policies

STR1 Sustainable Development;

Policy 5 Safeguards the Landscape Character of an area with particular attention to distinctive landscape, heritage or nature characteristics;

Policy 11 Land with High Archaeological Potential;

Policy 14 Development proposals should ensure that protection of archaeological remains is undertaken;

Policy 49 Transport Requirements of New Development;

Policy 51 Identifies the A38 as a National Primary Route), Policy 54 - (New Road Schemes.

#### Taunton Deane Local Plan Policies

S1 General requirements;

M6 indicates that existing streets will be traffic calmed to improve the environment, safety or to encourage traffic to use the most appropriate roads;

EN13 Does not permit development that will harm the open character of the green wedge;

- EN23 Requires sites that may have an archaeological potential to be fully investigated before planning applications are allowed);
- EN25 Requires development near to rivers or canals not to be detrimental to their landscape, character, wildlife and recreational potential and to respect enhance and maximize the benefits of a waterside location);
- EN33 Building Waste.

There is also supplementary planning guidance for the allocated sites: - The Monkton Heathfield Development Guide

## **ASSESSMENT**

The Taunton Deane Local Plan requires a comprehensive and coordinated delivery of the whole of the allocated sites, with the southern junction of the Eastern Relief Road, A38 and Milton Hill provided in the vicinity of the former Hatcheries site. The current proposal is located in a position that generally conforms to the local plan allocation and (subject to the submission and approval of full detailed plans) is a technically acceptable highway solution.

Policy T8 requires a coordinated and comprehensive approach to the development of the allocated site. Whilst this application alone does not achieve such a comprehensive development, when combined with current application 48/2007/061 (for the mixed use development of the land to the north and east of this roundabout, for your consideration tonight) the proposal would enable the provision of a significant proportion of the Local Plan allocation including the provision of 900 houses; the majority of the employment land; the Eastern Relief Road on the local plan alignment, thereby retaining the maximum amount of Green Wedge to separate Monkton Heathfield from Bathpool, the required affordable housing; the secondary school improvements, including a new playing field, primary school and community facilities; the leisure and recreation facilities required for the proposed new dwellings, and the local centre required for the allocated site (see above report for details).

This application does not include details of the landscape, wildlife, contaminated land, noise or air quality impacts or any necessary mitigation measures for the roundabout and such details would need to be submitted and approved prior to the commencement of works on site.

A roundabout in this location will result in significantly less impact upon the character and function of the Green Wedge between Bathpool and Monkton Heathfield when compared with the Consortium's proposal, which is the subject of the current appeal.

In view of the above I consider that it is possible to support the principle of the proposed roundabout in this location subject to the provision of acceptable landscape details, contaminated land details, noise details and air quality details, detailed road design, and a Section 106 requirement for the timely provision of the road. The applicants have indicated a willingness to enter into such an agreement and the following heads of terms have been suggested:

- The provision and maintenance of a landscaping bund adjacent to the new roadway
- A requirement that the road and roundabout be provided prior to the occupation of the 301<sup>st</sup> house, to be constructed as part of the Local Plan allocated site at Monkton Heathfield or when the balance of the Eastern Relief Road has been constructed up to the boundary the site, whichever is the sooner
- An obligation that in default of the requirement to construct the road and roundabout, rights will be granted to a third part to enter onto the land and construct the same
- The agreement to include the mechanism for valuation in the event that a third part exercises such rights (by means of RICS Arbitration or similar)
- An obligation that the roundabout is dedicated either as soon as it is completed or as soon as a third party steps in to complete it in the event of default.
- Obligation to submit a planning application for the remainder of the site for B1/B8 uses as identified in the Monkton Heathfield Development Guide.

## **RECOMMENDATION**

The Development Manager in consultation with the Chair/Vice Chair be authorised to determine and planning permission be GRANTED subject to a S106 agreement in accordance with the Heads of Terms suggested above and conditions of time limit, detailed road design, contaminated land survey, assessment, mitigation and monitoring, noise survey, assessment and mitigation, air quality survey, assessment and mitigation, updated wildlife survey, assessment and mitigation and landscaping details.

**REASON(S) FOR RECOMMENDATION:** To enable the delivery of the Monkton Heathfield allocated site in accordance with the Taunton Deane Local Plan allocations Policies T8-T12.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:

48/2007/061 (to be considered in conjunction with 48/2007/019)

REDROW HOMES (WEST COUNTRY) AND PERSIMMON HOMES (SOUTH WEST LTD)

**PROPOSED MIXED USE URBAN EXTENSION COMPRISING 900 DWELLINGS, B1 BUSINESS, LOCAL CENTRE, PRIMARY SCHOOL, PLAYING FIELDS AND OPEN SPACE, NEW A38 RELIEF ROAD AT MONKTON HEATHFIELD DEVELOPMENT SITE, MONKTON HEATHFIELD AS AMENDED BY MASTERPLAN SHOWING REROUTING OF INTERNAL ROAD RECEIVED ON 28 JANUARY 2008**

326276/126424

OUTLINE APPLICATION

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## 1. RECOMMENDATION

The Development Manger in consultation with the Chair/Vice Chair be authorised to determine and planning permission be granted subject to a S106 agreement in respect of the following.

- Affordable housing (35% to be split as 50% social rented, 25% shared ownership and 25% discounted open market);
- Education (provision of new 14 class Primary school and playing fields, monies towards improvements to the secondary school and the provision of a secondary school playing field);
- Social and Community Facilities (library contributions, joint community facilities and enlarged school hall);
- Playing fields, public open space and nature reserve (facilities to be provided in a phased manner linked to the development of the site, payments for the adoption/maintenance of those areas of land);
- Drainage (contributions towards the improvement of receiving watercourses);
- Highway package (Traffic calming works to the A38 and A3259, Bus priority measures, green travel plans, cycle/pedestrian network, bus shelters);
- Eastern Relief Road (provision of technical detail of link to proposed roundabout, timing of provision);
- Western Relief Road (funding for land acquisition, timing, design and construction of road);
- Children's' Play Areas (amount, location equipment timing of provision and maintenance);

And the following Conditions:

- 01 Before any part of the development hereby permitted is begun, a phasing plan should be submitted and approved in writing. Detailed drawings, to an appropriate scale of the siting design and external appearance of the buildings, the access thereto, the site levels and the landscaping of the site shall be submitted to and approved in writing by the Local Planning

Authority for each phase. Prior to the commencement of that phase, the phasing plan shall show 23,251 sqm of industrial floor space to be constructed prior to the completion of 650 dwellings.

- 01 REASON: The application was submitted as an outline application in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 02 Application for approval of reserved matters under (1) above relating to the first phase, the development shall be made to the local planning authority within 3 years date of this planning permission and application for approval of reserved matters under (1) above relating the remaining phases shall be made to the Local Planning Authority within 10 years of the date of this permission.
- 02 REASON: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).
- 03 The development hereby permitted shall be begun before the expiration of 3 years from the date of the approval of the reserved matters for the first phase.
- 03 REASON: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).
- 04 Prior to the occupation of the 651<sup>st</sup> dwelling an application for the necessary road improvements to Milton Hill and the construction of the Western Relief Road, as identified in the Taunton Deane Local Plan policy T8 and submitted traffic impact assessment shall have been submitted to and approved by the local planning authority and the road constructed in accordance with the approval.
- 04 REASON: To ensure that the road infrastructure is adequate to cater for the traffic generated by occupation of the remaining 250 houses in accordance with Somerset and Exmoor National Park Structure Plan review saved policy 49
- 05 Prior to the occupation of the 301<sup>st</sup> unit of housing on the site, the Eastern Relief Road as shown on the submitted plans and the northern and southern pedestrian/cycle bridges shall be completed in accordance with the approved details.
- 05 REASON: To ensure that the road, pedestrian and cycle infrastructure is adequate to cater for the traffic generated by the proposed development in accordance with Somerset and Exmoor National Park Structure Plan review saved policy 42, 44 and 49 and the Taunton Deane Local Plan policy S1(B), T8 (J) and the Monkton Heathfield Development Guide.
- 06 No development shall take place on the site until full details of the proposed northern and southern pedestrian and cycle bridges, which form part of the Eastern Relief road, have been submitted to and approved in writing by the Local Planning Authority.
- 06 REASON: to ensure that the pedestrian and cycle infrastructure is adequate to cater for the proposed development in accordance with Somerset and Exmoor National Park Structure Plan review saved policy

42, 44 and 49 and the Taunton Deane Local Plan Policy S1(B), T8(J) and the Monkton Heathfield Development Guide.

07 No development shall take place on the site until there has been submitted to and approved in writing by the Local Planning Authority a design code for the site in its entirety (hereafter called the approved design code). The approved design code shall be approved prior to the submission of any application for reserved matters. The design code shall include detailed codings for:

- Architectural and sustainable construction principles;
- Phasing of the development;
- Character areas;
- Street types and street materials;
- Block types and block principles;
- Internal highways, cycle ways and footpaths;
- Renewable and energy efficiency measures;
- Car parking principles;
- Building types and uses;
- Building heights;
- Building materials;
- Surface treatments;
- Boundary treatments;
- Children's play areas, playing fields and public open space;
- Landscaping strategies;
- Wildlife mitigation;
- Proposed uses for the employment areas and local centre;
- Mechanisms for periodic review and alteration to the design code if required.

07 REASON: To ensure high standards of urban design and a comprehensive approach to the physical form and development of the site as a whole to achieve a co-ordinated and well planned development in accordance with the requirements of planning policy statements 1 and 3 and Somerset And Exmoor National Park Structure Plan review saved policy STR1, the Taunton Deane Local Plan Policies S2, T8 and T9 and the Monkton Heathfield Development Guide

08 Applications for the approval of reserved matters shall accord with the approved design code unless otherwise agreed in writing by the local planning authority

08 REASON: To ensure high standards of urban design and a comprehensive approach to the physical form and development of the site as a whole to achieve a co-ordinated and well planned development in accordance with the requirements Of Planning Policy Statements 1 and 3 and Somerset and Exmoor National Park Structure Plan review saved policy STR1, The Taunton Deane Local Plan Policies S2, T8 and T9 and the Monkton Heathfield Development Guide

- 09 Prior to the commencement of works on site full details, including a timetable for implementation, of the proposed surface and foul water drainage for the site shall be submitted to and approved in writing by the local planning authority. The agreed details shall thereafter be provided in accordance with those approved details unless an alternative is first agreed in writing by the Local Planning Authority.
- 09 REASON: To ensure that satisfactory foul and surface water drainage is provided to serve the needs of the development in accordance with the requirements of PPS25.
- 10 No development for any residential or commercial building approved by this permission shall be commenced until such time as full engineering details of a surface water limitation scheme and the timing of its provision, on a phased basis, has been submitted to and approved in writing by the local planning authority. The details submitted shall accord with the drainage principles set out in the submitted Hyder flood risk assessment work, and shall indicate the future ownership, operation and maintenance liability for the surface water drainage infrastructure on site. The scheme shall be constructed in accordance with the approved details and timescale.
- 10 REASON: To ensure that satisfactory surface water drainage is provided to serve the needs of the development in accordance with the requirements of PPS25.
- 11 Prior to the submission of any reserved matters a landscape strategy and management plan shall be submitted to and approved in writing by the local planning authority. The proposed landscaping strategy shall include details of the proposed structural and internal landscaping and the proposed phasing of their provision.
- 11 REASON: To ensure that the proposed development can be successfully assimilated into the surrounding landscape and create an interesting amenity for the proposed development in accordance with Taunton Deane Local Plan policies S1(D), S2(A), EN12, T8(E), T9 (F) and as contained within the Monkton Heathfield Development Guide.
- 12 (i) Before any part of the permitted development is commenced a phased landscape scheme of planting of trees and shrubs which shall include details of species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) Each phase shall be completed to the satisfaction of the Local Planning Authority before the development of the following phase commences.
- (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs as may be approved in writing by the Local Planning Authority.
- 12 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.



- 13 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 13 REASON: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 14 Before any part of the development is commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority showing existing and proposed levels and contours of the development site.
- 14 REASON: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 15 Before any part of the development hereby permitted is commenced (a) a plan showing the location of, and allocating a reference number to each, existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2005); (b) details of the species, height, trunk diameter at 1.5m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.
- 15 REASON: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 16 No service trenches shall be dug within the root protection area of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 16 REASON: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 17 No residential buildings shall be erected within two thirds of the mature height of any retained tree on the site.
- 17 REASON: To ensure that retained trees have adequate amenity space and are less likely to cause concern to future residents in accordance with Taunton Deane Local Plan policy EN6
- 18 All existing trees, shrubs and hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the local planning authority in accordance with its guidance notes (enclosed) and relevant British

Standards (e.g. BS 5837:1991), for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, The Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the local planning authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the authority.

- 18 REASON: To ensure the continuity of amenity afforded by existing trees, shrubs and hedgerows in accordance with Taunton Deane Local Plan Policy S2.
- 19 No development shall take place on site until a schedule and plan of trees to be retained and the method and timing for the protection of those trees during construction within each phase is submitted to and approved in writing by the Local Planning Authority. The agreed protection works shall be installed in strict accordance with the schedule and plan and shall be maintained in a good state during the adjacent construction works.
- 19 REASON: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan policies S2 and EN6.
- 20 Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS5837:2005. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the local planning authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the local planning authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: the protective fencing should be as specified at chapter 9 and detailed in figures 2 and 3 of BS5837:2005.
- 20 REASON: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan policies S2 and EN8.
- 21 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2.0m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.
- 21 REASON: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local

Plan policies S2 and EN6.

- 22 All trenching works within the canopy spread of existing trees should be agreed with the local planning authority's landscape officer. All works should be hand dug and no roots larger than 20 mm in diameter should be severed without first notifying the local planning authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.
- 22 REASON: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan policies EN6 and EN8.
- 23 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings. If there are no discrepancies a letter confirming no variations should be received by this authority within 1 month of the completion of the landscape scheme.
- 23 REASON: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 24 Details of siting of temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil is to be stored on site.
- 24 REASON: To safeguard the existing landscape features and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan policies S2 and EN6.
- 25 Within 1 month of the date of the completion of each phase of construction works, a plan for the maintenance of all areas of open space specifying the number and timing of grass cutting, shrub pruning and tree maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved maintenance plan shall thereafter be strictly implemented unless variations thereto are agreed in writing by the local planning authority.
- 25 REASON: To ensure that open spaces are maintained in a reasonable condition at all times in accordance with the requirements of Taunton Deane Local plan policies policy S1 and C4
- 26 There shall be a landscape buffer a minimum of 20 metres from the boundary of Manor Farm Langaller Lane unless otherwise agreed in writing by the Local Planning Authority.
- 26 REASON: In order to preserve the setting of the adjacent listed building, manor farm, as required by Planning Police Guidance note 15
- 27 Prior to the commencement of works on the first phase full details of the internal "spine" road of the development, including the timing of provision, layout, alignment, width and levels of the proposed roads, road junctions,

points of access, visibility splays, footpaths and turning spaces shall be submitted to and approved in writing by the local planning authority. The internal roads shall then be constructed in compliance with the approved details and maintained as such thereafter.

- 27 REASON: To ensure that the proposed internal spine road is laid out and constructed in an acceptable manner in an appropriate time scale with adequate provision of various modes of transport in accordance with Somerset and Exmoor National Park Structure Plan review saved policy 49
- 28 Prior to the commencement of each phase, details of all estate roads required for that phase, including the layout, alignment, width and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be submitted to and approved by the Local Planning Authority.
- 28 REASON: To ensure that the proposed roads are laid out and constructed in an acceptable manner with adequate provision of various modes of transport in accordance with Somerset and Exmoor National Park Structure Plan review saved policy 49
- 29 Prior to the commencement of any phase full details of the proposed car and cycle parking for that phase shall be submitted to and approved in writing by the local planning authority.
- 29 REASON: To ensure there is an appropriate provision within the site for the parking of cars clear of the highway in accordance with the requirements of Taunton Deane Local Plan policies M1, M2 and M4.
- 30 The proposed roads, footpaths, turning spaces and parking where applicable, shall be constructed in such a manner as to ensure that each dwelling or building before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.
- 30 REASON: To ensure that the proposed roads are laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review policy 49 and Taunton Deane Local Plan policy M4.
- 31 Prior to the occupation of any of the employment/retail premises hereby approved full details of the servicing yards/unloading/loading areas shall be submitted to and approved in writing by the Local Planning Authority and thereafter provided in accordance with the approved details.
- 31 REASON: To ensure the provision of such areas in the interests of highway safety in accordance with the Somerset and Exmoor National Park Structure Plan review saved policy 49
- 32 Prior to any access or drive being brought into use, it shall be hard surfaced in tarmacadam or such other material as shall be agreed in writing by the local planning authority for a distance of 6m metres back from the edge of the carriageway.
- 32 REASON: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan review policy 49.

- 33 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that order), any entrance gate(s) shall be set back a minimum distance of 4.5 metres measured from the edge of the adjoining carriageway and the side of the access splayed at an angle of 45 degrees between the edge of the adjoining carriageway and the side of the entrance gates.
- 33 REASON: The local planning authority wish to exercise control over the matters referred to in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan review policy 49.
- 34 No development shall commence on site until a cycleway/footpath strategy plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall provide for the existing footpaths and safe routes to school network.
- 34 REASON: To ensure the provision of an effective cycleway and footpath network throughout the site in order to provide for good connectivity and alternative transport modes in accordance with the requirements of Somerset and Exmoor National Park policies 42 and 44
- 35 Prior to the commencement of any phase, full details of the proposed materials to be used for all the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority and no other materials shall be used without the prior written approval of The Local Planning Authority.
- 35 REASON: In order to ensure that the materials are in keeping with and reflect the local vernacular character of the area in accordance with Somerset and Exmoor National Park Policy STR6, Taunton Deane Local Plan policies S1, S2 and the Monkton Heathfield Development Guide.
- 36 Prior to the commencement of any phase, full details of the proposed surface treatment for roads, drives, turning areas and other hard landscaped areas shall be submitted to and approved in writing by the local planning authority and no other materials shall be used without the prior written approval of the Local Planning Authority.
- 36 REASON: In order to ensure that the materials are in keeping with and reflect the character of the area in accordance with Somerset and Exmoor National Park Policy STR6, Taunton Deane Local Plan policies S1, S2 and the Monkton Heathfield Development Guide.
- 37 Before any phase, details of all boundary walls, fences or hedges forming that phase of the development, shall be submitted to and approved in writing by The Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 37 REASON: In order to ensure that the details are in keeping with and reflect the character of the area in accordance with Somerset and Exmoor National Park Policy STR6, Taunton Deane Local Plan policies S1, S2 and the Monkton Heathfield Development Guide

- 38 No residential building shall be constructed within 10m of the boundary of any locally equipped area for play (LEAP) and no residential building shall be built within 30m of the boundary of a neighbourhood-equipped area for play (NEAP).
- 38 REASON: In order to protect the future amenity of residents against undue noise or disturbance from the play areas in accordance with the Taunton Deane Local Plan policy S1(E) and National Playing Fields Association Guidance.
- 39 Prior to the development of any dwellings surrounding the retained cricket pitch full details of a protective fence, to be placed a minimum of 55m from the cricket square and conforming to British Standards shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary fence shall be erected on site prior to the occupation of any of the dwellings fronting the cricket pitch and shall thereafter be maintained in accordance with those approved details.
- 39 REASON: To ensure the safety of future residents in accordance with the requirements of Taunton Deane Local Plan policy S1(E)
- 40 Reserved matters for each phase, shall provide open space in accordance with the approved open space plan for the whole site unless a variation is first submitted to and approved in writing by the Local Planning Authority
- 40 REASON: To ensure the quantity, provision and continuity of the open space through out the development of the whole site in accordance with the requirements of Taunton Deane Local Plan policies C4 and T8
- 41 Prior to the submission of reserved matters for the first phase of development, a waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The waste management plan shall include proposals for the means by which waste from the site can be managed and recycled to accord with the Somerset Waste Local Plan Policies W9 and W18. The approved plan shall thereafter be implemented and maintained as such thereafter.
- 41 REASON: To ensure adequate management for the waste generated by the development during and post construction in accordance with the Somerset Waste Local Plan policies W9 and W18 and Somerset and Exmoor National Park Structure Plan review saved policies 6 and 66
- 42 No development shall take place until a strategic wildlife management strategy for the whole site is submitted to and approved in writing by the Local Planning Authority. The strategy shall include the submission of current wildlife surveys, necessary protection measures, timings of works, mitigation strategies (including retention, replacement and enhancement of habitat for the species affected and their long term security and maintenance), monitoring of bats post development to comply with the legal requirements and remediation works as may be deemed necessary if the results of the monitoring show a negative impact on the species, and measures to enhance, restore and add to the biodiversity conservation interests and delivery mechanisms for the whole site.

- 42 REASON: To comply with the provisions of the Conservation (Natural Habitats &C.) (Amendment) Regulations 2007 concerning maintaining populations and local distribution of a European Protected species as complimented by Somerset and Exmoor National Park Structure Plan review saved policy 1 and advice contained within Planning Policy Statement 9
- 43 Prior to the commencement of each phase, detailed wildlife management plan shall be submitted to and approved in writing by the Local Planning Authority. This detailed wildlife plan shall include current surveys of the area and shall incorporate appropriate mitigation strategies. The plan shall show how it conforms to the overall strategic wildlife plan or, if it differs from that plan, explain fully the reasons for any alterations. All agreed recommendations shall be fully implemented in accordance with the approved details.
- 43 REASON: To prevent/mitigate development impacts on wildlife (including protected species) in order to comply with the provisions of the conservation (natural habitats & c,) regulations 1994 (as amended) and in accordance with Somerset and Exmoor National Park Structure Plan Review saved policy 1 and advice contained within Planning Policy Statement 9
- 44 Prior to the commencement of any works on the relevant phase, full details of the Dyers Brook Nature Reserve shall be submitted to and approved in writing by the local planning authority. Such detail shall include a programme for the delivery of the approved scheme.
- 44 REASON: To ensure that the proposed details will create a natural habitat that is varied and appropriate to its location and the needs of the local flora and fauna and is managed in the future for its ecological benefit in accordance with Taunton Deane Local Plan policies S2(A), EN3 and advice contained within Planning Policy Statement 9
- 45 Prior to the commencement of the development, the 33kv electricity cables crossing the site shall be placed underground.
- 45 REASON: In the interests of visual amenity in accordance with the requirements of Taunton Deane Local Plan Policy S1 the Monkton Heathfield Development Guide.
- 46 Noise from the demolition and construction phases, that is audible at the boundary of any residential premises, should be limited to the following hours: Mon-Fri 08:00hrs-18:00hrs and Saturdays08:00hrs-13:00hrs, at all other times, including public holidays, noise should not be audible at the boundary of any residential premises.
- 46 REASON: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 47 Prior to the commencement of the development, the applicant shall appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to

ensure that noise from existing and proposed road sources will not be detrimental to the amenity of the occupants of existing premises and premises on the completed development.

