

PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE JOHN MEIKLE ROOM (THE FORMER PRINCIPAL COMMITTEE ROOM), THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON THURSDAY 22ND MAY 2008 AT 18:00.

AGENDA

1. Apologies
2. Public Question Time
3. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
4. Creech st Michael - 14/2007/048
Residential development comprising 76 dwelling (including 38 affordable dwellings) on land off Hyde Lane, Hyde Lane, Creech St Michael , Taunton as amended by agent letter dated 22 April 2008 and accompanying plan drg no 3860/07 rev D received 23 April 2008
5. Hatch Beauchamp - 19/2007/017
Erection of 22 affordable houses on land west of Home Orchard (r/o 25 & 27) Hatch Beauchamp
6. North Curry - 24/2008/002
Proposed siting of two mobile homes, one touring caravan and the erection of a dayroom at Plot 1 Greenacre, Oxen Lane, North Curry (part retention)
7. North Curry - 24/2008/005
Conversion and extension works to garage to form a dwelling house, land at the junction of Greenway and Windmill Hill, North Curry (amended design) further amended by letter dated 17 March and accompanying plans, email dated 27 April, and email dated 9 May with plans RCNCDH1 Rev3 and RCNCDH2 Rev2
8. Taunton - 38/2008/032
Erection of 2.45m high security fencing with access gates at Taunton School, Taunton as amended by letters dated 27 March 2008 and 3 April 2008 and attached plans
9. Taunton - 38/2008/056
Erection of three storey building of 11 two bedroom apartments on site of dwelling to be demolished at 49 Wordsworth Drive, Taunton
10. Taunton - 38/2008/114
Temporary change of use of part of Cider Press Garden for restaurant

seating between April and end of September each year adjacent to Hunt Court, Corporation Street, Taunton

11. Taunton - 38/2008/182
Erection of conservatory, 46 Trinity Road, Taunton
12. Trull - 42/2007/060
Outline application for erection of 58 affordable homes and associated parking on land west of Comeytrove Road, Taunton
13. Trull - 42/2008/002
Outline application for erection of 8 affordable houses on land opposite Dipford Cottage, Dipford Road, Trull
14. E257/08/2007 - Formation of access in unauthorised location, The Wagon Barn, Tudor Park, Taunton Enforcement item
15. E99/38/2008 - Unauthorised advertisements at 38 North Street, Taunton Enforcement item
16. E25/08/2008 - Unauthorised raising of the wall of the leat and raising of ground level around mounting block, Tudor Park, Maidenbrook, Taunton Enforcement item

Tonya Meers
Legal and Democratic Services Manager
15 May 2008

Tea for Councillors will be available from 17.30 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 Mrs Floyd

Councillor C Hill

Councillor House

Councillor Miss James

Councillor McMahon

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:



Tel: 01823 356410
Fax: 01823 356329
E-Mail: g.dyke@tauntondeane.gov.uk

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

14/2007/048

MR A LEHNER - WEST OF ENGLAND DEVELOPMENTS (TAUNTON) LTD

RESIDENTIAL DEVELOPMENT COMPRISING 76 DWELLINGS (INCLUDING 38 AFFORDABLE DWELLINGS) ON LAND OFF HYDE LANE, HYDE LANE, CREECH ST MICHAEL, TAUNTON AS AMENDED BY AGENT LETTER DATED 22 APRIL 2008 AND ACCOMPANYING PLAN DRG NO 3860/07 REV D RECEIVED 23 APRIL 2008

326710/125993

OUTLINE APPLICATION

1.0 RECOMMENDATION

Subject to consideration of any issues arising from outstanding Consultation responses with the allocated time and the applicants first entering into a Section 106 Agreement to secure the 38 Affordable Houses, Educational Infrastructure provision, contribution to Leisure and Recreation and Traffic contribution Permission Be GRANTED for the following reason and subject to the following conditions relating to submission of all full details for dwellings, roads, parking, drainage, timing of provision:

Reason: "The application comprise both an allocate d site and adjacent land to delver the identified housing need of the village in acceptable manner not impacting adversely on the landscape. The proposal is therefore e considered to comply with the requirements of PPS3 and Policies S1, S7 H11 & CM1 of the Development Plan."

2.0 APPLICANT

Mr A. Lehner - West of England Developments (Taunton) Ltd

3.0 PROPOSAL

The application is an outline proposal and as amended now proposes 76 dwellings in total split 38 open market dwellings and 38 affordable dwellings with and parking on 2.42 hectares of land to the east and south of Hyde Lane, Creech St. Michael.

The proposed size of the dwellings has been set out in the design and access statement. This indicates that the affordable dwellings will be split evenly between low-cost rental through an RSL registered social landlord and low-cost affordable which will be valued at approximately some 70% of a market value and retained in a form indefinitely. The applicants indicate that a 106 agreement will be entered into to secure this position.

In discussions prior to the submission of these revisions the applicants had indicated their willingness to meet in full the infrastructure requirements arising from consultee responses in full. However this has not been specifically confirmed with the revised information and clarification has been sought from the applicants on this issue.

The submission includes a Design and Access Statement Noise Assessment regarding noise from M5, an Ecological Survey a Transport Assessment and draft 106 Agreement.

The application is in outline with all matter reserved for future approval. The proposal is accompanied by a plan showing a possible realignment of Hyde Lane With access into the site from this new road. Existing higher than it would be close to provide a cycle way pedestrian footpath. Existing central page would be returning to assist road alignments and provide a mature boundary treatment. A rear light entrance to the recreational football to the site would be required. It is postulated that higher claims should be retained as a link through to Monkton Heathfield.

The Design and Access Statement indicatives that the development will be two storey in height. The mix for the open market houses will comprise six x two-bed houses, 18 x three-bed houses and 14x four-bed houses. The rental sector will comprise two x one-bed flats, 7 x two-bed houses, 8 x three-bed houses and 2 x four-bed houses. The low cost open market houses will comprise two x one-bed flats, 5 x two-bed houses, 9 x three-bed houses and 3 x four-bed houses.

On the submitted plans the dwellings are shown with 55 provides on the allocated site, of which 17 (31%) will be affordable housing and 21 dwellings on the land outside the settlement boundary which will be 100% affordable housing.

The submitted Design and Access Statement makes the case for the development

This has been prepared following discussions with both the local authority and the parish council and the county council to determine what would be an appropriate mix of development on the site. A housing needs survey has been carried out this identifies a local demand 28 affordable housing. The additional 10 dwellings beyond this requirement will be available to meet the wider nature affordable housing in the borough. The applicant maintained that the site is on the edge of Creech St Michael but convenient services within the village and the British primary school. The development will incorporate energy-efficient housing and the conservation of fuel and natural resources including storage and the use of rainwater. A conference of landscaping and planting scheme will be incorporated. The site is also adjacent to the allocated site for open market and affordable housing.

A sustainable urban drainage system compliant storm water drains and storage system will be subject to comprehensive assessment design. This will utilize pervious services underground storage and aboveground storage purplish benchmarked landscape features. The aim is to provide an attenuation standard leading to Greenfield recruitment run off.

Foul water will be taken to the nearest sewer in high crime but will need to be pumped from the site from gravity sewer is within site.

4.0 THE SITE

The application site comprises undeveloped land and a bungalow and outbuildings at the southern end of the site. The area of the site comprises the land allocated for

development in the local plan together with the curtilage of the bungalow and the undeveloped area of the total area 2.42ha. Of this 0.8ha lies outside the settlement limit.

The site is relatively level with a gentle fall to the northeast and is bounded by hedgerows externally and with the hedgerow internally divided the sites. Hyde lane runs along the eastern and northern boundaries of the site and this road links the Creech St Michael with the built-up areas of Monkton Heathfield to the west.

5.0 RELEVANT PLANNING HISTORY

None

6.0 RELEVANT PLANNING POLICIES

Regional Planning Guidance for the South West (RPG 10)

Policy SS5 – Principal Urban Areas

Policy SS14 - Taunton

Policy SS19 – Rural Areas

EN1 – Landscape and Biodiversity

EN4 – Quality in the Built Environment

EN5 – Health, Education, Safety and other Social Infrastructure

TCS2 – Culture, Leisure and Sport

HO3 – Affordable Housing

HO6 – Mix of Housing Types and Densities

TRAN1 – Reducing the Need to Travel

TRAN3 – The Urban Areas

TRAN10 – Walking, Cycling and Public Transport

RE2 – Flood Risk

Regional Spatial Strategy – The Panel Report on the Draft RSS has recently been issued and the Panel has identified a number of Policy amendments. Relevant policies are:

SD1 – The Ecological Footprint

SD2 – Climate Change

SD4 – Sustainable Communities

Policy A – Development at the Strategically Significant Cities and Towns

Policy G – Sustainable Construction

SR6.4 – Housing Provision – this sets a housing figure for Taunton of 11,000 within the existing urban area, 4000 dwellings within an area of search to the north east of Taunton and 3000 dwelling is an area of search to the south west of Taunton.

H1 – Affordable Housing – Within the 28,000 dwellings per annum (at least) required for the region, the aim should be to provide for at least 10,000 affordable homes per annum in the period to 2026. Policy provision should accordingly be made for at least 35% of all housing development annually across each local authority area and Housing Market Area to be affordable, with Authorities specifying rates of 60% or higher in areas of greatest need.

H2 – Housing Densities

F1 – Flood Risk

RE5 – Renewable Energy and New Development

Somerset and Exmoor National Park Joint Structure Plan Review

Policies Saved in accordance with Direction under paragraph 1 (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 14 - development proposals should ensure that protection of archaeological remains is undertaken.

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

Policy 35 – Affordable Housing

Provision will be made for securing housing to meet the needs of those without the means to buy or rent on the open market. The provision shall meet an identified local need and should be available and affordable to successive occupiers.

Policy 49 – Transport Requirements of New Development 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.

Adopted Taunton Deane Local Plan Saved Policies

S1 - General Requirements.

S2 - Design.

S7 - Outside of defined Settlement

Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and:

- (A) is for the purposes of agriculture or forestry;
 - (B) accords with a specific development plan policy or proposal;
 - (C) is necessary to meet a requirement of environmental or other legislation;
- or

- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable:

- (E) avoid breaking the skyline;
- (F) make maximum use of existing screening;
- (G) relate well to existing buildings; and
- (H) use colours and materials which harmonise with the landscape.

H9 - Affordable Housing within General Market Housing

H11 – Rural Local Needs Housing

As exceptions to H2, small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centres, provided that:

- (A) there is a local need for affordable housing, defined as the presence of households in need of affordable housing in the following categories:
 - (1) households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation;
 - (2) newly formed households living or including someone employed in the parish or adjoining parishes;
 - (3) households including dependants of the households living in the parish or adjoining parishes; or
 - (4) households including a retired or disabled member who has lived or worked in the parish or adjoining parishes for a total of five or more years;
- (B) the site proposed is the best available in planning terms and would not harm the character and landscape setting of the settlement more than is justified by the housing need to be met;
- (C) satisfactory arrangements are made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of need as defined in criterion (A), or other genuine housing need only where this is necessary to secure full occupation of the scheme;
- (D) the proposal does not incorporate high value housing to offset a lower return on the affordable housing; and
- (E) the layout and design of the scheme conforms with policy H2.

M4 - Residential Parking Requirements

M5 - Cycling

C1 – Education Provision

C4 – Leisure and Recreation Provision

In the event of the increased demand for open space not being met by existing facilities, developers of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards:

- (A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;
- (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones;
- (C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations;
- (D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and
- (E) developers will be required to arrange for maintenance of the recreational open space.

C12 - Renewable Energy

EN6 – Protection of Trees, woodlands and hedgerows

EN12 - Landscape Character Areas

EN26 – Water Resources

EN28 – Development and Flood Risk

T1 - Associated Settlements

CM1- A site of 1.1 hectares at Hyde Lane as shown on the Proposals Map is allocated for not less than 35 houses, provided that:

(A) a landscaping scheme is provided, to incorporate the protection of existing boundary hedgerows;

(B) a single vehicular access/egress point is provided to the site; and

(C) an off-road footpath/cycleway is provided through the site, linking to the entrance of the recreation ground.

In association with the development the following will also be sought:

(D) the provision of a traffic calming scheme along the section of Hyde Lane which adjoins the site; and

(E) affordable housing provision in accordance with policies H9 and H10.

Development of the site shall not commence until the northern section of Hyde Lane between Hyde Lane Cottages and Brittons Ash has been closed to through traffic.

CM2 Other than on the site allocated in policy CM1, new housing development will be restricted to small-scale developments, including infilling, within the defined settlement limits.#

7.0 RELEVANT CENTRAL GOVERNMENT ADVICE

Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)

Paragraph 13 - Key Principles

Paragraph 16- Social Cohesion and Inclusion

Paragraph 17 & 18 - Protection and Enhancement of the Environment

Paragraph 27- Delivering Sustainable Development – General Approach

Paragraph 33 – 39 - Design

Planning Policy Statement 1 – Supplement on Climate Change

Planning Policy Statement 3 : Housing (PPS3)

Paragraphs 23 and 24

Paragraphs 27 – 30

Planning Policy Statement 7 : Sustainable Development in Rural Areas (PPS7)

Paragraph 1 - Key Principles

Paragraphs 8 and 9 - Housing

Planning Policy Guidance Note 13 : Transport (PPG13)

Paragraphs 12 – 71 - Housing

Paragraph 19 - Accessibility

Planning Policy Guidance Note 17 Planning for Open Space, Sport and Recreation

Planning Policy Statement 22: Renewable Energy

Planning Policy Statement 25 Development and Flood Risk

8.0 CONSULTATIONS

CREECH ST MICHAEL PARISH - Our Parish Council supports the above application provided that the following criteria is applied:

- **That it complies with** West of England Development's Planning Statement Agreement dated October 2007 and with the 106 Agreement.
- **Construction Traffic:** we would like a construction site management plan with appropriate restriction on the movement of HGVs, and prohibiting lorry movements through Creech St Michael and Creech Heathfield. In addition, Hyde Lane is considered to be a "safe route" to school, and many schoolchildren use it to get to 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 from 8.00am – 9.15am and 3-4.00pm during school days throughout the development. Creech St Michael has a 6'6" width restriction in any event which we would expect to be strictly observed. We would like such a plan to impose a speed limit of 20mph in Hyde Lane in the vicinity of the construction site as appropriate for safety.
- **Link 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 could mean 120 additional vehicles in Hyde 2 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, and which also floods. However, 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 through such a link into the new Relief Road..
- **Recreation Facilities:** the Parish Council holds the Title to the adjacent Hyde Lane Recreation Field, and therefore we would request meetings with representatives of Taunton Deane Borough Council to discuss the developer's obligation to provide recreation facilities and landscaping, and the subsequent maintenance of the same. Further to my letter of 12 January, please also find below a list of considerations which we have asked West of England Developments to adhere to in the above development.

2nd Comment:

This list was prepared by West of England Developments and the Parish Councils supports this application subject to these conditions.

Suggested planning conditions:

1 **Outline application:** Normal conditions covering time period, detailed plans, landscaping etc appropriate to an outline planning application.

2 Hyde Lane restriction/closure: Full details of the proposed restrictions and works to the length of Hyde Lane to be closed to through vehicular traffic shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. This to include provision for the retention of appropriate agricultural access to the surrounding land. – Reason: to ensure that the future maintenance of this section of Hyde Lane is secured and that adequate agricultural access is retained without conflict with existing and future residential development

3 Affordable housing: The affordable housing is to be spread across the whole of the application site at a consistent average density. – Reason: to ensure that the affordable homes are fully integrated into the overall development pattern.

4 Height of development: The development hereby approved shall not include any residential accommodation above first floor height and be contained within the dimensions identified in paragraph 13.3 of the Planning Statement accompanying the application. Reason: In the interests of visual amenity having regard to the location of the site in relation to the settlement of Creech St Michael and to the adjacent built development.

5 Car park for recreation area: Full construction details of the additional car parking provision for the recreation area shall be submitted to and improved in writing by the Local Planning Authority prior to the commencement of any works. These works to be completed to the reasonable satisfaction and confirmed in writing by the Local Planning Authority prior to the occupation of any dwelling on the application site. Reason: in the interests of highway safety so as to ensure that the car parking is provided in order to avoid on street parking by users of the recreation facilities.

6 Recreation facilities: A scheme for the provision of recreation facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. This scheme will provide for financial contribution (or works to an equivalent cost) toward the provision and future maintenance of additional and improved facilities on the adjacent recreation field. Reason: To secure appropriate contribution towards improved facilities within the existing facility.

7 Access for construction traffic: A traffic management plan for the delivery of all materials and access to the site for construction workers shall be prepared and submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. This to include measures to ensure that traffic movements are appropriate in size number and frequency to the available routes and shall also take into account any specific measures appropriate to the use of Hyde Lane by schoolchildren in connection with the adjacent Primary School. Reason: In the interest of highway safety and the amenity of local residents.

Views awaited on amended scheme

COUNTY HIGHWAY AUTHORITY - I refer to the above-mentioned planning application received on 7th January 2008 on which I have the following observations on highway aspects of the proposal.

The site is in part allocated in the Taunton Deane Local Plan and part an exception site. In principle, therefore, I do not have an objection to the development of the land for residential purposes.

The application is in outline with all matters, except access, being reserved for

subsequent approval.

The new road layout through the site, shown as a 5.5m collector road with two 1.8m footways, is acceptable but there are no visibility splays shown on the drawing at the points of access. Visibility splays of 2.4m x 43m in each direction with no obstructions within the splay areas over 300mm will need to be provided and shown on the drawing. The road and visibility splays will need to be secured under a Section 106 Agreement.

The provision of the new road gives an opportunity for the existing road to be downgraded to a footway/cycleway with vehicular use for maintenance only. This is acceptable in principle. It is proposed to have staggered barriers at one end and a gate and bollards at the other. Discussion needs to take place to ensure that these measures are the most appropriate. Traffic Regulation Orders will need to be made for any changes to the highway, particularly in the area on the northern side of the site where the new highway joins the old and for the removal of vehicular rights to the old road.

It is clear that residents of the new development will need pedestrian access to the school and the rest of the village. A footway is shown partway on the northern side of the road along the school frontage. This must link to existing footways on the school frontage. To do this it is likely that a formal narrowing of the carriageway will be needed. This will probably need to be covered by signage giving priority to vehicles in one direction. Details of this will need to be provided for inclusion in the Section 106 Agreement.

The Traffic Statement makes comment about the Local Plan requirement to close Hyde Lane to through traffic. The closure of the road will be affected by the creation of the relief road constructed in conjunction with the Monkton Heathfield Development to the west. The Local Plan suggests that the closure takes place prior to development on this site. In practice, I do not feel that the closure is essential in this timescale and development can probably go ahead in advance of the closure.

The Traffic Statement discusses public transport availability for residents. This is acceptable. It is the usual requirement for substantial housing developments to fund a one-year's free bus pass per dwelling at a cost of £400 per unit. I request that this obligation be included in the Section 106 Agreement.

In conclusion, I do not propose to object, subject to the developer entering into a Section 106 Agreement to secure the elements outlined above. In addition, the following Conditions should also be attached to any consent:-

- The proposed estate roads, footways, footpaths, cycleway, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility

splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Views awaited on amended scheme

COUNTY EDUCATION: I refer to the above planning application for a residential development of 65 new dwellings and am writing to express concerns that the local catchment secondary school would not have sufficient capacity to accommodate additional pupils from households moving into the scheme. I am therefore requesting that any grant of permission is conditional upon a planning obligation being entered into in respect of financial contributions towards education provision. in accordance with Policy C1 of the Taunton Deane local Plan.

On the County Council's normal expectation that there will be demand for 30 additional secondary student places from each 210 new dwellings, the development could be expected to generate the need for 9 secondary school places. Heathfield Community School currently has a net capacity of 1125, although there are currently 1181 pupils on roll. This shortage of space will therefore be significantly exacerbated by the development and a financial contribution to assist in mitigating this would therefore be appropriate.

Having recently revised its figures, the OCSF (formerly the DfES) now estimates the capital cost of providing a secondary school place in Somerset as £17,361 (the Basic Need Cost Multiplier). If nine additional places were required, this would therefore equate to a total contribution of £156,249.

There is currently some limited surplus capacity in respect of the local catchment primary school and it is presently considered unlikely that any new additional primary school accommodation would be justified.

Views awaited on amended scheme

PLANNING POLICY Views awaited on original and amended scheme

FOOTPATHS OFFICER: Access to the eastern termination point of the public footpath T10/26 is at the County road at OSGR 269259 (approximately). The path

then runs in a westerly direction along the track to enter the field at OSGR 267259 (approximately).

Please note that the definitive line of the public footpath T10/26 is along the track and not in the field shown on Ordnance Survey Explorer sheet 128(1:25000). If planning consents are granted further reference should be made to this office
Views awaited on amended scheme.

COUNTY RIGHTS OF WAY TEAM: I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which crosses the area of the proposed development/area highlighted on your plan at the present time (footpath no. T 10/26). I have enclosed a plan showing this footpath for your information.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought.

A PROW being made less commodious for continued public use. New furniture being needed along a PROW.

Changes to the surface of a PROW being needed.

Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would make a PROW less commodious for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on 823) 483091.

I have been informed by David Edwards that if the path is to be diverted then this will be done by Taunton Deane Borough Council under the Town and Country Planning Act..

Views awaited on amended scheme

LANDSCAPE OFFICER: Views awaited on original and amended scheme

NATURE CONSERVATION OFFICER: Views awaited on amended scheme

HOUSING ENABLING MANAGER - The requirement for affordable housing is 35% of the total numbers. These would then be split into 50% social rental and the remainder into shared ownership, low-cost open market and intermediate rent. This is in accordance with discussions with the developer.

Views awaited on amended scheme.

DRAINAGE OFFICER - That in the planning statement dated October 2007 surface water disposal is to be subject of a detailed and comprehensive assessment at

design. It will include a SUDS compliant system with all flows have been attenuated to the Greenfield run-off rate for a storm with a 1 in 1 year return period.

This approach is acceptable and should be made a condition of the outline planning approval given.

Same comments still apply on re-consultation on the amended scheme.

ARTS OFFICER - TDBC now has a Public Art and Design Policy with the following requirement:

All developments in excess of 15 residential units or 2500 square metres (gross) of commercial floorspace will be required to contribute towards the provision of public art and public realm enhancements by commissioning and integrating public art into the design of buildings and the public realm or through a commuted sum to the value of 1% of development costs.

Because of the significant size of the site the Hyde Lane development proposal, these requirements will need to be satisfied and as a Statement of Intent regarding public art included in the Access Statement or as a separate statement.

Views awaited on amended scheme.

LEISURE DEVELOPMENT MANAGER - In accordance with Policy C4 provision for play and active recreation must be made.

A contribution of £1023.00 for each dwelling should be made toward provision of facilities for active outdoor recreation to be spent within the village of Creech St. Michael for the benefit of new residents. In addition to this a contribution of £1785.00 for each two-bedroom plus dwelling should be made towards children's play provision near the proposed development for the benefit of residents. These contributions should be index linked.

Views awaited on amended scheme.

ENVIRONMENTAL HEALTH OFFICER - Views awaited on original and amended scheme

PARROTT INTERNAL DRAINAGE BOARD - The Board has been notified of the above application in the weekly list dated 20/12/2007 and would want to comment regarding the above.-proposed development.

The site lies outside the Board area and therefore can only comment in advisory manner however it is likely that the resultant surface water run-off will discharge into the Board's maintained rhyme network. It is my understanding from consulting the application details and as stated within the design and planning statement the disposal of the surface water run-off from the proposals will be confirmed later. However a mixture of sustainable options are proposed to limit the resultant surface water run-off to the existing system. The proposals are to be agreed with the statutory undertaker (Wessex Water) and the local land drainage authority, which is Taunton Deane Borough Council however the Board would also require

that confirmation of adequate surface water disposal and maintenance of infrastructure has been assessed.

The principal requirements for surface water drainage from developments are set out in PPS 25 annexe F and are understood to be • *a material consideration*' this point is emphasised in the Councils' own policies EN26, 27 & 28. The Board are aware together with Environment Agency of flooding difficulties in the Creech St Michael area. and that this development should not exacerbate these local flooding issues. The Board would suggest and expect the use of sustainable drainage techniques to reduce the proposed development's impact on the receiving land drainage system.

The Board would recommend that you contact the Environment Agency (John Southwell) direct to ascertain the Agency views on the above matter.

I trust the above allows you to conclude your dealings with the matter in hand but if you require any clarification do not hesitate to contact the writer.

Views awaited on amended scheme

ENVIRONMENT AGENCY- Views awaited on original and amended scheme.

9.0 REPRESENTATIONS

No representations have been received to the original or amended scheme to date.

10.0 PRINCIPAL ISSUES FOR CONSIDERATION

- A Is the proposal in line with Development Plan and National Planning Policy Guidance? POLICY
- B Is there a proven local need for the proposed development? NEED
- C Is the arrangement to secure appropriate affordable housing in perpetuity appropriate? AFFORDABILITY
- D Is the screening of the site and its landscape and wildlife impact acceptable? LANDSCAPE/WILDLIFE
- E Are the links to the highway network adequate and safe to serve the development? HIGHWAYS
- F Is adequate play and recreation space provided for within the scheme? LEISURE PROVISION
- G Is there adequate education provision provided for within the scheme? EDUCATION
- H Is there adequate provision made for the surface and foul water disposal in relation to the site? DRAINAGE
- I Is the proposal sustainable? SUSTAINABILITY

A. POLICY

The proposal for residential development needs to be assessed against the policies of the Development Plan together with central Government planning policy advice.

The site comprises an area of a land allocated for development under policy CM1 and an adjoining site which lies outside the settlement limit of Creech St Michael. The part of the site within CM1 complies with the requirements of that policy as set out above by providing 55 dwellings incorporating 17 affordable housing units at an average density of 42.6 to the ha. This is within the range of densities suggested by PPS3.

The question to answer in assessing the portion of the scheme outside the development boundary is therefore does the need for affordable housing outweigh the policy objections and are there any other policy and material considerations which would support the proposal or not.

Policy S7 of the Taunton Deane Local Plan states that outside defined settlement limits, new buildings will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and also meets certain criteria. One of these criteria is that buildings should be designed and sited to minimise landscape impact and avoid breaking the skyline. The development of the site as proposed would be contained within fields with existing boundary hedges and is not considered to impact on the character of the area.

Another of the criteria (B) is that any proposal should accord with a specific development plan policy or proposal. Affordable housing schemes may be considered appropriate in the countryside in certain circumstances. This exception to the normal strict control of new residential development in the open countryside is set out in Policy H11 of the Taunton Deane Local Plan relating to rural needs housing. This policy states that small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing should not otherwise be permitted, either within or adjoining the identified limits of village and rural centres, again provided that certain criteria are met. Such proposals will only be acceptable where there is a proven local need and environmental and other standards are met.

Policy H11 is a rural local needs policy and what is being proposed with 100% affordable housing on this site would fall within the rural exceptions policy. The site lies within adjacent to a rural centre. The proposal is considered to fall under the existing Local Plan policy. The development has to be considered in terms of the identified scale of housing need which for Creech St Michael is shown to be 28. Of These 17 are within the CM1 with a further 21 on the exceptions site

There have been no local objections to date to the scheme and all consultees are satisfied that subject to conditions the proposal is acceptable.

B. NEED

The need for affordable housing is a planning consideration and Government policy encourages Local Planning Authorities to increase the supply of affordable housing through appropriate planning policies. The Borough Council is strongly committed to the provision of affordable housing as part of its corporate aims. One of the principal objectives of the Corporate Strategy 2006 – 2009 is to enable the building of 985 units of affordable housing between April 2006 and March 2011. The Local Plan policies reflect this commitment by seeking to meet as much of the housing

need as feasible though the planning role. Government policy requires that affordable housing should include both low cost market and subsidised housing. The applicants have submitted evidence of the need for 28 units of mixed size and tenure in Creech St. Michael and this position is accepted and supported by the Housing Enabling Officer. The scheme provides for in total 38 units 10 above the present requirement.

The affordable housing targets set in the Local Plan were based upon the level of need identified in the Housing Needs Survey undertaken by Couttie Associates in 2002, which was for 131 additional affordable dwellings a year. A desk-based review carried out by the Ark Consultancy on behalf of all the Somerset local authorities in 2006 identified a fourfold increase in need to 564 dwellings per year in Taunton Deane. Although the work by Ark preceded the publication of Practice Guidance on Strategic Housing Market Assessments, and is not fully compliant with that Guidance, it nevertheless has some value in updating and re-assessing the scale of need. The Authority has commissioned further work by Fordham Research to assess the affordable housing need in the area, and this will be published later this year. However, from the evidence already available – from the Ark study, worsening affordability, and significant growth in the Waiting List – it is clear that need has increased significantly and could be argued as acute. The extra 10 units could help meet this acute need.

C. AFFORDABILITY

The applicant has submitted the proposal for affordable housing on the basis of the need in Creech St Michael and the district. The application is supported by the Housing Enabling Manager on the basis of need in the village and has requested a mix of discounted housing and social rented on the scheme. The proposal offers a mix of social rent and low cost market housing with a range of sizes as requested by the Housing Enabling Manager. Paragraph 12 of the Government's 'Delivering Affordable Housing' Policy Statement states there needs to be a good mix of tenures on new developments and the current submission achieve this.

A Section 106 Agreement will be necessary to secure the availability of the dwellings in perpetuity and discussion sare progressing on details for inclusion within sushc an agreement.

D. LANDSCAPE/WILDLIFE

The site is on agricultural land in the countryside and the site is set largely at road level and surrounded by hedges. The large portion of the site is allotted for development and the smaller portion outside of the settlement boundary. There is also an existing dwelling and outbuildings on the southern end of the site.

The proposal seeks to retain existing external boundary hedges and most of the internal hedge. No landscape objections have been received to the proposal.

The Wildlife Report submitted with the application found no evidence of protected species on site and the conclusion identified a number of issues to protect wildlife in general particularly in respect of the existing boundary trees and hedges which act as nesting sites for birds and potential foraging areas for bats.

E. HIGHWAYS

The highway report submitted on behalf of the applicant concludes that there will be no significant impact on the local environment from the site related traffic flows and site related traffic is not likely to exacerbate the accident situation. It is also claimed that bus links in the vicinity are good and participation in the use of public transport by residents can be encouraged by provision of vouchers to the value of £400 per unit. Such a scheme would necessitate inclusion in a legal agreement to secure its provision.

The Highway Authority considers the scheme satisfactory subject to conditions and the provision of a sum towards travel vouchers.

The issue of the closure of Hyde Lane will be achieved by development outside the extent or interest of this site. Consequently, the applicants approach to development here will have no direct bearing of those future plans. The precise highway layout for this proposal can be resolved at the submission of details stage.

F. LEISURE PROVISION

The Leisure Manager has identified that the contribution is necessary towards both on and of site provision which can be included in the section 106 Agreement. The site adjoins the existing Recreation Ground and the Parish would like to see contribution from this site go towards improvements of those facilities. It is considered that this is a matter to be agreed between the Parish and the Leisure Manager once the agreed sum has been provided.

G. EDUCATION

The County Council recognise that the development would result in additional demand for school places. There is considered to be insufficient capacity at the local primary school for the expected number of pupils from the development. A financial contribution is therefore sought for the additional pupils that could be expected from the scheme in accordance with policy C1 of the Local Plan and this would need to be secured through a legal agreement. The applicant has indicated a willingness to so.

H. DRAINAGE

The applicant has submitted drainage details with the application which identifies the site in Flood Zone 1. No objections have to the details provided subject to the imposition of suitable conditions

I. SUSTAINABILITY

The application site lies on an allocated Greenfield site and on other land outside the settlement limit, however it does lie adjacent to the settlement boundary. The Highway Authority consider that there are suitable pedestrian links back into the village and have raised no objections on sustainability grounds.

11.0 CONCLUSION

The proposed site, which lies on the edge of the existing settlement, combines the site allocate for development under Policy CM1 and adjacent land. The development, in isolation of the allocated site would not deliver sufficient housing to meet the needs of the Parishes for 28 dwellings. As now proposed, when combined

with adjacent land beyond the settlement, this total is exceeded. The scale of development will enable full contribution towards education, transport and recreational facilities as sought by consultees.

As shown at the present time to meet the requirements of the exceptions policy part of the site will have a concentration of 21 affordable dwellings with the other portion having a 30% concentration. If the development as submitted is accepted in principle then there would seem to be sense in accepting a degree of “pepper potting” of both open market and affordable housing over the whole site when details are submitted.

There have been no technical objections raised to the proposal nor has there been public objection to the scheme. A request has been made for a contribution towards Public Art. However as this requirement did not form part of initial discussions and in view of the potentially high level of planning gain already to be delivered it is considered unreasonable to seek such a further contribution.

Given these issues, it is considered that the “Affordable Housing” considerations warrant an acceptance of the unallocated part of this site as an exception site as allowed for in the policies of the Development Plan. The recommendation therefore is one of APPROVAL.

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

CONTACT OFFICER: 356454 MR M ROBERTS (PART TIME)

NOTES:

19/2007/017

SUMMERFIELD DEVELOPMENTS (SW) LTD

ERECTION OF 22 AFORDABLE HOUSES ON LAND WEST OF HOME ORCHARD (R/O 25 & 27) HATCH BEAUCHAMP

330341/120291

OUTLINE APPLICATION

1.0 RECOMMENDATION

Permission Be REFUSED for reasons of

1. The proposed development of agricultural land in the countryside outside the settlement limits would be harmful to the character of the area and be contrary to policies S7, S1(D) and EN12 of the Taunton Deane Local Plan and policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.
2. The proposed development is considered to be in an unsuitable location that would foster the growth in need to travel by car contrary to polices STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, policy S1(B) of the Taunton Deane Local Plan and TRAN1 of RPG10.
3. The additional traffic and the potential for conflict between vehicles and pedestrians in Station Road would create a significant increase in highway safety hazards on contrary to Somerset and Exmoor National Park Joint Structure Plan Review policy 49 and Taunton Deane Local Plan policy S1(A).
4. The lack of adequate surface water drainage provision for the site may lead to additional surface water run-off and flooding in the area contrary to PPS25.
5. The proposed development fails to accord with the provisions of Local Plan and advice in Government Policy Statement Delivering Affordable Housing on the grounds that the proposed single tenure of 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 it is then related to in terms of scale, tenures, types and sizes.

2.0 APPLICANT

Summerfield Developments (SW) Ltd

3.0 PROPOSAL

The application is an outline proposal for 22 affordable dwellings and parking on 0.58 hectares of land east of Home Orchard, Hatch Beauchamp.

The submission includes a Design and Access Statement a Drainage Statement and Flood Risk Assessment, an Ecological Survey, a Statement of Community Involvement, a Transport Assessment and draft 106 Agreement.

The application is in outline with all matter apart from means of access reserved for future approval. The proposal is accompanied by a plan showing the site access and visibility splays from Home Orchard.

Indicative layout plans showing groupings of terraced properties including 16 x two-bed houses and 6 x three-bed houses. Parking is proposed on a one for one basis with for the two bedroom dwellings and two spaces for the three bedroom dwellings with seven visitor spaces.

The proposal indicates that substantial planting will be undertaken to help the proposal integrate into the village.

The submitted Design and Access Statement makes the case for the development and can be summarised as follows:

There is a shortage in the necessary 5-year supply of developable land to meet the growing need.

The Ark Consultants report concluded housing need was now in excess of 564 units district wide. Provision has fallen with an average of 70 units/year over the last 5 years so need is now "ACUTE". The only land that can be brought forward is departure or exception site land where land cost is reduced.

Policy S7 of the Local Plan allows development if it accords with a development plan policy and policy H11 deals with Rural Local Needs Housing.

The proposal is to provide 100% affordable houses on site to be sold freehold at an agreed discount to open market value. In order to maintain their affordability the properties will be sold with the agreement that the same percentage discount will apply to all future re-sales. The scheme will be subject to a Section 106 Agreement to secure the availability of the dwellings in perpetuity for those in housing need.

4.0 THE SITE

The site measures 0.58 hectares and is located to the east of No's 25 & 27 Home Orchard and it forms part of a larger field that was formerly used for grazing but has been left fallow for a number of years. There are no current agricultural tenants on the land.

The larger field of which the site forms part is surrounded by mature hedges on the north, south and west and by existing boundary fence and hedges to the rear gardens of the properties in Home Orchard to the east. A public footpath crosses the centre of the field in a north-south direction link in Station Road to the south to the recreation ground the village hall on the main road to the north. There is a further footpath running along the northern boundary of the field that provides a link

from Home Orchard to the village school. There are no physical boundaries between the larger field and the area proposed for development as part of the application.

The applicants indicate that the location of development has been set by the need to provide an exclusion zone of 150m that they have taken to be from the centre of the existing sewage works.

5.0 RELEVANT PLANNING HISTORY

None

6.0 RELEVANT PLANNING POLICIES

Regional Planning Guidance for the South West (RPG 10)

Policy SS5 – Principal Urban Areas
Policy SS14 - Taunton
Policy SS19 – Rural Areas
EN1 – Landscape and Biodiversity
EN4 – Quality in the Built Environment
EN5 – Health, Education, Safety and other Social Infrastructure
TCS2 – Culture, Leisure and Sport
HO3 – Affordable Housing
HO6 – Mix of Housing Types and Densities
TRAN1 – Reducing the Need to Travel
TRAN3 – The Urban Areas
TRAN10 – Walking, Cycling and Public Transport
RE2 – Flood Risk

Regional Spatial Strategy (RSS) – The Panel Report on the Draft RSS has recently been issued and the Panel has identified a number of Policy amendments. Relevant policies are:

SD1 – The Ecological Footprint
SD2 – Climate Change
SD4 – Sustainable Communities
Policy A – Development at the Strategically Significant Cities and Towns
Policy G – Sustainable Construction
SR6.4 – Housing Provision – this sets a housing figure for Taunton of 11,000 within the existing urban area, 4000 dwellings within an area of search to the north east of Taunton and 3000 dwelling is an area of search to the south west of Taunton.
H1 – Affordable Housing – Within the 2,800 dwellings per annum (at least) required for the region, the aim should be to provide for at least 10,000 affordable homes per annum in the period to 2026. Policy provision should accordingly be made for at least 35% of all housing development annually across each local authority area and Housing Market Area to be affordable, with Authorities specifying rates of 60% or higher in areas of greatest need.
H2 – Housing Densities

F1 – Flood Risk

RE5 – Renewable Energy and New Development

Somerset and Exmoor National Park Joint Structure Plan Review

Policies Saved in accordance with Direction under paragraph 1 (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 14 - development proposals should ensure that protection of archaeological remains is undertaken.

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

Policy 35 – Affordable Housing

Provision will be made for securing housing to meet the needs of those without the means to buy or rent on the open market. The provision shall meet an identified local need and should be available and affordable to successive occupiers.

Policy 49 – Transport Requirements of New Development 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.

Adopted Taunton Deane Local Plan Saved Policies

S1 – General Requirements.

S2 - Design.

S7 - Outside of defined Settlement

Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and:

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific development plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable:

- (E) avoid breaking the skyline;
- (F) make maximum use of existing screening;
- (G) relate well to existing buildings; and
- (H) use colours and materials which harmonise with the landscape.

H9 - Affordable Housing within General Market Housing

H11 – Rural Local Needs Housing

As exceptions to H2, small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centres, provided that:

- (A) there is a local need for affordable housing, defined as the presence of households in need of affordable housing in the following categories:
 - (1) households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation;
 - (2) newly formed households living or including someone employed in the parish or adjoining parishes;
 - (3) households including dependants of the households living in the parish or adjoining parishes; or
 - (4) households including a retired or disabled member who has lived or worked in the parish or adjoining parishes for a total of five or more years;
- (B) the site proposed is the best available in planning terms and would not harm the character and landscape setting of the settlement more than is justified by the housing need to be met;
- (C) satisfactory arrangements are made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of need as defined in criterion (A), or other genuine housing need only where this is necessary to secure full occupation of the scheme;
- (D) the proposal does not incorporate high value housing to offset a lower return on the affordable housing; and
- (E) the layout and design of the scheme conforms with policy H2.

M4 - Residential Parking Requirements

M5 - Cycling

C1 – Education Provision

C4 – Leisure and Recreation Provision

In the event of the increased demand for open space not being met by existing facilities, developers of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards:

- (A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;
- (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones;
- (C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations;
- (D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and
- (E) developers will be required to arrange for maintenance of the recreational open space.

C12 - Renewable Energy

EN6 – Protection of Trees, woodlands and hedgerows

EN12 - Landscape Character Areas

EN26 – Water Resources

EN28 – Development and Flood Risk

T1 - Associated Settlements

7.0 RELEVANT CENTRAL GOVERNMENT ADVICE

Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)

Paragraph 13 - Key Principles

Paragraph 16 - Social Cohesion and Inclusion

Paragraph 17 & 18 - Protection and Enhancement of the Environment

Paragraph 27 - Delivering Sustainable Development – General Approach

Paragraph 33 – 39- Design

Planning Policy Statement 1 – Supplement on Climate Change

Planning Policy Statement 3 : Housing (PPS3)

Paragraphs 23 and 24

Paragraphs 27 – 30

Planning Policy Statement 7 : Sustainable Development in Rural Areas (PPS7)

Paragraph 1 - Key Principles
Paragraphs 8 and 9- Housing

Planning Policy Guidance Note 13 : Transport (PPG13)

Paragraphs 12 – 71 - Housing
Paragraph 19 - Accessibility

Planning Policy Guidance Note 17 Planning for Open Space, Sport and Recreation

Planning Policy Statement 22: Renewable Energy

Planning Policy Statement 25 Development and Flood Risk

8.0 CONSULTATIONS

HATCH BEAUCHAMP PARISH COUNCIL RESOLVED - That TDBC be advised that the Council objects to the application as it fails to meet the requirements of policy H11, (rural local needs housing) because:

- 1) there has been no detailed assessment of local affordable housing needs in terms of tenure size and type of property;
- 2) no assessment of land availability in Hatch Beauchamp or adjoining parishes has been undertaken to ensure that the site is the best available in planning terms;
- 3) the development is of a scale excessive for the size of the village: also its size has been dictated by the financial requirements of the developer and not need;
- 4) the development fails to provide for a range of tenures;
- 5) any houses to be provided should as a minimum be built to Housing Corporation size standards;

Furthermore in relation to general planning policies TDBC be advised that:

- 1) the development makes inadequate provision for visitor parking;
- 2) the bus service to the village cannot be categorised as "good" and therefore the development is not sustainable in transport terms;
- 3) Station Road is effectively a single carriageway road at many times of the day and there is no footpath outside the primary school, which abuts on to the road. The additional traffic which the development will inevitably generate will have an adverse effect on road safety. Additionally there is concern that the suggested layout retains ml option for extension into adjoining land which will further impact on traffic in Station Road;

- 4) no contribution is proposed for education facilities for the additional households which will be created;
- 5) no contribution is proposed to meet the need for improved community facilities. Any contribution should be for community facilities generally and not be restricted to play/playing fields.

COUNTY HIGHWAY AUTHORITY - The proposed development is located outside of any development limit, remote from any urban area, and therefore distant from adequate services and facilities such as employment, health, retail and leisure. In addition, public transport services are relatively infrequent. As a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG 13 and RPG 10 and the provisions in policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000).

Notwithstanding the aforementioned comments, Policy 35 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy H11 of the Taunton Deane Local Plan state that there are exceptions whereby small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centres providing they meet the appropriate criteria. Therefore its acceptability from the planning perspective must be a matter for the local planning authority and whether the proposal meets this criteria set out by Policy H11. It is clear that the proposal will result in an increase in the use of private vehicles.

In detail, the location design of the proposed access to the local highway network from Home Orchard is acceptable and meets current standards.

My main concern, however, is one of sustainability from a transport viewpoint. It is essential for developments to be located such that it does not result in a reliance on the private car. Hatch Beauchamp is a village with very few facilities. It has a primary school, church and a pub. It does not, however, have a village shop or post office or any significant leisure or employment facilities. There are bus services which serve the village, generally hourly but more frequent at times. I am not convinced, however, that these will be so convenient as to overcome the natural inclination to drive. The developer offers a one-off contribution of £400 per dwelling for bus season tickets; this may help.

In addition, evidence has been supplied by local residents which shows excessive on-road car parking on Station Road. This is at its worse around school time but does occur at other times of the day. There are in the main no footways on Station Road and the parking and additional traffic generation mean that hazardous conditions exist for pedestrians walking to the school and the bus stops. This would likely be exacerbated by the traffic generation of the proposed development.

Therefore, whilst the development sits well alongside the village, from a transport

sustainability viewpoint the development is likely to foster growth in the need to travel and refusal of the application is recommended on highway grounds.

COUNTY RIGHTS OF WAY TEAM - Views awaited.

COUNTY EDUCATION - Views awaited.

WESSEX WATER

Water Supply - the existing system is adequate to serve the proposed development

Foul Drainage - A public sewer crosses the site and the statutory easement must be maintained. Diversion may be feasible

Surface Water Drainage - The existing public storm sewer in Home Orchard is unlikely to have any spare capacity - design storm run-off calculations should be submitted in due course Storm flows could possibly be discharged to land drainage with the approval of the appropriate authority.

Disposal to SUDS may be feasible.

Storm flows must not be connected to foul drainage.

Sewage Treatment Works - An engineering appraisal is required to assess the impact of additional flows on the performance and legal compliance of the sewage works. Extensions may be necessary. There is limited empty space at the site and it is conceivable that additional land would be needed to facilitate up rating the facility.

The proximity to the sewage works is considered a significant issue and a minimum "Cordon Sanitaire" of 150 m from the works boundary to proposed dwellings should be maintained. Planning Application Drawing No 06.49. 12A, Illustrative Site Layout Plan, locates plots 1 & 22 approximately 120m from the northern-most boundary of the sewage works.

There is the potential for the emission of odours associated with the treatment of sewage, resulting in complaints of odour nuisance, and we must therefore, regrettably, object to the planning application.

In similar circumstances at other sewage works sites the developer has funded an odour survey which can predict the extent of odour nuisance, and make proposals for odour mitigation works where applicable. We would hope that the outcome of a survey (possibly leading to control measures) would enable us to withdraw our objection.

You may wish to seek, or have sought, the views of the Environmental Health Officer on the compatibility of the development adjacent to the existing sewage works and complaints arising from occupied premises.

ENVIRONMENT AGENCY - The Environment Agency has no comment to make on this application.

FOOTPATHS OFFICER - Views awaited.

LANDSCAPE OFFICER - The proposals are in open countryside and contrary to EN12. There is limited mitigation to the south of the site and even less to the north. There is TPO Oak tree, just off site on plots 25 that would be seriously compromised by houses 4, 5 and 6. Please note that public footpath of the western side would need to be diverted if the above plan was approved

NATURE CONSERVATION OFFICER - Country contracts report dated December 2007 concluded that the hedgerows and mature trees on site provide nesting opportunities for a variety of birds and that the hedgerows may form foraging areas and commuting routes for bats.

- Badgers are not considered active on the site although they are known to be active in the area.
- Reptiles may be present on the site although a recent survey failed to find any evidence.
- Please consult with the landscape officer with regards to retention, and protection during development of trees and hedgerows on site and the use of native species in a planting scheme.
- Any tree or hedgerow removal and the removal of uprooted orchard trees should take place outside the nesting season. If any tree (uprooted or standing) needs to be removed it should be surveyed for protected species prior to felling/removal.
- It is an offence to damage or destroy birds whilst nesting; I therefore suggest the following condition :

Condition C111 between 1st March and 31st July
Reason J111

Condition

If the period of time between Country Contract's Survey dated December 2007, and the commencement of the development extends more than one year beyond the date of the report, then a further survey must be commissioned and submitted to and agreed in writing by the Local Planning Authority to ascertain any changes in the use of the site by protected species.

Reason

To ensure that the use of the site by protected species is monitored, bearing in mind that the results of the existing survey may change, and in accordance with Taunton Deane Local Plan Policy EN4

Note to Applicant

Bats, reptiles and nesting birds may be present on site and all operatives on site must be appropriately briefed on their potential presence.

Nesting birds are protected under the Wildlife and Countryside act 1981(as amended) and if discovered should not be disturbed. The protection afforded to

species under UK and EU legislation is irrespective of the planning system and any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Badgers

The possible presence of badgers visiting the site should be relayed to any contractors working on site. In the UK badgers are protected under the Protection of Badgers Act 1992. All excavations left open at night should either be cover plated or have a means of escape should an animal fall in.

Development operators and new home occupiers should be advised to ensure that they are aware of the potential for protected species on site. If protected species are encountered they should be left undisturbed and expert advice should be sought from Natural England 01823 285500.

HOUSING ENABLING MANAGER - Supports this application to provide affordable housing in the immediate and surrounding Parishes where there is considerable need. These homes should be for a mixture of tenure and held as low cost in perpetuity with nominations from the Council.