Internal noise levels in a residential premises on, or adjacent to the development and proposed roads, should not exceed 40db La eq (16hr) during the daytime (07:00hr-23:00hrs) and 30db La eq (8hr) in a bedroom at night (23:00hr-07:00hrs) with a night time maximum of 45 db LLa max.

The consultant shall submit a written report to the local planning authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Local Planning Authority prior to the commencement of development.

- 47 REASON: To ensure the amenity of residential premises is not adversely affected by noise from traffic and rail sources in accordance with Planning Policy Guidance note 24 (based on World Health Organisation Guidance) and Taunton Deane Local Plan policy S1.
- 48 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:
- (a) 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. The results of this assessment should form the basis of any subsequent site investigations.
  - (b) A ground investigation shall be carried out, if required, 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.
  - (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action.
  - (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site.
  - (e) Submission to the Planning Authority of 2 copies of the consultants written report, which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The report and remediation strategy shall be accepted in writing by the local planning authority and thereafter implemented.



- (f) If any significant underground structures or contamination is discovered following the acceptance of the written report, the local planning authority shall be informed within two working days. no remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority.
  - (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority.
  - (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance.
  - (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.
- 48 REASON: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site in accordance with Taunton Deane Local Plan policy S1(E).
- 49 The proposed employment sites shall be used for Class B1 (Employment) or B8 (warehousing) purposes only as deferred in the schedule to the Town and Country Planning (use classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that order. Within the B1 use, office use shall be subject to a maximum floor area of 600 sqm across the whole application site, unless a sequential test in accordance with the requirements of Planning Policy Guidance Note 6 is first submitted to and approved in writing by the Local Planning Authority.
- 49 REASON: In accordance with the Somerset and Exmoor National Park Structure Plan review saved policy 21, Taunton Deane Local Plan policy T11 and Monkton Heathfield Development Guide.
- 50 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the employment sites except within the building(s) or within the storage area(s) as may at any time be approved in writing by the local planning authority.
- 50 REASON: In the interests of the visual amenity of the area and in compliance with Taunton Deane Local Plan policy S1(D) and to protect the amenity of the adjacent listed building known as Manor Farm in accordance with advice contained within Planning Policy Guidance note 15
- 51 No retail sales, except ancillary trade sales, shall take place from the B1 or B8 employment premises at any time.
- 51 REASON: The local planning authority does not wish to see the establishment of retail premises in this location beyond any recognised settlement boundary in accordance with policies S7 and EC12 of the Taunton Deane Local Plan or the loss of B1 and B8 facilities within the Borough contrary to provisions Taunton Deane Local Plan policy T11 and

## Monkton Heathfield Development Guide.

- 52 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
- 52 REASON: To help protect the archaeological heritage of the district in accordance with the guidance in Planning Policy Guidance Note 16 (as amended)
- 53 No development shall take place on site until an energy strategy for the whole site has been submitted to and approved in writing by the Local Planning Authority. This shall include
- Details of compliance with the appropriate code for sustainable homes and bream standards, stipulated in the Regional Spatial Strategy, each at the time of commencement of works on that particular phase and the proposed mechanisms to meet the relevant renewable energy standards.
  - Details of a renewable energy scheme, which must achieve a minimum on site renewable energy sufficient to reduce CO<sub>2</sub> emissions from buildings constructed on site by the equivalent of 20% of regulated emissions
  - All development shall be constructed to conform to the approved energy strategy details.
- 53 REASON: In order to achieve energy conservation and efficiency in compliance with the requirements of the Taunton Deane Local Plan policy S2 and C12, Planning Policy Statement "Planning and Climatic Change, supplement to Planning Policy Statement 1 (Dec 07) and the Regional Spatial Strategy for the South West.

## 2. APPLICANT

Monkton Heathfield Consortium (Developers Persimmons Homes and Redrow Homes).

## 3. PROPOSAL

The proposal is for the Mixed use development of generally agricultural land at Monkton Heathfield and forming part of the allocated land to the east of the A38 (73.94 ha).

It proposes a mixed-use development comprising the following elements:

900 dwellings. (to included 35% affordable units split as 50% social rented; 25% discounted open market housing and 25% shared ownership via a Section 106 Agreement) (23.87 ha).

- 1) Employment B1A, B1C and B8 (maximum of 600 sqm office use without acceptable sequential test) (11.83ha)
- 2) A local centre including retail units - (3ha)
- 3) A new primary school, the development generates the need for a 7 classroom school but the Local Education Authority have requested space for this to be upgraded to a 14 classroom school to enable the new school and existing primary school to be merged on the one site (additional costs to LEA)
- 4) An additional playing field for the existing secondary school (shown adjacent to the local centre)
- 5) An A38 relief road around the eastern boundary of the site (Eastern relief Road) stopping at the boundary to the Hatcheries site but designed to link to the proposed roundabout on that land (48/2007/019).
- 6) Traffic calming of the A38 through Monkton Heathfield involving the formation of a bus gate at the southern end and the closure of the A38 to other vehicles.
- 7) Green spaces including one Neap (Neighbourhood equipped area for play), one super leap (locally equipped area for play with an improved level of equipment and three leaps (locally equipped area for play).
- 8) Two playing fields with pavilion and car parking facilities.
- 9) A system of surface water attenuation basins to ensure that there is no additional run off into the surrounding drainage network than at present and contributions towards offsite works to improve the existing drainage ditches to enable them to work efficiently.
- 10) Retention of the historic Green Lane to provide a linear area of open space for public use (within the route of the Eastern Relief Road).

#### 4. THE SITE

The application site comprises agricultural land to the northwest and east of the A38, which runs southwest to northeast from Taunton to North Petherton. To the north, the site includes land from the A38 to the A3259. To the west of the A38 the site extends to the Dyer's Brook with existing residential development beyond. To the northeast, the site follows Langaller Lane to Manor Farm, a listed building, before turning south to the M5 motorway. The site area also includes land between the east of the A38 and the west of Hyde lane. There are three pairs of dwellings along Hyde Lane and adjacent to the boundary of the site. Land to the south east of the site includes part of the agricultural land

lying between the proposed Eastern Relief Road and Rexhill House and Hyde Lane. A number of hedgerows and existing trees dissect the site area, including "Green Lane", which runs parallel to the western alignment of the proposed Eastern Relief Road.

The existing development on either side of the A38 including residential and commercial properties is excluded from the application site.

The majority of the site lies within West Monkton Parish, although a significant element of the employment land in the northeast of the site, adjacent to Manor and Langaller Farms, lies within Creech St Michael Parish.

## 5. RELEVANT PLANNING HISTORY

Application 48/2003/054 was submitted in September 2003. It comprised residential and employment development, associated access, public open space and landscaping on land between Bridgwater Road, Hyde Lane and the Bridgwater and Taunton canal, Monkton Heathfield. Permission was refused on 3<sup>rd</sup> December 2003 for reasons of:

- (1) Insufficient information.
- (2) The proposed road and roundabout are located on land within the Green Wedge separating Monkton Heathfield from Taunton, outside of the defined settlement limits and the allocated site boundary and would therefore be contrary to policy.
- (3) The proposal was in advance of a development guide for the site and did not provide a comprehensive development scheme for the whole allocation as required by the Local Plan.

Application 48/2005/072 was registered on 16<sup>th</sup> December 2005. Following lengthy negotiations on a range of issues and the submission of additional information, the appellants lodged an appeal for non-determination on 15<sup>th</sup> October 2007. The Public Inquiry into the appeal is due to commence on 1<sup>st</sup> April 2008

Application 48/2007/062 was registered on 19<sup>th</sup> September 2007. An environmental Assessment and a Traffic Impact Assessment were received on 18<sup>th</sup> January 2008 and relevant consultations undertaken. This proposal is similar to the current appeal application although contains a more detailed master plan, design and access statements have been submitted in accordance with current requirements for outline applications. It was hoped that further discussions and information might have resolved outstanding issues in order that application 48/2007/062 could be determined prior the Appeal, but unfortunately this has not been possible.

## 6. RELEVANT PLANNING POLICY

Regional Planning Guidance Note 10 – identifies Taunton as a Principal Urban Area.

Regional Spatial Strategy – In the proposed RSS the regional assembly have shown an area of land for the development of an urban extension of 3,000 – 3,500 houses etc. to the north of this allocated site. The Inquiry into these proposals was undertaken in Spring 2007 and the Panel Report has now been issued. This proposes a further increase in the numbers of future dwellings for the Taunton area.

7. SOMERSET AND EXMOOR NATIONAL PARK JOINT STRUCTURE PLAN REVIEW

POLICIES SAVED IN ACCORDANCE WITH DIRECTION UNDER PARAGRAPH1 (3) OF SCHEDULE 8 TO THE PLANNING AND COMPULSORY PURCHASE ACT 2004.

STR1 - requires a sustainable approach to new development, minimising the length of journeys and maximising the use of public transport, cycling and walking; conserving the biodiversity and environmental assets of an area and ensure access to housing employment and services.

STR6 - controls development outside of settlements to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Policy 5 - safeguards the landscape character of an area with particular attention to distinctive landscape, heritage or nature characteristics.

Policy 11 - land with high archaeological potential.

Policy 14 - development proposals should ensure that protection of archaeological remains is undertaken.

Policy 16 - requires Taunton Deane to provide for about 115 hectares of industrial, warehouse and business development up until 2011.

Policy 20 - requires retail development that is well related to settlements with a scale of provision commensurate with its function.

Policy 33 - requires Taunton Deane to provide for about 10,450 dwellings up until 2011.

Policy 41 - identifies the Taunton to Bridgwater corridor as of strategic importance.

Policy 49 - requires all development proposals to be compatible with the existing transport network and, if not, provision should be made to enable the development to proceed.

Policy 50 - traffic management.

Policy 51 - identifies the A38 as a National Primary Route.

Policy 54 - (new road schemes).

Policy 59 - requires surface and underground to be protected from development that could harm their quality or quantity.

Policy 60 - Floodplain Protection (areas vulnerable to flooding).

## 8. ADOPTED TAUNTON DEANE LOCAL PLAN

### 8.1 SITE SPECIFIC POLICIES

#### 8.1.1 Major Site Allocation

##### Policy T8

Sites at Monkton Heathfield are proposed for a major comprehensive development including housing, employment, and community facilities and associated developments as set out in more detail in Policies T9, T10, T11 and T12. To ensure the provision of a satisfactory overall development, a coordinated approach and the delivery of the following key elements will be necessary:

- A. Primary and secondary school provision accommodation in accordance with Policy C1;
- B. Social and community facilities in the local centre;
- C. Playing fields and public open space in accordance with policy C4;
- D. Preparation and maintenance of a local nature reserve;
- E. Landscaping;
- F. Surface water attenuation;
- G. Affordable housing in accordance with policy H9 and H10 (35% affordable housing);
- H. Bus priority measures within the site and linking the site to Taunton town centre;
- I. Revenue support if necessary to maintain a frequent quality bus service linking the site to Taunton town centre
- J. A comprehensive cycle and pedestrian network within the development area and Monkton Heathfield village, providing convenient access to the schools, local centre and employment;
- K. Cycle access to Taunton town centre via the A3259 and the canal, to the Riverside Leisure and Retail facilities and to from Creech St Michael
- L. Eastern and western relief roads; and
- M. Traffic calming and environmental enhancement on the existing A38 and A3259.

#### 8.1.2 East of Monkton Heathfield

##### Policy T9

A site of 50 hectares east of Monkton Heathfield is allocated for a mixed use

development, to incorporate the following uses (with a minimum site area shown): -

- A. Housing (25 ha);
- B. B1 business development (4 hectares);
- C. Public playing fields (4.5 hectares)
- D. Primary school (2 hectares);
- E. Local centre (3 hectares); and
- F. Landscaping and public open space (10 hectares).

Affordable housing will be sought on this site in accordance with policies H9 and H10

### 8.1.3 North of Avinghill's Farm

#### Policy T10

A site of 4.8 hectares north of Avinghill's Farm as shown on the Proposals Map is allocated for residential development.

Affordable housing will be sought on this site in accordance with policies H9 and H10.

### 8.1.4 South of Langaller

#### Policy T11

A site of 10 hectares south of Langaller is allocated for B1 light industry and B8 warehousing development.

### 8.1.5 Community Developments

#### Policy T12

A site of 1.6 hectares east of Monkton Primary School is allocated for educational uses.

## 8.2 GENERAL POLICIES

S1 - general requirements for all development including: - the traffic impact, accessibility of development, protection of wildlife species or habitats, an acceptable impact on the visual amenity and character of the existing environment, levels of pollution should not be unacceptable, the safety of occupants from ground instability is secured, the development should minimize any adverse impact on the environment or existing land uses, encourage recycling, make full and effective use of the site, incorporate public art.

S2 - requires new development to be of good design.

S7 - new building outside of defined settlement limits will not be allowed unless it maintains or enhances the environmental quality and landscape character of

the area and it is for agricultural or forestry and accords with a specific local plan policy.

H9 and H10 - require the provision of affordable housing and the appropriate limit for sites including Monkton Heathfield.

Policies M1- M3 - guide the provision of non-residential parking provided in association with the employment uses.

Policy M4 - guides the amount of parking required for residential development.

M5 - requires a comprehensive convenient and safe cycle network.

M6 - indicates that existing streets will be traffic calmed to improve the environment, safety or to encourage traffic to use the most appropriate roads.

C1 - requires the provision of adequate education provision for the 4-16 year old age group.

C3 - Protection of existing open space.

C4 - requires the provision of children's open space; public playing fields; formal parks, gardens and linear open spaces as required by the allocation.

C12 - Development of renewable energy sources will be permitted where relevant local plan policies are met.

EN6 - protection of trees, woodlands, orchards and hedgerows.

EN8 – Trees in and around Settlements.

EN13 - does not permit development that will harm the open character of the green wedge.

EN23 - requires sites that may have an archaeological potential to be fully investigated before planning applications are allowed.

EN25 - requires development near to rivers or canals not to be detrimental to their landscape, character, wildlife and recreational potential and to respect enhance and maximize the benefits of a waterside location.

EN26 - will not allow development that would pose a risk to the quality, quantity and availability of water in the water environment.

EN28 - outlines a site selection preference where sites that have low to medium flood risk are developed before those with a high risk such as functional site plain (known as a sequential test for site selection).

EN33 - Building Waste.



There is also supplementary planning guidance for the allocated sites: - The Monkton Heathfield Development Guide

## 9 RELEVANT CENTRAL GOVERNMENT GUIDANCE

- Planning Policy Statement 1: Delivering Sustainable Development
- Planning Policy Statement: "Planning and Climatic Change", Supplement to Planning Policy Statement: 1 (Dec07)
- Planning Policy Statement 3: Housing
- Planning Policy Guidance Note 4: Industrial, Commercial Development and Small Firms
- Planning Policy Guidance Note 6: Planning for Town Centres
- Planning Policy Statement 7: Sustainable Development in Rural Areas
- Planning Policy Statement 9: Biodiversity and Geological Conservation
- Planning Policy Statement 10: Planning and Waste Management
- Planning Policy Guidance Note 13: Transport
- Planning Policy Guidance Note 15: Planning and the Historic Environment
- Planning Policy Statement 23; Planning and Pollution Control
- Policy Guidance Note 24; Planning and Noise
- Planning Policy Statement 25: Development and Flood Risk

## 10 CONSULTATIONS

HIGHWAYS AGENCY - No comments but the travel Plan should be a condition of any planning approval

COUNTY HIGHWAY AUTHORITY - I refer to the above-mentioned planning application received on 19 November 2007 and to my previous letter of the same date. I have now received a Transport Assessment supporting the application. I have considered the Transport Assessment and, although it has not been drafted under the new advice for the submission of Transport Assessments, I am, however, content that no new matters of concern have been raised compared to those identified and addressed under the 2005 application. In the light of this, I have no further comments to raise in relation to the current application. I attach my letters of 28 March and 22 October 2007, which fully explain the Highway Authority's stance on the application.

This application differs from Application 4/48/2007/062 only in respect of the southern junction with the A3 8 and a short section of the eastern relief road, which approaches the junction from the east. The roundabout at the southern end of the eastern relief road and its junction with the A38 are situated north of that shown in Application /062.

The design shown on the submitted drawings is acceptable, in principle, and its detailed design will be secured through the Section 106 process.

In conclusion, the Highway Authority does not object to the redevelopment subject to the applicants entering into a Section 106 Agreement to secure the following:

1. The provision of the eastern relief road in its entirety between the junction of Langaller Lane with the A38 and its southern junction with the A38 south of Milton Hill, including the provision of footbridges, prior to the occupation of any part of the development.
2. The funding for the total cost of the design and construction of the western relief road. Such costs to include any fees/administrative costs needed to secure any appropriate consents necessary to enable the road to be delivered.
3. The provision of traffic calming on (a) the A3 8 between the junctions of Langaller Lane and Milton Hill and (b) the A3259 between Blundells Lane and Yallands Hill. The details of the calming will be agreed by public consultation prior to its installation. This will include a bus gate on each road.
4. The provision of additional and enhancement of existing bus services to and from the development to secure thirty minutes service at the start of the development and a twenty-minute service at 75% occupation.
5. The provision of commercial and residential traffic plans.
6. The provision of financial contributions to offsite improvements to the highway network.

SOMERSET COUNTY COUNCIL PLANNING OFFICER - From a strategic planning policy perspective, and based on the information provided, we have no objection to make.

Both applications have significant gaps in information, however, for which we seek further clarification. The first of these regards the proposals for affordable housing, as there is no quota outlined in the application. Secondly, although the need to meet with the requirements of the Code for Sustainable Homes is acknowledged within the Design and Access Statement, the document still needs to clarify how the design scheme will meet with the objectives for energy, water, materials, surface water run-off, waste, pollution, health and well-being, management, and ecology. It is likely that compliance with the Code for Sustainable Homes may become mandatory for all new homes in England early next year.

A further weakness in this application is that Ecological Impact Assessment (EIA) on the proposed area is now outdated, meaning that a new one will need to be undertaken. This should cover proposals for the distributor road north of Avinghills Farm and the housing to the north of it (Policy Tic), as shown off site on Masterplan Map 001. In consultation with Natural England, the Deane will need to determine whether this application requires an Appropriate Assessment under the Habitat Regulations 1994 (as amended) due to it being within the potential flight area of lesser horseshoe bats from Hestercombe House Special Area of Conservation (SAC). Indirect effects should also be accounted for such

as loss of prey producing habitat. This issue is covered in more detail in the attached Appendix 1.

The Design and Access Statement will need to take into account Hestercombe House SAC, and reflect the fact that lesser horseshoe bats have been recorded elsewhere on the site, other than Green Lane. Further to this, the Statement will need to reflect Policy EN5 of the Taunton Deane Local Development Framework and PPS9 (Biodiversity and Geological Conservation) Taunton Deane Local Development Framework and PPS9 (Biodiversity and Geological Conservation). Further information on this point has been included as Appendix 2.

#### Appendix I - Habitats Regulations (August 2007)

The presence of bats, such as pipistrelles, is likely to require a licence being taken out by the developer, following the amendments to the Habitat Regulations in August 2007. This is required in derogation under Regulation 39 (1) (b) (i & ii), where disturbance significantly affecting the local distribution or abundance of a European Protected Species (EPS) - pipistrelle bats. The applicant will need to prove that the Favourable Conservation Status of the species is maintained - guidance issued by the European Community (EC) in February 2007 states that the precautionary approach be adopted where EPS are involved. There are pipistrelle roost sites at Ruishton (a maternity colony and potentially the home of the bats using the site - a previous bat survey noted approach from the south) and north of the A3259 in Monkton Heathfield. The Regulations state there should be no significant reduction in local distribution. Therefore, at least, the site should continue to support pipistrelle bats and this should be reflected in the Masterplan design for the site.

#### Appendix 2 - Design and Access Statement

The ecology section on page 16 mentions the non-presence of statutory designations within the study area. However, the development north of Anghills Farm is within 2.5 kilometres of Hestercombe House Special Area of Conservation (SAC) and the foraging range of lesser horseshoe bats, for which it is designated. The statement does not note the presence of European Protected Species on site. The ecology section also gives the impression that bats are only present along Green Lane. This is not so as they have been recorded elsewhere on site. The accompanying map does not make sense and there is no key to the figures shown. Page 43 Evaluation does not bring out the principles of PPS9. PPS9 seeks to maintain and enhance biodiversity through development and a more ecologically focussed structured approach in the design should clarify how this is to be achieved over and above mere statements. What wildlife is the enhancement hoping to attract to the site compared to what was there before and will there be monitoring to confirm the statements. This should be extracted from the findings of the ecological impact assessment. The planning context (page 37), under environmental considerations, omits Policy EN5 in the Taunton Deane Local Plan. Although the design and access statement includes a landscape management plan and mentions enhancement of wildlife habitats, it fails to specifically mention the continued presence of bats and the need for the site to support these species

(See above). The design on page 70 shows a much fragmentation of linear features. Pipistrelle bats are known to feed around streetlights but nonetheless require darkened features along which to travel. Provision may be required to allow them to penetrate the site safely across the distributor road by means of planting and or bat bridges. This should be specifically set out in the design and access statement design and access statement. Elsewhere street lighting specification should allow for keeping flight corridors darkened.