DRAINAGE OFFICER - I note that surface water is to be discharged to a Wessex Water public sewer and I assume they have been consulted on this proposal. I cannot find any reference in the drainage strategy (21739) included in this application to the use of Sustainable Drainage Systems (SUDS) being investigated at this stage. Under PPS25 it is recommended that SUDS techniques should be investigated to reduce flood risk.

A condition should be placed on any approval given that no works commence on site until a detailed design, including SUDS for surface water disposal has been submitted and approved by this Authority

ENVIRONMENTAL HEALTH OFFICER - Views awaited.

ARTS OFFICER - Has made the following comment on similar schemes:

All developments in excess of 15 residential units or 2500 square metres (gross) of commercial floorspace will be required to contribute towards the provision of public art and public realm enhancements by commissioning and integrating public art into the design of buildings and the public realm or through a commuted sum to the value of 1% of development costs. They will be expected to include a Statement of Intent regarding public art or public realm enhancement in their Access Statement.

LEISURE DEVELOPMENT MANAGER - No account appears to have been taken of policy C4 which state provision to play an active recreation must be made. I would therefore request a contribution of £1,785 each to bedroom plus dwelling towards children's play facilities, to be spent at the existing village children's play area which is well connected to the proposed development by an existing footpath and £1,023 per each dwelling towards borough wide outdoor recreation. Contributions to be indexed linked.

9.0 REPRESENTATIONS

A petition of 383 signatures opposing the application has been received which indicates that the undersigned wish to register their objection to the proposed development outside the village envelope of Hatch Beauchamp.

146 Letters of OBJECTION have been received. Whilst many of these support the concept of affordable housing and accept some need in the village they also raise the following issues have been received:

- No evidence to demonstrate more suitable infill sites or “Brownfield” sites not available sufficient to meet limited local need;
- Other new development closer to Taunton will increase the provision of affordable housing and will be closer to facilities;
- Village already has a significant number of local authority rented houses;
- No assessment of land available in village or surrounding villages has been done to prove the need;
- Proposal which represents a 10% increase in the size of the village is excessive and out of scale/proportion to the small size of the current village which comprises' just over 220 households. It is therefore contrary to Policy H11 of the Taunton Deane Local Plan which only encourages "small" affordable housing schemes;
- Concerns that if approved the rest of the field would be built upon;
- No evidence is presented to demonstrate there is a local need for 22 affordable dwellings. Only justification for this scale is contained in the Applicant's Statement of Community Involvement where it is stated that fewer houses would not be viable and the proposal needs to be of a size that can absorb the cost of the increased length of the access road to serve the site;
- Concerns about the sustainability of developing a further 22 units in a village of this small size as the village does not have any local shops and the frequency of local buses is not good;
- The submitted draft 106 refers to the provision of 22 low cost affordable houses. If there were a local need it is likely it would be for a smaller scheme for predominantly social rented purposes;
- Tenure should be mixed so that it included some units of intermediate affordable housing. A single tenure scheme would not meet the range of needs that exist or lead to the creation of a balanced, mixed local community;
- Applicants have not specified what price ranges properties would be available at but do not consider the proposed discount of 33% open market value is sufficient for it to be affordable housing for the majority of local households;
- Proposed units are relatively small and below the Housing Corporation's minimum space standards. An RSL would therefore be unable to get any funding for the units proposed due to conflict with the Corporation's design and quality standards. The cascade referred to in the 106 would therefore be ineffective;
- Concerned about visual impact of the proposed development, as the site does not have a defensible boundary to it;
- Proposed new road to serve the development to rely upon to act as a limit to development and this will be supplemented with landscaping;

- Attractive area of orchard will need to be removed to make way for this access road so the development would therefore be very exposed and prominent until any landscaping matures contrary to Policy S1(O), S7 and EN12;
- Land is sensitive in ecological terms which include the presence of wild flowers and bats that use the site hedges. The winter walkover survey would not have identified as much biodiversity as during the summer months;
- Concerned about the impact of the nearest units (plots 4, 5 & 6) to an oak tree in the garden of number 25 Home Orchard which is covered by a Tree Preservation Order and is very close to these plots;
- Concerns about the submitted layout which is heavily dominated by the proposed access road to serve it not making efficient use of land and symptomatic that overall this is not a suitable site for the proposed development;
- Overall impression is of a poorly designed scheme, which lacks local distinctiveness and any local variety with proposed materials not of sufficient quality and do not blend in with the existing properties along Home Orchard;
- No account taken of the need for Eco-friendly buildings;
- Houses on plots 6-10 11 and 12 are very close to the boundaries of 25, 27 and 29 Home Orchard so there is potential for serious overlooking at first floor level into the homes and gardens of these properties which is unacceptable and contrary to Policy S2;
- Would lead to highway safety problems for pedestrians and vehicle users along Station Road;
- There is no continuous footpath along the entire length of Station Road as far as the School and for those children which travel to Senior School by bus at the nearest bus stop in Village Road. This would result in potential conflict between pedestrians and road users;
- Adequacy of car parking proposed for the development questioned.
- Local sewage works may need to be enlarged to serve development
- Increased surface water run-off would at present drainage problems that Palmers Green;
- Limited local employment opportunities so development will result in unsustainable commuting;
- No archaeological assessment of the site contrary to Policy S1 (C);
- Proposal does not comply will not “Design Out Crime” but could create a quick getaway opportunity is;
- No facilities for teenagers in the village and this development will add to that problem;
- Proposal would place unacceptable strains on local educational provision;
- The existing Primary School is almost full while the Senior School is over-subscribed;

One letters of support on who feels this is a much-needed development in the village.

10.0 PRINCIPAL ISSUES FOR CONSIDERATION

- A Is the proposal in line with Development Plan and National Planning Policy Guidance? POLICY

- B Is there a proven local need for the proposed development? NEED
- C Is the arrangement to secure appropriate affordable housing in perpetuity appropriate? AFFORDABILITY
- D Is the screening of the site and its landscape and wildlife impact acceptable? LANDSCAPE/WILDLIFE
- E Are the links to the highway network adequate and safe to serve the development? HIGHWAYS
- F Is adequate play and recreation space provided for within the scheme? LEISURE PROVISION
- G Is there adequate education provision provided for within the scheme? EDUCATION
- H Is there adequate provision made for the surface and foul water disposal in relation to the site? DRAINAGE
- I Is the proposal sustainable? SUSTAINABILITY

A. POLICY

The proposal for residential development needs to be assessed against the policies of the Development Plan together with central Government planning policy advice. The site lies outside the settlement limit of Hatch Beauchamp and therefore is contrary to policy of the adopted Development Plan. The question to answer in assessing the scheme therefore is does the need for affordable housing outweigh the above policy objection and are there any other policy and material considerations which would support the proposal or not.

Policy S7 of the Taunton Deane Local Plan states that outside defined settlement limits, new buildings will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and also meets certain criteria. One of these criteria is that buildings should be designed and sited to minimise landscape impact. Criteria (B) is that any proposal should accord with a specific development plan policy or proposal. The development of the site as proposed would impact on the character of the area for those existing properties opposite, this would be contrary to criterion (E).

Affordable housing schemes may be considered appropriate in the countryside in certain circumstances. This exception to the normal strict control of new residential development in the open countryside is set out in Policy H11 of the Taunton Deane Local Plan relating to rural needs housing. This policy states that small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing should not otherwise be permitted, either within or adjoining the identified limits of village and rural centres, again provided that

certain criteria are met. Such proposals will only be acceptable where there is a proven local need and environmental and other standards are met.

The number of housing units is also greater than that normally provided under the exceptions policy. The development has to be considered in terms of the identified scale of housing need and the impact of the scheme on the surrounding area and any other policies in the Local Plan.

The application has not submitted any information to demonstrate that this site is the best available site in planning terms. There are considerable local objections to the scheme on this site as well as objections from the Highway Authority and Wessex Water.

There will also be the potential for impact on a TPO tree and visual impact on the countryside.

No alternative site options have been identified in the Design and Access Statement and no needs assessment has been included.

The principle of the use of the site for housing is therefore not accepted.

B. NEED

The need for affordable housing is a planning consideration and Government policy encourages Local Planning Authorities to increase the supply of affordable housing through appropriate planning policies. The Borough Council is strongly committed to the provision of affordable housing as part of its corporate aims. One of the principal objectives of the Corporate Strategy 2006 – 2009 is to enable the building of 985 units of affordable housing between April 2006 and March 2011. The Local Plan policies reflect this commitment by seeking to meet as much of the housing need as feasible through the planning role. Government policy requires that affordable housing should include both low cost market and subsidised housing.

The Local Plan identified Hatch Beauchamp as a village with a good level of local facilities and employment with a frequent bus service to Taunton. It also suggests that there is further scope for development within the village limits.

The Housing Enabling Manager supports the need for affordable units in general.

The affordable housing targets set in the Local Plan were based upon the level of need identified in the Housing Needs Survey undertaken by Couttie Associates in 2002, which was for 131 additional affordable dwellings a year. A desk-based review carried out by the Ark Consultancy on behalf of all the Somerset local authorities in 2006 identified a fourfold increase in need to 564 dwellings per year in Taunton Deane. Although the work by Ark preceded the publication of Practice Guidance on Strategic Housing Market Assessments, and is not fully compliant with that Guidance, it nevertheless has some value in updating and re-assessing the scale of need. The Authority has commissioned further work by Fordham Research to assess the affordable housing need in the area, and this will be published later this year. However, from the evidence already available – from the Ark study,

worsening affordability, and significant growth in the Waiting List – it is clear that need has increased significantly and could be argued as acute.

C. AFFORDABILITY

The applicant has submitted the proposal for affordable housing on the basis of the need in the district. The application is supported by the Housing Enabling Manager on the basis of need in this and adjoining Parish and has requested a mixed tenure with Council nomination rights

The proposal is not accompanied by a housing needs survey and an assessment of the true need in terms of numbers and tenure breakdown is currently being undertaken by the Authority. There is clearly a general need in this and neighbouring Parishes however the application relates to purely one type of tenure on this exception site and not a mix as requested by the Housing Enabling Manager.

Paragraph 12 of the Government's 'Delivering Affordable Housing' Policy Statement states there needs to be a good mix of tenures on new developments. The current submission does not achieve this.

The proposal includes a draft 106 Agreement which seeks to secure the availability of the dwellings in perpetuity. The draft agreement requires that all the dwellings to be built pursuant to the planning permission shall be affordable dwellings. The owner of the dwellings shall not sell the freehold or let other than to a 'Qualifying Person' unless otherwise agreed in writing with the Council. A 'qualifying person' is someone who lives or works in the local area and is in housing need. The sale of the units is based on a 33% discount of the open market sale price.

There is also provision that where there is no 'qualifying person' agreeing terms to purchase, a dwelling may be offered to a 'secondary qualifying person', defined as a person who is considered to be in housing need and who has a strong local connection with the secondary locality (defined as within the District).

While it is considered that these management and nomination arrangements will ensure that, as far as is practicable, the proposed dwellings will remain affordable in the future, this relates to the sale of discounted housing only and does not secure any mix of tenure and a social rented element.

D. LANDSCAPE/WILDLIFE

The site is on agricultural land in the countryside and the site rises up to the north above road level. It will be visible from Home Orchard and Village Road properties to the east.

The Landscape Officer considers the proposal will have an impact on the landscape character of the area contrary to policy EN12 and would seriously compromise a TPO tree and provide limited mitigation

The Wildlife Report submitted with the application found no evidence of protected species on site and the conclusion identified a number of issues to protect wildlife in

general particularly in respect of the existing boundary trees and hedges which act as nesting sites for birds and potential foraging areas for bats. The Nature Conservation Officer considers the issues raised could be addressed through conditions.

Clarification on the potential impact for future residents is being sought from EHO.

E. HIGHWAYS

The highway report submitted on behalf of the applicant concludes that there will be no significant impact on the local environment from the site related traffic flows and site related traffic is not likely to exacerbate the accident situation. It is also claimed that bus links in the vicinity are good and participation in the use of public transport by residents can be encouraged by provision of vouchers to the value of £400 per unit. Such a scheme would necessitate inclusion in a legal agreement to secure its provision. The report's conclusion on the highway impact of the proposal is not supported by the majority of the local objectors.

As such the Highway Authority consider that additional traffic generated could impact on conditions of highway safety in Station Road which lacks footways and is a well used pedestrian route.

There is also concern that the general location is likely to lead to reliance on the private car which is not sustainable.

The increase in use of Station Road with conflict between vehicles and pedestrians is also considered to be a highway safety hazard and this is considered to be contrary to policy 49 of the Joint Structure Plan and the Highway Authority recommend refusal of the application.

F. LEISURE PROVISION

The Leisure Manager has identified that the proposal does not accord with Policy C4. There is an existing local play area off site and it is suggested that a sum be provided for off site use to upgrade existing facilities. It is also considered that outdoor recreation is not proposed as part of the development and that a contribution should be sought in respect of such provision also. Provision of such contributions would need to be sought through a Section 106 Agreement.

G. EDUCATION

Representations suggest under capacity at local school and the County Council advice on this aspect is awaited.

H DRAINAGE

The applicant has submitted a drainage statement with the application which identifies the site in Flood Zone 1 with the ground conditions being clay. It also states that it is intended to link the foul drainage to existing foul sewers subject to the

approval of Wessex Water. No objection to the principle of the scheme has been raised by Wessex Water.

Wessex Water considers that the 150m line should be from the boundary of the site with the proposed layout showing development approximately 120m from the northern most boundary. At this distance it is considered that there is potential for objections from future occupants to odour emissions and they have objected to the proposal

The stated preferred option for surface water is for a controlled discharge to the existing foul sewer but capacity for this is questioned.

The use of sustainable drainage systems on site may not be suitable due to ground conditions and therefore it is not considered appropriate to condition at this stage. Until adequate surface water drainage provision can be shown Wessex Water maintain their objection and this is considered a reason to resist the proposal.

I. SUSTAINABILITY

The application site lies on Greenfield land outside the settlement limit, however it does lie adjacent to the settlement boundary to the west with a gap before the boundary to the north. The Highway Authority considers the increased pedestrian use of Station Road to be unsafe and would result in the occupants of the site being reliant on the private car. This reliance on the car is not considered to be a sustainable one and undermines the suitability of the site for affordable housing.

11.0 PRINCIPAL ISSUES FOR CONSIDERATION

In summary, the proposed site lies on the edge of the existing village settlement beyond the settlement boundary and is not served by good public transport or roads with pavements. As such, it is considered that development is likely to be car reliant and non-sustainable as well as adding to highway safety dangers on Station Road. In addition, the submission does not adequately address the drainage issues and Wessex Water object. Given these issues and the fact that the need for this development in preference to other sites has not been shown, it is considered that these considerations outweigh the acute need for affordable housing and do not warrant a divergence from the policies of the Development Plan. The recommendation therefore is one of refusal.

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

CONTACT OFFICER: 356454 MR M ROBERTS (PART-TIME)

NOTES:

24/2008/002

MS L WILSON

PROPOSED SITING OF TWO MOBILE HOMES, ONE TOURING CARAVAN AND THE ERECTION OF A DAYROOM AT PLOT 1 GREEN ACRE, OXEN LANE, NORTH CURRY (PART RETENTION)

331385/124527

FULL

RECOMMENDATION

I recommend that permission be REFUSED for the following reasons: -

- 01 The proposed development by reason of its scale and appearance will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN12.
- 02 The site is located in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in policy H14 of the Taunton Deane Local Plan (as amended by the executive report dated 3rd May 2006). The Local Planning Authority consider that the proposal does not comply with criteria (B), (C), (E), (H), (I), and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H14.
- 03 The proposed development would generate significant additional traffic using the substandard junctions of Oxen Lane with Greenway and the County Highway Authority consider this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1 (A).
- 04 Oxen Lane and Greenway by reason of their lack of footway provision are considered to be unsuitable to serve as a means of access to the proposed development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy H14 (B).
- 05 The use of the site for the provision of 2 mobile homes and 1 dayroom, by reason of its scale appearance and proximity to surrounding properties, would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane, particularly those of 6 Oxen Lane, contrary to the requirements of Taunton Deane Local Plan

Policy S1(E), and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H14, (E) and (F).

06 The proposed development would create a precedent for future unauthorized and unlawful development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H14 and EN12.

If planning permission is refused Ms Wilson will become subject to the existing injunction relating to the site and could face eviction. Her personal needs and circumstances would be considered by the court as part of the appeal process and the Court could in its discretion delay eviction.

PROPOSAL

The proposal is for the retention of one mobile home and touring caravan and the provision of a further mobile home and day room on plot 1 Green Acre, Oxen Lane, North Curry.

THE SITE

The application site comprises a former agricultural field lying to the south of Oxen Lane. It lies to the south west of and beyond the settlement limit of North Curry. Agricultural fields surround it, with a row of six semi-detached dwellings located to the north west of the site. There are established hedgerows on all boundaries, except at the point of access. An access is provided off Oxen Lane with an internal spine road that runs south into the site and then forms a spine road from west to east across the site. The application site lies at the south and west of the field (in the opposite corner of the field to the access) Oxen Lane is a single track lane that joins the two main roads going west-east into North Curry at Borough Post, to the north and Greenway, to the south. The site is within an area of low vale countryside considered to be of value and zoned as a "Landscape Character Area" and is visible from the North Curry Ridge Landscape Area lying to the west of the site. The site is located on rising land and as a result it can be seen from the surrounding countryside as well as the public footpath, that runs to the south of the site, and the adjacent highways.

RELEVANT PLANNING HISTORY

24/2004/042 Change of Use of Agricultural Land to Form Permanent Gypsy Site, Including the Stationing Of 16 Mobile Homes, 16 Touring Caravans and 16 Utility Dayrooms at Land on Oxen Lane, North Curry. Permission REFUSED on 17th December, 2004. Planning and enforcement appeals DISMISSED on 26th September, 2005. 1 year for compliance with Enforcement Notice. It follows that the site should have been cleared by September 2006 and the present occupation of the site is unlawful.

The main conclusions reached by the Secretary of State in refusing planning permission and dismissing the appeals were:

- a. The existing impact on 6 Oxen Lane is severe and the proposed presence of mobile homes would add to this. The amenities of number 6 have been reduced to a level far below that which ought reasonably to be expected. Mitigation by planting would have an undesirable effect.
- b. The existing development constitutes a major encroachment into the countryside. even with landscaping it will remain conspicuous from across the valley.
- c. Access to schools and community facilities is not 'safe and convenient' as required by the local plan.
- d. The development breaches H14 (B) and (C) of the local plan and local and national policies which seek to protect the character of the countryside.
- e. Visibility at the junction of Oxen Lane and Greenway falls well short of the required 60m. The conditions are so substandard that there is a material highway objection.
- f. The six monthly counts of gypsy caravans present a reliable picture of the situation in Taunton Deane. Occupation of the Land has altered the need position.
- g. The Council failed to carry out a quantitative assessment when preparing the local plan. The local plan does not make allocations of land for gypsy sites, as it should. The failings in the local plan weigh in favour of the grant of planning permission, despite the fact that the Council has a good record of site provision.
- h. There is a need for further sites in Taunton Deane but this is difficult to quantify.
- i. There is no substantive case that all the occupants of the Land need to be accommodated on the same site.
- j. A number of children at school exhibit typical educational problems associated with their past lifestyle and the previous lack of a settle base. If the occupants have to leave the Land the children are likely to lose continuity of education and so will suffer a major disruption. This would also affect children not yet of school age.
- k. The stability of the residential base provided by the Land brings benefits to the occupants in terms of healthcare
- l. The personal circumstances of the occupants are a material consideration which lends support to the case for planning permission
- m. It is likely that the occupants would be on the roadside if there have to leave the Land. This consideration in favour of planning permission is strengthened by educational and health factors. The Secretary of State gives these issues considerable weight.
- n. It would not be appropriate to grant a temporary planning permission, given the serious planning objections to the development.
- o. In the absence of alternative sites for the occupants, dismissal of the appeals will involve a serious interference with their human rights. However the objections to the development are serious ones, which cannot be overcome by

conditions. The public interest can only be safeguarded by the refusal of planning permission

- p. Given the acknowledged difficulties of finding an alternative site and the review of gypsy accommodation needs currently underway, the compliance period in the enforcement notice should be extended to 12 months.

24/2006/038

Change of use of land for the retention of two gypsy caravans and a day room at Oxen Lane, North Curry Permission refused 7th March 2007

24/2006/046

Change of use of land for the siting of one touring caravan and one mobile home for gypsy occupation and the erection of a day room at no. 1 Greenacres, Oxen Lane, North Curry. Permission refused 7th March 2007

Appeal Lodged and inquiry completed. Decision awaited.

24/2006/047

Change of use of land for the siting of one touring caravan and one mobile home for gypsy occupation and the erection of a day room at no. 8 Greenacres, Oxen Lane, North Curry. Permission refused 7th March 2007

Appeal Lodged and inquiry completed. Decision awaited.

24/2006/048

Change of use of land for the siting of one touring caravan and one mobile home for gypsy occupation and the erection of a day room at no. 16 Greenacres, Oxen Lane, North Curry. Permission refused 7th March 2007

Appeal Lodged and inquiry completed. Decision awaited

RELEVANT PLANNING POLICY

Somerset and Exmoor National Park Joint Structure Plan Review

POLICY STR6 - Development Outside Towns, Rural Centers and Villages.

Development in the Countryside will be strictly controlled to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

POLICY 5 - Landscape Character

The distinctive character of the countryside of Somerset and the Exmoor National Park should be safeguarded for its own sake. Particular regard should be had to the distinctive features of the countryside in landscape, cultural heritage and nature conservation terms in the provision for development.

POLICY 36 - Sites For Gypsies and Travelling People

The provision of sites for gypsies and other traveling people should be made where the site is within reasonable distance of a settlement providing local services and facilities.

POLICY 49 - Transport Requirements of New Development

Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should: -

- (1) Provide access for pedestrians, people with disabilities, cyclists and public transport;
- (2) Provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and,
- (3) In the case of development, which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

Taunton Deane Local Plan

Taunton Deane Local Plan - The following policies are considered especially relevant:

S1 General Requirements

Proposals for development should ensure that:-

- (A) additional road traffic will not lead to overloading of access roads or road safety problems;
- (C) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance, which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
- (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use.

EN12 Landscape Character Areas

Development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas.

S7 Outside Settlements

Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and

- (B) accords with a specific Development Plan policy or proposal;

H14 Gypsy and Travellers sites

Outside the defined limits of settlements, sites for gypsies or non-traditional travellers will be permitted, provided that:

- (A) there is a need from those residing in or passing through the area;

- (B) there is safe and convenient access by bus, cycle or on foot to schools and other community facilities;
- (C) a landscaping scheme is provided which screens the site from outside views and takes account of residential amenity;
- (D) adequate open space is provided;
- (E) accommodation will enjoy adequate privacy and sunlight;
- (F) accommodation for incompatible groups of gypsies and/or non-traditional travellers are not mixed on the same site;
- (G) areas for business, where appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents; and
- (H) in the case of transit sites, there is convenient access to a County or National route;
- (I) the site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area;
- (J) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

Taunton Deane Borough Council noted, in an Executive Report dated 3 May 2006 – titled "providing for Gypsies and Travellers", that Circular 01/2006 altered the approach to the provision and assessment of gypsy and traveller sites nationally.

In order to address these alterations the Executive agreed that whilst all proposals will still need to be assessed in terms of Policy H14 of the Taunton Deane Local Plan, the criteria that are applied may need to be considered in a more flexible way where an identified need has been established. The fact that a site may be in an area with a landscape, wildlife or conservation designation should no longer in itself be a reason for refusal, unless it can be demonstrated that the development would undermine the objectives of that designation. A more flexible approach should also be taken in terms of distance to local facilities. Whilst sites immediately adjoining settlements may best meet sustainability criteria they can also give rise to other problems, particularly in relation to impact upon residential amenity.

The report also acknowledged that Circular 01/2006 states that large-scale gypsy sites should not dominate existing communities. As a result, in implementing policy H14, the relative size of any proposed site in relation to nearby settlements must be taken into account as a material planning consideration.

RELEVANT CENTRAL GOVERNMENT GUIDANCE

Up to date Government advice is contained within ODPM Circular 01/2006 of particular relevance are paragraphs referred to below

Paragraph 4

This circular will help to promote good community relations at a local level, and avoid the conflict and controversy associated with unauthorized developments and encampments

Paragraph 12 The Circular's main intentions are;

- (a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
- (b) to reduce the number of unauthorized encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;
- (c) to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3-5 years;
- (d) to recognize, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
- (e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- (f) to identify and make provision for the resultant land and accommodation requirements;
- (g) to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- (h) to promote more private gypsy and traveller site - provision in appropriate locations through the planning system, while recognizing that there will always be - those who cannot provide their own sites; and
- (i) to help to avoid gypsies and travellers becoming homeless through eviction from, unauthorized sites without an alternative to move to.

Paragraph 19

A more settled existence can prove beneficial to some gypsies and travellers in terms of access to health and education services and employment and can contribute to a greater integration and social inclusion within the local community. Nevertheless the ability to travel remains an important part of their culture. Some communities of gypsies and travellers live in extended family groups and often travel as such. This is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.

Circular 1/2006 requires all local planning authorities to carry out Gypsies and Travellers Accommodation Assessment (GTAAAs) to ascertain the need for pitches in their districts. This must then be submitted to the relevant regional authority. The regional authority will use the information from the GTAAAs to impose quotas of gypsy pitches on all the districts in the region. Each district will be obliged to allocate sufficient land in their Development Plan Documents (DPDs) to meet its quota. The circular contemplates that this process will lead to the provision of an adequate number of gypsy sites.

The circular sets out 'transitional arrangements' to govern the consideration of new pitches before quotas are imposed by the relevant regional authority (paragraphs 41-46). In certain circumstances it may be necessary for local planning authorities to make allocations in this period. Further, in districts where there is a clear need for additional sites and a likelihood that allocations will be made within a defined period, it may be appropriate to grant temporary planning permissions for gypsy sites.

Paragraph 48

In applying rural exception site policy, local planning authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection.

Paragraph 53

Local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites.

Paragraph 54

Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the Local infrastructure.

Paragraph 60

In particular questions of road access, the availability of services, potential conflict with statutory undertakers or agricultural interests and any significant environmental impacts should be resolved at the earliest opportunity.

REGIONAL SPATIAL STRATEGY (RSS)

The Regional Spatial Strategy (RSS) is formulated by the Regional Assembly and will be responsible for deciding the amount of provision within each district for additional gypsy and traveller sites.

In April 2006 the Regional Assembly published a draft RSS of which paragraph 6.1.1.13 states 'at the time of publication of the draft RSS the Regional Planning Board was of the view that there was not sufficiently robust information available on which to establish district level numbers and that it was necessary to establish

transitional arrangements in accordance with C1/2006 and that there will be an early review of the draft RSS 'to fully implement the Government's requirements' (i.e. to impose quotas).'

For the South West, this regional context can be summarized as follows:-

- The extent of existing provision in the region is approximately 550.
- The following parts of the region have relatively high numbers of unauthorized sites; South Gloucestershire, City of Bristol and North Somerset, Unitary Authority areas, and parts of Devon, Gloucestershire and Dorset counties.
- An interim estimate of the additional pitch requirements at regional level is about 1,100 pitches, which will be used to monitor delivery in LDDs.

Regarding pitch requirements, the indicative regional figure set out above will serve as a monitoring basis until local authorities have completed their needs assessments and are able to provide a more comprehensive position for site requirements. It is anticipated that all local authorities in the region will have completed their GTAAs in 2007, and it is hoped a single-issue review of the Draft RSS can be completed in step with this.

The partial revision of the RSS to review additional pitch requirements, referred to in the Draft RSS, has made significant progress and has now completed its Examination in Public. The EiP Panel's report is due in May (this will be updated if the report is issued prior to the committee date). This report will specify additional pitch requirements to 2011 for Unitary Authority and District Council areas. The Draft Review identified a requirement for 17 additional pitches in Taunton Deane, although it is anticipated that this may be increased to around 20, taking into account a need for existing gypsy pitches to expand. To date, 10 new pitches have been permitted in the Borough since the start of the RSS period in 2006.

GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT (GTAA)

PPS3 tasks local authorities with ensuring that everyone has access to a decent home, and Circular 01/2006 requires them to undertake Gypsy and Traveller Accommodation Assessments (GTAA) in their areas, to assess the scale of need and identify pitch requirements. The information produced is to inform the preparation of Regional Spatial Strategies, which will identify the number of pitches required for each local planning authority, and the preparation of Development Plan Documents.

An assessment of accommodation needs was undertaken by the Ark consultancy in 2005 for all the Somerset local authorities, but it pre-dated the Government guidance on the preparation of GTAAs. Consequently it was not fully compliant with the guidance, and did not produce a specific recommendation for the number of additional pitches required. Since then, in order to have an input to the preparation of proposals for gypsy and traveller needs in the RSS, an estimate of pitch requirements has been made. This was made by officers of the County and District Councils and representatives of the Gypsy and Traveller communities. It identified a need for 17 additional pitches. However, it is recognised that the figure produced

was an interim estimate, and that further detailed work is required as a matter of priority to properly assess the situation and inform the preparation of the Local Development Framework

Work is due to start on the updated GTAA in the near future. Its results will inform the preparation of the Council's LDF, including any need which may exist for the identification of new sites.

CONSULTATIONS

COUNTY HIGHWAY AUTHORITY views awaited

GYPSY LIAISON OFFICER It is still my opinion that Oxen Lane, North Curry is by definition an unauthorised development in an inappropriate location.

At the present time there are no vacancies on any of the authorised Local Authority sites.

In the recent Gypsy and Travellers Accommodation Needs Survey, Taunton Deane accepted that a total of six pitches were needed immediately to relocate the families on this site.

Somerset County Council has identified to the Deane two sections of land owned by the County Council, which could be leased to the District Council as possible sites. I am also informed that the applicants have identified over 20 possible locations, which could be developed as sites.

Under existing legislation it is the responsibility of the District Council to address accommodation applications from Gypsies and Travellers and both the District and the County Council are working together to address this difficult issue.

CHIEF FIRE OFFICER the details of the proposals have been examined and the following observations are made:

1. Access for Appliances

Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

2. 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.

3. The Regulatory Reform (Fire Safety) Order 2005

This authority will be responsible for enforcement of the above legislation relating to any communal buildings on this site. Applicants should be directed as set out below. For technical detail and guidance you are strongly advised to obtain the appropriate publication that has been published by HM Government, details of these publications are available at <http://www.communities.gov.uk> for purchase or free download. When purchasing or installing equipment, compliance with the relevant British Standard is normally taken as being adequate. Should the issues set out in this report require major changes or costs then you are advised to take professional advice before proceeding.

SOCIAL SERVICES no views received

WESSEX WATER The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

According to our records, there is a public foul sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

There are no public surface water sewers in the vicinity of the site; it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. However for capacity reasons, it should be noted that connection would need to be made to the 150mm PVC main that crosses Oxen Lane near Borough Post, and not to the main to the rear of numbers 1 - 6 Oxen Lane. In addition no connection is to be made to the 800mm spine main to the north of Oxen Lane.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

the site is in a mains water and foul sewered area, the developer should contact Wessex Water to agree details of any connection. Taunton Deane should ensure that the surface water drainage details are acceptable

ENVIRONMENT AGENCY no objection to previous proposals

LANDSCAPE OFFICER this is one of the most prominent plots on the site and in my opinion would be detrimental to the landscape character of the area.

POLICY views awaited

ENVIRONMENTAL HEALTH OFFICER previous views: - The applicant should be advised that suitable and satisfactory drainage provision shall be made. With respect to the proposed use of the existing septic tank the applicant shall ensure that the septic tank systems capacity is satisfactory to provide drainage for the maximum likely numbers of occupants of the property.

HOUSING OFFICER no comments

DRAINAGE OFFICER tests should be carried out to ensure the required lengths of subsurface drainage are provided. Details of the surface water drainage should be a condition of any approval.

NORTH CURRY PARISH COUNCIL strongly objects to the proposal for the following reasons: -

1. The plot was the subject of a previous Planning Application 24/2004/042, permission for which was refused by Taunton Deane Borough Council on 16th December 2004. That decision was the subject of an Appeal resulting in an inquiry being undertaken in June 2005. As a result of that Inquiry the Inspector's Report dated 19th July 2005 recommended that the Appeal be dismissed and that the Enforcement Notice be upheld. In September 2005 the Secretary of State upheld the Inspector's recommendation.

2. The impact of the proposed development on the outlook from 6 Oxen Lane and its attractive rear/side garden is severe. The visual amenities of the occupants at 6 Oxen Lane have been reduced to a level far below that which ought reasonably to be expected. The impact could be mitigated by landscaping / planting. However, such new planting that would be required to supplement the existing boundary growth, would need to be substantial and once matured this would be likely to enclose 6 Oxen Lane to such a degree as to have in itself an undesirably oppressive effect on the enjoyment of this house and its garden. This is not therefore an appropriate option. The occupants of both Nos.5 and No.6 Oxen Lane also raise strong objection on account of noise disturbance caused by dogs barking, music being played from vehicles, additional traffic and shouting.

3. The development of this site amounts to a major encroachment into the countryside. Although not given any specific landscape protection this is an attractive location, open to view from the A378 / public footpaths across the valley on the slopes of the Fivehead Ridge. The impact of the development from this direction, exacerbated by the gradual slope of the appeal land up towards the west, is significant. The development even with additional planting / landscaping would be likely to remain conspicuous from across the valley.

4. There is a fundamental conflict with SP Policy 5, which seeks to safeguard the distinctive character of the countryside for its own sake, and a failure to meet TDLP Policies S1 (D) and H14(C). The development, moreover, is and would be inconsistent with the requirement under TDLP Policy EN12 that proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas, with EN1 of RPG10 which seeks to protect the character of the countryside and with the related national guidance in PPS7 seeking the protection of the countryside for its own intrinsic character and beauty.

5. The Parish Council contend that if permission is granted for this application, it would be very difficult to control any further incursions of caravans onto the rest of the site.

6. The applicant moved her mobile home onto the Oxen Lane site on 11th January, since that time and up until today's date (28th February 2008) she has only spent two single separate nights on the site, indicating a lack of need.

7. As this is an application from a totally new person not mentioned on any of the previous enforcement notices, the Parish Council feel this application should not even have been accepted.

The Parish Council contends that the reasons outlined in the Inspector's recommendation to dismiss the earlier Appeal still hold good in respect of this application.

REPRESENTATIONS

67 representations have been received raising the following points: -

- This site has had the full consideration of the First Secretary of State and planning permission was refused for the occupation of this site.
- The applicant's occupation of this site was contrary to an existing High Court Injunction and a mobile home should never have been brought onto the site and its continued presence should not be tolerated.
- If planning permission is granted for this gypsy it would create a precedent whereby it would be impossible to control further occupation of the site
- Occupation of the site will lead to pollution of the area by noise, waste and light.
- The occupation has lead to increased noise from Quad bikes during evenings and weekends, dogs barking at all hours of the day and night.
- If planning permission were granted for this plot then the majority of the site would remain unaltered as it is situated to the far south west of the site and the whole of the access would need to be retained in order to gain access. This would be likely to lead to a gradual infill of the other pitches over time.
- Oxen Lane is an unclassified single track Lane without a footpath and the additional use is detrimental to highway safety
- Horse riders, cyclists, dog walkers and children use oxen Lane; the increase amount of traffic going to and from the site is detrimental to highway safety.
- The increased use of the junctions especially at Borough Post, with their poor visibility, at either end of Oxen Lane is detrimental to highway safety
- The increased use of the field access is dangerous to highway safety
- increase amount of traffic going to and from the site is detrimental to highway safety and is contrary to Somerset and Exmoor Structure Plan policy 49 and Taunton Deane Local Plan policy H14 (b).
- The additional use of Oxen Lane has resulted in vehicles passing without adequate space causing a widening of the Lane and impact on visual amenity of the area as well as highway safety.
- In winter runoff from the field through the gateway has lead to ice over the road additional run off from the site now that it has been hard surfaced with access tracks is likely to make this worse and it would become even more dangerous.

- Septic tanks have been installed adjacent to residential boundaries, have these been checked to make sure they do not cause pollution down slope to other agricultural and residential properties.
- The Secretary of State has already refused planning permission for this use and this application is exploiting a loophole in the law.
- The use sets an undesirable precedent for similar unauthorised encampments within the area
- This site has been illegally occupied since October 2004 and this application represents another attempt to delay proceedings.
- Approval of this application will open the site up and encourage further unauthorised occupation
- This represents breaking of planning laws.
- Nobody should be allowed to break the law no matter what their rank, race, or creed
- Existing residents would not be allowed to act in this way.
- Under Article 8 of the Human Rights Act there is an equal right to respect for private and family life and this includes the rights of existing residents whose lives have been detrimentally affected by this proposal.
- The unauthorised site has had a detrimental impact of the visual amenity of the area. The site, on high ground can be seen from the local and wider area as a detrimental incursion into this area, the occupation of the site is detrimental to the character of the Landscape Character Area and Currel Rivel Ridge.
- The caravans and occupants of the site overlook the existing residential properties and this is detrimental to the privacy and amenity of existing residents.
- Dogs are allowed to roam freely in the surrounding fields and residential gardens with no one attempting to keep them within the site.
- The site is located outside of the settlement limits of North Curry where new residential development is not permitted. The proposal is contrary to the requirements of Taunton Deane Local Plan policies S1, S2 and S&.
- The police raids further affect the amenity of existing residents.
- Activities on site and armed police visits have resulted in a fear of further crime and disorder.
- The occupation of this site, an agricultural field in the midst of the open countryside will be detrimental to the existing wildlife of the area
- The occupation alters the site character from agricultural to domestic.
- There has been an accumulation of waste in hedges around the site.
- The occupation has a detrimental impact on the character of the North Curry Ridge landscape character area from near and far views.
- Since the unauthorised occupation three years ago no planting has taken place around/in the site and it remains as big an eyesore as ever.
- North Curry already has a good provision of authorised gypsy sites within the parish and additional units will result in a disproportionate level of gypsy occupation.
- There are already Gypsy sites in the area with vacancies.
- The mobile homes and buildings are out of character with the existing development of the area.
- Since the unauthorised occupation there has been such a breakdown in

relations between the settled community and the occupants of the site due to the activities of those on site that integration between the two sets of people is now impossible.

- The school is at capacity. Mobile classrooms do not answer as this reduces the play and admin areas at the school.
- The health centre facilities will be stretched by the additional demand.

WARD COUNCILLOR

I wish to object strongly to yet another Gypsy site application on this site. Previous applications have been refused and the first appeal was also refused as a result of a public inquiry. The reasons why this site is not suitable are the same as the previous applications. The vehicle access to the site is very poor and dangerous, especially at the junction between Oxen Lane and Greenway; the site is in open countryside where the development is against normal planning policy and the caravans etc are a blot on the landscape. The site at Oxen Lane is recognised in the previous inspectors report as being much bigger than any studies of gypsy need have shown a demand for. If even a single permission is granted then it is inevitable that the whole of the site would eventually be filled with vans, authorised or unauthorised. This would have a very negative impact on North Curry, especially the school, the health centre and the level of unsocial activity in the village. Police reports over the last 3 years indicate how many incidents of disorder there have been since the site was occupied and adjacent residents have been badly affected as a result. The application should be refused in line with previous decisions.

PRINCIPAL ISSUES FOR CONSIDERATION

THE SECRETARY OF STATE'S DECISION

POLICY

HIGHWAYS

IMPACT ON PRIVACY AND RESIDENTIAL AMENITY

IMPACT ON THE LANDSCAPE

SUSTAINABILITY

PRECEDENT

HARDSHIP/PERSONAL CIRCUMSTANCES

GENERAL NEED/AVAILABILITY OF OTHER SITES

INTERFERENCE WITH ARTICLE 8 RIGHT AND JUSTIFICATIONS

THE SECRETARY OF STATE'S DECISION

The appeal proposal, considered by the Inspector and First Secretary of State, was for the permanent use of land to form permanent gypsy site, including the stationing of 16 mobile homes, 16 touring caravans and 16 utility dayrooms.

At the time of the Inquiry there were caravans stationed on all plots although plots 6, 10,11,13,14 were unoccupied. All the appellants were resident at the time. Currently plot1 is occupied by the applicant, Ms Wilson, plots 8, 15 and 16 are occupied by the appellants, plot 9 is occupied by Mr Dolan and plot 7 is intermittently occupied by Ms O'Neil. The rest of the site remains empty.

At the time of the first appeal it is clear that the Inspector and the Secretary of State considered the impact of the development in existence at the time of the inquiry (i.e. the development enforced against) to be unacceptable: their conclusions were not confined to the proposed full development of the site. (In any event, officers fear that if planning permission is granted for the present plots, this will lead to further development on the site, see below).

In these circumstances officers consider that the findings of the Inspector/Secretary of State on the following matters are still relevant:

- Impact on residential amenity (it is quite clear that no. 6 Oxen Lane continues to suffer unacceptable harm to residential amenity, see below);
- Encroachment of existing development into the countryside (due to the siting of plot 1 the degree of actual encroachment is much the same);
- Access to schools and community facilities (this remains unsafe as there continues to be no footways);
- Breach of countryside policy (see below);
- Visibility at junction of Oxen Lane and Greenway (this has not changed). The conclusions of the Inspector and the Secretary of State were not predicated on any particular level of usage;

I consider that main considerations that are different from those at the time of the appeal are: -

- 1) The balance of the personal need of the applicant, Mrs Wilson, to remain on the site against the recognised objections to the occupation of the site.
- 2) The identified need for sites within Taunton Deane as quantified by the GTAA work.

The Secretary of State's decision was based on the absence of a quantitative assessment of need for gypsy pitches within Somerset and district of Taunton Deane.

The decision acknowledged that there were no alternative sites to accommodate the appellants and recognition that if the enforcement notice were to be upheld the occupants would probably be on the roadside. To this extent this position has changed in the Council's favour. The Council has carried out substantial work to assess the existing level of need in the area (the work predated and does not completely conform to the Government's guidance on GTAA's) but it is clear that the need to 2011 is relatively small, in the region of 17 pitches of which 8 have already been provided. Since Circular 1/2006, the Council has shown a willingness to grant planning permissions for new gypsy sites (see below).

Overall officers considered that the following conclusions of the Secretary of State remain sound:

- That the planning objections to this site are so great that use by gypsies must be ended even if this means that the occupants have to live on the roadside;
- Requiring the occupants to leave the land would be a justified interference with the applicants' A8 rights;

POLICY

The development plan contains policies at Structure and Local Plan level for the provision of gypsy sites within Taunton Deane. Policy H14 governs the development of gypsy and traveller sites. The council has decided that it is appropriate to apply this policy in a flexible manner, given the provision of C1/2006 which indicate that planning permission should not be refused because gypsies do not have a local connection, that local landscape designations should not be used as the basis for refusing planning permission of gypsy sites and that a less restrictive approach should be taken to questions of access to local services etc

Policy H14 lists 9 criteria that need to be satisfied:

1. 'There is a need from those residing or passing through the area'. Circular 1/2006 accepts that changes in the working patterns of gypsies may result in a need for sites that are in different locations from those of the past. In this context the links to an area have become less important. The advice goes on to state. 'LPA should not refuse planning permission solely because the applicant has no local connection'. Of the 6 applicants only 1 family had a family link to north curry and the immediate area and 2 others had a link to Somerset before occupation of the oxen lane site. The others have not listed any prior local connections.

2. 'Safe and convenient access by bus, cycle or on foot to schools and other community facilities'. Whilst the council cannot now insist on close proximity to such services, I do not consider that it is intended to encourage use that would be dangerous to users. In this case the site is located approximately 260km from the settlement in greenway and 400 m from the village hall/school. Access to the village is along unlit country lanes without any footpaths. In the previous planning appeal The Secretary of State considered that the use of the highway, which has no footpath or speed restriction "cannot be described as safe and convenient" and in this respect I consider that the current proposal is contrary to highway safety and criteria 2 of policy H14.

3. 'A landscaping scheme has been provided which screens the site from outside views and take account of residential amenity. The appeal decision recognized the harm to the surrounding landscape and character of the area. The applicant has not proposed any landscaping for the site. The landscape Officer comments that plot 1 is one of the most prominent on the site and I consider that the retention of the Mobile home and provision of additional mobile homes and a day room would be contrary to these criteria.

4. 'Adequate open space is provided'. A principal feature of this development is the huge size of the plots, extending to about 1/3 of an acre each. While the policy does not include a measure of 'adequate open space' so that the assessment has to be subjective, I consider that there would be adequate open space within plot 1.

5. 'Accommodation will enjoy adequate privacy and sunlight'. The plot measures 70m x 24m approx laid out on the far west of the larger site. As such there is abundant sunlight available to each plot. At present there are post and rail fences separating the plots and this would not provide for any privacy to occupants within

the site. Around the edge of the site are native hedgerows forming a boundary with the adjoining agricultural land. I consider that the hedge boundary with the fields would require support planting to provide adequate levels of privacy from the west. In the northeastern corner of the site are two storey dwellings; the patio and upper windows of these properties (particularly those of no. 6 Oxen Lane) overlook the whole site. As a result of the above considerations I do not consider that the proposed site offers adequate privacy for the occupants of the site. More to the point the development involves a severe impact on the privacy and amenity of the residents of existing dwellings.

6. 'Areas for business are provided with separation from accommodation to allow for the safety and amenity of residents'. There have been no areas of land allocated for business use on this plot. I consider that any business uses on this plot is likely to result in disturbance to other residents on the site and residents adjacent to the site.

7. 'The site is not within an area of outstanding natural beauty or a site of special scientific interest, or would harm the special environmental importance of any other protected area'. This criterion has been relaxed due to Circular 1/2006 to allow such sites to come forward provided there is no harm to those areas. In this case the site has no specific national protection. However the site does lie within a locally designated landscape character area. This character is valued for its low vale characteristics with a patchwork of fields typically bounded by hedgerows with standard of oak and ash with pockets of broadleaved woodlands and orchards. The landscape officer has confirmed that the proposal will be obtrusive in this landscape and detrimental to those qualities.

8. 'Adequate fencing, capable of preventing nuisance to neighboring areas, is provided'. The application does not contain details of any proposed fencing. Due to the overlooking of the site by residents of existing residential properties, exacerbated by differences in ground levels between plot 1 and Oxen lane, I do not consider that adequate fencing could be provided to avoid nuisance to those existing residents. Furthermore, due to the visual prominence of the site, I consider that the erection of additional fencing in and around the plot would be detrimental to the character of the area. In conclusion I do not consider that the proposed site conforms to Taunton Deane Local Plan Policy H14 in this respect.

In conclusion and for the reasons set out above, I do not consider that the proposal complies with the criteria b, c, e, h, i and j set out in Taunton Deane Local Plan Policy H14.

HIGHWAYS

The County Highway authority views are still awaited for this application however I consider that they are unlikely to alter from their views on similar applications elsewhere on the site in 2006 for this reason I reiterate the comments in the previous reports.

The application site is located to the west of North Curry. It is accessed from the main A378 road (that lies to the west of North Curry) via 2 country lanes. The first

lies to the south west of the settlement and passes through the hamlet of Lillesden on its route to North Curry (adjacent to North Curry it is known as Windmill Hill) and the other lies to the south of North Curry passing through Newport on its route to North Curry (known as Greenway). Both of these roads are sub standard with no footpaths for pedestrians. These roads converge near the centre of North Curry. The application site is accessed off Oxen Lane, an unclassified lane, approximately 400m to the south of North Curry that runs between Windmill Hill and Greenway. In accordance with the access requirements of the County Highway Authority, the site access should provide 4.5m x 60m visibility splays in each direction. The current site access provides a visibility distance of 60m in one direction but only 3m in the other direction. Whilst this is substandard, the County Highway Authority considers that, as Oxen Lane is only lightly trafficked; the proposed use of the site access would be acceptable from a highway point of view. In contrast the County Highway Authority considers that the visibility at the junctions of Oxen Lane with Windmill Hill to the north and Greenway to the south, are severely substandard. In their opinion, the continued occupation of the site by the 6 applicants is likely to result in several vehicle movements from each mobile home per day still resulting in significant additional traffic using those junctions which would be prejudicial to highway safety, contrary to the requirements of the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1. Officers acknowledge that the Inspector and the Secretary of State found that additional usage of the junction between Oxen Lane and Windmill Hill would not be prejudicial to highway safety and so, although concerned about its safety would not propose to place reliance on this as a reason for refusal.