The site could be further enhanced for bats by the installation of bats boxes on the external walls of some buildings or the installation of bat tiles in roofing at appropriate locations.

SOMERSET COUNTY COUNCIL RIGHTS OF WAY - It would appear that the existing public rights of way are not affected by the proposed development, however it is not known to what extent other unrecorded rights may exist.

Should the developer require temporary closure of the rights of way during the construction phase then a formal application should be made to Somerset Highways.

As a result of consultation for the Rights of Way Improvement Plan we have received many proposals from the public for improvements and additions to the rights of way network. The only one in the vicinity of this development is for a cycle path on the southern side of the canal at Bathpool. Should the development area encompass land all the way to the canal then a multi-use bridleway route on the north side of the canal would be favourable for walkers, cyclists, equestrians and those with mobility problems as an off-road route between Bathpool and Hyde Farm.

I would also propose that the public footpath along Green Lane be upgraded to a cycle track along the length of the relief road to provide a safe off-road route for vulnerable users. (25th January, 2006)

In addition to my previous comments regarding Green Lane, I wish to add that it would be advantageous to secure the existing footpath and the rest of the proposed green corridor down to the canal as a Public Bridleway. This would allow use by walkers, cyclists and horses. Although it may have minimal equestrian use post completion, there is a possibility that the canal path will be upgraded to a bridleway in the future and therefore it is important to ensure we capitalise on this opportunity now for future linkages. If anything it would be easier for the developer to dedicate this route as a bridleway than to go through the Cycle Tracks Act to create only a Cycle track (which would exclude horse riders). I note that there are several other pedestrian/cycle links on the master plan serving the western side of the development, which I would also seek to be either created as public bridleways or retained as public bridleways where a road is being stopped up.

With the plans that I currently have it is unclear as to the off-road extent of the Green Lane transport corridor, however I am presuming it is off-road from the NE of the site all the way down to the canal. It is also unclear from the plans

that I have as to whether the development will require a diversion of the existing public footpath T 10/21.

I don't see that this is asking for anything in addition to what is already being proposed but by securing the right status for these routes it will enable all non-vehicular traffic to use them. Although, it may mean that the provision of crossing points across the old and new routes of the A38 will need to consider the needs of horse riders and not just pedestrians and cyclists.

So in answer to your initial question, yes, I would be looking to secure these improvements through s106 agreement. I shall be in the office all day Friday should you have any further queries and I'll find out about the meeting on Tuesday from Jeff and I'll either attend in person or ask Jeff to represent my views.

Also it would appear that there are going to be sections of road being stopped up with retained rights for pedestrians and cyclists. This should also include equestrian rights and therefore those sections should be stopped up and retained as Public Bridleway

COUNTY ARCHAEOLOGIST - No objection subject to model 55 condition.

WESSEX WATER - There are no surface water drains in the vicinity of this development and a land drainage system will need to be developed for the site. This developer should contact Wessex water regarding final adoption of the system.

The means of connection to the Taunton-Ham Foul sewer is currently being developed and aims to cater for the allocated sites.

ENVIRONMENT AGENCY - The Environment Agency Objects to the proposal as the Flood Risk Assessment does not propose any off site improvement works to improve the receiving watercourses. This can be overcome through a Section 106 contribution for off site channel improvements.

The application passes the Planning Policy Statement 25 sequential test by virtue of the fact that it is allocated within an adopted Local Plan and is predominantly the lowest category of risk.

Furthermore we would request a green spaces plan to be provided establishing open areas adjacent to existing watercourses to provide continuity of key habitats in the area

Water conservation measures should be incorporated in the scheme.

LANDSCAPE OFFICER - The northern route of the eastern relief road follows closely the line of the adopted Local plan and in my opinion is the least damaging of the two alternatives to the landscape integrity of the Green wedge. Subject to maintaining open views from the A38 across the Green wedge, the overall scheme is good.

The proposed ERR landscape treatment as set out and the design guide cross sections should provide a useful break between the housing and road. Please note in the ERR – native trees on Page 100 Carpinus, Fraxinus Ornus, Pinus, Prunus Padus and Quercus Ilex are not native to this area.

The important landscape policies are EN6, 8, 9, 12, 13 and 25 and general compliance with Planning Policy Statement 7.

Sections throughout the ERR landscape buffer need to be submitted.

CONSERVATION OFFICER - Comments awaited previously no objection but concerned about the proximity of future industrial units to Manor Farm, Listed Building

POLICY (FORWARD PLANS) OFFICER - Views awaited

HOUSING OFFICER - The housing enabling manager supports this application on the basis of 35% of the total numbers of affordable homes provided through an RSL (Registered Social Landlord) agreed with the housing enabling Officer

DRAINAGE OFFICER - I note that the surface water run off is to discharge to existing watercourse via attenuation ponds at other treatment systems. Details of proposal should be forwarded for approval before works commence on site. These should not only included details of design but also ongoing maintenance of any system and who will be responsible for any agreed regime. It will also be a requirement that financial provision has been made to cover ongoing maintenance at operational costs. If it is the developer's intention that this Authority maintains the agreed system then committed sums will be required and the Councils Leisure and Development Officer and Landscape Officer should both be consulted.

With regards to bus stop and bus shelter provisions the developer shall provide adequate bus shelters within the development area as outlined in the Monkton Heathfield Development Guide. Details of type of style of shelter should be agreed at an early stage and made a condition of any approval.

I understand that the Environment Agency have requested off site drainage work. Details of this work should be forwarded for approval.

LEISURE AND RECREATION OFFICER - I have the following observations to make on this application: In terms of the provision of sports pitches the layout and positioning is unchanged from previous discussions and is acceptable. Details are not provided regarding drainage for the pitches or for the size and positioning or specification for the necessary sports pavilion. The senior football pitches must be laid out in accordance with Football Foundation guidelines and must include the necessary 'safety margins' and must incorporate a suitable drainage system. The pavilion must meet Football Foundation guidelines. Adequate car parking must be provided next to the pavilion and disabled car parking spaces must be included. The total number of

car parking provided must be at least 30 spaces. Commuted sums for the maintenance of the playing fields and pavilion should be provided for 20 years from the date of adoption by TDBC. Details of the above must be provided in a suitable S106 agreement. I share the frustrations of Sport England regarding the complete lack of provision of on-site indoor sports provision or the provision of the necessary finance to provide off-site facilities or improvements to existing off-site provision to cater for the new residents. If on-site provision is not considered appropriate then the figure of £687,846 as outlined by Sport England is an accurate assessment of what should have been provided for off-site facilities or improvements.

SPORT ENGLAND - We note the Section 106 Planning Agreement referred to on page 6 of the Design and Access Statement relating to outdoor sports facilities. However there is no mention of a contribution to built sports facilities, we would therefore object to the proposal and would seek to ensure the legitimate use of planning contributions in line with our Planning Policy Objective 8 which states our aim; "To promote the use of planning obligations as a way of securing the provision of new or enhanced places for sport and a contribution towards their future maintenance, to meet the needs arising from new development".

Sport England believes that sport and active recreation has an important role in modern society and in creating balanced communities. Sport is high on the Government's national agenda as it cuts across a number of current topics that include health, social inclusion, regeneration and anti social behaviour. The importance of sport should be recognised as a key component of major new housing developments, and not considered in isolation.

The following comments are provided within the context of:

- (1) PPG 17: Planning for Open Space, Sport and Recreation (OPDM, 2002).
- (2) Sport England's adopted "Planning Policies for Sport' (1999).
- (3) Sport England's "Providing for Sport & Recreation through New Development" (2001).
- (4) The South West Regional Plan for Sport 2004-2008 (2004).
- (5) The Planning Contributions Kitbag

PPG 17 'PLANNING FOR OPEN SPACE, SPORT & RECREATION' - Well designed and implemented planning policies for open space, sport and recreation are fundamental to deliver broader Government objectives which include:

- supporting an urban renaissance
- supporting a rural renewal
- promotion of social inclusion and community cohesion
- health and well being
- promoting more sustainable development

The revised Planning Policy Guidance note 17 'Planning for Open Space, Sport & Recreation' that was published by Government in July 2002 stresses that to

ensure effective planning for open space, sport & recreation it is essential that the needs of local communities are known. Local authorities should undertake robust assessments of the existing and future needs of their communities for open space, sport and recreation. Assessments will normally be undertaken at district level, although assessments of strategic facilities should be undertaken at regional or sub-regional levels.

Sport England advocates that new developments should contribute to the sporting and recreational needs of the locality made necessary by their development. This approach, with regard to all development not just residential, is strongly endorsed in the revised PPG17, which states in paragraphs 23 and 33 that:

"Local authorities should ensure that provision is made for local sports and recreational facilities (either through an increase in the number of facilities or through improvements to existing facilities) where planning permission is granted for new developments (especially housing)".

"Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat or where new development increases local needs".

Planning Policies For Sport - Sport England has also considered the application in the light of our Land Use Planning Policy Statement 'Planning Policies for Sport'. The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met.

In particular, in this instance, it is essential that new developments take into account the sporting and recreational needs of the resulting new inhabitants, and thus make provision (both indoor and outdoor) to meet those demands. As such, Sport England has adopted the following policy objectives:

#### Planning Policy Objective 4: 'A Planned Approach

To ensure that a planned approach to the provision of facilities and opportunities for sport is taken by planning authorities in order to meet the needs of the local community. The level of provision should be determined locally, based on local assessments of need and take account of wider than local requirements for strategic or specialist facilities.

It should be recognised that new residents of this development will make demands upon a range of sport and recreational facilities (indoor and outdoor) over and above the provision of public open space including playing pitches. This range of facilities may include swimming pools, sports halls, bowling greens, multi use games areas, tennis courts, badminton, squash, aerobics, yoga, skateboarding and BMX facilities. Sport and recreation facilities should be located in line with sustainable development principles including provision in accessible locations to serve all sectors of the new community, workers and visitors.



Playing fields should be in the ownership of a group or body that will guarantee community use in perpetuity. This includes school playing fields proposed to stop them being lost to development in the future. Sport England would therefore question the proposed amount of playing fields that can be used by the community in perpetuity as part of this development. The issue of quality has yet to be addressed. All the playing fields should be constructed and laid out for a number of winters and summer sports - depending upon local demand - with suitable drainage systems and served by well-designed changing facilities.

Sport England would also like to raise a concern that the accompanying material fails to indicate what indoor sports provision will be provided by the development. On-site provision may include a one-court sports hall. A financial contribution should be sought for swimming pool provision off-site if there is no facility on-site.

We would suggest that consideration be given to the concept of 'Home Zones' within this development - a significant benefit of this approach is that they provide good opportunities for safe children's play. We also promote the inclusion of multi sport areas for active informal recreation.

It is important that whatever sport and recreation facilities are to be provided by the developers, they are implemented alongside the housing development as part of a legal agreement.

Sports Facility Calculator - The Appendix attached to this letter sets out the estimated additional demand for sports halls, swimming pools and indoor bowls, and converts this to an estimated cost, which can be used as a basis for seeking developer contributions.

Based on the above, we would urge the District Council to consider requiring a further contribution towards off-site indoor sports provision or improvements to existing facilities in line with the attached demand estimator.

Sport England's Objection - Given the lack of information received and the subsequent issues raised in this letter, Sport England wishes to register its objection to the above application.

However, Sport England would be willing review its objection if further information were forthcoming which demonstrated that the provision and, location of the sport and recreational facilities as proposed are based on a, robust local assessment of existing and future need.

I trust that the Council's Leisure Department will be providing further information on specific deficiencies and requirements that the developers will need to address with regard to new sport and recreation provision based on a robust and comprehensive needs assessment that is compliant with PPG17 and its companion guide.

SOUTH WEST REGIONAL ASSEMBLY - The RPB assesses consultations on proposals for development on whether they are in 'general conformity' with the Regional Spatial Strategy (RSS). The current RSS is RPG10. You will also be aware that the new RSS is being produced. The Examination in Public (EIP) of the draft RSS closed on 6th July and the Inspector's Report is due to be published in December this year. As well as RPG10, the evidence base behind the emerging RSS can also be considered as a material consideration and will carry greater weight the closer to publication the RSS gets.

## Policy Context

RPG10 identifies Taunton as a Principal Urban Area (PUA) recognising its role as a strategically important town and its potential for accommodating sustainable growth. It also states in its Policy SS5 that urban extension studies will form part of planning for development at the Taunton PUA. As you know there is a need for additional dwellings to those already identified in the Taunton Deane Local Plan to be provided on Greenfield sites after taking into account urban capacity. The conclusions of the Taunton Joint Study Area (JSA) technical work suggested that an urban extension should provide around 3-4,000 dwellings and in line with the findings of the Taunton Sub Area Study concluded that the area north east of Taunton was the most sustainable location for a major urban extension.

The draft RSS currently allocates 3,000 dwellings for Area of Search L. More recent technical work from the four authority indicates that accommodating up to 4,000 dwellings could be appropriate. The SWRA's Written Statement (Matter 4/6, South West Draft RSS Examination in Public, 2007) confirmed that we are unaware of any constraints in preventing this coming forward and set out an assumed housing trajectory of between 4,000 - 4,500 for Area of Search L. This includes the Local Plan Allocation of 1,000 dwellings which this Planning Application makes reference to.

## Discussion

We understand that these outline-planning applications were submitted to meet the Local Plan Allocation of 1,000 dwellings for Monkton Heathfield. As this would contribute to the envisaged growth at Taunton SSCT, we believe this development proposal is in general conformity with the RSS. However there are a couple of points that I would like draw your attention to.

Draft RSS Development Policy D should be taken into account when defining development contributions and the phasing regime to ensure the timely delivery of key infrastructure associated with the proposed development. Development Policy F states that urban extensions to the SSCTs should be planned on a comprehensive and integrated basis with an overall master plan and phasing regime. As outlined above, Area of Search L is identified as a sustainable location. Hence it should be ensured that the proposed development is designed and phased in a way allowing further development to be complementary to it.

With regard to the design of the development, Development Policy E requires developers, local authorities and public agencies to ensure that all development delivers the highest possible standards of design.

Development Policy G in conjunction with Policy RE5 (as amended 3) should also be considered. Amended Development Policy G of the draft RSS requires that developers, local authorities, regional agencies and others must ensure that their strategies, plans and programmes achieve best practice in sustainable construction, Table 1 and 2 of Development Policy G in conjunction with amended policy RE5 now set the schedule for carbon reduction requirements for residential and non-residential development. The policies reflect the approach taken by the SWRA to go further than current requirements set by Building Regulations Part L, in order to meet the Government's required 60% cut in carbon emissions by 2050.

Draft RSS Policy TRi requires that demand management measures will be introduced in the SSCTs, accompanied by a step change in the prioritisation of public transport provision. This will require that the proposed development is adequately served by public transport and that measures will be put in place to reduce the need to travel by car.

We would also like to draw your attention to the density of the proposed development. According to the Design and Access Statement, the overall density would be 35 dwellings per hectare (dph), which is in accordance with RPG10 Policy H06. However, we would welcome higher densities (50 dph or more) to be sought as this would be more appropriate for an urban extension to Taunton SSCT. This is reflected in Policy H2 and Development Policy F of the draft RSS.

As the rate of affordable housing for the proposed development is not defined in the planning application we understand that further details will be submitted at reserved matters stage. However, we would like to draw your attention to draft RSS Policy Hi, requiring that provision will be made for at least 30% of all housing development to be affordable.

Finally, consideration should be given to Draft RSS Policy GI requiring Green Infrastructure as an integral part of development.

SOUTH WEST OF ENGLAND RURAL DEVELOPMENT AGENCY - Taunton is a key town in the South West Region, and is considered as an area for growth. However, the growth of the town must help to secure the regeneration of the town centre and the initiatives being promoted by Project Taunton in the 'Taunton Vision' Urban Regeneration Framework. Providing that the above proposals represent sustainable growth and complement the town centre regeneration it is considered that the employment, residential and community opportunities would be welcomed.

Therefore it is considered that the proposals could help to deliver a number of the key Strategic Objectives identified in the Regional Economic Strategy (RES) 2006-2015, these being to: promote successful and competitive businesses,

strong and inclusive communities in the South West and an effective and confident region.

Consequently, the South West RDA supports the proposals subject to:

- A mechanism being put in place in order to ensure that the employment element of the scheme will complement (and not compete with) the employment offer identified in the Taunton Vision Urban Regeneration Framework.
- It being demonstrated that the proposals would not prejudice the delivery of the Taunton Vision Urban Regeneration Framework (especially in relation to flooding).
- An appropriate level of affordable housing being secured within the proposals.
- Good practice urban design and sustainability measures be adopted in the development of the site, including the provision of appropriate linkages between the site and the town centre.

BRITISH WATERWAYS - British Waterways is a public body set up to maintain and develop the network of canals and other inland waterways in a sustainable manner so that they fulfil their full economic, social and environmental potential. In addition to statutory navigation and safety functions, British Waterways has to:

- Conserve our waterway heritage and environment
- Promote and enable rural and urban regeneration
- Maintain and enhance leisure, recreation, tourism and education opportunities for the general public and
- Facilitate waterway transport

After due consideration of the application details, British Waterway has the following general comments to make:

The site is allocated for Development in the Adopted TBDC Local Plan and the Policy mentions the desire to utilise the canal to provide access into the Town Centre and to provide an enhanced South West link towards Creech St Michael. It is to be expected that any cycle networks throughout the site will then continue onwards on the Towpath. The development is therefore likely to lead to additional use of the canal towpath by walkers and cyclists for both leisure use and commuting into Taunton. The benefits of living near a waterway are well documented and houses prices are likely to be higher than sites with no direct waterway access. It is common practice for Local Authorities to seek a contribution from the developer towards future maintenance of the towpath and improved signage from the development to the towpath. British Waterways are charged with maintaining and improving the Canal network but have extremely limited funds to do so. Any additional maintenance costs or facilities required as a result in the increase in usage cannot not easily be borne by British Waterways. It is expected that the Developer will be required to contribute towards other local improvements such as the provision of public open space and play areas. The use of the Canal for free recreation should not

be underestimated and a portion of the developer contribution towards open space could be used to enhance an existing facility adjacent to the site, i.e. the Bridgwater and Taunton Canal. In addition, the canal receives a number of visitors who arrive by car and then walk or cycle along the towpath. Additional public car parking near the canal could be seen as a valuable asset improving access for all. We would welcome the opportunity to discuss this with you and/or the applicants further as it is important to be involved as early as possible in development, which will have an impact on the canal. If the proposal results in the need to install any equipment or utilities under or adjacent to the Canal British Waterways needs to be fully consulted at the earliest stage and any work will need to be agreed under the Code of Practice for Works Affecting British Waterways. British Waterways would wish to be consulted on any landscaping scheme adjacent to the Canal in order to ensure that suitable species are used and habitats can be protected or created. If the Council is minded to grant planning permission, it is requested that the following informative are attached to the decision notice if relevant: "The applicant/developer is advised to contact John York, our External Works Engineer, on 01452 318513 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".

Any pipe crossing of the Canal will also require consent from British Waterways in its capacity as the landowner of the Canal. A licence will be required from British Waterways' Estates Team in Gloucester (Tel 01452 318000) in this respect and should be discussed at the earliest opportunity".

DEVON AND SOMERSET FIRE BRIGADE - With reference to your letter dated 12 November 2008 concerning the above application, the details of the proposals have been examined and the following observations are made:

1. Means of Escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.
2. Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.
3. Water Supplies - all new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

FOOTPATHS OFFICER - The public footpath T32/10 and T10/21 will be affected by these proposals. Should these proposals be accepted notice of the required realignment should be made as soon as possible.

NATURE CONSERVATION AND RESERVES OFFICER - Since the previous application for this site new regulation apply - Conservation (Natural Habitats &c) (Amendment) Regulations 2007 - that affect the licensing of protected species.

## SURVEY

I advise that new survey work, to update existing ecological information and to include survey for protected species for the whole site including the area to the western part of the proposed A38 relief road, (north and east of Aginhills Farm) must be undertaken and a comprehensive ecological mitigation and management plan submitted, to inform the decision on this application.

## BATS

In the Environmental Statement 2003 there is no mention of the Hestercombe cSAC (Lesser Horseshoe Bats) that is within 2.5km of the application site. Bat surveys are now out of date and there are no survey results from the west area of the site associated with the proposed relief road. There is uncertainty about whether the LHB colony uses the application site, therefore the cautionary principle applies. A test for likely significance on the cSAC will be made. Further survey work focussed on this species is therefore required including investigation work on the LHB record at Langaller - possible links to the Hestercombe site. I advise that methodology and a programme of survey work should be agreed with NE and SCC. EPS licence requirement: previous bat survey work identified pipistrelles and myotis species of bats and new survey work may identify other species. As bats will be affected by the development proposals and therefore an EPS licence will be a requirement of development of the site - Reg. 39b (ii) Habitats Regs 2007.

## BADGERS

New badger survey work, to update existing work is required to assess impacts on badgers and their territories. The assessment should include the disturbance of setts and the need for badger licences, the effects on foraging territory and the likelihood of road casualties, in order to propose mitigation for the species. (QDPM Circular 06/2005 accompanying PPS9, PART IV - Conservation of Species Protected by Law).

## GREAT CRESTED NEWTS and DORMICE

Land to the south of the proposed western extension of the A38 was not part of the former ecological survey area 'Hedgerows and Newts' - Plan CPM 1744/02 and CPM 1744/lib. Although dormouse surveys did not reveal evidence of dormice, a precautionary principle should be applied. From electronic data there are ponds associated with Aginhills Farm and I advise that these areas should be surveyed to inform the application.

## BREEDING BIRDS

Several key species of bird have been recorded on site (Appendix CPM 5 ES November 2005) and are a material consideration. I advise that bird surveys are done to establish if any priority species breed on site (e.g. Skylarks, Song Thrush etc).