PRIVACY AND RESIDENTIAL AMENITY

The application plot lies 36m to the south of 6 Oxen Lane at a ground level significantly below the ground level of 6 Oxen Lane. Taunton Deane Local Plan Policy H14 criteria (C) require that levels of existing and proposed residential privacy is adequate as the result of development and Policy S1 criteria (E) and (F) requires the protection of the privacy and residential amenity of existing and proposed residents. The windows and garden area of 6 Oxen Lane are raised above the application site and overlook the whole site. In his decision on the provision of 16 caravans etc, the Secretary of State considered that the impact of the development on the outlook and visual amenities of 6 Oxen Lane was severe and that additional caravans and dayrooms (i.e. From 8-16 caravans plus dayrooms) would add to that harm. I consider that the occupation of plot 1, with the differences in ground level, results in a significant reduction in the outlook, privacy and amenity of the occupants of 6 Oxen Lane. I also consider that the relationship between the site and 6 Oxen Lane results in a detrimental impact on level of privacy and amenity of the applicant. In addition the occupation of the plot is likely to result in an increased level of noise and disturbance likely to have a detrimental impact on the amenity of nearby residents contrary to the requirements of this policy. I therefore consider that the proposals are contrary to Local Plan Policies H14 and S1.

IMPACT ON THE LANDSCAPE

The site is located in an area of open countryside whose character is recognized in the local plan as special and worthy of retention and protection. Taunton Deane Local Plan policy EN12 requires this proposal to be sensitively sited and designed to respect the low vale character of the North Curry Ridge landscape character area. As stated previously, this site lies on rising ground and is open to local and distant views. The linear formation of plots, including plot 1, along with the erection of fencing and the siting of mobile homes, caravans and day rooms is completely out of character with the area. This is especially evident in views from the foothills of and road along the Fivehead Ridge, where the site stands out in contrast to its agricultural setting. There is no proposed landscaping scheme and any additional planting of the scale to screen the development would be out of keeping with the character of the area. I therefore consider that the proposal is contrary to the requirements of Taunton Deane Local Plan Policy EN12.

SUSTAINABILITY

The site is located in a location outside of the settlement limits of a recognized settlement in an area of open countryside with isolated pockets of development. The site is in walking distance of North Curry but the roads do not have footpaths and their use would be dangerous. It is therefore likely that the private car would undertake most trips to North Curry or Taunton. In this case it is accepted that gypsy sites are often in such locations and, due to the need to provide exceptional accommodation for them, non-sustainable location, such as this, are considered acceptable in principle.

PRECEDENT

The field has been divided by a central access drive from west to east across the site and 8 plots laid out to the north and south of the drive forming a total of 16 plots. The applicant has stated that she is the owner of plot 1. I understand that the remaining 15 plots are also in separate ownership. Caravans remain on most of the 16 plots. The application plot is located in the far south west of the site and would require the retention of the whole of the central access drive in order to access the plot. Since the unauthorized occupation in October 2004, there has been general activity on the site, including the unauthorized occupation of a number of the plots that the existing occupants have been unable to control. I consider that, if planning permission were to be granted for this plot, it is likely that additional unauthorized occupation would ensue. Occupation that would result in a long-term use of the site contrary to planning policy and the amenity of existing residents in Oxen Lane, as supported by the Planning Inspector and Secretary of State. The prospect of this is a material consideration, even if it were to take place without planning permission.

HARDSHIP/PERSONAL CIRCUMSTANCES

Plot 1 currently provides a home for Ms Wilson, her two year old child and a second baby, born prematurely and still in hospital, will be joining them on the site in the future. Ms Wilson states that it she has led a travelling lifestyle with her father and has no alternative, permanent site to stop, she will become homeless if planning permission is refused. In addition Ms Wilson wants a settled base from which to

raise her two children enabling them to have settled base and a proper education. Whilst Ms Wilson claims friends and family within the area, no evidence of these links has been forthcoming to date. Currently Ms Wilson is having serious medical treatment at Musgrove Hospital and needs a settled base whilst this is being completed.

In terms of education Somerset County Council, offers an education service for Gypsy children specifically designed to accommodate them wherever they stop within the County. In this respect I do not consider that there are any particular educational needs for Ms Wilson to settle on the current site contrary to the policy objections to her continues occupation of the plot.

Ms Wilson has special medical needs that require a settled base for the completion of treatment. I do not consider that this need means that Ms Wilson must remain on this particular site, with its planning history and recognised planning harm but I do consider that she should be encouraged to move to a permanent site elsewhere in the district to enable continuity of the care she receives. At present Ms Wilson has no intention of applying for an alternative permanent site on County or District run sites. Neither does she intend to put her name on the housing waiting list for an alternative pitch until she has a final outcome for this site.

I accept that under Circular 1/2006 Ms Wilson has no current permanent site and therefore has an unmet need for a pitch and that this need may have to be met in the Taunton Deane area.

The Local Planning Authority has a duty to weigh Ms Wilson's need against the planning policies and harm caused by her unauthorized occupation of the plot. In so doing I take account of the Secretary of State's appeal decision against such occupation and determine that Ms Wilson's need is not sufficient to weigh in favour of her continued occupation of plot 1 Oxen Lane.

GENERAL NEED/AVAILABILITY OF OTHER SITES

The position in summary is that the District has a high level of existing provision, that the Council has shown a willingness to grant planning permission for additional pitches, that apart from the occupation of the Oxen Lane land, the need for additional pitches is low. The position in terms of provision of sites for gypsy occupation is now clearer than during the public inquiry.

Present level of provision/unlawful development.

In July 2007, the County of Somerset had 327 gypsy caravans on authorized sites, a mixture of privately/ publicly owned/run sites. Of these, 122 are within the Taunton Deane Borough and 40 of these are within the parish of North Curry (including a transit site with 16 caravans). I include a list of sites within Taunton Deane showing both the number of caravans permitted under the relevant planning permission and the number of caravans actually observed on the count day in January 2007

With permission on site January 2007

On Site

1.	Stoneyhead	25 permanent caravans/mobile homes; 20	6
----	------------	----------------------------------------	---

		transit caravans and 16 transit	
2.	Longacre	2 pitches permissions now 5 caravans	5
3.	Lords Wood	4 mobile homes ownership now 6 vans with permission	6
4.	Newport	Gypsy family (2 mobile homes/2 caravans)	5
5.	Greenway	1 family caravan	1
6.	West Hatch	Up to 8 mobile homes caravans (resolution to grant permission)	21
7.	Fosgrove	2 mobile home	1
8.	Dodhill	2 mobile homes	1
9.	Park View, Milverton	1 mobile home	1
10.	Pitt Farm	5 caravans	3
11.	Highview	2 caravans	4
12.	Two Acres Ford Street	2 caravans	
13.	Lodge Copse	3 caravans	3
14.	Upcott	2 caravans	3
15.	Otterford (1)	29 caravans	27
16.	Otterford (2)	3 caravans	
17.	Brimley Cross	3 caravan	3
18.	Hillfarance	1 caravan	1

Site with temporary permission

19. Otterford (2) 3 caravans

Site Occupied without Planning Permission

20. Oxen Lane
21. Cotford St Luke

It can be seen that there is planning permission for a total of 91 caravans. Of these planning permission for 6 caravans has been granted since the Oxen Lane inquiry, as follows, Long Acre (2 extra) and Otterford (3new pitches, unoccupied at present) and Hillfarance (one caravan). This illustrates that, as an authority, Taunton Deane are keen to enable private provision of sites wherever possible.

These planning permissions were largely granted to gypsy families already unlawfully in Taunton Deane so as to enable their needs to be met and area the result of the more flexible application of H14 referred to above. (See Appendix 1 for map of above sites).

Unlawful development

Apart from the occupation of the site at Oxen Lane there are relatively few unlawful gypsy caravans in Taunton Deane. Leaving aside Oxen Lane, on the January count day there were 5 caravans passing through the area and stopped in a lay by at Shoreditch Road. There is also an unlawful pitch at Cotford St Luke. There are currently two names for pitches listed on the Taunton Deane housing waiting list.

Work currently being undertaken

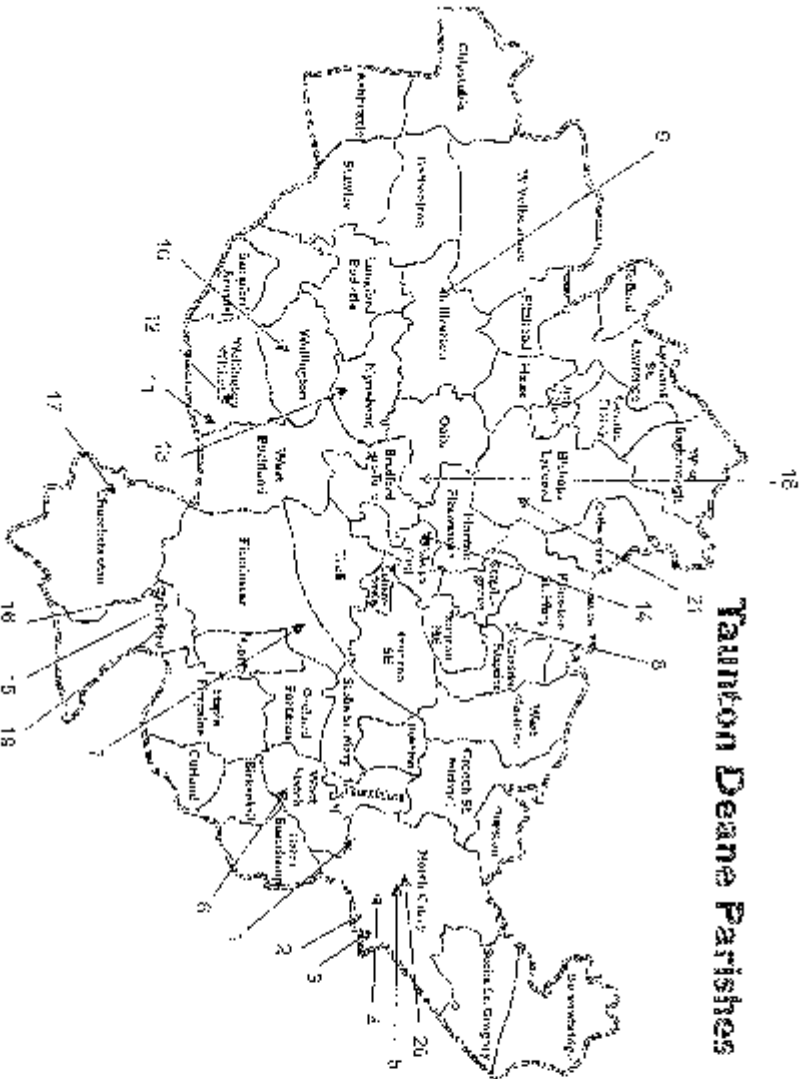
Consistently with the general approach of seeking to meet the needs of gypsies in Taunton Deane, the council has set up a working group to look at the allocation of sites to provide accommodation for gypsies and travellers and their priority has been to find sites for the current identified need. This work is on going but to date no sites are available. Prospects of being able to enable the provide such pitches in the future has been greatly improved by the receipt of monies from Central Government and Taunton Deane for the purchase of sites.

In addition, the County Council has agreed that any land in its ownership, which becomes surplus to requirements will be referred to the Borough Council for assessment as a potential gypsy site.

INTERFERENCE WITH ARTICLE 8 RIGHT AND JUSTIFICATIONS

The site provides a home for Ms Wilson. A refusal of planning permission will involve an interference with her Article 8 rights. Members will need to consider whether this interference is justified within Article 8(2). In the appeal against the unauthorized occupation the Secretary of State considered that the interference in those occupants rights was justified because of the public interest in ending the harm caused by the development. I have considered the current personal circumstances of the applicant. I accept that Ms Wilson has a need for a permanent site but in weighing this consideration against the harm caused by this occupation I consider that such interference is also justified in this case.

APPENDIX



Taunton Deane Parishes

Sites with Planning Permission	
1	Stoneyhead (transit)
2	Lengacre
3	Lords Wood
4	Newport
5	Greenway
6	West Hatch
7	Fozgova
8	Erdnill Green
9	Park View, Milbourn
10	Pitt Farm
11	High View, Ford Street
12	Two Acres, Ford Street
13	Rudge Copse
14	Upcott, Bishop Hill
15	Oderford (1)
16	Oderford (2) (Danesfield)
17	Brimley Cross
18	Milfarsons
Site with Temporary Planning Permission	
19	Oderford (3)
Site Occupied without Planning Permission	
20	Oxun Lane
21	Cottford St Luke

CONCLUSION

The Secretary of State refused the principles of the change of use of this field to 16 pitches for the stationing of caravans on appeal in September 2005. The current application by Ms Wilson is for the retention of a mobile home and the stationing of an additional mobile home, touring caravan and day room on the site. This represents a reduction in the level of accommodation on the whole field and this will lessen, to a degree, the detrimental effects of the development on the environment. I consider that the relationship between Ms Wilson on plot 1 and the residents Oxen Lane (especially those at number 6) is poor resulting in unacceptable levels of overlooking for existing residents, detrimental to the amenity and privacy of residents and is likely to result in additional disturbance due lighting, noise and out door domestic activities associated with any residential occupation. Taunton Deane Borough Council have shown, through their granting of permissions since circular1/2006, that they are prepared to regularise unauthorised encampments where possible but on this occasion, I consider that the impact on the neighbours is of sufficient weight to override the need for Ms Wilson to occupy the site. Circular 1/2006 emphasises the desire to create good community relations, the history of the occupation of this site and the manner of the occupation appear to make this difficult if not impossible in the future.

In terms of the impact of this proposal on highway and landscape, the traffic associated with the use of Ms Wilson's plot alone does lessen the impact of the use on the surrounding highway network I am concerned that the precedent that it creates would be likely to result in additional occupation equally unacceptable as the appealed application for 16 plots. In terms of the impact on the surrounding Countryside, the Landscape Officer has advised that plot 1 is one of the most visually prominent sites on the site and that the occupation of this plot would be detrimental to the Landscape character and visual amenity of the Landscape Character Area.

In the above report I have referred to the precedent that granting permission on part of the field may have on the use of the remainder of the field in the future. Case Law has established that it is appropriate to consider this matter. In this case the history of the field, its various ownerships and unauthorised activities over the past three years mean that I consider it likely that a permission for plot 1 is likely to attract further applications for the remainder of the 16 plots in the future contrary to the strong planning objections, upheld on appeal. In this respect my recommendation also considers the impact of any intensification of the use of the field on the residents of Oxen Lane, Landscape and Highway Safety.

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:

24/2008/005

MR R CRIDGE

CONVERSION AND EXTENSION WORKS TO GARAGE TO FORM A DWELLING HOUSE, LAND AT THE JUNCTION OF GREENWAY AND WINDMILL HILL, NORTH CURRY (AMENDED DESIGN) FURTHER AMENDED BY LETTER DATED 17TH MARCH AND ACCOMPANYING PLANS, PLANS RECEIVED 26 MARCH 2008, EMAIL DATED 27TH APRIL, AND EMAIL DATED 9TH MAY WITH PLANS RCNCDH1 REV3 AND RCNCDH2 REV2.

331842/125088

FULL

PROPOSAL

The site is at the junction of Greenway and Windmill Hill; it was apparently once part of 2 Windmill Hill (Lanes Cottage). Currently there is a garage with the vehicular access to its rear from adjacent to no. 2 Greenway. The current application is to convert the building with extension works into a four bedroomed dwelling and to construct a single garage to the rear of two parking spaces being to the south of the dwelling, adjacent to No 2 Greenway. The main upper-floor windows face north towards the front of the Methodist Church, and the master bedroom window would face south towards no 2 Greenway. The ensuite, bed 4 and bathroom windows facing west towards No 2 Windmill Hill are shown as obscure glazing. The medical centre, which lies on the opposite side of Greenway is located at a higher level such that its windows appear to be at approx. first floor level. The east facing upper floor of the proposal has obscure glazed landing windows facing the medical centre. There is no pavement alongside the buildings on this part of the west side of Greenway. The occupiers of the adjacent property, 2 Greenway, have demolished the front part of their garage and now have two parking spaces immediately to the rear of the highway edge.

A previous application for conversion and extension for a four bedroomed dwelling with guest rooms in the roof, included east and west facing windows and a layout which would have resulted in substantial overlooking and loss of privacy to the two adjacent properties. This also included part of the structure, which came forward towards the highway, restricting visibility. This application was withdrawn prior to decision.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY - recommends refusal on the basis that the proposal does not incorporate turning facilities to enable a vehicle to enter and leave the highway in forward gear that is essential to highway safety.

In respect of the plan for a turntable, still objects to the proposal as turntables are deemed unacceptable by the Highways Authority.

COUNTY ARCHAEOLOGIST – no objections.

WESSEX WATER - advises

- The development is located within a foul sewerred area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.
- With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.
- It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

DRAINAGE OFFICER - note re soakaways.

CONSERVATION OFFICER - (comparing to the previous application) there is a beneficial reduction in total mass of the proposed dwelling and the setting back of the garage so as not to impede the view of No 2 Greenway; the introduction of fenestration to the North gable end positively livens up that façade. These are positive steps forward from the previous plans submitted. There are significant improvements, which would make the application supportable. Suggests a lower roofline; that the 'blocked in' windows to eastern elevation be removed; have lower set windows to help the massing; that the windows currently are too 'horizontal' whereas the traditional style is larger sash window; traditional barge boards are present on the two adjacent dwellings, and should be used on the proposed; the boundary treatment has potential for improvement, suggests a medium height wall with greenery above.

PARISH COUNCIL – objects on grounds that the proposed building is too large and will have a visual impact on the surrounding area; there will be overlooking in three directions; there is inadequate parking and no turning space.

5 LETTERS OF OBJECTION - the bulk and scale is still large in relation to the site; overdevelopment; the seller of No 2 Windmill Hill was advised that only a bungalow would be allowed, a bungalow would be more suited to the site and provide privacy; the garden is too small for children; there will be children's play equipment adjacent to the neighbouring sitting out area/small garden; shared drainage, will need to continue to have access for maintenance etc.; no garden and no road access; the subdivision of the land forming Lane Cottage and this site was allowed with no discussion with the Parish Council or the Borough Council; adversely affects the character of Lane Cottage; the character of the village will be changed for the worse; overlooking/loss of privacy to the health clinic and neighbouring properties; pollution, noise level and traffic volume will increase; a dangerous corner for traffic and pedestrians will be made worse; this sort of suburbanisation needs to be prevented, and village character retained; a house would dominate the streetscene, a bungalow would be more appropriate; there is a busy junction with vehicles coming out blind on their left hand side; any cars parked here would cause further obstruction and problems; patients in the health centre will be worried that residents will be able to see them; all the windows should face the other way, and the dwelling should be reduced to single storey to reduce overlooking; a poor design would compromise the street scene.

POLICY CONTEXT

PPS1 Delivering Sustainable Development, PPS3 Housing, PPG15 Planning and the historic environment.

Taunton Deane Local Plan Policies - S1 General Requirements, S2 Design, M4 Residential Parking Provision.

ASSESSMENT

The site is within the settlement limits and Conservation Area of North Curry. The proposal is for a conversion of an existing single storey garage building at a prominent junction within the Village. The North Curry Conservation Area Appraisal Document identifies this building as one of three buildings in the Conservation Area which is a 'negative building', thus conversion/development should be encouraged. The proposal is for conversion/extension works to form a new dwelling is considered to be a more appropriate building than the current building. In terms of the County Highways Authority views, the occupiers of the adjacent property, 2 Greenway, have two parking spaces immediately to the rear of the highway edge. Although the current application site is closer to the junction, it is considered that the proposal for a turntable will overcome the issue of coming out in forward gear. Whilst the County Highways Authority Officer objects to this concept it appears an appropriate way to achieve the type of scheme, which in overall terms will benefit the site. The removal of the forward projection of the original building helps in visibility terms.

The design has taken account of the location in relation to the two adjacent residential properties of 2 Windmill Hill and 2 Greenway, such that there are no longer bedroom windows facing the garden areas of these dwellings. The upper floor west facing windows will be obscure glass, with one bedroom facing the flank wall of 2 Greenway in such a position so as not to cause overlooking. The medical centre staff have concerns about overlooking to the consulting rooms. The existing building is very apparent from these rooms and the concerns about overlooking and loss of privacy have been mitigated by the agent such that there are no upper floor bedroom windows facing the Centre, and the landing windows will be obscure glass. There will be a ground floor window to window situation, the distance being approx.16m. It is not considered appropriate to seek obscure glass in the ground floor windows of the proposed dwelling.

In terms of height, the building will be at a prominent location within the Conservation Area and Village as a whole and a 'statement' building of some height is considered preferable to a single storey building on this occasion. Whilst the Conservation Officer is seeking a further lowering of the roof, this is not considered to be essential given the other points such as windows and barge boards the agent is altering. The subdivision of the original 'plot' does not require planning permission, and thus would not have been considered by the Parish Council or Local Planning Authority. Small gardens are often characteristic for village centres. The proposal, which will remove a 'negative' element in the street scene, is considered to outweigh any possible potential for increase in activity, noise and disturbance etc. The proposal as amended is considered will have a positive impact on the character of the Conservation Area and Village.

RECOMMENDATION

Subject to the receipt of amended plans revising the window design and barge boards, the Development Manager be authorised to determine in consultation with the Chair/Vice Chair and permission be granted subject to time, materials, landscaping, timber window frames, parking retained, details of level of turntable, private vehicles, restrict PD rights, no further windows. Notes from Wessex Water and Drainage Officer.

REASON(S) FOR RECOMMENDATION:-

It is considered that the proposed dwelling will have a positive impact on the character of the Conservation Area and the immediate area, and this outweighs the potential issues with highway safety and would not have a detrimental effect on the amenities of the adjoining residents or area, and complies with PPS3, PPG15 and Taunton Deane Local Plan Policies S1, S2 and M4.

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

CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)

NOTES:

38/2008/032

GOVERNORS TAUNTON SCHOOL

ERECTION OF 2.45M HIGH SECURITY FENCING WITH ACCESS GATES AT TAUNTON SCHOOL, TAUNTON AS AMENDED BY LETTERS DATED 27 MARCH 2008 AND 3RD APRIL 2008 AND ATTACHED PLANS

321790/125880

FULL

PROPOSAL

The application seeks permission for the erection of a 2.45m high security fence to enclose both school site to the south and north of Greenway Road. The fence propose is a large mesh type fence with a 200 x 50mm grid pattern having a vertical emphasis with 5mm wires and "V" shaped depressions along the length to provide rigidity. The fence is finished in green. Additional information has been submitted by the applicant to clarify the position of the fencing.

Fencing to the south and part of the east boundary of the main site will be visible from Staplegrove Road where it is to be positioned behind existing trees along this boundary. Part of this southern boundary also adjoins the railway line.

The eastern western boundary of the main site is shared by gardens of properties fronting Cyril Street West, Addison Grove and Beverley Grove.

There is a short section of fencing to be provided along Greenway Road and here it will be located behind the existing well established iron railings that currently marked the boundary. The fence line then runs along the rear gardens of residential properties fronting Greenway Road and along the flank of College Road properties before continuing around the Petrol Filling Station Site.

The remainder of the northern boundary it will form the school boundary on the south side of the private road which provide rear access to Greenway Road properties. There is an eastern section that runs along the path to the rear of properties in Staplegrove Road where the fence then returns to the junior school site entrance.

On the northern side of Greenway Road the security fence is to be located behind the existing hedge and fence that marks the boundary of the tennis courts and also behind the hedge and trees that form the boundary of the playing fields. The western boundary of that site adjoins the public footpath and the fence continues along that boundary and then for the first section of the northern boundary runs to the rear of residential properties in Lewis Road and Wyncham Road. For the remainder of the northern boundary it will adjoin open land.

Part of the eastern boundary adjoins the roadway access to Taunton Vale Sports Club. The remainder of that boundary runs behind the residential properties at 10 Gypsy Lane. It then continued along the rear of Greenway Road properties before linking back up to the frontage site fence.

The submission includes a Design and Access Statement and a letter setting out details of a meeting with the Avon & Somerset Constabulary regarding advice on security. The applicant have indicated that the fence line will respect existing boundary trees and any works necessary will be kept to the absolute minimum.

Approval was granted last year for the erection of the same type and height of fencing to parts of the Staplegrove Road frontage and to the rear of Greenway Road properties (38/2007/216). This fence has been erected for some time and has not resulted in any adverse comments concerning its appearance.

POLICY CONTEXT

Adopted Taunton Deane Local Plan Saved Policies

S1 – General Requirements.

S2 - Design.

EN6 – Protection of Trees, woodlands and hedgerows

EN12 - Landscape Character Areas

PPS1 – Delivering Sustainable Development (PPS1)

PPG17 - Planning for Open Space, Sport and Recreation

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER - My main concern is:

- potential impact on tree roots and branches
- how deep are the holes for the post
- will branches need to be removed from trees
- official impact
- Is the fence replaced existing fencing

More details clarifying above would be helpful before making a full assessment

Views on additional information awaited.

CONSERVATION OFFICER- I am clear as to the extent of the proposed fencing. Is it really all around the boundaries of both sites? Proposal appears a bit over the top. What is the justification

Views on additional information awaited.