NETWORK RAIL - There is no objection to this proposal as it does not adjoin the railway however as I explained in my letter of 23<sup>rd</sup> February and 20<sup>th</sup> November 2006 (in response to the previous applications) the scale of the development and its location is likely to have an impact particularly on Taunton

station which is the nearest railway station to the development. Any increase in the number of passengers using the station is likely to put an unacceptable burden on railway facilities and the station. In particular an increase in passenger numbers may necessitate an increased use of the island platform which would need to be raised to bring it 'into gauge', in addition because of the location of the development more passengers is likely to increase the car parking demand which will need additional car parking provision.

In the circumstances it would be appreciated if consideration could be given to allocating some Section 106 money to carrying out the station improvements that this development is very likely to necessitate.

#### Planning Contributions

- Due to the scale of the range of development proposed Network Rail would welcome further investigation into the effect on rail usage as a direct of the planning application. As stated in the circular 5/05 contributions are important: "to mitigate a development's impact (e.g. through increased public transport provision)". This incorporates national and regional objectives to reduce the need to travel by car.
- Where it has been identified that rail patronage has increased as a direct result of new development, contributions for transport links should be sought. These could be for infrastructure enhancements and could include station upgrading work, additional car parking, improved waiting facilities, improved accessibility (e.g. cycle routes/storage), public transport access, disabled access or improved layout. Upon consideration of the application Network Rail would be willing to discuss further specific projects that any contributions could be used for.
- The recent Guidance on Transport Assessment (2007) published by the DfT places a much greater emphasis on the significance of rail as an alternative and sustainable method of transport. It states that: "The railways are a vital part of the country's transport infrastructure, and the Government wants to see this continue and accelerate". Network Rail would expect this to be reflected in any transport assessment and would request that as identified.

SOMERSET DRAINAGE BOARDS - The Board has expressed concerns within various letters of the potential consequences for land and property downstream of the development proposal. The Board has not received any details of proposed mitigation works to allay those concerns. Consequently, the Board's letter of 20th November 2007 remains valid and until those identified concerns regarding the Monkton Elm watercourse are addressed, which I understand your Council's Drainage Officer is aware of those concerns, the current proposals must be considered premature. With the above comments in mind the Board generally accepts the principle of the surface water drainage strategy however the above concerns have to be addressed. It is the Board's understanding that the Section 106 Planning Agreement has yet to be concluded and therefore the Board would ask to include a clause within the agreement to allow for works to be undertaken on the section of watercourse identified. Or if this cannot be achieved, to extend the area for the scope of potential works outside of the Old Tone Arm to other watercourses. The section

of watercourse, which causes most concern, falls partly outside the Board's area of jurisdiction and therefore comes partly under your Council's jurisdiction. If the above works are not undertaken as a result of the development proposals there will be a potential for increased flooding and therefore a possible requirement to undertake improvement works under the Land Drainage Act 1991 at public expense in the future.

The principal requirements for surface water drainage from developments are set out in PPS 25 annex F and are understood to be 'a material consideration'. Clearly the Board has knowledge of a known potential problem, which could cause difficulties or future flooding issues and therefore would suggest and expect the use of sustainable drainage techniques to reduce the proposed development's impact on the receiving land drainage system.

If the relevant committee of the Local Planning Authority were of a mind to approve the application, the Board would ask that a drainage condition regarding provision of surface water drainage prior to any works commencing would be included on the decision notice. Also a condition related to the completion of the necessary off-site watercourse improvement works must be completed prior to the commencement of any other works authorised by the proposed planning permission.

## SOMERSET ENVIRONMENTAL RECORDS CENTRES

Statutory & Non-statutory sites & species at the application site

Statutory: Legally Protected Species - One or more Legally Protected Species have been found.

Statutory & Non-statutory sites & species within 1 km.

Statutory: Legally Protected Species - One or more Legally Protected Species have been found.

Non-Statutory: County Wildlife Sites - Bridgwater and Taunton Canal Aquatic habitat with notable plant species and water voles.

Statutory: 1990's Badger Data - One or more 1990's Badger Data have been found

ENVIRONMENTAL PROTECTION - The data in the Environmental Statement would appear to be incorrect and needs to be amended before I can respond on the detail.

WEST MONKTON PARISH COUNCIL - The Parish Council has considered the information it gained and wishes to make the following comments.

### 1 Introduction

The Parish Council does not object to the application in principle, understanding that it is a government requirement that this large number of houses and associated building works should be delivered. It is also aware of the government requirement to provide affordable housing and social housing. The Parish Council would wish the TDBC Planning Committee to note that it wishes



to work towards the successful integration of the existing community with the new settlement: the existing parish is circa 1200 houses and this application is for a further 900. A further 4000 have been identified in the Regional Spatial Strategy 2011-2026.

## 2 Eastern Relief Road (ERR)

The line of the Eastern Relief Road (ERR) road, at the southern end, does not follow the original line shown on the Local Plan. Although the Parish Council understands that the Local Plan line is neither mandatory nor statutory, it represents a smoother line through the application site. However, the Parish Council has been informed by the SCC Highways Authority that they are satisfied that the dog-leg on the application will not slow or deter traffic, and will serve the needs of the development until 650 houses are built. Despite assurances from the SCC Highways Authority that Saturn modelling confirms this to be true; the Parish Council has serious doubts. Having the benefit of local knowledge of the situation as it exists now, the Parish Council knows that at peak hours the traffic regularly backs back up the current A38 from Creech Castle as far as the Land Rover Garage at Bathpool, blocking the junction at Milton Hill. This can only be due to the inefficiency of the junction at Creech Castle. Apart from some minor works at the Creech Castle (described as 'minor tweaking' during information gathering meetings), the junction there will not be changed. The Parish Council believes that the situation that exists at the moment will replicate itself when the A38 is bus-gated and traffic is directed along the ERR. If traffic backs up on the ERR, then the through traffic is going to find alternative routes, and estate traffic will have difficulty leaving or entering the estate at peak times. SCC Highways Authority has noted government requirements to get cars off the road, and hence the green travel plan is included.

Traffic already uses the lanes north of the A3259, through West Monkton Village, Goosenford, Gotton, Cheddon Fitzpaine and Rowford as a rat run whenever either of the two trunk roads through the Parish is obstructed in any way. The Parish Council is very concerned that, if traffic does not flow easily on the ERR, the lanes will become a regular rat run. These lanes are not, in any way, suited to speeding traffic and repeated representations by the Parish Council to SCC (Taunton Deane Highways) have been unsuccessful in finding a solution.

The Parish Council believes the ERR and the roundabout at the southern end will not serve the traffic from the 650 houses nor through traffic adequately. The travel plan, though worthy, will not match peoples' aspirations which include buying a house and having a car. The designation of the employment land is likely to be storage and warehousing so will not provide a large number of jobs for people on the proposed development to walk or cycle to work. The Parish Council anticipates that most residents in the new development will be commuters, so the road capacity is important.

## 3 Western Relief Road (WRR)

The Parish Council knows that the WRR per se is not part of this application. The Developers' Consortium stated that the WRR is not required in law to be part of the application, and stated that TDBC Planning had verbally agreed with this. But because the ERR will only allow for the building of 650 houses, the WRR becomes part of the whole development since the outline application currently before the TDBC Planning Committee is for 900 houses, 350 of which cannot be delivered without the WRR.

The Parish Council wishes to make a clear note that the line of the WRR currently shown running up Milton Hill is very unsuitable, since traffic will need to leave the Farriers Green estate (more than 150 houses) directly onto the WRR, and part of Milton Hill is a 'Safe Route to School' from Taunton and Bathpool. This Safe Route to School needs to be protected and so the Parish Council is reassured by the SCC Highways Authority's statement that the A3259 will be bus gated only when the WRR is in place, and not before. The Parish Council has been reassured by the Memorandum of Agreement drawn up between TDBC and the Developer's Consortium: for TDBC, if necessary, to use its powers of Compulsory Purchase; and the Consortium to make financial contribution, so the WRR can be built. At the top end of Milton Hill with the junction at School Road, currently, chaos exists at school times, with traffic entering and leaving the cul de sac of School Road to drop children off at the Primary and Secondary Schools, and Tacchi-Morris. The Parish Council understands that the WRR is required to be in place by the occupation of the 651<sup>st</sup> dwelling, although local knowledge would indicate that the WRR would be needed sooner than that and a lower threshold than 650 as the trigger point would be advantageous in getting the WRR completed in time to service the development as it grows. A corner of the orchard at the junction of Milton Hill with the A38 would be needed smoothing the line of the WRR from the roundabout (removing the dog-leg in the current application). The Parish Council has been informed by SCC Highways Authority that they are preparing to enter into a legal agreement with the Developer's Consortium to link the remaining 350 houses of this application with the provision of the WRR.

The Parish Council knows that the WRR is not included in this application, but consideration of it is essential to reach a satisfactory conclusion over the roundabout at the southern end of the ERR, the proposals to bus gate the A38 and A3259, and the delivery of the remaining 350 houses after the 650 are built.

#### 4 School Road

The issue of traffic in School Road at school arrival and departure times has been a vexed issue for the Parish Council for many years, and despite the plethora of double yellow lines in the area, the situation remains as bad as ever, There is little room for improvement because Heathfield School, Tacchi-Morris and West Monkton Primary School are situated at the end of a cul de sac. Additionally, in fulfilling government initiatives, Tacchi-Morris/Heathfield School will soon open a unit for 14-19 year old vocational Higher Diploma candidates. The Parish Council believes that the traffic situation could be resolved by making the permissive path running from the bottom of School Road to Brittons Ash on the current A38, into a one way single track, traffic calmed road. The

Parish Council has had verbal agreement from the Developers' Consortium, the TDBC Planning Authority and SCC Highways Authority that this would be a good idea, although apparently it has never appeared on any plan. The Parish Council believe that this road would also serve to integrate the existing with the new settlement, and, by allowing vehicular access, assist in ensuring the sustainability and financial viability of the proposed Local Centre. Parents dropping their children at Heathfield School would have time to get round to the Primary School in time for its later opening. The Parish Council wish to emphasize the importance of securing the goals of integration and sustainability and request that the solution offered herewith is seriously considered.

The Parish Council is pleased with the arrangements for new accommodation for the Primary School, with accompanying Community Hall.

The Parish Council wishes to strongly endorse the route from the bottom of School Road to Britton Ash being made a vehicular one-way road.

## 5 The Green Wedge

There is a green wedge separating Farriers Green/Bathpool from Taunton. This separation is blurred by the presence of a scattering of older houses. Generally speaking, at Bathpool it is one field wide and is traversed by the A38 running east/west; and for a short distance from Dyers Lane (a closed junction with A38) to the Milton Hill junction the A38 has no houses either side of it. The northern side of this stretch of the road and Milton Hill form two sides of the small orchard that would need to take the road line smoothing the WRR to the roundabout at the southern end. The proposed line of the ERR including the roundabout would traverse the green wedge running north/south and would have no houses either side of it in the area south of the Hookipa site. The Parish Council is satisfied that the acoustic barrier, proposed bunding and tree planting would effectively mitigate the effect of the ERR approaching the southern roundabout. This has been checked out by Parish Councillors standing on the canal side at St Quintins Park and looking across the canal to the field comprising the green wedge. The Parish Council believes that there is sufficient of the green wedge remaining, plus associated landscaping and tree planting to protect the canal, the canal side footpath and the local environment. The assessment of the green wedge by TDBC Landscape Office has not been provided to the Parish Council.

The Parish Council, whilst sharing TDBC concerns about the protection of green wedges, believes that in this case, it has already been breached by the A38 and existing dwellings; and the proposals in this instance, with the bunding and landscaping, mitigate intrusion into the green wedge.

## 6 Hookipa Site

The Parish Council has noted the issues regarding the Hookipa site. If a solution is unable to be found the Parish Council understands that the ERR could be built as far as the boundary to the Hookipa site. It is difficult to imagine how the aims of integration and the relief of traffic issues could be met if this

were to happen. The Parish Council has been informed that should the Hookipa site not be part of the development then the development will be short of the required amount of employment land.

The Parish Council would expect the Developers to resolve the problem regarding employment land and the provision of an incomplete ERR would not be acceptable.

## 7 Bus Gates

The Parish Council has been informed by the Developers' Consortium that they are committed to building the ERR before the rest of the site is developed. SCC Highways Authority have confirmed that the bus gate at the southern end on the A38 at Bathpool would be put in place when the ERR opens. So traffic will immediately be directed down the ERR. SCC Highways Authority state that there will be no change in status or grade of the A3259 until the WRR is complete. Furthermore the SCC Highways Authority state that the bus gate at the other end of the site, at Camels Hump (Hobbs Lane) junction will be put in when the WRR is open.

Whilst the Parish Council remains concerned about traffic flow round and through the site, it has no objections to these arrangements for bus gates.

## 8 Play and open space areas

The Parish Council understands that the application submitted in November 2007 comes under different legislation than the application submitted in 2005, (currently the subject of an Appeal). Consequently this application is accompanied by a Design and Access statement. The Parish Council is satisfied with the proposals for Play requirements.

The Parish Council is pleased that the Dyers Brook area will become a wildlife corridor, but the area must have appropriate illumination and be overlooked by housing so it is also a safe area.

To assist integration and sustainability, the Parish Council believes the Dyers Brook area should be traversed by more than just the permissive walkway. The Parish Council consider it is essential to see turn this into a one-way road, and a footbridge at the other end of Dyers Brook should be another link between the existing and the new communities.

The Parish Council wishes to ensure that every opportunity is taken to integrate the existing and the new communities. The area around the proposed Local Centre, and the Dyers Brook wildlife corridor would benefit from another footbridge access into the existing estate. Otherwise, there is only one link between the two communities. The Safe Route to School (from Creech St Michael) across the permissive path could be retained adjacent to the single-track traffic calmed one way road.

## 9 Drainage issues

The Parish Council has been assured that there will be no issues with capacity for rainwater draining from the site. However, water does regularly 'pool at the junction of Camels Hump (Hobbs Lane) with the A3259, causing danger to motorists provision for surface and rainwater removal should be given high consideration.

CREECH ST MICHAEL PARISH COUNCIL - Our Involvement: We note that the planning applications state that the proposed development is at Monkton Heathfield and is "sited in an adjoining parish". However, land in the Creech St Michael Parish forms part of the development and therefore must insist that in the future we are addressed and treated as primary stakeholders. Traffic during the Development. We would like a condition attached to the permission that construction traffic should not use the village roads through Creech St Michael and Creech Heathfield in order to access the development. Hyde Lane is considered to be a "safe route" to school, and many schoolchildren use it to get to both Heathfield School, Monkton Heathfield and Creech St Michael Primary School. For this reason we would also like a condition that construction traffic cannot access Hyde Lane between the hours of 08:30hrs and 16:30hrs during school days during the development. Creech St Michael has a 6'6" width restriction in any event which we would expect to be strictly observed. Traffic after the Development. It is vitally important to prevent rat running through Creech St Michael and Creech Heathfield, and we would like every effort to be made, through design, signage, traffic calming, etc, to prevent this from happening.

Access to the new A38 Relief Road. The proposed Hyde Lane Development will allow a safe pedestrian path for children and others between Creech St Michael Primary School as far as the Motorway Bridge, Hyde Lane, thus strengthening Hyde Lane as a "safe route for children". We still feel strongly that it is very important that a link is made from Hyde Lane to one of the proposed new roundabouts on the new A38 Relief Road. Although we appreciate that traffic will come in from the A38 as well as out, the proposed Hyde Lane Development will could mean 120 additional vehicles in Hyde Lane (adjacent to the A38) which, for both environmental and safety reasons, should be able to access the A38 without either going back into Creech St Michael (creating extra traffic past the school and extra congestion in Creech St Michael centre) or attempting to negotiate the narrow and impractical portion of Hyde Lane which passes over a narrow canal bridge and past the rugby club. Employment Land: We note that the proposed employment land is situated adjacent to proposed dwelling houses. In these circumstances we would ask that sociable hours of working are stipulated, with a strict "No Sunday Working" policy.

I would refer you to our meeting with your colleagues and Consortium members last December, and enclose a copy of a letter dated 5 December 2006 from Mr Charles St George, Director of the Syndicate. The Parish Council still supports all the points made at this meeting, which are outlined in Mr St George's letter:

- Signage on Langaller Lane: The Parish are concerned about additional traffic rat running through Creech St Michael and would like appropriate signage placed roundabout for the diverted A38 saying, “Creech St Michael and Langaller only”. The Consortium agreed to raise this point with the County Council as part of the general discussions on signage.
- Construction traffic: The Parish Council is keen to avoid construction traffic on Langaller Lane: The Parish are concerned about additional traffic rat-running through Creech St Michael and would like appropriate signage placed on the new traffic using Creech St Michael. We explained that this issue would be covered by a construction site management plan that will need to be agreed at a later stage with the planning authorities and that there would be appropriate restrictions on the movement of HGVs in the construction contracts. The Consortium will flag this issue up with both the County and Borough Councils.
- Hyde Lane link: The Parish Council believes that there should be a link from Hyde Lane onto the new A38 diversion where the proposed access is at present to the playing fields shown on the master plan to the south of the new road. The Parish Council expressed concern over the narrow lane to Bathpool, which was said to be prone to flooding. The Consortium agreed to discuss this point with both the Borough and County Councils.
- At grade pedestrian crossing: The Parish believe that an at grade traffic light controlled pedestrian crossing of the new A38 diversion would be preferable to a footbridge as this will be more suitable for some disabled people. We agreed to raise this issue with the Borough Council, which has specified a footbridge in the Monkton Heathfield Development guidelines.
- Pedestrian pinch point: There is an existing ‘pinch point’ in North Street in Creech St Michael where there is no pavement and where parents are currently struggling when walking their children to school. The Parish Council believes that a further single lane priority traffic calming feature at this point should be installed which would provide a pavement along one side of the road. The Consortium agreed to mention this point to the County Council.
- Pedestrian crossing at Adsborough: The Council is worried about the safety of pedestrians crossing the A38 north of the site at Adsborough with the increase in traffic caused by this development. The Consortium will also mention this point with the County Council. For the record, we also noted the Parish Council’s comments about the following: The development name, ‘Monkton Heathfield’, does not reference Creech St Michael. Part of the site is within Creech St Michael Parish and the Parish feels that the main impact of the development will be on Creech St Michael itself. The Consortium’s response to this point is that it is simply following the Borough Council’s description and the local plan allocation of the site.
- The Parish Council believe that the southern roundabout where the proposed A38 diversion meets the existing A38 has been sited too far to the south of the Milton Hill junction. The Consortium’s response to this is that its landscape consultants have advised that this location is preferable in visual impact terms while its highways consultants feel that this location will not make any material difference to the operation of this junction.

- The Parish Council believes that the hours of working of the proposed employment units should be restricted outside normal working hours and at weekends. This is something that the Consortium believes the Parish should raise with the Borough Council at reserved matters application stage.
- The Parish Council believes that there should be no three-storey buildings on the site. The Consortium's response is that there will need to be some three-storey buildings because of government density requirements for new housing development. The exact location and number of three-storey buildings will be decided at reserved matters application stage and the Parish will have a further opportunity to comment at this point in time. There is no four-storey housing proposed on the site.
- The Parish Council would like to see affordable housing dispersed throughout the site and the Consortium confirmed that this would indeed be the case although again, the precise location and layout of housing would be dealt with by reserved matters applications

CHEDDON FITZPAINE PARISH COUNCIL - Existing medical centres at Lyngford Park and Crown Medical Centre are overloaded and the development at Monkton Heathfield should include new medical facilities; there must be a new primary school to cater for the development; the proposed highways should be designed to avoid access problems needing chicanes as these are ineffective; the new relief roads should be completed prior to occupation.

There are insufficient guards against rat running through the parish both during and after the construction phase, the lack of public transport infrastructure will lead to further pressure on overcrowded commuter routes into the centre of Taunton.

RUISHTON AND THORNFALCON PARISH COUNCIL – Our Parish Council had just one comment to make on the above applications and being that they would like to see Hyde Lane stopped under the development with the A38 and not be a through route as a safety issue.