Some 26 letters were received on the original submission with a further 20 submitted since the revised information has been available. The principle matters raised are as following:

- Need to further increase security on the site is questioned
- Justification for fence in general and in particular surrounding the playing fields needed and not adequately given.

- Fence appears of light construction and cannot be considered as a security fence
- Details submitted don't indicate the position of fence in relation to hedges and trees.
- Queries about how trees and hedges will be maintained in the future
- Fence needs to be set away from any hedges by a minimum of 1 m to allow for maintenance
- It will create enclosed areas that cannot be maintained
- The particular height , form and style of fence will make residents feel that they are living a prison
- It will be an eyesore and impact on residents amenity
- Not in keeping with existing in rural outlook over fields
- Schools should concentrate on fencing the campus rather than playing fields
- Not in keeping with the character of the Listed Buildings and will adversely affect their setting.
- Appears to block public footpath in places
- Proposal must contain a gateway to number 10 Gypsy Lane to preserve right of way

ASSESSMENT

It is not a requirement of the Local Plan policy that the applicants need to demonstrate a need for any particular development before planning permission should be granted. However careful consideration needs to be given on any impact on the setting of Listed Buildings. In this instance the applicants consider that their fencing proposal will form part of the Schools security strategy as discussed with the Constabulary to improve the site security for the benefit of the pupils.

The issue to be considered here is what impact will the development have on the general appearance of the site and on amenities of those residents which surround the site.

As has already been pointed out permission for the same style and height of fence as that now applied for has really been given with that fence now erected on parts of the site. This does not seem to have resulted in major objections since its erection.

It is considered that the proposed fence is of a light weight nature and as such will not have a major visual impact where it is located along Staplegrove Road and Greenway Road where in both instances it is set behind existing hedges and fencing.

In the majority of cases where it adjoins residential properties it is an addition to existing boundary fencing. With the height proposed only the top portion of the fence will be visible above this existing fencing and in most cases this will be at a distance that your officers consider will not have an adverse visual impact on the amenities of those residential properties.

The concerns about the precise position of the fence and future maintenance have some validity and consequently a condition is recommended requiring the precise

location of the fence line to be agreed and details of any tree works submitted and agreed in writing prior to being undertaken. In this way the precise circumstances particular to the various portions of the fence can be resolved

On balance it is not considered that the nature of the fence proposed will have an adverse effect on amenities of neighbouring residents or on the appearance of the site from points of public advantage. With this in mind a recommendation is one of approval

RECOMMENDATION

Permission be GRANTED subject to conditions the precise position of the fence and any necessary tree works being submitted prior to commencement of that section and following reason:

Reason: "The proposed fence appears of a style and height appropriate to its location and will not impact on the visual or residential amenities of the area."

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

CONTACT OFFICER: 356454 MR M ROBERTS (PART-TIME)

NOTES:

38/2008/056

GADD HOMES

ERECTION OF THREE-STOREY BUILDING OF 11 TWO BEDROOM APARTMENTS ON SITE OF DWELLING TO BE DEMOLISHED AT 49, WORDSWORTH DRIVE, TAUNTON AS AMENDED BY AGENT'S LETTER DATED 24APRIL 2008 AND REVISED PLANS, DRAWINGS NOS.. A 2007 204 PL001 REV C, PL005 REV.A AND PL006

323975/124450

FULL

PROPOSAL

The site abuts the eastern side of Wordsworth Drive and is currently occupied by a 2-storey house set in a large curtilage. The house is set back some 30 metres from the road with a rear garden of some 20 metres. The site has an area of approximately 0.33 acres (applicant's figure).

Around the site is residential development in various forms, with semi-detached pairs of 2-storey dwellings fronting Wordsworth Drive to the west, and 2-storey blocks of flats to the north and south. There is a factory car park to the east and a small children's play space immediately north of the site which is accessed by a footpath running along the northern boundary to the site.

The proposed block of flats is located in the centre of the site in a similar position to the existing house, but also extending on to the rear part of the site to some 7.5 metres from the rear boundary. The block will be 15.2 metres wide at the front and 12 metres at the rear, with a depth of 22 metres. It has 3 floors of flats and is 9.3m to the ridge (6.8 metres to the eaves) on the front part and 9.2m to the ridge (5.3m to the eaves) on the rear part. Materials will be red facing brick, buff facing brick with a breckland brown double roman roof tile.

There will be 11 parking spaces in front of the block of flats (1 for each flat), and a cycle store and bin store located in the centre of the site in front of the south boundary.

There is a 2.5m high privet hedge inside the north, east and part south boundaries, and a 9m high conifer hedge inside part of the south boundary of the site.

A previous similar scheme for 12 flats was withdrawn in January 2008. The agent states that the current scheme reduces the number of apartments from four to three at second floor level. The height at the front of the development has been reduced to 2.5 storeys with the single apartment at the rear being contained wholly within the roof space. The ridge height of the existing house is 26.490 AOD, 8.430m above ground level. The ridge height of the current proposals, at its highest point is 27.368AOD, 9.368m above ground level which is less than 1 metre higher than the existing house. The current proposals are substantially lower than the ridge height of the previous application at 29.164 AOD. The agent also believes that the revised

application satisfactorily addresses the issue of privacy. The dwellings to the south are fully screened by existing trees which, at a height of 9m are substantially higher than the eye level from the second floor windows of approximately 7.2m. The privacy of the houses on Wordsworth Drive has been protected by omitting the windows to the west elevation at second floor level (NOTE - There are kitchen windows to 2 flats and a window to the staircase at second floor level in the west elevation, but these will be roof lights.) The closest windows to these properties at first floor level are at a minimum distance of 23m.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER - Given the height of the proposed building, it is important to provide tree planting around the perimeter of the site to help soften the mass of the new building.

HERITAGE AND LANDSCAPE DIVERSIONS OFFICER - A footway from Wordsworth Drive to a children's play area is adjacent to the proposed development site. This is the property of TDBC . With the nature of the proposed work it is recommended that either extreme health and safety measures are put in place or a temporary stopping up decision is taken.

COUNTY HIGHWAY OFFICER - The site is located within the development limits of Taunton, which is designated as a town under Structure Plan Policy STR2(Towns). The proposal will be in close proximity to public transport network, whilst offering access to the cycle network. However, it does not provide safe access to the highway or safe access for pedestrians entering the site. Therefore the proposal only partially accords with Structure Plan Policy 49 (Transport Requirements of New Development). In terms of the Local Plan the proposal accords with the Local Plan S1 (General Requirements) as although the proposal will increase the amount of traffic using Wordsworth Drive it is an acceptable amount as the road is designated as a distributor road and as such the amount of traffic generated will not have a significant effect on the highway. In terms of parking the proposal will offer parking in the ratio of one space per flat. This is in accordance with the Somerset Local Plan 2006-2011 Appendix 8 Parking Strategy.

16 LETTERS OF OBJECTION - have been received relating to the following:

1. Proposal is unsuitably located and of a size very much out of proportion with the surrounding development and out of character with the area which contains family sized houses. The roofline is still far too high thus towering above any other properties in this area.
2. It would create new development to the rear of the site. At 3 storeys high, just 15 metres from the adjacent flats, it would overshadow existing flats cause loss of light and darken the kitchens on the ground floor.
3. Overlooking/Loss of privacy. Windows facing existing flats at approximately 15 m. Overlooking rear gardens of houses in Wordsworth Drive
4. Loss of amenity in rear garden, with additional noise levels and surrounding mature trees destroyed.

5. Loss of light. The proposed building at approximately 9.4 metres high will cast a shadow over the rear of the property, blocking out sunlight and light from the garden and the rear of the dwelling.
6. Increase of noise from increased occupancy. The proximity of the property and the increase in the number of persons living there will cause a significant increase in noise levels. Increase in noise from use of the bin store near to dwelling.
7. Over-development of the site.
8. The road access cannot cope with the extra traffic going to and from the site as cars park close to the dropped kerb most of the time especially after work, and it seems to be a short cut for large lorries, making this an accident waiting to happen.
9. Increase in pollution from additional vehicles - will increase the levels of poisonous exhaust fumes/gases and other pollutants.
10. Local wildlife will have nowhere to go and will lose their natural habitat.
11. No mention of any alterations to the water supply. This will probably make the pressure even lower.
12. Plans do not give a clear understanding of what would happen to the hedges that are currently on the northern boundary of the site. These hedges give a lot of privacy.
13. Proposed refuse store will mean that 3 large commercial sized bins or 11 wheely bins will be placed on the pavement fortnightly, blocking the pavement for pedestrians.
14. There will be a car parking issue as the flats only have one off road space per 2-bedroom flat.
15. Visibility splay is very short for the 30 m.p.h. road.

POLICY CONTEXT

RPG10

Somerset & Exmoor National Park Joint Structure Plan Review

STR1, STR4 and Policy 49

Taunton Deane Local Plan - Policies S1, S2 , C4, M4 and EN4. 49.

ASSESSMENT

The site is located in an area where residential development, in principle would be acceptable. The main issue is the relationship between the proposed block of flats and the existing development adjacent to the site.

There are existing 2-storey blocks of flats to both the north and south of the rear part of the site (Russet Drive and Parmin Way respectively) and 2-storey detached dwellings to the front (west) of the site fronting Wordsworth Drive. To the north of the centre part of the site is a children's playground.

The flats have communal open space around them rather than individual gardens and the distance to the flats to the north is over 25 metres (building to building). Windows on the north elevation of the proposed building at first floor level are to 4 bedrooms and 2 kitchens, and at second floor level are to 3 bedrooms and 1 living room. With regard to the block of flats to the south, there is a distance of 16 metres between the existing and the proposed, and along part of the southern boundary there is a row of 9m high conifer trees along three quarters of the boundary which

will provide satisfactory screening. At the eastern end of this boundary for some 10 metres, there are low shrubs between the blocks, but the windows in the proposed block serve 2 bedrooms and a kitchen at first floor level, and only 1 bedroom window at second floor level. These distances are considered to be acceptable.

The front of the proposed block will face towards the rear of the 2-storey pairs of houses on Wordsworth Drive. The relationship with no.47 Wordsworth Drive will be at an angle with some 20 metres building to building, but the block of flats will be partly directly behind no.51 Wordsworth Drive. Building to building, the distance scales 23 metres on the plan, and the block will be 10.8m from the rear boundary of No. 51. Second floor windows have been omitted on this elevation and replaced with rooflights, and the applicant has submitted photographs taken from an existing first floor bedroom window, and sections showing existing and proposed eye line sights which indicate that from the first floor the line of sight into the rear garden will be screened by an existing laurel hedge in the site.

Parking provision is shown at one space per flat and the plan has been amended to show the parking area away from the rear boundary of 51, Wordsworth Drive. Cycle and bin store provision is shown in the area to the rear of 51, Wordsworth Drive, but these will be enclosed in a timber enclosure.

Whilst the proposed block is different to the existing detached house on the site, a block of flats is not out of keeping in this area. Since an earlier scheme for a similar block of 12 flats was withdrawn, the roof height of the block has been reduced, one flat has been omitted and dormer windows proposed in the roof, second floor windows on the west elevation have been replaced by rooflights, and the parking areas and cycle and bin store have been relocated.

RECOMMENDATION

Permission is GRANTED - Subject to conditions relating to time limit, wildlife, landscaping, drainage, contributions to children's play areas and recreation areas, parking areas, cycle rack/ bin storage provision, access, and visibility.

REASON(S) FOR RECOMMENDATION:-

It is considered that the proposal represents sustainable development which will not give rise to any unacceptable visual or neighbour impact and it is therefore in accordance with Taunton Deane Local Plan Policies S1, S2 and M 4

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

CONTACT OFFICER: 356454 MRS H PULSFORD (MON/TUE/WED)

NOTES:

1. All nesting birds are protected under the Wildlife and Countryside Act 1981(as amended) and if discovered should not be disturbed. It should be noted that the protection afforded to species under UK and EU legislation is

irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

2. As a few bats may be found within any building at any time of year, all contractors should be made aware, in writing, that bats may be found in door lintels, within wall cavities, under roof tiles/slates and cladding etc. If bats are found during building work, all work in the proximity of the bats should stop immediately. Further advice should be sought from Natural England via Batline 0845 1300 228. Bats should not be handled, but should be left in situ, gently covered until advice is obtained. In emergency situations bats should only be handled with gloves.
3. The alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Services Manager at Somerset Highways Burton Place, Taunton (08453459155). He will be able to advise upon and issue/provide the relevant licenses necessary under the Highway Act 1980 (Section 184).
4. There is a footway from Wordsworth Drive to a children's play area which is adjacent to the site. This is the property of Taunton Deane Borough Council. With the nature of the work proposed, it is recommended that either extreme health and safety measures are put in place or a temporary stopping up decision is taken.

38/2008/114

LOCH FYNE RESTAURANTS LTD

TEMPORARY CHANGE OF USE OF PART OF CIDER PRESS GARDEN FOR RESTAURANT SEATING BETWEEN APRIL AND END OF SEPTEMBER EACH YEAR ADJACENT TO HUNTS COURT, CORPORATION STREET, TAUNTON

322601/123374

FULL

PROPOSAL

The proposal is to use the western part of the Cider Press Garden for use as seating in connection with the new Loch Fyne Seafood Restaurant proposed within the Hunts Court building. The scheme involves the surfacing of part of the grassed area with a compacted gravel finish, the introduction of planters with blue canvas panels to demarcate the boundary to the area and the introduction of tables, chairs and umbrellas within this area. It is intended that the area will function between 1st April and September 30th each year and the maximum operating times will be within the hours of 9am and 10.30pm. The area will accommodate 10 tables and seat up to 40. The intention is to store the furniture within the restaurant premises each evening. During the winter months the planters would be relocated to the paved area.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICE - I do not object in principle to the temporary seasonal use of the area for restaurant seating but do not consider the use of a gravel surface or timber planters as acceptable. I recommend permanent hardsurfacing, similar or better than existing, and permanent planting. The design of the whole garden space should be a consideration. I am concerned that the external staircase in terms of its impact on the elevation of the listed building.

ENVIRONMENTAL HEALTH OFFICER - No observations.

LEISURE DEVELOPMENT MANAGER - This will be a loss of what is already a small open space which is well used by the public and will set a precedent for the future.

CONSERVATION OFFICER - The Cider Press garden is a long established public open space which is rare within the town centre and provides a pleasant setting to the adjoining Listed Buildings – the former library and Hunts Court, as well as a pedestrian thoroughfare between Bath Place and Corporation Street. When the former library was first converted to a public house, the Council resisted a similar use of the Cider Press Garden due to loss of public amenity. Council land to the rear, adjoining Bath Place was subsequently released for such use. In my opinion the Cider Press Garden offers an important public open space and thoroughfare, the ambience of which would be diminished by the proposal and to the detriment of the character of the Conservation Area.

TOWN CENTRE MANAGER - Assuming that all licensing conditions are met, the Town Centre Company is fully supportive of this proposal for several reasons:

- It secures the tenancy of the Hunts Court building to a very desirable and up-market food operator which will be a great attraction for the town.
- This use is entirely in accordance with the aspirations Project Taunton and the 'Cultural Quarter' uses in this part of the town.
- It will encourage pedestrians to use this part of the town, forming an important link from Bath Place to Corporation St and the Castle Green area of town
- It enlivens the frontage of Corporation St
- It will offer a catering and hospitality option not currently available in Taunton.

We would however like to be reassured that when the area is not in use, efforts will be made to ensure that it is an attractive area for public use and that public seating will be reinstated. We would also like to know that the surface treatment of the area will be easily reversible should the Restaurant cease to require the area for any reason.

5 LETTERS OF OBJECTION on the grounds of loss of public amenity area, it is well used by those who wish to picnic, read or just sit on the grass, there are few such opportunities in the town, it is part of the town's identity and a useful amenity, should not give in to commercial enterprise, ruining the garden area, the appeal and impact of the space would be lost if half were used by the restaurant, concern over noise and disturbance to dwelling, there should be no music.

POLICY CONTEXT

PPG15 – Planning and the Historic Environment

RPG10 – Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development

STR4 – Development in Towns

POLICY9 – The Built Historic Environment

Taunton Deane Local Plan

S1 – General Requirements

S2 – Design

EN14 – Conservation Areas

ASSESSMENT

There are two main issues with this proposal and they are interlinked. One is the loss of public open space within the town centre and the other is the impact on the character of the conservation area.

There have been a number of public objections to the loss of this amenity area to public use and this is also reflected by the view of the Leisure Development Manager. Clearly this is an area that is well used by the public and is one of the few green spaces within the town centre. There is an existing commercial use in the building on the other side of the Cider Press Garden and allowing this use for a new

restaurant would set a precedent. While each application has to be treated on its merits it would be inconsistent to object to a similar use on the other side of the garden if this were to be suggested. The use of the restaurant in Hunts Court has already been allowed and while the benefits suggested by the Town Centre Manager are noted these have to be set against the loss of the public space. The space is not identified within the Local Plan as one having protected status through any policy, however clearly it is considered of benefit to the town.

If the use were to be allowed here it would necessitate the loss of the grass area for good. While the use is proposed for part of the year, in order to provide the necessary seating area it would require a hard surface treatment that would exist all year round. The provision of movable planters are not considered sufficient to offset this loss. A more comprehensive landscaping scheme for the whole area would be required to address this concern. The proposed alteration will to a degree affect the setting of the adjacent listed building, however this is not considered to be so detrimental to the character and setting of the building to warrant an objection. The main issue however, is the character of the conservation area.

The area of the Cider Press Garden is considered an important one in street-scape terms lying between two prominent listed buildings within the conservation area. The building at Hunts Court has been granted permission as a restaurant use and separate consent has been sought to provide a fire escape that would access out into the Cider Press Garden. The loss of part of the green area through the current proposal on a permanent basis and the introduction of a commercial use into this public space clearly will affect the character of the area. The Authority has a duty to preserve or enhance the appearance or character of the conservation area. The Conservation Officer considers the proposal would result in a detriment to this character. The loss of part of the greenery in effect throughout the year and the public space for part of the year is considered to be detrimental to the existing character of this area. As such it is considered that the use of this area for commercial purposes cannot be supported and the proposal is therefore recommended for refusal.

RECOMMENDATION

Permission be REFUSED for reason that proposed development will have an adverse impact on the character and appearance of the Conservation Area due to the introduction of a commercial use and loss of green open space contrary to policy EN14 of the Taunton Deane Local Plan and policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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:

38/2008/182

MR CRAIG MORSE

ERECTION OF CONSERVATORY, 46 TRINITY ROAD, TAUNTON

323675/124354

FULL

PROPOSAL

The proposal is for the erection of conservatory measuring 4m x 3m at the rear of the property. The existing dwelling is semi detached and constructed of brick under a tiled roof. The materials for the proposed conservatory will match the existing property.

The Applicant is a Member of Staff.

CONSULTATIONS AND REPRESENTATIONS

None received

POLICY CONTEXT

H/17 of Taunton Deane Borough Council

ASSESSMENT

The conservatory will be sited adjacent to the Applicant's garage and away from the boundary with the Neighbouring property at no. 48 Trinity Road, it is therefore acceptable in terms of its location and design

RECOMMENDATION

Approval

- | | | |
|---|-------|--------------|
| 1 | C001A | reason J001A |
| 2 | C102 | reason J102 |

REASON(S) FOR RECOMMENDATION:-

The proposed conservatory will have no material impact on neighbouring amenity and complies with policy H/17

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

CONTACT OFFICER: 356462 MRS S MELHUISH

NOTES:

42/2007/060

SUMMERFIELD DEVELOPMENTS

OUTLINE APPLICATION FOR ERECTION OF 58 AFFORDABLE HOMES AND ASSOCIATED PARKING ON LAND WEST OF COMEYTROWE ROAD, TAUNTON

320959/122614

OUTLINE APPLICATION

1.0 RECOMMENDATION

Permission Be REFUSED for reasons of

1. The proposed development of agricultural land in the countryside outside the settlement limits would be harmful to the character of the area and be contrary to policies S7, S1(D) and EN12 of the Taunton Deane Local Plan and policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.
2. The proposed development is considered to be in an unsuitable location that would foster the growth in need to travel by car contrary to policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, policy S1(B) of the Taunton Deane Local Plan and TRAN1 of RPG10.
3. The increased use of the sub-standard lane by additional traffic and the potential for conflict between vehicles and pedestrians would create a significant increase in highway safety hazards on Comeytrove Road contrary to Somerset and Exmoor National Park Joint Structure Plan Review policy 49 and Taunton Deane Local Plan policy S1(A).
4. The lack of adequate surface water drainage provision for the site may lead to additional surface water run-off and flooding in the area contrary to PPS25.
5. The proposal would result in a piecemeal development of an area that has been identified as being suitable for a strategic urban extension, which may be identified within the emerging RSS, and its development would potentially undermine the comprehensive planning of the strategic infrastructure required to enable the area's development.

2.0 APPLICANT

Summerfield Developments (SW) Ltd.

3.0 PROPOSAL

The application is an outline proposal for 58 affordable dwellings and parking on 1.02 hectares of land west of Comeytrove Road. The submission includes a Transport Assessment, a Flood Risk Assessment, an Ecological Survey a Statement of Community Involvement and a Design and Access Statement.

As the application is in outline the agent has submitted indicative plans showing groupings of terraced properties including 12 x 2bed flats, 10 x 3bed houses and 36 x 2bed houses. Parking is proposed on a one for one basis with 14 visitor spaces.

The submitted Design and Access Statement makes the case for the development and can be summarised as follows:

There is a shortage in the necessary 5 year supply of developable land to meet the growing need.

The Ark Consultants report concluded housing need was now in excess of 564 units district wide. Provision has fallen with an average of 70 units/year over the last 5 years so need is now "ACUTE". The only land that can be brought forward is departure or exception site land where land cost is reduced.

Policy S7 of the Local Plan allows development if it accords with a development plan policy and policy H11 deals with Rural Local Needs Housing.

The proposal is to provide 100% affordable houses on site to be sold freehold at an agreed discount to open market value. In order to maintain their affordability the properties will be sold with the agreement that the same percentage discount will apply to all future re-sales. The scheme will be subject to a Section 106 Agreement to secure the availability of the dwellings in perpetuity for those in housing need.

4.0 THE SITE

The site measures 1.02 hectares and is located on the western side of Taunton and consists of agricultural land outside the settlement limit. The land is raised 1-2m above road level, is enclosed by hedgerows and slopes from the south west to the north-east, towards the road. An existing public footpath runs parallel to the southern boundary of the site and links to a further footpath on the south west corner of the site. The proposal occupies approximately two thirds of the field and access is proposed off Comeytrove Road opposite the properties at Overlands and Jubilee Terrace.

5.0 RELEVANT PLANNING HISTORY

None

6.0 RELEVANT PLANNING POLICIES

Regional Planning Guidance for the South West (RPG 10)

Policy SS5 – Principal Urban Areas

Policy SS14 - Taunton

Policy SS19 – Rural Areas

EN1 – Landscape and Biodiversity

EN4 – Quality in the Built Environment

EN5 – Health, Education, Safety and other Social Infrastructure

TCS2 – Culture, Leisure and Sport
HO3 – Affordable Housing
HO6 – Mix of Housing Types and Densities
TRAN1 – Reducing the Need to Travel
TRAN3 – The Urban Areas
TRAN10 – Walking, Cycling and Public Transport
RE2 – Flood Risk

Regional Spatial Strategy – The Panel Report on the Draft RSS has recently been issued and the Panel has identified a number of Policy amendments. Relevant policies are:

SD1 – The Ecological Footprint
SD2 – Climate Change
SD4 – Sustainable Communities
Policy A – Development at the Strategically Significant Cities and Towns
Policy G – Sustainable Construction
SR6.4 – Housing Provision – this sets a housing figure for Taunton of 11,000 within the existing urban area, 4000 dwellings within an area of search to the north east of Taunton and 3000 dwelling is an area of search to the south west of Taunton.
H1 – Affordable Housing – Within the 28,000 dwellings per annum (at least) required for the region, the aim should be to provide for at least 10,000 affordable homes per annum in the period to 2026. Policy provision should accordingly be made for at least 35% of all housing development annually across each local authority area and Housing Market Area to be affordable, with Authorities specifying rates of 60% or higher in areas of greatest need.

H2 – Housing Densities

F1 – Flood Risk

RE5 – Renewable Energy and New Development

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

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

Policy 35 – Affordable Housing

Provision will be made for securing housing to meet the needs of those without the means to buy or rent on the open market. The provision shall meet an identified local need and should be available and affordable to successive occupiers.

Policy 49 – Transport Requirements of New Development 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.