### REPRESENTATIONS

27 LETTERS OF OBJECTION have been received raising the following points:

- 1) The proposal will reduce the limit access for existing businesses along the A38 and resulting a reduction in passing trade
- 2) The conversion of the local road known as camels hump, by the cricket pitch, to pedestrian and cycle access only will effect passing trade to Monkton Elm Garden Centre
- 3) The proposals are likely to have a significant impact on the operation and future of the ATS premises in Monkton Heathfield resulting in the isolation of ATS and its likely closure and loss of jobs
- 4) The proposed roads will not be able to cope with the additional traffic cars already back up to Mill Hill from Creech Castle and the area becomes almost grid locked during the school run. Traffic from a further 900 dwellings will make this unworkable.
- 5) In order to avoid the loss of trade to local businesses additional signage should be provided and existing signage relocated at the expense of the developer.
- 6) There should be a roundabout at the junction of the A38 and A3259 as this is a confusing junction layout.
- 7) The A3259 is already very busy with traffic, the re-routing of the traffic off the A38 will result in an increase in the level of traffic using the A3259 use and increase health risk to existing residents due to fumes and vehicle based accidents. The A3259 must be a non-HGV route and must have traffic calming measures.
- 8) The A38 relief road needs to be in place before the development starts to accommodate the existing traffic plus the construction vehicles need for the development.
- 9) The development should provide a large area for cars and buses near to Brittons Ash as the development will result in an increase of cars etc dropping off and collecting from the Schools in School Road.
- 10) The development will result in increased blocking of local roads near the school and restrict emergency vehicular access
- 11) Increased traffic will resulting unacceptable levels of noise and pollution and will add to global warming
- 12) Increased traffic will create danger for local school children
- 13) With more traffic using Milton Hill how will residents be able to leave and enter Farriers Green?
- 14) Additional housing etc will result in increased global warming and congestion/overcrowding
- 15) In order to alleviate the congestion in School Road is it possible to create a link through to the A38 (one way) to help with traffic flows and emergency vehicles?
- 16) Proposals will aggravate the existing difficult traffic situation in the area
- 17) Construction vehicles should not be allowed to use the A3259 whilst the development is constructed
- 18) The cycle way and footpaths adjacent to Britton Ash are not viable as it would represent a danger to cyclists and pedestrians from vehicles backing out from their drives onto the road.
- 19) Who will own the land not shown as residential or retained by the developer?
- 20) The development will lead to increased risk and frequency of flooding in the area



- 21) The scale of this development is out of keeping with the character of the area.
- 22) The proposed development will have a detrimental impact on the environment and local community
- 23) The development on agricultural fields will result in a loss of birds and animals from the area.
- 24) The development results in a loss of too much hedgerows and too many trees and the developers proposals state retention "if possible" or "where possible" so I expect there won't be much left in the end
- 25) The development will result in increased water run off and flooding
- 26) A thorough assessment of the impact of the development on Dyers Brook should be undertaken to avoid any flooding of existing houses.
- 27) Is there any way planning restrictions can be applied to the surrounding countryside otherwise the development will continue to grow and the countryside will be a car drive away.
- 28) The Brittons Ash open space is close to existing residential properties and any formalised play areas such as skate parks should not be located in that area as it would have a detrimental effect on local amenity due to increased noise and anti-social behaviour often associated with these areas.
- 29) I abhor the plan to build on the farmland with the loss of all the wildlife and open countryside.
- 30) The development will result in a loss of trees in the area
- 31) A new bus shelter should be provided at Brittons ash as the old one doesn't provide shelter from the rain
- 32) The new school will be a much-needed improvement to the area and should be provided before any new children from the development need it.
- 33) The local secondary school is over subscribed so how will it cope with the additional number of school children generated by the development
- 34) The school buildings should be kept away from the existing housing and the play areas could be located in those areas

## 2 LETTERS OF SUPPORT

- 1) The housing is a good idea and will provide much needed affordable housing and attract people here from other areas
- 2) The development will bring in new people and add to the overall wealth of the area
- 3) The proposal will result in more job opportunities

## 11 PRINCIPAL ISSUES FOR CONSIDERATION

- A. Does the proposed application site conform to the Local Plan allocation and if not are there material considerations such that would justify a departure? POLICY
- B. Does the proposal ensure the provision of comprehensive and coordinated development? COMPREHENSIVE DEVELOPMENT

- C. Will the development enable the retention of the green wedge separation between Monkton Heathfield and Taunton? GREENWEDGE
- D. Is there sufficient information contained within the application to ensure the delivery of high quality development? QUALITY OF DEVELOPMENT
- E. What impact will the development have on the area and will the proposed landscaping philosophy adequately mitigate for any detrimental impacts or enhance any areas with potential? LANDSCAPE
- F. Does the proposal provide adequate educational and community facilities for the new population? COMMUNITY
- G. Does the proposal provide adequate education facilities for the increased demand resulting from the development? EDUCATION
- H. Will the proposed development provide the required amount of affordable housing as outlined in the Taunton Deane Local Plan? AFFORDABLE HOUSING
- I. Does the proposed structural highway network cater for the expected increased use of the roads by the traffic likely to be generated by the proposal? HIGHWAYS
- J. Will the proposed surface water and foul drainage cater for the changing and additional volumes expected from the development of the land? DRAINAGE
- K. Will the proposed development provide adequate facilities for leisure and recreation in accordance with the Local Plan requirement? LEISURE AND RECREATION PROVISION
- L. Would the land indicated for employment use be in accordance with the Local Plan requirement? EMPLOYMENT
- M. Does the proposal provide for a local centre with adequate retail provision in accordance with the Local Plan requirement? RETAIL
- N. Has the proposal taken account of the likely impact of the proposal on the wildlife and ecology of the area? WILDLIFE
- O. Will the proposal result in an acceptable living environment for future residents adjacent to the new Eastern Relief Road? NOISE/POLLUTION
- P. SUSTAINABILITY
- A. Policy**

The local plan allocates approximately 67 ha of land for the provision of a comprehensive and co-ordinated mixed use development to include the

provision of approximately 1000 houses, 14 ha of business use, 4.5 ha of playing field; 2 ha for a primary school; 3 ha for a combined local centre and 10 ha of landscaping and open space.

The development is required to ensure the provision of 13 key elements:

- education;
- social/community facilities;
- playing fields and open space;
- local nature reserve;
- landscaping;
- surface water attenuation;
- affordable housing;
- bus priority measures;
- subsidised bus provision;
- cycle and pedestrian network;
- cycle access to Taunton town centre;
- cycle access to the canal, to the riverside leisure and retail facilities and from Creech St Michael;
- eastern and western relief roads; and
- traffic calming and environmental enhancement on the existing A38 and A3259.

The red line application site does not include all of the allocated land as outlined within the local plan allocations T8-T10. In particular it omits the land required for the Western Relief Road and any road improvements that would be required to link the Eastern and Western Relief Roads; the western development site at Aginhills Farm and the former Hatcheries site located adjacent to the A38. In addition the application site includes the following land that is outside of the local plan allocation: a thin strip of land to the north of Langaller Lane; land adjacent to Hyde Lane and to the south of the proposed Eastern Relief Road, for the provision of public playing fields for the development.

Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Planning Policy Statement 1 all proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The applicants have put forward the following justification for the departure from the local plan:

#### North of Langaller Lane

The enlargement of the northern roundabout near Manor Farm has required a slight realignment to the route of Langaller Lane from the A38 to provide an acceptable approach to the roundabouts at the north of the site and does not have a significant impact on the allocated site or surroundings.

#### Playing Fields

The applicants argues that there is insufficient space within the allocated site to provide all the land use requirements of policy T8 and the playing fields and that their inclusion within the site would result in the loss of potential for approx 250 houses. They argue that Green Wedge Policy EN13 accepts that playing fields are an appropriate use within green wedges and that to relocate these would enable the provision of the 900 houses and the other mixed-use elements within the site boundary with minimal impact on the area. Initially the Council raised concerns in relation to the remoteness of the site and the inaccessibility of the playing fields and associated facilities to the occupants of the new development. As a result of these concerns the applicant has introduced a new vehicular access to the playing fields from the Eastern Relief Road and suggested that the proposed foot and cycle bridge across the new road would enable access by vehicles and pedestrians.

### The Hatcheries

The red line application boundary excludes 2.2ha land known as the Hatcheries, located to the south west of the application site. The land in question includes the proposed junction of the Eastern Relief Road with the A38 and Milton Hill and is the subject of a separate application before you for consideration tonight. The applicants argue that this application, combined with application 48/2007/019, would provide an Eastern Relief Road alignment and junction with the A38 that broadly conforms to the Local Plan allocated site boundaries and does not therefore need to be within the application site boundary.

It is accepted that

- 1) The readjustment of Langaller Lane to the north of the site is necessary to provide an acceptable alignment for the approach to the proposed roundabout junctions to the north of the site and that this realignment will have minimal impact on the surrounding countryside.
- 2) That recreational playing fields are an acceptable use within the Green wedge. The proposed location of the playing fields, pavilion and car park uses the existing landform to ensure that the impact on the surrounding countryside is minimized. The Leisure and recreation Officer would prefer the playing fields to be sited within the Eastern Relief Road but accepts that, taking into account the need to ensure that the full 900 houses can be built on the site, accepts this location with the vehicular and pedestrian access that is proposed.
- 3) That this application can be linked, via a Section 106 agreement to the Hatcheries application to enable the provision of an acceptable route for the Eastern Relief Road that is generally in accordance with the allocated site and that, in those circumstances, the Hatcheries does not need to be within the boundary of this application site.

The delivery of housing, and particularly affordable housing, the importance of which is clearly set out in both PPS 1 and PPS 3, as well as in the Council's own priorities, is an important consideration that must weigh heavily in favour of this proposal.

In my opinion therefore the material considerations are such that justify a departure from the Development Plan.

## **B. COMPREHENSIVE DEVELOPMENT**

As stated in paragraph (A) above all proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The Taunton Deane Local Plan requires the provision of a co-ordinated and comprehensive development of the entire allocated site. The applicant does not control all of the land required for the entire allocation and have limited their application to the parts of the site over which they do have control. As a result the proposed application site does not include all of the land covered by the Local Plan allocations T9-T12.

The application excludes the land covered in policy T8, required for the provision of the Western Relief Road, T10 required for the provision of 100 houses on Land North of Aginhill's and part of the land covered by policy T9 (The former Hatcheries).

### Western Relief Road

The submitted transport assessment establishes the need for the Western Relief Road to be provided before 651 of the 900 houses and an element of the employment floorspace are built and occupied. The applicants do not own the land required to provide the road link and have been unable, to date, to negotiate to purchase the land from the current owners. However, a memorandum of agreement has been signed by both the developer and the Council whereby the developer is obliged to continue to have negotiations with land owners to secure the land required to provide the road and if this should fail, they identify the potential need for Taunton Deane to purchase the land under its compulsory purchase powers. In this event, the developers have agreed to fund the cost of any Compulsory Purchase Order with the need to recover an equal proportion of that cost from the developer of the Aginhill's site. In addition, the developers have proposed a Section 106 Agreement with the County Council, which would pre-fund the cost of the design and provision of the Western Relief Road and all associated costs.

It is accepted that the above package should enable the future provision of a Western Relief Road thereby enabling the comprehensive development of the allocated land.

### Aginhill

The Aginhill site would provide for 100 houses and associated facilities but does not form part of this application. As you will note below, the applicants have proposed a package of Section 106 contributions, which, when the details are agreed, would provide all the 13 key elements of the Local Plan allocation

except the Western Relief Road and the development of this site. Taking into account the proposed Section 106, I consider that allowing this application would not undermine the provision of a comprehensive development of the whole allocated site.

#### Former Hatcheries Land

If the submitted master plan is accepted the hatcheries site would be required for the provision of employment land and the land required for the delivery of the southern roundabout junction of the Eastern Relief Road with the A38, Milton Hill and the proposed Western relief Road. At present this application would not provide all of the employment land identified in the Local Plan. The applicants have suggested that employment uses could be provided over the Local Centre reducing any shortfall in employment land if the land does not come forward in the near future. Taking account of the amount of land in question and the development that would be secured through the delivery of the remainder of the site, I conclude that the omission of the Hatcheries site from the application would not materially impact upon the ability to achieve comprehensive delivery of the allocated site.

Furthermore there is a separate application, by the owners of the Hatcheries Land, for the provision of a roundabout on the general alignment of the Local Plan. Provided the delivery of this roundabout and its links to the proposed Eastern Relief Road is secured in a timely manner via a Section 106 agreement I consider that the application would enable the provision of a comprehensive development.

The Local Plan requires 13 key elements to be provided for a comprehensive and co-ordinated development of the Taunton Local Plan T8 allocated site. The developers propose:

#### (A) primary and secondary school accommodation in accordance with Policy C1

The applicants have agreed in principle to the provision of a new primary school on a 2.5 ha site, the provision of an additional field for the secondary school and funding for any temporary classrooms needed before the accommodation is provided. The principles of these have been agreed and are to be contained within a Section 106 agreement.

#### (B) social and community facilities in the local centre

The applicants have agreed to the principle of providing social and community facilities attached to the new primary school with the shared use of an enlarged school hall (when not in use by the school). The principles of these have generally been agreed and would be contained within a Section 106 agreement.

The applicants propose the provision of children's play areas through out the development in accordance with the requirements of the Leisure and Recreation Officer. There will be four leaps ((local areas of equipped play space for children under 6 years of age), one neap (neighborhood areas of

equipped play space for children over 6 years of age) and a super leap. The principles of these have generally been agreed and would be contained within a Section 106 agreement.

The applicants propose to contribute towards the improved provision of the library service to cater for the additional demand. This principle has been agreed and would be contained within a Section 106 agreement.

The applicants propose the provision of a local centre, in accordance with the requirements of the Taunton Deane Local Plan and the Monkton Heathfield Development Guide, to provide for the immediate needs of the new community. The principles of these have generally been agreed and would be contained within a Section 106 agreement.

The Section 106 details of the above, including the timing of the provision of the facilities and the cost of maintenance are under discussion but not yet finalized.

#### (C) playing fields and public open space

The applicants propose the provision of two new playing fields, car parking and a pavilion with changing facilities on land to the west of Hyde Lane with a direct access off the Eastern Relief Road. The principles of these have generally been agreed and would be contained within a Section 106 agreement.

The applicants propose areas of public of open space and landscaping throughout the application site.

Details of the future ownership and management of these areas all require a Section 106 agreement.

#### (D) preparation and maintenance of a local nature reserve

The applicants propose the provision of a local nature reserve adjacent to the Dyer's Brook to the west of the site. Full details of this area would need to be submitted and approved through the reserved matters application. The future ownership and maintenance of the Nature Reserve has been agreed in principal as either the Local Planning Authority or Local Wildlife Trust.

The details of the ownership and maintenance of the Local Nature Reserve needs to be agreed and contained within a Section 106 agreement.

#### (E) landscaping

The detailed landscape proposals are reserved matters. However information contained in the Environmental Assessment and Design and Access Statement are considered acceptable in principle, subject to a condition requiring the submission of a strategic landscape master plan (or similar) prior to the submission of any other reserved matters applications for the development.

#### (F) surface water attenuation

The applicants propose a series of surface water drainage attenuation features that are acceptable to the Environment Agency subject to acceptable details. There has been concern over the ability of the receiving watercourse to accept the water from the site over a long period of time and the applicants have now agreed to the provision of financial contributions to enable maintenance works to the receiving watercourse to ensure that it is able to cater for the flows.

These contributions will need to be included in a signed Section 106 agreement for the site.

(G) affordable housing in accordance with Policies H9 and H10

As is discussed in more detail below, whilst the quantum and tenure of affordable housing has been agreed, the precise mechanism to ensure this is provided and retained as affordable housing is still being disputed. The Solicitor is now hopeful that this matter can be resolved and included within a Section 106 agreement for the site.

(H) bus priority measures within the site and linking the site to Taunton town centre

The transport assessment was used as a basis to produce a transport package that includes bus linkages to Taunton town centre. These have resulted in a package of measures that include financial contributions for work and provision of bus shelters and these have been agreed in principal with the County Highway Authority. The principle of these contributions has been agreed and will be included within a Section 106 agreement.

(I) revenue support if necessary to maintain a frequent quality bus service linking the site to Taunton town centre

The County Highway Authority has agreed the principle of the above revenue support. Again this was to be achieved via Section 106 agreement.

(J) a comprehensive cycle and pedestrian network within the development area and Monkton Heathfield village, providing convenient access to the schools, local centre and employment

AND

(K) cycle access to Taunton town centre via the A3259 and the canal, to the Riverside Leisure and Retail facilities and from Creech St Michael

The detailed cycle and pedestrian network remains a reserved matter and detail has not therefore been included within the outline submission. However, the Environmental Statement includes an assessment of the existing cycle and pedestrian facilities and an acceptance that improved facilities and links to the existing network will be required. Appropriate details can be conditioned



requiring approval within a phased strategic document prior to the submission of reserved matters.

(L) eastern and western relief roads

The Local plan policy requires the provision of two relief roads in order to (1) alleviate the existing traffic levels using the A38 and bring together (currently split in two by the A38) the existing and proposed site as one settlement with a core of community facilities aimed at uniting the residents and development; and (2) cater for the additional road traffic generated by the additional development of the allocated sites.

The applicant proposes to provide an Eastern Relief Road up to the boundary of the Hatcheries site. The road would be designed to link to the roundabout which is the subject of planning application 48/2007/019. The County Highway Authority has agreed that the two applications would result in an Eastern Relief Road that would link to the A38 and the southern end of Milton Hill in accordance with the Local Plan. In order to ensure that both roads link the County Highway Authority require the submission of full technical details of both schemes and a mechanism to ensure their timely provision via a Section 106 agreement.

The applicants have proposed a mechanism, via a signed memorandum of agreement, to enable the future planning and provision of the Western Relief Road. This would need to be provided in full prior to the occupation 651<sup>st</sup> House and 23,251sq m of employment land.

A signed Section 106 agreement is required to ensure the provision of the whole road network thereby enabling the provision of 100 houses etc on the allocated sites.

(M) traffic calming and environmental enhancement on the existing A38 and A3259

The applicants propose the provision of a bus gate on the A38 and long-term proposals for traffic calming of the A3259. The County Highway Authority has agreed a package of measures in principle and the details need to be contained within the Section 106 agreement.

In conclusion, whilst the current application does not include the whole of the Monkton Heathfield allocation I consider that there are sufficient safeguards in place to ensure a comprehensive development of the allocated site.

**C. GREENWEDGE**

The Local Plan recognises the impact of the proposal on the Green Wedge as a key consideration for development of the allocated site. The Green Wedge is considered to be important in order to prevent the coalescence of settlements, to retaining the open space and character of those areas in order to provide a

“green lung” and provide a corridor for wildlife and a place for relaxation and recreational use.

The extent of the green wedge around the allocated site was a specific consideration of the Local Plan Inspector when determining the boundaries of the site. In particular the boundary to the south of the Hatcheries was carefully considered and agreed. He concluded (para 7.30.4.64) that “the proposed Green Wedge at this point is relatively narrow and, in my view, any further erosion would substantially reduce the function in preventing coalescence of the settlements”.

The current proposal, in combination with the proposed roundabout 48/2007/019, would provide a southern alignment of the Eastern Relief Road that is generally in accordance with the boundary of the local plan allocation. This alignment would enable the provision of an acceptable Eastern Relief Road whilst retaining the maximum amount of Green wedge to the south of the site, where the Green wedge is already narrow and where it is considered important to retain as wide a gap as possible.

Subject to the future landscaping details of the new road this proposal is considered to have an acceptable impact on the Green wedge

#### **D. QUALITY OF DEVELOPMENT**

In accordance with the current requirements for outline applications the applicants have submitted a design and access statement with the application that outlines the general parameters of the proposed development. The document provides a series of plans looking at the site constraints and potential. The document outlines the land uses and approach to the development of the site, including a master plan indicating the likely layout of future development.

In addition to the Design and Access code the developer has also agreed to the submission of a Design Code for the whole site, which would include details of the following:

- Architectural and sustainable construction principles
- Phasing of the development
- Character areas
- Street types and street materials
- Block types and block principles
- Internal highways, cycle ways and footpaths
- Renewable and energy efficiency measures
- Car parking principles
- Building types and uses
- Building heights
- Building materials
- Surface treatments
- Boundary treatments

- Children's play areas, playing fields and public open space
- Landscaping strategies
- Wildlife mitigation
- Proposed uses for the employment areas and local centre
- Mechanisms for periodic review and alteration to the design code if required.

The design code would need to be agreed in writing by the Local Planning Authority prior to the submission of any other reserved matters applications on the site. The Local Community have set up a Community Involvement Panel to consider this document and feed back to the developers and LPA in order to make the document reflect local views and be as robust as possible.

I consider that the above process should result in a framework that would enable good quality development across the whole site.

## **E. LANDSCAPE**

The application was accompanied by an Environmental Statement, which considered the landscape implications of the proposed development on the surrounding area. It assessed the existing features of importance, such as trees and hedges, and indicated a broad structure of open space through out the site, which enabled the retention of a significant amount to the most important landscape features of the site. The proposal indicates the provision of the Eastern Relief Road within a well-landscaped corridor running along the western and southern boundaries of the site. The landscape framework indicates the retention of Green Lane, an existing footpath link along the western boundary of the site, and its use for open space purposes, and the use of Dyers Brook as a local nature reserve.

The site is likely to be developed in small parcels over a period of time and it will be important to establish a landscape strategy for the site to ensure a level of continuity between phases and developers. I recommend that the landscape strategy forms part of the Design Code.

## **F. COMMUNITY**

The development of 900 houses will generate an increased demand for library facilities. The developers have agreed to the provision of funds to enable the County Council to improve the service to enable it to cater for the additional population that would result from this development.

Taunton Deanne Local Plan Policy T8 (B) requires improved community facilities to cater for the additional population that would result from this application. The developers agree to the principle of providing additional facilities joined with the new primary school (similar to that provided at Cotford). This would include enhancing the size of the school hall to enable joint use by the community outside of school hours and the provision of separate meeting rooms, toilets etc. However, this facility is not intended to replace the existing village hall or provide for existing deficiencies in provision. Details of the

proposed community facility have been agreed in principle but discussions are still taking place over the specifications that are required. The timing and provision of the community facilities would need to coincide with the provision of the new school and these details need to be included in a Section 106 agreement.

In their consultation response to the development Network Rail considered that the additional population might lead to an increase in numbers and requested funds to enable improvement works at Taunton station. However in considering the distance from the station and the general nature of their request I do not feel that a case has been established that justifies such a contribution.

In their consultation response British Waterways considered that the additional use of the canal footpaths by walkers and cyclists would lead to an increased cost in the maintenance of their footpaths and requested funds via a Section 106 Agreement. The canal is situated to the south of the development boundary. Footpath links to the existing foot and cycle paths are being provided for and whilst I accept that the development might result in an increase in the use of the canal paths, I do not consider that this would be significant enough to justify contributions in this case.

## **G. EDUCATION**

The Local Plan allocation T8 requires the development to provide the primary and secondary school accommodation needed to provide for the additional children generated by the proposal.

Secondary school provision: - Based on a predicted falling school role the County have accepted that there is capacity within the existing schools to provide for children likely to be created by approximately 300 of the proposed dwellings. As a result the County Education Department require contributions towards the provision of additional secondary school facilities for the additional 600 dwellings associated with the application. In addition there is a requirement for all secondary schools to comply with specific standards of team playing fields. The additional number of children generated by this proposal would result in the need for additional playing field provision. The application proposes an additional playing field on land located to the east of the existing primary school and Heathfield Community School playing field.

Local Plan Policy T9 requires the provision of a new primary school and allocates 2 ha of land for that purpose. The Local Education Authority consider that the development of the site generates the need for a school with 7 classrooms with all associated core facilities including the provision of a school hall. There is a preference by the Local Education Authority not to have two primary schools within Monkton Heathfield but to combine them on a new site. As a result they have negotiated the provision of 2.5 ha of land for a new 14-class room primary school and will fund any additional building works required for the additional classrooms.

The new primary school would need to be completed by the construction of the 400th dwelling, when the anticipated number of additional children generated by the development could not be accommodated (via additional temporary classrooms) at the existing primary school site. In the interim period the developer would need to fund the provision of temporary classrooms as necessary.

As mentioned above the application currently proposes community facilities to be provided at the school site. The applicant would fund any additional facilities required for this purpose.

The applicants have agreed to the principle of providing all of the above requirements. However, these would need to be detailed in a Section 106 Obligation.

## **H. AFFORDABLE HOUSING**

Taunton Deane Local Plan Policy T8 (G) and T9 require the provision of affordable housing within this site. Policy H10 sets an indicative target for provision on this site of 35%. Discussions have taken place with the developer that agree the principle of 35% affordable housing with 50% of that being for social housing and 25% with shared ownership and 25% discounted open market housing. At present discussions are taking place over the amount of discount that can be applied to the discounted open market housing. It has been agreed that the affordable housing should be provided in a phased manner within each phase of development and will comprise clusters of not more than 16.

Subject to agreement on the discounted market the proposed affordable housing is considered to be acceptable.

## **I. HIGHWAYS**

The planning application is an outline application with all matters reserved except for the details of the Eastern Relief Road, which has not been reserved.

The Local Plan recognises that the current A38 is heavily used and forms a barrier through the middle of the current settlement of Monkton Heathfield. In order to relieve this pressure, by allowing for traffic calming of the A38 and A3259 and to enable surrounding roads to be able to cater for additional traffic generated by this development, the Local plan requires the provision of relief roads:

- 1) to the south and east of the main site, bypassing the existing settlement (Eastern Relief Road)  
and
- 2) to the west (Western Relief Road) that would link the Eastern Relief Road to the A3259 to enable traffic to use an alternative route to Creech Castle to drive into Taunton.

The Local Plan proposals map includes the provision of the relief roads within the allocated site. It indicates that the Eastern Relief Road would go from the north of the site, opposite the existing cricket ground to the east along Langaller Lane, with a new roundabout allowing the relief road to continue southwards to a further roundabout (that would provide access to the western employment land) and then to go in a generally westerly direction to the A38 opposite to Milton Hill. From the A38 a Western Relief Road is shown utilising the southern portion of Milton Hill before going off to the west to cut across and link to the A3259. The details and timing of the provision of these roads was to be determined through a Traffic assessment, to accompany any planning application for the sites.

The current planning application includes proposals for the development of the mixed use allocated site T9. It does not contain detailed proposals for the Western Relief Road but offers an alternative mechanism to enable its provision and this will be described in more detail below. The detailed highway proposals within this application include the provision of an Eastern Relief Road that incorporates an additional width of land required to allow for the road to be widened to a dual carriageway in the future. The roundabouts are designed to cater for this development but provide sufficient land to enable any future enlargement that may be necessary if the roads are duelled in the future. The County Highway Authority has confirmed that the proposed road details are acceptable from a technical point of view.

The proposed Eastern Relief Road does not include details of the junction of the road with the A38 and stops short at the boundary of the Hatcheries site. A separate application has been submitted, on the Hatcheries site, for the provision of a roundabout junction to link the Eastern Relief Road shown in this application to Milton Hill. The current proposed ERR would be aligned to meet with that roundabout, if permitted. The County Highway Authority have confirmed that these proposals, 48/2007/019 and 48/2007/061, would provide an Eastern relief Road that is technically acceptable. It is important that the two applications are linked in terms of the timing of the provision of and the technical construction details of the whole of the Eastern Relief Road and a Section 106 Obligation will be essential for this to succeed.

Rather than including the Western Relief Road within the application site the developers have entered into a Memorandum of Agreement with the Borough Council, (to be incorporated into a Section 106 Agreement), that requires them to negotiate with other land owners to attempt to gain control over the land required for the Western Relief Road and, should these negotiations prove to be fruitless, to fund the highway and associated costs in order to provide the Western Relief Road. This would require the Borough Council to use its Compulsory Purchase powers to buy third party land needed for the new road. The County Highway Authority accepts the principle of this approach but require the Section 106 Agreement to ensure funding and delivery of the Western Relief Road.

Whilst it would be preferable for the Eastern and Western Relief Road details to be contained in one application I do not consider it essential provided their

delivery can be achieved by another mechanism. I consider that the Eastern Relief Road can be provided generally in accordance with the Local Plan alignment through the approval of two separate applications provided they are adequately linked by Section 106 clauses. I am advised that the Memorandum of Agreement provides a mechanism for the delivery of the Western Relief Road with the developer promising to pursue negotiations with the land owners and if that fails that it will fund the Compulsory Purchase of the land if negotiations are shown to have failed in addition the applicants have agreed to fund the County Highway authority to design and build the Western Relief Road.

I therefore consider that the highway infrastructure proposal, when combined with the separate application and Memorandum of Agreement would lead to an acceptable solution.

## **J. DRAINAGE**

Taunton Deane Local Plan Policy T8 (F) requires the provision of water attenuation for the development of the site. The application site contains two drainage basins, Dyers Brook catchment and Old Tone Arm catchment and the impact of the development on both of these has been considered. The developer has proposed a series of mitigation proposals to ensure that the existing drainage situation is not worsened by the development. To cater for the additional surface water run off generated by the development of the land, the developer proposes a series of attenuation measures to capture the additional flows, store them and release them over a longer period of time at a rate that reflects the existing baseline flows. The Dyers Brook catchment lies to the west of the A38 and the land available to form surface water attenuation ponds is limited in this area. As a result the applicant proposes the provision of a storm cell underneath the new Secondary school playing field. The storm cell would act in a similar way as a traditional attenuation pond, storing the excess water and releasing it at a baseline rate over a longer period of time. Wessex Water would adopt the storm cell and ensure it is maintained properly. There was some initial concern regarding this proposal, as any problems would be likely to require the digging up of the playing field. However practice elsewhere indicates that regular maintenance of the storm cell should avoid such a situation.

The Old Tone Arm is located to the east of the A38. The applicant proposes a series of surface water attenuation ponds around the south and eastern portion of the site to intercept the additional rainfall. The exact location, shape and size of these have yet to be agreed but the approach is considered to be acceptable in principle. However, the Environment Agency are concerned that whilst the principle of such drainage is acceptable it relies on the receiving watercourses being in a good condition and able to function adequately to transport the water flows to the River Tone. Surveys of these receiving watercourses establish that they are in a poor state of repair and unsatisfactory to receive the proposed quantity of water over the extended period of time. The applicant has, therefore agreed to provide funds to improve the receiving watercourses to enable them to function properly.

The applicants have agreed this in principle. Contributions would need to be included in a Section 106 Agreement.

## **K. LEISURE AND RECREATION**

Local Plan Policies T8, T9 require the provision of 4.5 ha of playing fields in association with the development of the eastern portion of the major allocated site (Land east of Monkton Heathfield). The application proposed the playing field land outside of the Local Plan allocation. The applicant has argued that the allocated site is not large enough to enable the provision of all of the required elements of the development within the site boundary and that the allocation of the playing fields outside of the allocated site does not harm the Green Wedge function of the land. Initially the site could only be accessed off Hyde Lane, to the south of the relief road. Although footpath and cycle way links were proposed it was considered that the distance to the site (via Hyde Lane) from the new residential development would be too far to travel by foot and cycle and this would result in playing fields that would be too remote from the public it was intended to benefit. As a result the developers agreed to provide an additional access off the adjacent roundabout junction. This would be a no through road designed specifically for access to the proposed sports facilities. Taking this into account it is considered that the need for 900 dwellings and associated facilities within the allocated site, along with the access to the playing facilities would be acceptable in principle.

In terms of the quantity, the applicant, in their supporting open space areas plan identifies the provision of 2 public playing fields, access, parking and a pavilion. The details of this provision are reserved matters and will need to comply with relevant standards for the provision of each element. These matters would be capable of control via planning condition. Once built the facilities would be handed over to the Local Authority to maintain and manage and a commuted sum is required from the developer to cover these costs for a period of 20 years after the handover date. The applicants have agreed to this in principle and all contributions would be secured through a Section 106 Agreement.

The Local Plan requires the provision of Children's play areas in association with the residential development of the site. On a site of this size the Monkton Heathfield Development Guide identified a need for 6 LEAPS, to be well equipped with a wide range of equipment in each. In addition the Development Guide identifies the need for 4 larger NEAPS aimed at the 6-12 age.

The application proposes 4 LEAPS scattered through the development to ensure they are within 400 m walking distance of all properties and timed so that they provide facilities within each phase of the development site. One of these would have enhanced facilities and is regarded as a SUPERLEAP. This would be sited adjacent to the cricket pitch and avoid children having to cross the A38 to reach their local facility. Instead of 4 Neaps the applicants propose 1 NEAP and one of the leaps designed and equipped to a higher standard than a normal NEAP/LEAP.



Financial contributions are required for the adoption and maintenance of these areas via a Section 106 Agreement

## **L. EMPLOYMENT**

The Taunton Deane Local Plan policy T9 allocates 4 ha for B1 Business development uses within the mixed use development site and Policy T11 allocates a total of 10 ha of land for light industrial and B8 warehousing use on land to the east of the Eastern Relief Road and south of Langaller.

The Monkton Heathfield Development Guide suggests that the employment allocation within the mixed-use site should be located in one position within the site rather than spread through out the site. The proposed use would be for B1 business use with a limit of 600sqm for offices across the whole site because major travel generators (offices over 600 sqm) have to be considered by a sequential site selection process as identified in Taunton Deane Local Plan policy EC10.

The application proposes the provision of 11.71 ha of employment land to the south of Langaller and the land adjacent to the Hatcheries. This is below the 14ha as outlined in the Local Plan policies above. However it is likely that employment uses may come forward above the local centre and this would reduce the gap between the required and proposed employment land. In addition there be the residual land at the former hatcheries site, which I consider likely to come forward once the highways situation has been resolved.

The provision of the employment land should aim to keep pace with the development of the site for residential purposes and a requirement for the employment land to be developed in a phased manner, to reflect the residential phasing. The applicants have agreed to this in principle and the details are to be included within the Section 106 Agreement.

## **M. RETAIL**

Policy T9 requires 3 ha to be developed to provide a local centre for the development, providing local shopping facilities such as newsagents, hairdressers, general store sub post office, pharmacy, public house, health centre, library. It is important that any retail provision is aimed at the local need and does not become a destination for non-local shopping trips. As a result the Development Guide proposes the development of 6 units (up to 100 sqm threshold) to be provided on site on completion of the 400<sup>th</sup> dwelling and there has been agreement that if there is a demand, there may be the provision of a local shop of up to 1.393sqm gross. The Development Guide suggests a central location for the local centre to form a focus for the new settlement. The application master plan reflects this requirement and indicates the local centre to the west of the A38, north of the new secondary school playing field and west of the proposed primary school. The proposal does not specify the area of land for use as a local centre and the applicants will be required to confirm that it conforms to the local plan requirement. The principles of the Local Centre would be required, as part of a Design Code and full details would be provided

via a reserved matters application. The applicant has been advised that the units should aim to provide a good urban environment with residential or other sympathetic uses on upper floors.

The applicants have agreed to the principle of the provision of the retail units but do not wish to provide the retail shells themselves, as this may result in vacant frontages detrimental to the area, until such time as they have a potential occupier. As a result they are proposing to market the units for a limited time before the use could resort to employment or housing. Discussions are continuing on the timing of any such clauses and the Planning department are currently consulting with financial advisers to ensure that a reasonable period of time is allowed for occupiers to be found for the retail units.

In conclusion, the timing and provision of the retail units as required by the Local Plan allocation T8(B) and T9(E) and Monkton Heathfield Development Guide have to be agreed and included within a Section 106 Agreement for the site.

## **N. WILDLIFE**

The application site covers an area of approximately 67 ha of largely agricultural land. The development of this land would have an impact on the current habitats and ecology of the area. It is important therefore to understand what the existing situations is, what impact the development may have upon the habitats and ecology of the area, especially protected species and habitats, and ensure that mitigation measures are included that minimise any negative impact. An ecological report was submitted within the Environmental Assessment for the application. This included various survey results, an assessment of the potential impact of the development on habitats and ecology (identifying potential protected species) of the site. As there are habitats with potential for a range of species this information will need to be updated before construction work commences. The protected species affected by this proposal may use or cross the whole site and a wildlife strategy is required to identify an overall approach to wildlife mitigation within which detailed schemes, on a phased basis can be included.

As this is a large site it is likely to take some time to develop and the ecology could change during that time. As a result, it is recommended that update surveys are undertaken prior to the commencement of work on each phase of the development and if any species are found that a scheme for the mitigation is provided and applied. There are habitats on the site with potential to be improved to benefit the ecology of the area. This may be through hedge reinforcement or new planting. A plan of such works will be required before the commencement of work on site and form an area to be included within the Design Code document.

Consultation responses from English Nature and the Conservation Officer indicate a possible impact from that part of any development which relates to the proposed WRR on the Lesser Horseshoe bat colony about 2.5 km away at Hestercombe House. The possible impact is understood to be on the foraging

opportunities for the bats. Previous consultations have not suggested any effect on the 'red-line' area of the application site, i.e. that which includes the area to be developed and the proposed roundabout (and which is the subject of controversy because of the effect on the 'green wedge').

The appellants propose a condition, which would halt development at 650 dwellings if the proposed WRR has not been approved [not sure of precise wording]. This means that separate approval will be required for the WRR at a later date. There may be planning implications for such a condition, which relate to the need for a comprehensive development but, so far as the bats are concerned, the issue relates to the EU Habitats Directive and reg. 48 of the Habitats Regulations. It must be decided whether the plan or project "either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site" [Hestercombe House]. If it does an assessment of the effect on the European site is required.

In one sense the 'plan or project' can be said to be the present application, which is for 900 dwellings and which, if that number is to be completed, will require the construction of the WRR. In those circumstances it would be difficult to argue against an assessment. I have taken legal advice (including advice from Counsel) and the conclusion is that the most important feature in dealing with the requirements of the Directive is the proposed condition. If approved by the Secretary of State in due course, it stops development before it has any possible effect on the site. Although the development necessarily contemplates the construction of the WRR if the development is to be finally completed, its construction is not part of this application and, as has been said, 650 dwellings can be completed with the existing development and the proposed road system.

Accordingly I consider that, so far as the impact on the European Site at Hestercombe House is concerned, with the proposed condition the terms of the Directive and the Regulations are not engaged by this application.

## **O. NOISE AND POLLUTION**

The Environment Statement was submitted in January 2008. It contains information relating to contaminated land, noise, air quality and odour assessments for the site. The noise survey data has been incorrectly inserted into the document and amendments have been requested to address this issue.

Noise: The use of the new Eastern Relief Road by traffic is shown to result in additional levels of noise in the area, which may affect residents of the new development. As a result some form of noise attenuation will be required to insure that appropriate minimum levels of noise are achieved for surrounding uses. There are several ways that this can be achieved including the provision of an acoustic barrier that could be landscaped; or inbuilt design solutions whereby the orientation and design of the buildings create an attenuation barrier. On the basis of the existing information submitted in 2005, the Environmental Health Officer considers that with the use of appropriate attenuation it will be possible to reduce noise to an acceptable level.

In terms of the construction noise it is considered that the impact of the construction noise can be limited by restricting the times for noisy working on the site. Noise from the employment areas, to the east of the relief road, are likely to be acceptable due their physical separation from residential development but any sites closer to the residential areas will need to be assessed in detail and appropriate conditions attached to ensure they do not cause a nuisance.

Contaminated land: The Environmental Assessment identified the application site as mostly agricultural and (other than adjacent to the industrial premises on the A38) with no significant levels of contamination on the site. Further information would be required at the reserved matter stage of the application including some additional on site investigations. In the event that unexpected contamination is discovered during construction the developer has to ensure that appropriate steps are taken to deal with the contamination at that time.

Air Quality: The air quality assessments indicate that predicted concentrations of pollutants associated with the developed site would be below AQS objectives and therefore not pose a problem in developing the site. During the construction phase there may be increases in dust etc and a construction management plan is required to control the working practices to ensure minimal impact. I consider that these issues must be catered for before any development commences, when the detailed reserved matters are submitted.

## **P. SUSTAINABILITY**

Government policy advises that 'urban extensions' are the next most sustainable development solution after building on appropriate sites within urban areas. Where possible, existing social and physical infrastructure should be utilised, making good use of public transport, jobs, schools, shopping and leisure facilities. Monkton Heathfield lies close to the urban edge, is well placed on the public transport network, contains schools and is well placed for access to jobs and services. The scale of the proposal enables this sustainable location to be further enhanced through mixed use elements including homes, employment, a new school, leisure and community, retail and public transport enhancements.

An additional form of 'sustainability' is that of addressing climate change. All Housing Corporation schemes are now required to meet level 3 of the Code for Sustainable Homes (a 25% carbon reduction compared to part L of Building Regulations 2006). The Consortium has given a commitment to meeting this level on all of the residential units. This is welcomed in line with policy S2 (I) of the adopted Local Plan (measure to promote energy efficiency), and would need to be secured through any S106. However, by the time reserved matters are submitted Government requirements may have increased. Conditions will therefore be required to ensure that the relevant level of the code is applied at the time of any reserved matters approval for the relevant phase of the development. Policy C12 of the Local Plan supports the implementation of renewable energy. Government advice in PPS1 (consultation supplement) also

requires that if a policy does not currently exist in a development plan, 'substantial new development' proposals should gain 10% of its energy supply on-site and renewably and/or connected to a decentralised, renewable or low carbon energy supply. This requirement would also need to be secured through a S106 agreement or condition.

## **12. CONCLUSIONS**

The Taunton Deane Local Plan allocation T8-T12 seeks the comprehensive and co-ordinated development of the whole allocated site. This proposal provides for the development of part of the T9, T11 and T12 allocated sites but excludes:

- 1) The junction of the Eastern Relief Road and the A38/Milton Hill;
- 2) Western Relief Road;
- 3) The former Hatcheries land and 4) land at Aginhill's Farm(T10).

There is an application, before you tonight, for the provision of a roundabout on the Hatcheries land to form a junction between the Eastern Relief Road and Milton Hill. The applicants have aligned the proposed Eastern Relief Road to link to the roundabout and have agreed to the heads of terms for a Section 106 Agreement to facilitate the provision of the roundabout in a timely manner and its link to the proposed road. In my view this would enable the provision of a road in accordance with the requirements of the Taunton Deane Local Plan.

- 1) The applicants have provided a Memorandum of Agreement to provide for the funding, delivery and construction of the Western Relief Road after the occupation of the 651<sup>st</sup> house and a proportion of the employment floorspace, which has been considered acceptable for inclusion within a Section 106 Agreement.
- 2) The residual land at the Hatcheries results in approximately 2 ha of land to the south of the site without planning permission if this application is approved and whilst the applicants argue that replacement employment floor space could be provided at the Local Centre I acknowledge that there could still be a slight shortfall of employment land. However, taking into account the benefits of the development as a whole I do not consider this to be significant.
- 3) The Aginhill's land is required to provide 100 houses and children's play space. Normally each developer in a large allocated site would be required to provide contributions to all of the facilities that are necessary to enable the site to be developed. In this case the applicants have agreed to provide the major facilities linked to the phased development of the application site.

Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Planning Policy Statement 1 all proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Whilst the proposal does not accord with the Taunton Deane Local Plan in all respects, I consider that there are other material considerations, which weigh heavily in favour of this application.

This application would enable the provision of 900 of the 1000 houses currently allocated in Monkton Heathfield as well as the majority of the employment land, the Eastern Relief Road on an alignment that does not have a material adverse impact upon the Green Wedge separating Monkton Heathfield from Bathpool. It also delivers much needed affordable housing; the secondary school improvements, including a new playing field, primary school and community facilities; the leisure and recreation facilities required for the application site and the local centre.

This proposal differs from that which is subject to the appeal in that it will have less impact upon the important Green Wedge as compared to a road aligned further south. It would also allow for a link to the Western Relief Road in the location shown in the Local Plan. As a result of this the Council has a greater degree of certainty in terms of delivery of the Western Relief Road and as a result the comprehensive delivery of the entire 1000 houses (of which 350 will be affordable) currently allocated.

For the reasons set out above, I consider that the benefits of the development as proposed would outweigh what are relatively minor departures from the adopted Local Plan.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:

02/2008/001

MR & MRS DENNEHY

**ERECTION OF DWELLING (RENEWAL OF PERMISSION 02/2005/001). LAND ADJACENT TO BROOKLANDS, ASH PRIORS.**

315218/129181

OUTLINE APPLICATION

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**PROPOSAL**

This permission seeks renewal of outline permission 02/2005/001, which was granted permission on 1 March 2005, for the erection of a dwelling.

The site is presently occupied by a single-storey stable building and falls within the defined settlement limit for Ash Priors.

An illustrative layout accompanies the application and this indicates provision of a two-storey dwelling, with use of an existing vehicular access and two number on-site car parking spaces.

The agents have advised that the site is not served by mains drainage , as originally proposed, and they are consequently proposing that the drainage be dealt with by way of a package treatment plant.

**CONSULTATIONS AND REPRESENTATIONS**

DRAINAGE OFFICER – Recommends note

COUNTY ARCHAEOLOGIST – No objections

ENVIRONMENTAL HEALTH OFFICER – Recommends Conditions:

Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:- (a) provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site. (b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment. (c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority, in accordance with Taunton Deane Local Plan Policy EN32.