Adopted Taunton Deane Local Plan Saved Policies

S1 – General Requirements.

S2 - Design.

S7 - Outside of defined Settlement

Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and:

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific development plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable:

- (E) avoid breaking the skyline;
- (F) make maximum use of existing screening;
- (G) relate well to existing buildings; and
- (H) use colours and materials which harmonise with the landscape.

H9 - Affordable Housing within General Market Housing

H11 – Rural Local Needs Housing

As exceptions to H2, small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centres, provided that:

- (A) there is a local need for affordable housing, defined as the presence of households in need of affordable housing in the following categories:
 - (1) households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation;
 - (2) newly formed households living or including someone employed in the parish or adjoining parishes;
 - (3) households including dependants of the households living in the parish or adjoining parishes; or
 - (4) households including a retired or disabled member who has lived or worked in the parish or adjoining parishes for a total of five or more years;
- (B) the site proposed is the best available in planning terms and would not harm the character and landscape setting of the settlement more than is justified by the housing need to be met;
- (C) satisfactory arrangements are made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of need as defined in criterion (A), or other genuine housing need only where this is necessary to secure full occupation of the scheme;
- (D) the proposal does not incorporate high value housing to offset a lower return on the affordable housing; and
- (E) the layout and design of the scheme conforms with policy H2.

M4 - Residential Parking Requirements

M5 - Cycling

C1 – Education Provision –

New housing development which generates a significant need for statutory education provision (for children aged 4-16) will be permitted provided that:

- (A) existing statutory education provision within reasonable distance of the development sufficient spare capacity to meet the additional need generated by the development; or
- (B) new permanent provision within a reasonable distance necessary to

accommodate the additional need generated by the development is:

- (i) firmly programmed in the Local Education Authority capital programme; or
- (ii) provided by the development.

In the event of the increased demand for open space not being met by existing facilities, developers of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards:

- (A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;
- (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones;
- (C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations;
- (D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and
- (E) developers will be required to arrange for maintenance of the recreational open space.

C12 - Renewable Energy

EN6 – Protection of Trees, woodlands and hedgerows

EN12 - Landscape Character Areas

EN26 – Water Resources

EN28 – Development and Flood Risk

T1 - Associated Settlements

7.0 RELEVANT CENTRAL GOVERNMENT ADVICE

Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)

- Paragraph 13 - Key Principles
- Paragraph 16 - Social Cohesion and Inclusion
- Paragraph 17 & 18 - Protection and Enhancement of the Environment
- Paragraph 27 - Delivering Sustainable Development – General Approach
- Paragraph 33 – 39 - Design

Planning Policy Statement 1 – Supplement on Climate Change

Planning Policy Statement 3 : Housing (PPS3)

Paragraphs 23 and 24

Paragraphs 27 – 30

Planning Policy Statement 7 : Sustainable Development in Rural Areas (PPS7)

Paragraph 1 - Key Principles

Paragraphs 8 and 9 - Housing

Planning Policy Guidance Note 13 : Transport (PPG13)

Paragraphs 12 – 71 - Housing

Paragraph 19 - Accessibility

Planning Policy Guidance Note 17 Planning for Open Space, Sport and Recreation

Planning Policy Statement 22: Renewable Energy

Planning Policy Statement 25 Development and Flood Risk

8.0 CONSULTATIONS

FOOTPATHS OFFICER: The public footpaths T29/12 and T29/12A will be affected by the proposals.

LANDSCAPE OFFICER

The proposals are in open countryside and contrary to EN12. My other major concern is the loss of the important roadside hedgerow and lack of proper landscape mitigation.

NATURE CONSERVATION OFFICER

The report dated August 2007 concluded that the hedgerows and mature trees on site provide nesting opportunities for a variety of birds. Resident species noted include dunnock, great tit, blackbird, robin, blue tit, wood pigeon, wren and chaffinch. No badger sett was found but paths potentially used by badgers plus a latrine were noted. None of the trees were considered to hold potential for bat roosts. The tree line and hedgerow are potential foraging site and commuting routes for bats. Where trees of hedge need to be removed they should be checked for wildlife in advance. I suggest conditions re site clearance, badgers and further survey work if no commencement in a year of the survey and noted re bats, birds and badgers.

HOUSING ENABLING MANAGER

Supports the application on the basis of need for affordable housing in the borough. I would like to see a mix of discounted housing held in perpetuity and social rented on this scheme. This application to provide affordable homes in the immediate and surrounding parishes will help address the need. This Council should receive full nomination rights.

DRAINAGE OFFICER

I refer to the comments made regarding the treatment of surface water disposal in the Drainage Statement dated December 2007. I note the recommendation is to discharge flows to a receiving watercourse following on site attenuation and this method of treatment is acceptable. Any scheme should be SUDs compliant as required by PPS25. A condition should be attached to any approval that full details of the surface water disposal should be agreed with the Authority before any works commence on site. These should include details of how long term on going maintenance and operational costs are to be achieved. If the intention is that this Authority is included in any maintenance regime etc, then commuted sums will be required and the Council's Leisure Development Manager should be consulted.

ARTS OFFICER

All developments in excess of 15 residential units or 2500 square metres (gross) of commercial floorspace will be required to contribute towards the provision of public art and public realm enhancements by commissioning and integrating public art into the design of buildings and the public realm or through a commuted sum to the value of 1% of development costs. This therefore applies to the Reed Holland Associate application for a 58 dwelling development site in Comeytrove Road, Trull. They will be expected to include a Statement of Intent regarding public art or public realm enhancement in their Access Statement.

LEISURE DEVELOPMENT MANAGER

In accordance with policy C4 provision for play and active recreation must be made. The play area shown on the illustrative plan is far too small and too close to houses. The minimum size for an on-site play facility is 400sqm and a site of this size needs to provide 1160sqm. We would however prefer to take an off-site sum to be spent at the existing local play area where it can be used to upgrade the facilities to accommodate the additional use. A contribution towards borough wide outdoor recreation should also be requested. All contributions to be index linked.

FORWARD PLAN UNIT

This proposal involves the development of an unallocated greenfield site beyond the defined limits of a settlement, where there is strict control of new development.

New housing is not normally permitted unless it meets one of the limited number of exceptions to the policy of strict control. One of those exceptions is in relation to affordable housing needed to meet local needs (TDLP policy

H11), but that policy only applies to villages and rural centres, whereas the application site is on the edge of Taunton. The proposal is, therefore, contrary to the Local Plan.

Other material considerations can justify the approval of development that is not in accordance with the Development Plan. In this case there are two matters to be considered:

- in the light of increased housing requirements in the emerging RSS, the need to maintain a five year supply of deliverable sites available for housing as required by PPS3; and
- the low level of affordable housing completions compared to the scale of identified needs.

In relation to the first of these my view is that although there is currently a five year supply of sites there is, nevertheless, a case for granting planning permission on a limited number of suitable unallocated sites in order to ensure that required rates of housing delivery are achieved, and that a five year supply of deliverable sites is maintained into the future.

There is also a strong case for permitting suitable proposals that will increase the supply of affordable housing, given the significant shortfalls that have occurred against the required rate in most recent years.

Thus there is a general case in favour of the proposal. The next issue is whether the site is appropriate.

In this respect I believe that there are three significant objections in principle to the current proposal:

- The site is poorly located in relation to employment, services and facilities, and is not well served by public transport or safe links for pedestrians or cyclists to the nearest facilities.
- The site is located within a wider area that has been identified as being suitable for a strategic urban extension, which may be identified for development within the emerging RSS. This proposal would be piecemeal development which would undermine the comprehensive planning of the wider area, and would not contribute to the provision of the strategic infrastructure required to enable the area's development.
- Although the scale of affordable housing needs in Taunton is sufficient to justify the number of dwellings proposed, the site's poor location, as described at the first bullet point, above, make it particularly unsuitable for affordable housing.

On balance, I consider that the objections to the site outweigh the general case for additional sites for both open market and affordable housing, and that the proposal should not be supported.

CIVIC SOCIETY

The Civic Society object to this outline application. The site is outside of the settlement boundary. While this automatically means that the application fails

to meet Policy S7, the fact that it is adjacent to the settlement robs this potential objection of much force.

Our main objection is based on our assessment that the development is too large to be considered as a minor exception, and that if it came into existence it would act as a barrier to rational planning of any future urban extension in this area of the Borough. We therefore believe it constitutes a threat to the future usability of land in this area that is already identified as a possible urban extension zone.

It is also far too small to justify or adequately contribute to the roadworks etc necessary to make the site acceptable for development. Comeytrove Road is very narrow and does not allow pedestrians and traffic to co-exist comfortably.

We note that access to bus services requires a foot journey to the Honiton Road (via two right angle bends in Comeytrove Road with no footway) or into Galmington (narrowest part of Comeytrove Road, without footways).

The additional foot traffic that may be generated, especially by children attending schools in Trull or Galmington, plus the additional vehicular traffic generated, will we believe mean that this proposal fails to meet Policy S1 (A&B).

We consider that nothing short of continuous footways, wide enough to accommodate taking a pedestrian and something like a twin buggy side by side (ie. Passing each other) to both Trull and Galmington with a minimum of road crossings would make this site acceptable for occupation by families.

We have a further objection in that it is a 'closed' plan, with one road exit, entirely made up of affordable housing. This concentration must be socially undesirable: we believe affordable housing should be distributed much more evenly within a community.

Many of the reasons for objection given above would not be changed even if there were a very considerable reduction in the number of dwelling proposed. However, in addition to the other reasons for rejection we believe that this is not justified by local needs for affordable housing, which considerably less than 58 dwellings.

Therefore we believe that in addition policies S7 & S1 (A&B) are failed for road safety and inadequate highway improvement reasons.

RAMBLERS ASSOCIATION

Query what provision will be made to preserve the route of T29/12A.

POLICE ARCHITECTURAL LIAISON

- The Design and Access Statement should demonstrate how crime prevention measures have been considered in the design of the proposal and of the steps taken to mitigate any identified problems. It does not appear to do so.

- The development should not be comprised by excessive permeability. In addition to the main vehicular/pedestrian entrance, the Site Plan appears to indicate that footpaths will enter the development from the northern and southern boundaries. It would be preferable to limit footpaths to those evidenced to be necessary in order to restrict access by potential criminals.
- All street lighting for adopted highways, footpaths, private estate roads and parking areas should comply with BS 5489 in order to reduce crime and the fear of crime.
- The proposed Play Area to the south west of the development is only partially overlooked and adjacent to a footpath link. I have concerns regarding the personal safety of children using this play area. Also it is immediately adjacent to a dwelling which could well be subject to anti-social behaviour. I recommend that this play area be relocated to an area with better resident surveillance.
- Boundaries between public and private space should be clearly defined using physical or symbolic measures in order to deter unauthorised access eg. Suitable walls, fences, landscaping, change of road surface colour/texture etc.
- Several of the groups of housing units appear to back onto open fields, which potentially renders them vulnerable to burglary. Although the rear gardens appear to be separated from the fields by hedgerows, suitable fencing eg. 1.8m close-board may also be required to deter this. Ideally, dwellings should be positioned to face each another in order to allow better natural surveillance.
- The proposed development also appears to include a number of side/back alleys. If essential, these always should be securely gated on or as near to the front building line as possible, in order to eliminate potential hiding places and prevent unauthorised access to the rear of dwellings.
- The proposed parking court at the centre of this development is only partially overlooked and vehicles parked there could be vulnerable to attack by criminals. This parking court should be lit to BS 5489 standard, be provide with a form an access control and subject to good resident surveillance. Ideally vehicles should be parked within cartilage or failing that within sight of the owners' homes.
- Similarly vehicles parked in the two parking areas adjacent to the hedgerows/fields to the west of the development are also vulnerable to attack, being in an isolated area at the rear of properties with very limited surveillance. I recommend that these parking areas be relocated to an area with better resident surveillance.
- All proposed planting/landscaping should be maintained to a maximum growth height of 1m, especially in areas monitored by resident surveillance. Trees should have a clear trunk height of 2m to allow for better surveillance. Defensive planting (prickly plants) could be used in suitable locations to reinforce security.
- The applicant is advised to formulate all physical design measures of this development in accordance with police approved 'Secured By Design'

award scheme, full details being available on the SBD website – www.securedbydesign.com.

COUNTY RIGHTS OF WAY TEAM

I can confirm that there is a public right of way on the Definitive Map which crosses the area of the development (footpath T29/12A). The County Council do not object to the proposal subject to the developer being informed that the grant of permission does not entitle developers to obstruct a public right of way. Development in so far as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary stopping up/diversion Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. I can see from the site plan that provision has been made for the footpath to run through the site. The route will need to be diverted by TDBC under the Town and Country Planning Act.

COUNTY EDUCATION

I am writing to express concerns that the local catchment primary school would not have sufficient capacity to accommodate additional pupils from households moving into the scheme. I am therefore requesting that any grant of permission is conditional upon a planning obligation being entered into in respect of financial contributions towards education provision in accordance with policy C1 of the Taunton Deane Local Plan. On the County Council's normal expectation that there will be demand for 30 additional primary school places from each 150 new dwellings, the development could be expected to generate the need for 12 spaces. Trull CE primary school has a net capacity of 210, although there are 215 pupils on roll. This shortage of space will therefore be significantly exacerbated by the development and a financial contribution to assist in mitigating this would be appropriate. Having recently revised its figures the DCSF (formerly the DfES) now estimates the capital cost of providing a primary school place in Somerset as £11,521. If 12 additional spaces were required this would equate to £138,252. There is currently surplus capacity in respect of the local catchment secondary school (Bishop Fox's) and it is unlikely that any new additional secondary accommodation would be justified.

WESSEX WATER

Foul Drainage – The sewer in Comeytrowe Road has limited spare capacity and some on-site storage may be required.

Surface Water Drainage – Surface water is to discharge to the local land drainage system with the consent of the Environment Agency and Local Drainage Authority. Connection to the sewerage system will not be permitted.

Possible Adoption of New Sewers – In line with Government policy the applicant is advised to contact Developer Services to see if any of the on-site or off-site drainage systems can be adopted under a Section 104 Agreement.

Sewage Treatment – The treatment works and terminal pumping station has sufficient capacity to accept the extra flows this development will generate.

Water Supply – there is adequate capacity to supply the development.

ENVIRONMENT AGENCY

The Environment Agency objects to the development as flood risk management issues have not been sufficiently addressed thus contravening PPS25 Development and Flood Risk. Point 5.3 of the FRA refers to a possible major structure to the north of the site. We are assuming they are referring to the strategic flood risk infrastructure being considered through Project Taunton for this area. We agree that the drainage from the site could discharge to this infrastructure as this would match the strategic flood risk objectives of Project Taunton. This would also then avoid multiple attenuation schemes across the Galmington stream catchments, a situation we do not wish to promote at strategic level. However if the applicant is considering a connection to this facility this may not be possible for some years as the strategic concept is still very preliminary. As the major flood risk infrastructure is out of control of the applicant we object to this proposal as it is unreasonable to put a grampian condition on this application. Should the Agency's objection be overcome the Agency would seek to impose the following conditions for storage of oils/fuels, surface water from parking or hardstandings to be passed through trapped gullies, no discharge of contaminated water to ground or surface waters and provision of adequate sewerage infrastructure.

COUNTY HIGHWAY AUTHORITY

The proposal for 58 homes lies outside the Development Area for Trull and in open countryside. The application is outline with all matters reserved for future approval. The site is on the western edge of the village approximately 500m from the local shop and 750m from the village centre which is located on the east side of Trull road. Whilst generally relatively close to local facilities the site is situated outside the target walking distances set out in RPG10, in particular over 600m from the nearest bus stop. Despite the walking distance, however being relatively manageable, although outside the target distances, the main problem is the geometry of the roads between the site and the facilities. Comeytrove Road is narrow and along the majority of its length towards Dipford Road and all the way north to its junction with Queensway there are no footways. The current use of the lane, the fact that often in front of the existing dwellings cars are parked, means that walking cannot be deemed either safe or convenient. In my opinion this means that walking is unlikely to occur in great numbers and I consider that the vast majority of trips would be by private car. This leads me to believe that not only is the site unsustainable in transport terms, but the increased use of the substandard lane by additional vehicles and the potential for conflict between vehicles and pedestrians would create a significant increase in highway safety hazards on Comeytrove Road and therefore I would recommend refusal of the application.

COMEYTROWE PARISH COUNCIL

The Council agreed to oppose the application for the following reasons:

- 1) The adjoining road is totally unsuitable for this size of development and would make a very dangerous and narrow road more dangerous and create additional road safety problems. The proposed access comes out opposite existing houses and just along from a narrow dangerous double-bend in the road.

2) When the proposal for large scale additional housing was made a number of years ago on the land the other side of Comeytrowe Road, the plans showed no road access or driveways from individual houses coming out onto Comeytrowe Road. The only access was for cyclists and pedestrians. If this application were to be approved it would establish a very dangerous precedent for future development along Comeytrowe Road. In addition when development on the Comeytrowe side of the road took place a few years ago it was agreed policy to have no traffic coming directly onto Comeytrowe Road from the new development.

3) The Council note the number of houses has been reduced from 80 to 58 but this still remains a large scale development. The Council consider that as part of the land has now been left with a road access from the proposal going into it, then it is very likely that the remaining land will be built on in the foreseeable future. This means that we still have 80 houses but with piecemeal development.

4) The 58 houses are being built on a reduced area and therefore the density is the same and this constitutes overdevelopment of the land.

5) The Council would not necessarily be against affordable homes, but feel this proposed development is in totally the wrong place.

TRULL PARISH COUNCIL

The Council resolved not to support the application as

1) The adjoining road alongside Comeytrowe Road is not suitable to take any additional traffic and there have been numerous incidents involving vehicles. In addition HGV drivers tend to ignore the 7.5T limit and the appropriate authorities do not appear to enforce it.

2) Although the number of proposed dwellings has been reduced from 80 to 58, it still represents a significant overdevelopment on a site that lies outside the of the published TDBC planning policy.

3) Although part of the site has been left clear, but with a road access going into it, it suggests that there may be piecemeal development back to the original figure of 80 or more.

4) There is a high risk of flooding to the properties. Surface water tends to accumulate very quickly in this area and the Council has to regularly request Highways to attend following periods of heavy rainfall.

5) The Council supports the principle of affordable homes and has been proactive in ascertaining the local need. However this particular proposal is contrary to that aim in terms of its location and of its size.

9.0 REPRESENTATIONS

A petition of 300 signatures opposing the application.

80 Letters of OBJECTION raising issues on the following grounds:

Development inappropriate for the village;

The site is outside the settlement limits;

Further housing scheduled for Comeytrowe in the future should have affordable housing dispersed within it not built in isolation;

There is no proven local need and a Parish needs survey only found a need for 18; the single tenure proposed does not meet the range of needs identified in the Needs Survey;

It will erode the countryside between Comeytrowe and Trull,

The proposal outside provision of policy H5;

It would be social exclusion and inhibit social mobility;

Too many houses will lead to social problems,

The schools will not cope with the increase,

Lack of local amenities;

It will put a strain on local services;

Concern over car parking;

No gardens and restricted play areas,

The site is on a narrow winding lane where vehicles can only pass in specific areas, The Dipford Road/Honiton Road junction is already congested and has poor visibility as does the Queensway junction;

It will create a dangerous traffic increase with harm to the safety of pedestrians and motorists;

Damage to property has occurred on the bend in the past;

7t weight limit not enforced,

It will put a strain on the road network and will lead to accidents;

The lane is a rat-run;

There are no pavements and the proposal will be a danger to pedestrians and cyclists;

The submitted Traffic Highway Review lacks objectivity and evidence based testing, There is no bike or other storage space;

It would set a precedent for further development without infrastructure and is a piecemeal approach;

Road widening would destroy the nature of the lane;

It would create unwanted light pollution;

The proposal is a ploy to advance business interests and seek housing while avoiding restrictions of planning policy;

Development should not be contemplated until a two way carriageway is provided; Loss of recreational amenity land and natural habitat;

No landscape mitigation;

The proposal is premature;

It is disproportionate to the size and density of housing in Trull and will compromise Trull village;

There are more suitable brownfield sites;

Affordable housing should be on a bus route;

The lane floods and flooding will worsen;

There is inadequate landscaping, play areas and parking;

There is a need for agricultural land;

It will cause overlooking as the development site is raised

It would be prominent in the landscape and it would break the skyline;

The area is identified for a significant urban expansion and the proposal will compromise an efficient sustainable masterplan.

3 letters of support on basis of local need.

10.0 PRINCIPAL ISSUES FOR CONSIDERATION

- A Is the proposal in line with Development Plan and National Planning Policy Guidance? POLICY
- B Is there a proven local need for the proposed development? NEED
- C Is the arrangement to secure appropriate affordable housing in perpetuity appropriate? AFFORDABILITY
- D Is the screening of the site and its landscape and wildlife impact acceptable? LANDSCAPE/WILDLIFE
- E Are the links to the highway network adequate and safe to serve the development? HIGHWAYS
- F Is adequate play and recreation space and public art provision provided for within the scheme? LEISURE/ART PROVISION
- G Is there adequate education provision provided for within the scheme? EDUCATION
- H Is there adequate provision made for the surface and foul water disposal in relation to the site? DRAINAGE
- I Is the proposal sustainable? SUSTAINABILITY

A. POLICY

The proposal for residential development needs to be assessed against the policies of the Development Plan together with central Government planning policy advice. The site lies outside the settlement limit of Trull and Taunton and therefore is contrary to policy of the adopted Development Plan. The question to answer in assessing the scheme therefore is does the need for affordable housing outweigh the above policy objection and are there any other policy and material considerations which would support the proposal or not.

Policy S7 of the Taunton Deane Local Plan states that outside defined settlement limits, new buildings will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and also meets certain criteria. One of these criteria is that buildings should be designed and sited to minimise landscape impact and avoid breaking the skyline. The development of the site as proposed would impact on the character of the area and break the skyline for those existing properties opposite, this would be contrary to criterion (E). Another of the criteria (B) is that any proposal should accord with a specific development plan policy or proposal. Affordable housing schemes may be considered appropriate in the countryside in certain circumstances. This exception to the normal strict control of new residential development in the open countryside is set out in Policy H11 of the Taunton Deane Local Plan relating to rural needs housing. This policy states that small affordable housing schemes which meet the local community's needs for

affordable housing will be permitted on sites where housing should not otherwise be permitted, either within or adjoining the identified limits of village and rural centres, again provided that certain criteria are met. Such proposals will only be acceptable where there is a proven local need and environmental and other standards are met.

Policy H11 however is a rural local needs policy and what is being proposed is not considered to be a rural exception site and so this policy would not apply. The site does not lie within a settlement or adjacent to a rural centre, however it does lie adjacent to the existing settlement limit of Taunton. The number of housing units is also greater than that normally provided under the exceptions policy. The proposal is proposed as an exception which does not fall under any existing Local Plan policy. The development has to be considered in terms of the identified scale of housing need and the impact of the scheme on the surrounding area and any other policies in the Local Plan. The Forward Plan Unit conclude that the site is not suitable due to its unsuitable location in terms of poor proximity to employment, services and public transport and unsafe pedestrian or cycle links as well as its identification as a strategic urban extension in the emerging RSS. This unsuitability is considered to outweigh the need for affordable housing in this location.

I am not convinced this is the best available site in planning terms. There are considerable local objections to the scheme on this site as well as objections from the Highway Authority and the Environment Agency. There will be a visual impact of the development in this location as it will break the skyline. No alternative site options have been identified in the Design and Access Statement and no needs assessment has been included. The principle of the use of the site for housing is therefore not accepted at this time.

B. NEED

The need for affordable housing is a planning consideration and Government policy encourages Local Planning Authorities to increase the supply of affordable housing through appropriate planning policies. The Borough Council is strongly committed to the provision of affordable housing as part of its corporate aims. One of the principal objectives of the Corporate Strategy 2006 – 2009 is to enable the building of 985 units of affordable housing between April 2006 and March 2011. The Local Plan policies reflect this commitment by seeking to meet as much of the housing need as feasible through the planning role. Government policy requires that affordable housing should include both low cost market and subsidised housing.

There have been objections on the basis that a local needs survey carried out in relation to Trull has identified a need for 18 units. However the Local Plan identifies Trull as an associated settlement that is defined as part of Taunton on the Proposals Map (PolicyT1). Consequently any needs survey should encompass the Taunton area and not just Trull itself. The Housing Enabling Manager supports the need for affordable units in general.