**NOTE:**

Re potential ground contamination. Commercial/agricultural buildings are often used for the storage of material and fuels that could have lead to contamination of the ground in and around the buildings. There is also a potential risk from areas of filled ground (e.g. old ditches/ponds or slurry pits) as the fill could contain hazardous materials, or could generate gasses as any waste breaks down. If a detailed site investigation is required this should be carried out in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land that gives more details on the relevant sources of information available (Contact the Environmental Protection Team on 01823 356339 for a copy or look on the Council's web-site).

COUNTY RIGHTS OF WAY TEAM – No observations

WESSEX WATER – Recommends note

COUNTY HIGHWAYS AUTHORITY – None received. (Previously recommended several Conditions)

PARISH MEETING - The meeting considered this application for renewal of outline permission 02/2005/001 on 4 February 2008. The view expressed by members of the Parish Meeting was that this would be a crowded, inappropriate and unsightly development and would result in even more traffic in the area. The narrow lane would be more likely to see inappropriate parking and increase the risk of preventing emergency vehicles gaining access to the three adjacent properties and indeed to the main village. The application needs to indicate arrangements for foul water drainage since there is no mains drainage in the area and currently no access to existing septic tank drainage. The circumstances of the area have changed since the original outline planning consent was approved, as three large houses have been built immediately adjacent to the plot and are now occupied. Clearly the views of the residents of these properties are significant and should be heeded, since the proposal impacts them and their properties directly.

9 LETTERS OF OBJECTION – Have been received on the following grounds:

- Loss of privacy will result
- Extra traffic would create road safety problems
- No mains sewage is available and the septic tank which is shared between four properties runs at capacity
- The area has now been developed enough
- The proposal constitutes an over-development of the site
- There is contention regarding the wall surrounding Brooklands
- Two-storey would be intrusive and result in loss of light



## **POLICY CONTEXT**

Policies S1 (General requirements) and S2 (Design) of the Taunton Deane Local Plan seek to safeguard, inter alia, visual and residential amenity, and road safety.

## **ASSESSMENT**

This is a renewal application and therefore the principle has already been established. The site is within Ash Priors settlement limit, privacy and light can be safeguarded in any subsequent reserved matters application, lack of main drainage can be resolved by other means, and the query regarding ownership of a party wall is a matter which can only be resolved between the two parties concerned. Most importantly, circumstances have not materially changed since permission was granted in March 2005.

## **RECOMMENDATION**

That permission be granted subject to Conditions of time, materials, landscaping, details of walls/fences, services to be placed underground, removal of permitted development rights, contamination, road safety conditions and drainage details to be submitted.

## **REASON(S) FOR RECOMMENDATION:-**

The proposal for residential development is located within defined settlement limits where new housing is encouraged. The proposal would not adversely affect visual and residential amenity or road safety. The proposal therefore does not conflict with Taunton Dean Local Plan Policies S1 (General Requirements) and S2 (Design).

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356465 MR J GRANT**

NOTES:

11/2008/001

MR & MRS WEEKS

**ERECTION OF EXTENSION TO REAR AND RE-ROOFING OF GARAGE TO FORM GARDEN ROOM AT LITTLE ORCHARD, COMBE FLOREY**

314902/131033

FULL

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**PROPOSAL**

The proposal comprises the erection of a single-storey garden store extension to an existing flat-roofed garage and provision of pitched roof above both garage and extension. Walls would be render to match the modern detached dwelling house, and the pitched roof would be copper.

The Agent is an employee of Taunton Deane Borough Council.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAYS AUTHORITY – No observations.

PARISH COUNCIL – No objection to the extension. The Planning Officer will have to decide if the finish and design are appropriate and in keeping. It looks very ornate – copper sheet etc.

CONSERVATION OFFICER – No objection

**POLICY CONTEXT**

Policies S1, S2 and H17 of the Taunton Deane Local Plan seek to safeguard, inter alia the character of buildings and visual and residential amenity. Policy EN14 seeks to safeguard the character and appearance of designated Conservation Areas.

**ASSESSMENT**

No neighbouring property would be adversely affected in terms of loss of light or privacy, and the proposed design and materials would have limited impact on the character and appearance of the Conservation Area and rural amenity.

**RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit and materials as application.

**REASON(S) FOR RECOMMENDATION:-**

The proposed development would not adversely affect the character the building, nor visual and residential amenity, nor the character and appearance of the designated

Conservation Area. According, the proposal does not conflict with Taunton Deane Local Plan policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN14 (Conservation Areas).

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356465 MR J GRANT**

NOTES:

21/2008/001

SOMERSET DEVELOPERS

**ERECTION OF DWELLING ADJACENT TO WHITE OAKS AND ALTERATIONS TO WHITE OAKS, LANGFORD BUDVILLE (RESUBMISSION OF 21/2007/025)**

311130/122875

FULL

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**PROPOSAL**

The proposal comprises the erection of a three bedroomed dwelling on land adjacent to White Oaks, together with alterations to White Oaks. The alterations comprise provision of dormer windows and velux lights in order to incorporate a first floor.

The existing vehicular access which currently serves White Oaks and which has no turning facilities will be permanently stopped up, and this would be replaced with a new access to serve two parking spaces for the existing dwelling and two spaces for the proposed dwelling, together with a turning facility. Pedestrian access from the parking spaces to the new dwelling will be via a newly constructed private footpath located between the existing dwelling and the main street through the village.

Outline planning permission was granted in February 2007, reference 21/2006/024, for a single-storey dwelling in the same position as now proposed, and with the same access, parking, turning and footpath facility provided. The site is adjacent to the village Conservation Area.

The Agent is an employee of Taunton Deane Borough Council.

**CONSULTATIONS AND REPRESENTATIONS**

DRAINING OFFICER – Recommends note

WESSEX WATER – Recommends note

COUNTY HIGHWAYS AUTHORITY – The proposal seeks to modify the existing access to provide a parking/turning area to serve the existing and proposed dwelling. The revised scheme now provides an adequate sized parking area for four vehicles and incorporates improved visibility at the point of access to the public highway. This overcomes the previous concerns and on this basis I would not wish to raise an objection to this proposal. In the event of permission being granted I would recommend Conditions be imposed.

PARISH COUNCIL – Strongly opposed to the erection of a dwelling on the site. Overdevelopment and grave concern over road access to site. They do support alterations to White Oaks.

SIX LETTERS OF OBJECTION - have been received on the following grounds:

- The proposal represents a money-making concern
- There is not enough room for another dwelling
- Loss of light
- There is no indication of boundary treatments
- Development will be visually intrusive
- Overlooking will occur
- The design is unsympathetic to the village and the Conservation Area
- Trees, hedgerows and shrubs would be destroyed
- The red telephone box should remain in place
- The proposal is contrary to policy
- Bats live in the loft space of White Oaks

## **POLICY CONTEXT**

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard, inter alia the character of buildings, visual and residential amenity and road safety.

## **ASSESSMENT**

The proposed alterations to White Oaks would not give rise to any undue overlooking or loss of light and are consequently considered acceptable. In addition the principle for a new dwelling has already been established by permission reference number 21/2006/024, as has the access, parking and turning arrangements. The only remaining issue to be addressed therefore, relates to the design of the proposed dwelling and whether two-storey in lieu of single-storey is acceptable. The ground to ridge height of the proposal is only some 6-15 metres, which is as low as some bungalows and given the orientation of the proposal in relation to its immediate neighbour 'Tantelon' which is sited to the south, I could not justify refusal on the basis of loss of light. Overlooking is also not such as to warrant refusal given the distances between first floor windows and neighbouring properties. The design proposal would not be out of keeping with neighbouring properties along the street, all of which vary in age, design and materials.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, site levels, materials, landscaping, details of boundary walls/hedges, Highway Conditions, meter boxes, removal of PD rights for fences/walls and drainage details.

## **REASON(S) FOR RECOMMENDATION:-**

The proposed development would not adversely affect the character of the building, nor road safety, nor visual and residential amenity, and therefore does not conflict with Taunton Deane Local Plan policies S1 (General Requirements) and S2 (Design).

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356465 MR J GRANT**

NOTES:

36/2007/022

MR & MRS RUCKLIDGE

**FORMATION OF NEW RAISED ROOF STRUCTURE OVER CAR PORT AND ENLARGEMENT OF ACCESS GATE OPENING AT WALNUT ARBOUR, CURLOAD, STOKE ST GREGORY, TAUNTON**

333987/127838

FULL

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**PROPOSAL**

The site comprises a one and a half dwelling which was converted from a former agricultural barn. The property consists of two barns forming a T shape. The long top section forms the dwelling. The adjoining section provides an open fronted linhay, car port and store. The neighbouring property has a garage which adjoins the car port and store. The application consists of two elements.

- Formation of new roof structure over car port and store
- Enlargement of access to 4m wide

**CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL – Object on grounds of

- The close proximity of neighbours party wall
- Loss of light to neighbours property
- Presence of bats on the property
- No valid reason for raising roof structure over car port
- No valid reason for a house of this size to widen access for normal use.

COUNTY HIGHWAYS AUTHORITY – The increase of the access to 4m will improve the visibility from the existing access. No objection.

SEVEN LETTERS OF OBJECTION – Have been received, objecting to noise from swimming pool; smell and damp from swimming pool and use of hazardous chemicals; reduction of light to window in adjoining property; disturbance to roosting and hibernating bats; change of use to commercial property; regular dangerous and obstructive parking from potential holiday makers; work begun without planning permission; inappropriate massing impact on mature walnut tree, increased use of site increasing traffic movements on and off the site; poor visibility; development will have a cramped and unacceptable development; poor outlook and relationship with adjoining properties; design will not respect local building styles or materials; change of use will have adverse impact on residential amenities of adjoining occupiers; Environmental Impact Assessment should be carried out; overloading of sewerage system; impact on human rights; loss of parking; failure of applicant to disclose that the property is to be used for holiday accommodation; application form not filled in correctly; use as a holiday unit is unsympathetic to character of existing barn conversion and surrounding area; insufficient water pressure/flow to accommodate

needs of up to fourteen people; insufficient parking on site; counter productive to turn a permanent residence into holiday accommodation.

Following notification and explanation of amended description eight letters of objection were submitted on the grounds of: overstretching of water and sewage systems; insufficient parking and poor road access; noise pollution from swimming pool; uncontrolled parking on road and dangerous bend; need to comply with Party Wall Act; increase in width of access would endanger exit from and access to adjoining garage; application port of larger venture to create holiday accommodation; increased traffic will pose dangers to pedestrians and other uses; impact on Walnut Tree; increased roof height will damage historic setting of barn and have overbearing impact and reduce light to adjoining property; disturbance to bats; contrary to Taunton Deane Local Plan Policies S2, H17, S5, H2, H5, H17, H19, EC6, EN1, EN2, EN3, EN4, EN30, EN34, EN5, EN6, EN10; destroys lines of traditional Somerset building.

## **POLICY CONTEXT**

Taunton Deane Local Plan.

S1 – General requirements

S2 – Design

EN4 – Proposals relating to buildings utilised by bats for breeding and roosting shall be controlled to minimise impact upon the bats.

EN6 – Protection of trees

SENPJSPR Policy 48

## **ASSESSMENT**

The application initially submitted included internal alterations. Following investigation into the history of the site, it is evident that the property retains its 'Permitted Development Rights'. As such planning permission is not required for internal alterations the filling in of the lincay and the installation of a swimming pool.

It has come to the attention of the neighbours that the owners of the site intend to use the property as a holiday let. Planning permission is not required to let out the property as a dwelling for holiday purposes. In the event that the property was subdivided into smaller units and let out accordingly then planning permission would be required. This is not the case at this property. This application doesn't seek a change of use to a holiday use and does not relate to a commercial venture. The only aspects to be considered by this application are the formation of a new roof structure over the existing car port and store and to enlarge the existing access to 4m wide.

The main considerations of the proposal are the impacts upon: surrounding residential amenities, visual amenity, highways, damage to the Walnut tree and disturbance to bats.

**RESIDENTIAL AMENITY:** The adjoining property, Old Barbers, has a garage attached to the car port and store and shares a party wall. There is a walkway between the garage and Old Barbers and there is a kitchen window in the side



elevation of Old Barbers. The roof over the garage and store will be raised by 1m and the ridge moved 2m north accordingly. There is no significant change in the pitch of the roof and it is considered that the adjoining property will not be overshadowed by the proposal.

**VISUAL AMENITY:** Materials of the walls and roof will match the existing. The formation of the new roof structure and the widening of the access will not detract from the character and appearance of the buildings or the surrounding area.

**HIGHWAYS:** The Highway Authority are of the opinion that the widened access will improve the visibility of the access, increasing the safety of the highway. The proposal does not indicate any increase in traffic or parking requirements. There is sufficient room within the site to accommodate parking facilities as required in SENPJSPR Policy 48.

**WALNUT TREE:** A Tree Protection Order (ref TD1041) has been served on the Walnut Tree to ensure that it is protected and preserved. The plans do not show removal of the tree. A note may be added to the decision notice to ensure the applicants awareness of the Tree Protection Order.

**BATS:** The agent has submitted as Bat Survey which showed that there was no evidence of regular roosting or breeding. However the survey does recommend workmen remain particularly vigilant and cautious when stripping the roof so as to avoid injury to any unseen bats. Conditions can be used to ensure any bats are protected.

In summary the proposed new formation of roof over the garage and store and the widening of the access do not result in any adverse impact upon the visual and residential amenities of the area and do not adversely affect highway safety.

## **RECOMMENDATION**

Permission be GRANTED subject to conditional time limit, materials, materials for drive, protection of trees, wildlife survey, gates

## **REASON(S) FOR RECOMMENDATION:-**

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356313 MRS F WADSLEY**

NOTES:



38/2008/045

SOMERSET COUNTY COUNCIL

**CONSTRUCTION OF “THIRD WAY” ROAD INCLUDING A NEW BRIDGE OVER THE RIVER TONE BETWEEN CASTLE STREET AND WOOD STREET, TAUNTON**

322500/124685REG 3/4:OBSERVATIONS - SOMERSET COUNTY COUNCIL DECISION

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**PROPOSAL**

The proposal is an application by the County Council for the provision of the Third Way road between Castle Street and Wood Street. The development includes new sections of road and a new bridge over the River Tone and is a scheme being delivered and grant funded by the Department of Transport, together with contributions from Somerset County Council and relevant developers. The scheme is part of Taunton Transport Strategy which seeks to remove traffic from key shopping streets in the town centre thereby providing a more convenient and safer environment.

The identified objectives of the “Third Way” as part of the Taunton Transport Strategy are specifically to meet the requirements of the Strategy and Project Taunton, to reduce the rate of growth in congestion in the town centre, to improve air quality in the town centre, to provide additional road capacity to accommodate planned growth and to provide a safe and well linked pedestrian and cycle network. The overall scheme includes works within and adjacent to the highway as well as the application site involves the construction of a new bridge over the River Tone west of Goodlands Gardens, a new bridge over the Mill Stream to replace the temporary bridge, construction of 150m of new carriageway and realignment of a further 300m, provision of two signalised junctions to serve adjacent development sites, improvements to the Bridge Street/Wood Street junction and provision of pedestrian and cycle facilities. The road will be single carriageway varying in width throughout its length, but will be 6m wide across the Tangier Bridge, widening for junctions and tie ins to existing roads. The new River Bridge will be a classic arch form that comprises two skeletal steel arches carrying a road deck and two pedestrian walkways. The footways will be boarded and will be cantilevered from the sides of the structure to separate them from the road and enable open views. The height of the bridge allows for continued cycleway/footway passage under the bridge on the north side and ensures that navigation of the river is not restricted.

The application is accompanied by a Planning Supporting Statement, Design and Access Statement, Landscape Design Statement and Draft Management Plan, Transport Assessment and Traffic Modelling final report, Noise Assessment, Ground Investigation Report, Flood Risk Assessment, Ecological Surveys and Archaeological Investigation.

## CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER - The proposals do not show any scope for shrub planting on the embankments. Is there a tree planting scheme associated with the proposals but not within the red line area? If not I would be concerned that the proposal will look stark.

RIGHTS OF WAY/DIVERSIONS OFFICER - A footway runs parallel to the River Tone at this point. It is not recorded as a public right of way on the definitive map or in any path statement relating to it. However having been used by the general public without let or hindrance for in excess of 20 years it would be difficult to deny use by the public and therefore a temporary closure order is recommended during the period when construction (if approved) takes place.

LEISURE DEVELOPMENT - Manager: No observations.

DRAINAGE OFFICER - No objection to the drainage proposals contained in the Flood Risk Assessment and the Conceptual Drainage Design Report. As both the River Tone and Mill Stream are both main rivers the Environment Agency should be consulted regarding flood risk, land drainage consents and flood storage compensation.

### FORWARD PLAN UNIT –

#### 1.0 General

- 1.1 While the principle of the Third Way is supported, the design of the scheme does not adequately reflect the planning context for the area through which it passes.
- 1.2 The supporting statements make reference to policy guidance (National Policy, Regional Policy & Local Policy). There is only passing reference to the Taunton Town Centre Area Action Plan (TCAAP), which was submitted to the Secretary of State in October 2007. Unfortunately, there is no detailed consideration of the content of the Urban Design Framework or the supporting Design Code (Terence O'Rourke), both of which date from 2004. There is also no reference to the Taunton Town Centre Design Code SPD (currently subject to consultation).
- 1.3 There is concern that the scheme design does not reflect recent (2007) Government advice on highway design, contained in the publication *Manual for Streets*. *MfS* is not solely applicable to residential roads, and its main principles need to be applied to urban streets like the Third Way. This is especially true in terms of materials, landscaping, the relationship to adjoining development sites and provision for non-motorised users.

#### 2.0 **Bridge Street Junction**

- 2.1 While some changes are proposed to this junction, the scheme does not appear to change the relative priorities. There is no visual indication to

encourage southbound traffic using Bridge Street to turn right onto the Third Way, with what is now the 'straight ahead' movement towards The Bridge being downgraded. Removal of non-essential traffic from The Bridge and North Street is a key proposal of the TCAAP, so that priority can be given to pedestrians, buses and cyclists. As designed, the junction looks as though it may not be compatible with future creation of a 'gateway' feature leading into the core of the town centre.

- 2.2 We are concerned about the lack of detail regarding remedial finishing of the elevation to Bridge Street following the demolition of the corner building.
- 2.3 Whilst not an element of this scheme, we would like to see the County and Partners working towards 'off-peak' (and possibly 'full-time') pedestrianisation of Taunton Town Centre. We should move quickly to scheme design (options) and then consultation. Pedestrianisation works need to be implemented at the same time or very shortly after the opening of The Third Way.
- 2.4 The footways in this area should be 'tied in' to the existing surfaces in Bridge Street using paving slabs, rather than tarmac as indicated (see also comments below).

### **3.0 Yarde Place**

- 3.1 The scheme drawings appear to suggest that the junction between Yarde Place and Wood Street will be closed. However, if it is to be closed, then how are vehicles to turn on Yarde Place? The new arrangements may also present difficulties for delivery vehicles (Poundstretcher). We understand that the current arrangement is for such vehicles to reverse in to the Poundstretcher service yard, which requires manoeuvring in the mouth of the junction of Yarde Place.

### **4.0 Land adjoining Greenbrook Terrace**

- 4.1 Land west of the road at Greenbrook Terrace is allocated for housing development under Policy Tg 1 of the TCAAP. The road scheme shows part of this area being used for a bus stop. The residual area of land after construction of the road (without the bus stop) will already be small, and addition of a bus stop would further reduce the site's development potential. Indeed, parts of the site may become undevelopable. The land belongs to the Borough Council, who could be faced with a substantial loss of receipts from future development.
- 4.2 Providing a bus stop as shown would also make it very difficult to achieve a satisfactory built form of development along a key main road frontage. For example, it would not be appropriate for the building line to have to 'zigzag' around lay-bys, shelters and other features. Moreover, a greater setback of the building line (at least 5m) should be provided for than that on Standish Court to the north (which has virtually none, despite being on what will be a busy main street). We note that there is a loading bay to the east of this proposed bus stop. Can this be extended to be used as a bus stop? We question the need to have buses passing along The Third Way. Surely they

should be using the town centre. We request that the proposed bus stop be eliminated from the scheme.

4.3 Continued access will be needed to the Borough Council's street sweeping compound or, if this is not possible, a suitable alternative location will need to be found as part of the scheme.

4.4 The bus stop on the opposite side of the road, west of Lidl, also involves taking additional land belonging to the Borough Council.

## **5.0 South Bank Riverside Path**

5.1 The scheme does not show how connections will be made to the south bank riverside path, which will form a key link in the strategic pedestrian and cycle network serving Taunton town centre. The path on the upstream side of the bridge across the River Tone is to be provided by developers. It is essential that the design of the scheme provides for a continuous south bank path with a suitable crossing of the Third Way. The illustrations of the proposed bridge imply that there will be no continuous path at all, either over or under the Third Way, which would not be acceptable.

5.2 Can the bridge design be modified to enable pedestrians and cyclists to pass under the bridge? Alternatively, can the riverside path be lowered to enable access under the bridge? If neither of these is possible, then a crossing point should be provided that will enable pedestrians/cyclists to cross The Third Way in a safe and convenient manner? A crossing point should be direct and not circuitous. A pedestrian/cycle refuge may be a solution.

## **6.0 Access to the Enfield Car Park**

6.1 The Enfield car park is a redevelopment sites (retail and residential). The current access road is narrow and may need to be widened to enable appropriate vehicular movements to and from the site.

## **7.0 Pedestrian and cycle facilities**

7.1 We understand that Sustrans are providing detailed comments on these aspects; also that the Smarter Choices Team (SCC) may also have comments to make.

7.2 We note however that no pedestrian crossing is shown on the eastern arm of the junction in Castle Street, adjoining the Scout and Guide Centre. It is preferable to have on road cycle lanes in both directions, rather than encouraging cyclists to ride on the pavement as indicated on the north side of Castle Street.

7.3 The cycle route emerging from Goodland Gardens on Castle Street needs to be properly linked to new cycle lanes

7.4 The cycle connection from French Weir along Mill Stream appears to involve a significant detour along the Third Way and the use of a refuge in the centre.

This is not appropriate. Cyclists and pedestrians must be able to cross TTW in one manoeuvre.

- 7.5 As a general point, crossing points with a central refuge should be avoided. There are a number of these along the route of TTW. They are not convenient for pedestrians and cyclists. As above, pedestrians and cyclists must be able to cross TTW in one manoeuvre.

## **8.0 Footway surfaces**

- 8.1 Footways along the scheme are shown as being surfaced in tarmac. This is not a sufficiently high quality material for what will become key town centre streets. Where new footways are being constructed, or significant changes are being made to existing footways, paving slabs should instead be used. Otherwise, the overall visual effect of the new road will be drab, and particularly unwelcoming to pedestrians (of whom there are likely to be increasing numbers walking, for example, between Tesco and the town centre).
- 8.2 There are some areas where the footways are likely to have to be widened or replaced when subsequent development occurs. In these areas a lower standard of finish may be acceptable, but this is an issue that needs further discussion and clarification.
- 8.3 The choice of surfacing material should be guided by the emerging Taunton Design Code SPD. (Copies of the draft SPD have been supplied to the County Council).

## **9.0 Soft landscaping**

- 9.1 No trees are shown within the footway areas. Instead, planting is indicated on the embankments at the rear of the footways. This does not reflect the UDF (particularly as regards Castle Street) and emerging development proposals for the Tangier and Wood Street areas, in which building lines will adjoin the back of the footway.
- 9.2 The scheme seems to adopt a conservative approach to the planting of trees on the highway. This seems contrary to recent Government advice in *Manual for Streets*, which suggests that trees can be planted in footway areas, including in some cases within visibility splays. Traffic flows on the Third Way will be no higher than on many established urban radials on which street trees, as well as shops and kerbside parking, can be found.
- 9.3 There are considerations which go beyond 'traditional' highway design standards, such as the need for urban regeneration through creating a better street environment, shading for pedestrians from summer sunshine, etc. In combination with tarmac footways, the absence of street trees in the scheme as drawn will result in a very bleak urban environment.

9.4 Soft landscaping needs to take the form of trees within the footways, close to the kerb line, in the form of avenue planting. Any trees or other soft landscaping planted to the rear of footways in Castle Street are likely to need to be removed within a few years to enable shop fronts, dwellings and other development to be erected. To avoid wasted expenditure, further discussions may be useful to clarify precisely where this issue may arise.

1 LETTER OF OBJECTION - on the basis that the road is unnecessary, it will bring more chaos to Bridge Street and Station Road, the idea for the road is out of date, it will cause misery to the people who have to negotiate the junction of Wood Street/Bridge Street, previous views have been ignored and oppose the road to nowhere.

## **POLICY CONTEXT**

RPG10 – Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development

STR4 – Development in Towns

POLICY1 – Nature Conservation

POLICY11 – Areas of High Archaeological Potential

POLICY40 – Town Strategies

POLICY42 – Walking

POLICY43 – Access for the Mobility Impaired

POLICY44 - Cycling

POLICY54 – Transport Proposals and the Environment

POLICY55 – Major Highway Improvements

Taunton Deane Local Plan

S1 – General Requirements

S2 – Design

M5 – Cycling

EN3 – Local Wildlife and Geological Sites

EN23 – Areas of High Archaeological Potential

EN25 – The Water Environment

T30 – Walking Encouragement

T31 – Pedestrian Priority Measures

T32 – Major Highway Schemes

Taunton Town Centre Area Action Plan Submission

Tg1 – Wood Street sites

## **ASSESSMENT**

The proposal for the Third Way road is a scheme that has been a long term commitment in both the Structure and Local Plan and also forms part of the Taunton Transport Strategy. The proposal forms part of a range of transport proposals which seek to provide a more sustainable transport infrastructure across the town. The



scheme forms an element of the redevelopment of the Tangier area and given that the funding is now in place the implementation of this scheme is considered an important element of this redevelopment which should be supported in principle.

The red line application site includes the new stretch of road and the bridge over the River Tone. The remainder of the works are within or adjacent to the existing highway and are proposed under the permitted rights afforded to the Highway Authority.

The proposed Tangier Bridge design consists of a lightweight steel arch structure with the deck supported by a fan-shaped array of steel hangers and boarded footways to the sides of the structure separating pedestrians from road traffic. The bridge design as proposed is considered to be an acceptable one in principle.

Policy Tg1 of the Taunton Town Centre Area Action Plan (TCAAP) has the area south of Greenbrook Terrace allocated for housing. This is a triangular area of land and the road proposed will be set 1.8m above existing ground level and with the proposed bus stop and adjacent banking this will take up more of the land making development here more difficult. The view of the Forward Plan Unit that the bus stop in this location should be deleted is recommended.

The cycleways proposed involve a mixture of on street and off street provision. The route along the north side of the river is maintained with the bridge designed to carry over this route. The intention in the TCAAP is to provide a riverside route along the southern side of the river. This is to be provided by developers on the up-stream side of the crossing. The current scheme would not appear to be able to achieve a continuation of this due to the increase in height levels of up to 2m required to achieve the level of the road and the bridge abutment. An alternative route to achieve the crossing of the Third Way road on the southern side will therefore be necessary and should be addressed before permission is granted.

The pedestrian and cycle route facilities outside of the red line application site also need to be reconsidered to ensure safe and convenient links are provided. The provision of appropriate street furniture also needs to be considered and only details of new lighting columns have been indicated. These are standard street lighting columns. Lighting of the new bridge is proposed through low level light sources set within the structure. Lighting of the new road and bridge are important issues in terms of the use of the river corridor by wildlife including protected species such as bats and otters. Alternative detailing of lighting columns in design terms should be considered as should the extent of any lighting impacts of the scheme. The footway surfaces are currently shown as tarmac other than the bridge crossing which is timber. The improvement of surface materials on this important new route to reflect the emerging Taunton Design Code should be considered in order to achieve a friendlier urban environment and this should be incorporated into the scheme.

The proposal involves a loss of a number of riverside trees due to the construction proposed and a number of new trees are proposed to compensate for this loss. Replacement planting will be of native trees and shrubs, which will enhance the wildlife resources in the area. Where trees are lost to the north of the river, including some of the existing smaller poplar trees these will be replaced with extra Heavy

Standard trees of an appropriate species. The scheme does not include any trees within the footways and there is a concern that this will result in a bleak urban environment and it is recommended that this issue be considered further as part of any landscaping scheme.

The proposal is a long-standing commitment, is part of the Local Plan and has the necessary funding. It is therefore considered appropriate to raise no objection to the principle of construction. However the concerns raised in respect of the design, layout and landscaping issues are valid and it is recommended that these should be addressed by the applicant prior to any permission being granted.

## **RECOMMENDATION**

Taunton Deane Borough Council raise NO OBJECTION subject to further consideration be given to the design in terms layout and pedestrian/cycle crossing points including the proposed strategic route, details of lighting columns and extent of lighting impacts, materials of footways and landscaping of the scheme.

## **REASON(S) FOR RECOMMENDATION:-**

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356398 MR G CLIFFORD**

NOTES:

38/2008/063

MR MICHAEL KNAPP

**RETENTION OF CONSERVATORY TO SIDE AND ERECTION OF 2.2 METRE FENCE TO SIDE AT 31 WELLINGTON ROAD, TAUNTON**

321803/124515

FULL

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**PROPOSAL**

Permission is sought for the retention of a white uPVC conservatory on a brick plinth to the side of this detached dwelling and 2.2m high wooden fence. Members have previously resolved, (8<sup>th</sup> December 2006) to take enforcement action against the unauthorised development. The notice was served on 1<sup>st</sup> August 2007. This is a further application to retain these unauthorised works..

**CONSULTATIONS AND REPRESENTATIONS**

ONE LETTER OF REPRESENTATION – the fence is too tall, the fence and conservatory are subject to TDBC enforcement action, concerns about the visual amenity of the neighbouring properties, permitted development rights on this property have now been exhausted.

**POLICY CONTEXT**

Taunton Deane Local Plan Policies S1, S2 and H17

**ASSESSMENT**

This dwelling is a detached house with white rendered walls on a brick plinth with white uPVC windows sited on the main Wellington Road. There is parking to front with a detached garage also to the front. There is an extension to the side which has planning permission (38/1991/338). The conservatory is of an appropriate size and in a position that minimises the visual impact for the neighbouring amenity and of a size and design that are considered acceptable. The fence is required because the applicant's son 'aged 19 years with a mental age of 4, is inclined to throw articles over a low fence .... and has been erected to prevent him causing nuisance to my neighbours, particularly those at No 1 Henley Road, who have a very young daughter and would no doubt be offended by his often colourful language and behaviour'. The fence is 2.2 metres high and is constructed of a 'bamboo' type of material and is supported by a wooden trellis, which provides a fence that is 0.2 metres (less than 8 inches) higher than permitted. The fence is considered to have minimal impact on the neighbouring amenity. Notwithstanding members' previous decision it is not considered that the development caused harm to the neighbouring property such as to warrant refusal.

**RECOMMENDATION**

Permission be GRANTED.

It is further recommended that the Enforcement notice be WITHDRAWN.

**REASON(S) FOR RECOMMENDATION:-**

The design and scale of the conservatory and the fence is considered to have a minimal impact upon the visual or residential amenity and is therefore considered acceptable and accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356371 MRS P HOGG**

NOTES:

43/2008/016

MRS DEBORAH SAGE

## **RETENTION OF FENCE AT 32 SEYMOUR STREET, WELLINGTON**

313361/121139

RETENTION OF BUILDINGS/WORKS ETC.

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### **PROPOSAL**

The proposal is retrospective and comprises the erection of a six feet high close-boarded timber fence with trellis atop, along the property's frontages with Holyoake Street and Seymour Street.

The applicant advises that the fence replaces 15 feet high Leylandi trees, brick red stain has been purchased, climbing plants will be planted, road safety has been improved since the fence was constructed, and the fence provides a safe area for children to play unsupervised.

### **CONSULTATIONS AND REPRESENTATIONS**

TOWN COUNCIL – Support. Councillors felt the fence was a big improvement on the previous Leylandi hedging and felt it not only improved visibility for motorists but was more visually pleasing too.

COUNTY HIGHWAYS AUTHORITY - I have no objection in principal to the proposal. The fence does not have a detrimental effect on the visibility of vehicles using the junction of Seymour Road, Holyoake Street and Bovet Street.

It is noted from my site visit there are two vehicular accesses at the site, it should be ensure, in the interests of highway safety for all road users, that there is no obstruction to visibility greater than 900mm, 2.0m back and parallel to the nearside carriageway edge over the entire site frontage. This will provide vehicular visibility splays for vehicles emerging to see approaching traffic. It would appear that such splays would be easily achievable given the width of the adjoining footway. The height of the fence does not provide any pedestrian visibility for vehicles emerging to see people utilising the adjoining footway the accesses should ideally incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m.

1 LETTER OF SUPPORT - accompanies the planning application.

4 LETTERS OF SUPPORT - have been submitted on the following grounds: The proposal represents a vast improvement to the Leylandi which were not only an eyesore but hindered walking; the Leylandi were nothing but a rubbish tip; road and pedestrian safety have been improved; the Leylandi cut out too much light; elevation or removal of the fence would be unnecessary and detrimental to the property and area; and security in the area has improved.

## **POLICY CONTEXT**

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard, inter alia, visual amenity and road safety

## **ASSESSMENT**

Whilst acknowledging that the felled Leylandi were an eyesore and that road safety has improved, the fence does constitute an incongruous and obtrusive feature in the street scene. Application of an appropriate stain and the planting of climbing plants would certainly soften the impact, at the height and breadth are so extensive that the impact cannot be properly ameliorated.

Whilst the proposal is recommended for refusal, the County Highways Authority concern that pedestrian splays be provided is considered excessive and is not therefore reflected in the proposed reasons for refusal.

## **RECOMMENDATION**

Permission be REFUSED on the basis that the fence constitutes an incongruous feature in the street scene and visual amenity is adversely affected.

It is also recommended that the Solicitor to the Council be authorised to serve an Enforcement Notice and take prosecution action subject to obtaining satisfactory evidence that the Notice has not been complied with.

## **REASON(S) FOR RECOMMENDATION:-**

The fence constitutes an incongruous feature in the street scene and visual amenity is adversely affected. Accordingly, the proposal is considered contrary to Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356465 MR J GRANT**

NOTES:

## **Planning Committee – 26 March 2008**

### **Report of the Development Manager**

#### **Enforcement Item**

**Parish: Norton Fitzwarren**

- 1. File/Complaint Number** E274/25/2007
- 2. Location of Site** Levan Barn, Harnham Court, Norton Fitzwarren
- 3. Names of Owners** Mrs Dawn Griffin
- 4. Name of Occupiers** Mrs Dawn Griffin
- 5. Nature of Contravention**

2m close boarded fence erected

#### **6. Planning History**

The fence was first brought to the Council's attention in September 2007. An application was requested and submitted in January 2008. This application was subsequently refused under delegated powers on 4 March 2008.

#### **7. Reasons for Taking Action**

The fencing by reason of its design and extent would be detrimental to the appearance and character of this Grade II Listed building contrary to the policy of the Local Planning Authority. The design, appearance and extent of the fence would, in the opinion of the Local Planning Authority, be inappropriate to this site and out of keeping with the rural character of the area. The fence is considered to be intrusive and would thus detract from the visual amenity of the area. The fence, if permitted, is likely to encourage similar proposals in respect of other land in the vicinity, which might then be difficult to resist. The cumulative effect of which, would further detract from the character and amenities of the area.

#### **8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution Action subject to satisfactory evidence being obtained that the Notice has not been complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER:**

**Mrs A Dunford 01823 356479**

## Planning Committee – 26 March 2008

### Report of the Development Manager

#### Enforcement Item

Parish: TAUNTON

- |    |                                |  |
|----|--------------------------------|--|
| 1. | <b>File/Complaint Number</b>   | E319/38/2006   |
| 2. | <b>Location of Site</b>        | Multi Storey Car Park, Musgrove Park Hospital, Taunton, Somerset |
| 3. | <b>Names of Owners</b>         | Q Park Ltd   |
| 4. | <b>Name of Occupiers</b>       | Q Park Ltd   |
| 5. | <b>Nature of Contravention</b> |  |

Multi Storey Car Park not in accordance with approved plans.

#### 6. **Planning History**

The recently constructed multi-storey car park is located relatively close to the rear of properties in Hoveland Lane. The building as approved by members was therefore designed to limit its impact upon residential amenity. However, the car park was not built in accordance with that Planning approval 38/2004/454. During construction the floor levels were raised to allow for run off of water. This resulted in the screening being of insufficient height in a number of places leading to overlooking of the residential properties in Hoveland Lane from the upper levels. An application was requested and submitted to alleviate this problem of overlooking and was approved under 38/2007/131 in June 2007. Residents have subsequently also raised concerns over the impact of the ground floor parking area, particularly in terms of lights from both the building and vehicles using it. The sloping of the ground floor deck will have increased the impact of this, although only to a limited degree. Discussions have subsequently taken place with Q Park to explore ways of reducing light levels from the building. It was agreed that some of the lights on the inside of the car park should be relocated to reduce light spillage. In addition, the white lights in the outside car park were to be changed to orange sodium lamps and two banners were to be erected on the wire mesh of the car park to act as additional screening. All of these works have now been carried out and I am satisfied that the impact upon the neighbouring properties is acceptable and in any case less than that from the scheme as originally approved. The other outstanding issue has been the planting to the rear of the outside car park backing onto Hoveland Lane. This work has recently been carried out and I am awaiting confirmation from the Landscape Officer that this is acceptable. Subject to this confirmation I am strongly of the opinion that further action could not be justified in this case.



**7. Reasons for Taking Action**

It is considered that the extensive works carried out overcome the limited impact that has resulted from the approved floor levels being raised and therefore it is requested that no further action be taken.

**8. Recommendation**

No further action.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mrs A Dunford 01823 356479**

## **Planning Committee – 26 March 2008**

### **Report of the Development Manager**

#### **Enforcement Item**

**Parish:** Taunton

- 1. File/Complaint Number** E187/38/2007
- 2. Location of Site** 55 Buckland Road, Priorswood, Taunton
- 3. Names of Owners** Mr Parkman
- 4. Name of Occupiers** Mr Parkman
- 5. Nature of Contravention**

Fence erected adjacent to highway over 1m in height

#### **6. Planning History**

The fence was first brought to the Council's attention in July 2007. An application was requested and submitted 1 August 2007 but was subsequently refused on 25 September 2007. The owner contacted the department and asked what he could do to retain the fence. He was advised to appeal against decision and to overcome refusal reasons further planting could be carried out in front of the fence to soften its appearance. To date no appeal has been submitted so a site visit was made in February 2008 and the overall appearance of the fence was no different to that which was refused.

#### **7. Reasons for Taking Action**

The proposal, by reason of its siting and height, is overly dominant in the street scene and causes demonstrable harm to open character and appearance of the street scene contrary to Taunton Deane Local Plan Policies S1 & S2

#### **8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution Action subject to satisfactory evidence being obtained that the Notice has not been complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER:**

**Mrs A Dunford 01823 356479**

## **Planning Committee – 26 March 2008**

### **Report of the Development Manager**

#### **Enforcement Item**

**Parish:** Taunton

- 1. File/Complaint Number** E346/38/2007
- 2. Location of Site** 76 Wood Street, Taunton
- 3. Names of Owners** Staplegrove Estates Ltd, 87 Staplegrove Road, Taunton, TA1 1DN
- 4. Name of Occupiers** Property let to tenants
- 5. Nature of Contravention**

Erection of 1.8m high fence and inclusion of land into domestic curtilage

#### **6. Planning History**

It was noticed that the fence had been erected in November 2007. A site visit was made and one of the occupiers confirmed that the fence had recently been erected. The fence is 1.8m high and is adjacent to the highway. Under the Town and Country Planning (General Permitted Development) Order 1995 any gate, wall, fence or other means of enclosure over 1m high adjacent to a highway requires planning permission. Also the area enclosed by the fence formed part of visibility splay to Wood Street which does not form part of the domestic curtilage therefore a change of use has also taken place.

#### **7. Reasons for Taking Action**

It is considered that by reason of its siting and height the fence has a detrimental impact on the street scene. It is also considered to have a detrimental effect on road safety by reason of its position on the back edge of the pavement, which obscures visibility for both pedestrians and vehicles entering Wood Street and therefore is contrary to Policies S1 and S2 of the Taunton Deane Local Plan.

#### **8. Recommendation**

The Solicitor of the Council be authorised to serve an Enforcement Notice and commence prosecution action, subject to satisfactory evidence being obtained that the notice has not been complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER:**

**Mr J A W Hardy 01823 356479**

## **Planning Committee – 26 March 2008**

### **Report of the Development Manager**

#### **Enforcement Item**

**Parish:** Taunton

- 1. File/Complaint Number** E369/38/2007
- 2. Location of Site** 94 Normandy Drive, Taunton
- 3. Names of Owners** Mr Daniel Wase
- 4. Name of Occupiers** Mr Daniel Wase
- 5. Nature of Contravention**

Unauthorised use of property to operate a double glazing and acrylic canopy business T/A Taunton Canopies together with the erection of a large summer house in rear garden

#### **6. Planning History**

A complaint was received in September 2007 that a skip was on site and being regularly filled with window frames. A number of vehicles bearing the name Quantock Windows are regularly parked in close proximity of the property. The owner is connected with Quantock Windows but it would appear that no windows have recently been replaced in the property that would warrant the number of skips that have been delivered to the property. A visit was made to the property where it was found that not only was there a quantity of window frames in the skip but a large timber structure had also been erected in the garden. Planning permission is required for this structure as it is sited between the dwelling house and the highway. The owner was contacted and an application requested but to date no application has been submitted for the timber building. Further complaints were received by the Environmental Protection Team regarding the amount of spillage of broken glass from the skip falling onto the pavement. Action was taken and the skip was removed however, other commercial waste is still on site. Further visits were made where it was found that a new company appears to be operating from the site. A sign on the timber building is advertising Taunton Canopies with a web address. This web site states that 94 Normandy Drive is the contact address.

**7. Reasons for Taking Action**

It is considered that the operation of a commercial business in this residential area causes an unacceptable intrusion into this residential area. The parking of commercial vehicles on the relatively narrow estate roads would cause difficulties for other road users. With regard to the timber building this is a large building sited within a small garden. This results in the building appearing very dominant in the street scene especially as it is bounded by an access road to a garage court and is clearly visible. Therefore the development is contrary to policies S1 and S2 of the Taunton Deane Local Plan.

**8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice to cease the unauthorised use and remove the building and take prosecution action subject to obtaining satisfactory evidence that the Notice has not been complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER:**

**Mr John Hardy 01823 356479**

## **Planning Committee – 26 March 2008**

### **Report of the Development Manager**

#### **Enforcement Item**

**Parish: WIVELISCOMBE**

- 1. File/Complaint Number** E349/49/2007
- 2. Location of Site** Woodvale, Croford Hill
- 3. Names of Owners** Mrs M G Lawson-Pigott
- 4. Name of Occupiers** Mrs M G Lawson-Pigott
- 5. Nature of Contravention**

UPVC windows installed.

#### **6. Planning History**

The windows were first brought to the Council's attention in November 2007. A site visit was made and the owner decided to submit an application and this was received in December 2007. The application was subsequently refused under delegated powers on 29 February 2008.

#### **7. Reasons for Taking Action**

The appearance and materials of the replacement windows are detrimental to the character of this Grade II statutory Listed Building contrary to Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review and PPG15.

#### **8. Recommendation**

The Solicitor to the Council be authorised to serve a Listed Building Enforcement Notice. However, due to the present occupier's personal circumstances it is not considered appropriate to serve the Notice at this time. It is therefore recommended that the situation be reviewed in five years time or the Notice served when the current occupier vacates the property whichever is the sooner.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER:**

**Mrs A Dunford 01823 356479**