The affordable housing targets set in the Local Plan were based upon the level of need identified in the Housing Needs Survey undertaken by Couttie Associates in 2002, which was for 131 additional affordable dwellings a year. A desk-based review carried out by the Ark Consultancy on behalf of all the Somerset local authorities in 2006 identified a fourfold increase in need to 564 dwellings per year in Taunton Deane. Although the work by Ark preceded the publication of Practice Guidance on Strategic Housing Market Assessments, and is not fully compliant with that Guidance, it nevertheless has some value in updating and re-assessing the scale of need. The Authority has commissioned further work by Fordham Research to assess the affordable housing need in the area, and this will be published later this year. However, from the evidence already available – from the Ark study, worsening affordability, and significant growth in the Waiting List – it is clear that need has increased significantly and could be argued as acute.

C. AFFORDABILITY

The applicant has submitted the proposal for affordable housing on the basis of the need in the district. The application is supported by the Housing Enabling Manager on the basis of need in the Borough and has requested a mix of discounted housing and social rented on the scheme. The proposal is not accompanied by a housing needs survey and an assessment of the true need in terms of numbers and tenure breakdown is currently being undertaken by the Authority. There is clearly a general need in the Borough. However, the application relates to purely one type of tenure and not a mix as requested by the Housing Enabling Manager. Paragraph 12 of the Government's 'Delivering Affordable Housing' Policy Statement states there needs to be a good mix of tenures on new developments. The initial submission does not achieve this.

The proposal includes a draft 106 Agreement which seeks to secure the availability of the dwellings in perpetuity. The draft agreement requires that all the dwellings to be built pursuant to the planning permission shall be affordable dwellings. The owner of the dwellings shall not sell the freehold or let other than to a 'Qualifying Person' unless otherwise agreed in writing with the Council. A 'qualifying person' is someone who lives or works in the local area and is in housing need. The sale of the units is based on a 33% discount of the open market sale price.

There is also provision that where there is no 'qualifying person' agreeing terms to purchase, a dwelling may be offered to a 'secondary qualifying person', defined as a person who is considered to be in housing need and who has a strong local connection with the secondary locality (defined as within the District).

Whilst it is considered that these management and nomination arrangements will ensure that, as far as is practicable, the proposed dwellings will remain affordable in the future, this initially related to the sale of discounted housing only and did not secure any mix of tenure and a social rented element. It has been indicated, however that the applicant would be willing to vary the

proposed section 106 agreement to ensure an element of affordable rented provision is provided on site and on the basis of the this being included it is considered that a mix of tenure could be achieved to address affordable housing needs in perpetuity.

D. LANDSCAPE/WILDLIFE

The site is on agricultural land in the countryside and the site is set largely above road level. The Landscape Officer considers the proposal will have an impact on the landscape character of the area contrary to policy EN12 and would result in the loss of an important roadside hedgerow without adequate mitigation. The development of housing in this location would also break the skyline for existing properties in Comeytrove Road and would appear dominant.

The Wildlife Report submitted with the application found no evidence of protected species on site and the conclusion identified a number of issues to protect wildlife in general particularly in respect of the existing boundary trees and hedges which act as nesting sites for birds and potential foraging areas for bats. The Nature Conservation Officer considers the issues raised could be addressed through conditions.

E. HIGHWAYS

The highway report submitted on behalf of the applicant concludes that there will be no significant impact on the local environment from the site related traffic flows and site related traffic is not likely to exacerbate the accident situation. It is also claimed that bus links in the vicinity are good and participation in the use of public transport by residents can be encouraged by provision of vouchers to the value of £400 per unit. Such a scheme would necessitate inclusion in a legal agreement to secure its provision. The report's conclusion on the highway impact of the proposal is not supported by the majority of the local objectors. The Highway Authority consider the site to be outside the target walking distances set out in RPG10, in particular over 600m from the nearest bus stop. While it is considered that the distance in itself may be manageable the issue of walking is made worse by the width and alignment of the roads and lack of footways. As such the Highway Authority considers that walking cannot be considered either safe or convenient. This is therefore likely to lead to reliance on the private car which is not sustainable. The increase in use of the lane with conflict between vehicles and pedestrians is also considered to be a highway safety hazard and this is considered to be contrary to policy49 of the Joint Structure Plan and the Highway Authority recommend refusal of the application.

F. LEISURE/ART PROVISION

The Leisure Manager has identified that the proposed play area on the illustrative plan is insufficient in size and too close to housing. There is an existing local play area off site and it is suggested that a sum be provided for off site use to upgrade existing facilities. It is also considered that outdoor

recreation is not proposed as part of the development and that a contribution should be sought in respect of such provision also. Provision of such contributions would need to be sought through a Section 106 Agreement. The Art Officer has also requested that 1% of the development cost be set aside for public art. In light of the need to ensure affordable housing on site it is not considered the request should be pursued if this affects viability and given the more pressing social needs of education and leisure provision.

G. EDUCATION

The County Council recognise that the development would result in additional demand for school places. There is considered to be insufficient capacity at the local primary school for the expected number of pupils from the development. A financial contribution is therefore sought for the additional pupils that could be expected from the scheme in accordance with policy C1 of the Local Plan and this would need to be secured through a legal agreement. The applicant argues that the housing will serve existing residents in Taunton and so will not add to additional levels of need.

H. DRAINAGE

The applicant has submitted a drainage statement with the application which identifies the site in Flood Zone 1 with the ground conditions being clay. It also states that it is intended to link the foul drainage to existing foul sewers subject to the approval of Wessex Water. No objection to the principle of the scheme has been raised by Wessex Water. The stated preferred option for surface water is to outfall to the watercourse to the north with attenuation storage. However this scheme would appear to involve land not in the control of the applicant and the Environment Agency have raised objection on this basis and the fact any attenuation facility may be some years away. A Grampian condition in this instance therefore is not considered appropriate. The use of sustainable drainage systems on site may not be suitable due to ground conditions and therefore it is not considered appropriate to condition at this stage. Until adequate surface water drainage provision can be shown the Environment Agency maintain their objection and this potential for flood risk is considered a reason to resist the proposal.

I. SUSTAINABILITY

The application site lies on greenfield land outside the settlement limit, however it does lie adjacent to the settlement boundary to the south and across the road. The area being adjacent to the settlement limit does have potential for future development as part of a comprehensive scheme for a further extension of the town. However as it stands without significant infrastructure provision the site does not lie on an easily accessible bus route and to reach the bus route into town would involve walking over 600m along roads without pavements. The Highway Authority considers this to be unsafe and would result in the occupants of the site being reliant on the private car. This reliance on the car is not

considered to be a sustainable one and undermines the suitability of the site for affordable housing.

11.0 CONCLUSION

In summary the proposed site lies on the edge of the existing settlement beyond the settlement boundary and is not served by good public transport or roads with pavements. As such it is considered that development is likely to be car reliant and non-sustainable as well as adding to highway safety dangers on Comeytrove Road. The proposal is also in an area that has been identified as a future strategic urban extension in the emerging RSS. In addition the submission does not adequately address the risk from surface water flooding and the Environment Agency object. Given these issues and the fact that the development would be on elevated land outside of the settlement limit it is not considered that these considerations are outweighed by the acute need for affordable housing to warrant a divergence from the policies of the Development Plan. The recommendation therefore is one of refusal.

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:

42/2008/002

WEST OF ENGLAND DEVELOPMENTS (TAUNTON)

**OUTLINE FOR ERECTION OF 8 AFFORDABLE HOUSES ON LAND OPPOSITE
DIPFORD COTTAGE, DIPFORD ROAD, TRULL**

320773/122213

OUTLINE APPLICATION

PROPOSAL

The proposal seeks outline planning permission for the erection of eight affordable houses with associated parking and access. The site is approximately 0.3 hectares and is located to the west of Trull, and 3km south west of Taunton. The site is currently vacant and was previously probably an orchard. The nearest settlement is Trull, which has a limited range of facilities and the local public transport services are infrequent.

As the application is for outline permission, indicative plans have been submitted to show how the proposed development is envisaged. The layout is four a row of four terrace houses, and two blocks of two semi detached dwellings. The dwellings are all two storey with a simple design, with 2/3 bedrooms. Access is proposed to run from the centre of the frontage of the site, perpendicular to the rear of the site, where two car parking spaces per dwelling are proposed. There is amenity space to the front and rear of each house plot, and each dwelling has a pedestrian access at the front.

A housing needs survey was submitted with the application, which was carried out by Trull Parish Council and the Community Council for Somerset's Rural Housing Enablers. In summary the survey found that 18 households have a need for affordable housing in Trull Parish, with the majority of respondents requiring 1 bedroom accommodation, followed by 2 bedroom accommodation being the second highest in demand.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY - The proposed development site is located outside of any development limit, remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000). Notwithstanding the aforementioned comments, Policy 35 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy H11 of the Taunton Deane Local Plan, state that there are exceptions whereby small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centre

providing they meet the appropriate criteria. Therefore its acceptability from a planning perspective must be a matter for the Local Planning Authority, and whether the proposal meets this criteria set out by Policy H11. It is clear that the proposal will result in an increase in use of private vehicles. According to the application form, this is an outline proposal with all matters reserved apart from layout and scale. It would seem that this would be the appropriate time to deal with the detail of access to the site. It has been stated in item 10 of the Design and Access Statement, that a single point of access will be created approximately at the mid point in the site frontage, which will provide acceptable visibility across the site frontage. In detail, the proposal derives access from/onto a classified unnumbered highway which is subject to the national speed limit. No information has been submitted regarding traffic speeds in this location, however the observed speed of traffic would appear to be in the region of 40mph. Therefore the Highway Authority, would recommend that visibility at the point of access where the private access meets the public highway should be based on minimum co-ordinates of 2.4m x 90m in each direction to the nearside carriageway edge. There shall be no obstruction to visibility within these areas that exceeds a height greater than 300mm above adjoining carriageway level. Therefore, it will be necessary to construct the 850mm high boundary wall fronting plots 3 and 4 behind the splay. The new footway can be widened up to the back of the splay. The provision of splays across the site frontage would not be sufficient or acceptable and it would appear that required splays (set out above) might be difficult to achieve. Therefore proof would need to be provided that the required splays can be achieved on land within the application site and/or highway land, as I am concerned that the splays, in particular to the east may encroach onto third party land. Given that the proposal is located in what is considered an unsustainable area, I would recommend that the maximum parking standard is applied in this location for this development which would equate to 2 spaces per dwelling, which appears to have been set out on the submitted plan together a turning area to enable vehicles to enter and exit the site in a forward gear. For information there is a footway (located on the opposite side of the carriageway) that links the site to Trull, the nearest bus stop, local shop and school and are all in excess 400m away and outside of the target distances set out in RPG10. However this footway is narrow in places making it difficult for wheelchairs or users of prams/pushchairs etc, in addition it is unlit and therefore not considered to be a ideal pedestrian route. The following highway related comments have been made as a result of looking at submitted drawing number 3874/07 together with the 'Design and Access Statement'.

1. The new footways fronting the site shall be constructed to Somerset County Council specifications.
2. Any parts of private access paths that are contained within visibility splays, shall be constructed to SCC footway specifications. (Plots 5-8).
3. The proposed footway construction along the site frontage shall not impinge upon the existing carriageway width through Dipford Road, an extract of highway record is enclosed for information.
4. A Section 38 Agreement will not be required here as the site is to remain within private ownership. The Highway authority would be willing to adopt the

footway fronting the site together the first 5.0m of the access road and associated visibility splays under a Section 171 Agreement.

5. Where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson, Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.
6. A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. The applicant/developer is encouraged to contact the Highway Service Manager on 08453459155 and make arrangements for such a survey to be carried out.
7. It has been noted that soakaways are to be used for draining storm water from this site. The use of soakaways is dependent upon the proven existence of highly permeable strata below the surface. In-situ percolation tests should be undertaken in accordance with the BRE Digest 365.
8. Due to the fact that the internal service road is to remain private, no surface water from the site will be allowed to drain out onto the existing public highway and vice-versa. This will depend upon finished carriageway levels. This comment also applies to the private access paths.
9. Can the applicant please advise as to how future maintenance operations of the site will be carried out?
10. It has been noted that the internal private footway is to be 1.0m wide. To enable the movement of disabled pedestrians, it would be preferable if a minimum width of 1.5m were provided. This would be in accordance with 'Dept. of Transport - A Guide to Best practice on Access to Pedestrian and Transport Infrastructure'.
11. It has been noted that private access paths will provide a direct link out onto Dipford Road. The provision of these paths must not result in 'on street' parking within Dipford Road.
12. Tactile paving will be required across the site entrance. They shall be set out in accordance with 'Guidance on the use of Tactile Paving Surfaces - Dept. of the Environment and the Regions 1998'.

13. Tie into Dipford Road - Allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm.
14. The proposed 850mm high boundary wall fronting plots 5-8 can be set at the back edge of the visibility splay. Drawing 3874/07 currently shows a thin length of verge between the wall and the back of the visibility splay.
15. 'Estate Roads in Somerset - Design Guidance Notes' recommends the use of 6.0m junction radii for access roads. The submitted proposal shows a radii of 4.5m, more suited for shared surface roads.
16. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

Taking the above points into consideration I would request further information is submitted addressing the issues raised above.

LANDSCAPE OFFICER – My main concerns are:

- Loss of hedgerow – although in poor condition
- Loss of orchard – although neglected
- Loss of countryside
- The lime tree along the western boundary is not in great condition but it is worthy of retention.

If approval is given it is important to reinforce the northern boundary to provide a softer face to the open countryside.

WESSEX WATER – Standard response that point of connection to Wessex Water infrastructure for water should be agreed prior to commencement of any works on site, and any Wessex Water infrastructure running across the site must be protected.

LEISURE DEVELOPMENT TEAM – In accordance with Policy C4 provision for play and active recreation must be made. A contribution of £1023.00 for each dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £1785.00 for each 2-bed+ dwelling should be made towards children's play provision. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings.

HOUSING OFFICER – The Housing Enabling Manager supports this application for Affordable Housing.

SOMERSET ENVIRONMENTAL RECORDS CENTRE – Identifies non-statutory and statutory sites and species are within 1km of the site.

NATURE CONSERVATION & RESERVES OFFICER – MWA's report Jan '08 highlights the fact that existing apple trees on site may contain bat roosts, with recommendations for checking for bats by a licensed bat ecologist before the trees are felled. Breeding birds – the survey identified large areas of bramble suitable for nesting birds. In order to maintain habitat for breeding birds on site I recommend that retained hedgerows are reinforced and new hedgerows planted and traditionally

managed. The report concludes that it is unlikely that other protected species will be affected by the proposals. Suggested conditions and notes included.

TAUNTON & DISTRICT CIVIC SOCIETY – Objects to the application and raises the following concerns: inappropriately sited; footway to Trull is too narrow and unsafe; fails to meet Local Plan criteria; not sustainable amounting to ribbon development; does not adjoin settlement limits.

PARISH COUNCIL – Supports the application. At a meeting of Trull Parish Council on 17th March, some 78 members of the public attended and the matter was discussed in some detail. The Council resolved to support the application and I now write to advise of the main points that were raised during the meeting: -

1. The privacy of existing dwellings would be adversely affected and there would be an increase in traffic on a road that is already prone to incidents
2. The development would remove land that is currently absorbing surface rainwater and the foul water drainage arrangements are inappropriate
3. Dipford Road is a route for emergency vehicles to the M5 service station
4. The pavement width, where provided in the area, is inadequate, particularly for families with pushchairs
5. Although designated as an exception site, the proposal is contrary to current planning policy

TWO LETTERS OF SUPPORT – Have been received supporting the proposal for the following reasons: in line with need identified in Housing Survey; mixed development with a variety of properties for sale and lease; scale of proposed dwellings fits in with other properties in the area; site has footpath running to Trull and local facilities; will not adversely affect traffic or flooding potential; scheme has eco-friendly features; would have minimal impact on the village

TWENTY TWO LETTERS OF OBJECTION - Have been received raising concerns over the following: increase of traffic on road which is narrow and has a dangerous bend; high speeds of traffic using road as it is outside the 30mph restriction of Trull, especially emergency vehicles accessing the M5 service stations; overlooking to and from dwelling opposite site; loss of residential amenity; loss of species rich habitat to wildlife; drainage problems from increased run-off; too far from nearest settlement; too far from local amenities; footpath from proposed site to Trull is too narrow, and would not accommodate a pushchair or wheelchair, and would be dangerous with small children; the design of the houses is out of keeping with the rural area, and does not relate to the surrounding properties; site is too small to accommodate eight houses which is incompatible with the area; the lane outside the site is prone to flooding and the proposal would extend and exacerbate the problem; inappropriate site; could set a precedent for area for further residential development; much of the road between the site and Trull is unlit and therefore is dangerous for pedestrians; the area is not connected to mains drainage; site clearance has already taken place; the countryside should be protected; Dipford is a completely separate community from Trull; proposal would change the character of the area socially; the type of houses proposed with 2 or 3 bedrooms do not meet demand shown in Housing Needs survey of 1 bedroom accommodation, which could lead to the houses being sold to people with no connection with Trull; dependency of future inhabitants of site on private car; noise and light pollution; piecemeal development; houses won't be

affordable despite being sold at 70% of open market price; site is not within easy or convenient reach of Trull; visibility of access to/from site is not acceptable; conduct of Parish Council meeting which did not take into consideration the views of the local residents, and is therefore unrepresentative of the majority view of local residents.

POLICY CONTEXT

PPS3 – Housing

RPG10 – Regional Planning Guidance for the South West

Somerset & Exmoor National Park Joint Structure Plan Review STR1 (sustainable development), STR6 (development outside towns, rural centres and villages), Policy 33 (provision of housing), Policy 35 (affordable housing), Policy 48 (access and parking), Policy 49 (transport requirements of new development).

Taunton Deane Local Plan Policies S1 (general requirements), S2 (design), S7 (outside settlements), H11 (rural local needs housing) and M4 (residential parking requirements).

ASSESSMENT

The site is located in open countryside, outside of the designated settlement limits of Trull, and is therefore subject to the full weight of restrictive policy regarding development in the countryside. The Authority's Structure Plan (STR6) and Local Plan Policy (H11) allow as an exception for the development of affordable local needs housing sites, where there is clear evidence of local need and providing the site is within the village, or adjoining if no suitable internal site is available. The aim of the policy is also to normally seek to meet local needs for housing within the Parish in which they arise.

In order to demonstrate the requirement for affordable housing provision to accord with the exceptions policy a rigorous local needs survey is required. The local needs assessment that was carried out to justify the type and number of dwellings proposed does not reflect to size of dwellings proposed with 2 & 3 bedrooms. Planning Policy Statement 3 - Housing makes it clear that proposals for affordable housing should reflect the size and type of affordable housing required (paragraph 23). In addition no land availability assessment has been carried out in and adjoining the parish settlements. Whilst the support of the Housing Enabling Officer is noted and the provision of 'affordable housing' is a Corporate priority provision of exception housing must accord with the tests set out in Policy H11 and the aforementioned policy does not allow indiscriminate development of dwellings in the open countryside.

National Planning Guidance endorses that new houses away from existing settlements should be strictly controlled. Policy H11 clear states that exception housing should be located within or adjoining settlement limits. In this respect the proposal fails at the first hurdle in that the application site is not immediately adjacent to an existing settlement, therefore does not form a logical extension to a defined limit of an existing settlement. The provision of exception housing must also be accommodated satisfactorily on site without compromising the form and character of

the settlement or surrounding landscape to accord with the provisions of the policy. The proposal would represent an isolated and unwarranted intrusion into the predominantly rural surroundings.

The County Highway Authority expresses a concern over the sustainability of the site, as occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs – such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10. The footway that links the site to Trull, the nearest bus stop, local shop and school are all in excess of 400m away and outside the target distances set out in RPG10. Furthermore the footway is narrow in places making it difficult for wheelchairs and prams/pushchairs etc, and it is unlit and therefore not considered to be an ideal pedestrian route.

The County Highway Authority also note the provision of visibility splays across the site frontage would not be sufficient or acceptable, and it would appear that required splays may be difficult to achieve without encroaching onto third party land.

To conclude, it is considered that development does not accord with the provisions of Policy H11 for the reasons outlined in the report and should also be regarded as unacceptable from a landscape viewpoint. It is therefore considered that efforts should be redirected towards finding a more suitable site elsewhere within the village to meet the current and future local needs for affordable housing.

RECOMMENDATION

Permission be refused

REASON(S) FOR RECOMMENDATION:-

(1) The proposed development does not immediately adjoin the settlement of Trull. As such the proposal would create a form of unacceptable sporadic development in the open countryside. 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, S2, S7 and H11 of the Taunton Deane Local Plan.

(2) The proposal represents an over development of the site out of keeping with the general scale and character of the existing properties in the vicinity. It would result in a development of comparatively cramped appearance and would thus detract from the visual amenity and rural character of the area contrary to S1 and S2 of the Taunton Deane Local Plan.

(3) The occupiers of the development are likely to be reliant on private vehicles and such fostering of growth in the need to travel would be contrary to advice in PPG13, RPG10 and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

CONTACT OFFICER: 356469 MISS C NUTE

NOTES:

Planning Committee – 22 May 2008

Report of the Development Manager

Enforcement Item

Parish:	West Monkton
1. File/Complaint Number	E257/08/2007
2. Location of Site	The Wagon Barn, Tudor Park, Taunton
3. Names of Owners	Mr S Ottavianieli
4. Name of Occupiers	Unknown
5. Nature of Contravention	

Formation of access in unauthorised location

6. Planning History

The access together with other unauthorised works was first brought to the Council's attention in August 2007. Contact was made through the agent and assurances given that the unauthorised works would be rectified in line with the approved plans. To date only the picket fencing has been removed. The new hedge planting and alterations to provide the approved access have not been carried out. A Breach of Condition Notice has been served in respect of the planting. A wooden shed has also been erected on site for which a Planning application is being sought.

(A rainwater downpipe discharges into an underground pipe which runs across the site into the nearby leat through an unauthorised extension to a Listed Wall – see item E25/08/2008).

7. Reasons for Taking Action

The unauthorised access has been formed where a boundary hedge has been approved. The potential loss of approved boundary hedging together with the impact on the setting of the Listed Building would be detrimental to the visual amenity of area.

8. Recommendation

The Solicitor to the Council be authorised to serve an enforcement notice and commence prosecution proceedings, subject to 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: Mrs A Dunford 01823 356479

Planning Committee – Wednesday 22 May 2008

Report of the Development Manager

Enforcement Item

Parish:	Taunton
1. File/Complaint Number	E99/38/2008
2. Location of Site	38 North Street, Taunton
3. Names of Owners	Nearby Stores Ltd, Chota Castle, Chew Lane, Chew Magna, Bristol BS40 8QA
4. Name of Occupiers	As above
5. Nature of Contravention	

Unauthorised advertisements

6. Planning History

7. Background

Pre application advice given in February 2008 re: acceptability of proposed signs.

Signs erected in March 2008.

Despite chasing, to date no application has been received.

8. Reasons for taking action

The advertisements to the ground floor windows some of which are on the outside and some on the inside, plus those to the reveals of the entrances are considered to have a detrimental impact on the character of the Listed Building, contrary to Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review and PPG 15.

9. Recommendation

Listed Building Enforcement action be instigated to remove the advertisements behind the ground floor glazing and reduce the size of the external advertisement panels within the ground floor glazing and entrance reveals.

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

CONTACT OFFICER: Diane Hartnell 01823 356492

Planning Committee – 22 May 2008

Report of the Development Manager

Enforcement Item

Parish: WEST MONKTON

1. **File/Complaint Number** E25/08/2008
2. **Location of Site** Tudor Park, Maidenbrook, TAUNTON, Somerset
3. **Names of Owners** Mr Mark Mein
4. **Name of Occupiers** Mr Mark Mein
5. **Nature of Contravention**

Unauthorised raising of the wall of the leat.
Raising of ground level around mounting block

6. **Planning History**

The works were first brought to the Council's attention in February 2008. Discussions have taken place with the owner but he is reluctant to remove the extension to the wall, as he claims that this stops soil and debris washing into the leat, as a result of raised land levels associated with the adjacent converted Wagon Barn. It has been suggested that a retaining wall could be built in stone approximately 1 metre back from the edge of the leat to stop the soil washing into the leat. The owner is unwilling to do this. Close to the leat is a Listed mounting block which has also been affected by the raised land levels. The developer of the Wagon Barn has laid a rainwater pipe to discharge into the leat above the original height of the leat wall. This work was carried out before he conveyed this land to the present owner

7. **Reasons for Taking Action**

The unauthorised works to the leat and the infill of soil around the mounting block are detrimental to the character of both of these Listed structures.

8. **Recommendation**

The Solicitor to the Council be authorised to serve a Listed Building Enforcement Notice and Prosecution action in respect of the unauthorised works to a Listed Buildings.

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

