



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE JOHN MEIKLE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 24TH SEPTEMBER 2008 AT 17:00.

(RESERVE DATE : THURSDAY 25TH SEPTEMBER 2008 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Planning Committee held on 3 September 2008 (attached)
3. Public Question Time
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
5. Wiveliscombe - 49/2008/017 Report Item
Erection of 80 no residential units with associated new roads, parking and drainage, together with public open space, balancing pond and play area, land to north of Style Road, Wiveliscombe as amended by public open space sketch layout drawing no 148/07/SK1 received on 29 May 2008, letter dated 23 May with accompanying flood risk assessment letter dated 17 June 2008 with accompanying drawing nos 0311-100A and 101A and C07414-SKC003A. dormouse mitigation and further details, letter dated 15 August 2008 with accompanying drawing nos 0311/102, 103B, 104B, 105B, 108B, 109B, 200-232A and revised design and access statement and schedule of accommodation and further amended by letter dated 19 August 2008 with accompanying drawings nos 148/PP001 Rev A and PP002 Rev A received on 21 August 2008, letter dated 11 September 2008 with accompany drawing nos 0311 -102F and 0311/109C
6. Bishops Lydeard - 06/2008/057

Change of use for mobile home for agricultural worker and pheasant rearing at Mill Field, Bishops Lydeard as amended by plans received 3 September 2008
7. Otterford - 29/2008/010
Erection of single storey extension at The Stalls, Rull Farm, Otterford
8. Taunton - 38/2007/556
Erection of dwelling and detached garage within garden of 27 Calway Road, Taunton as amended by agents letter dated 30 May 2008 and Drawing Nos 91106/7, 8, 9, 10, and 11 and as amended by agents

letter dated 16 July 2008 and Drawing No 91106/11A

9. Wellington - 43/2008/091
Erection of medical centre with attached services, including car parks, external works and landscaping and formation of access to Mantle Street, land to south and west of 112B Mantle Street (Part of Trinity Farm), Wellington (Revised Proposal) as amended by letter dated 11 August 2008 with accompanying Drawing No 431/01B and Ecological Management Plan

10. E282/25/2007 - Sorting and selling excess ballast, land south east of Allerford Fishing Pond, Norton Fitzwarren Enforcement Item

Tonya Meers
Legal and Democratic Services Manager
16 September 2008

Tea for Councillors will be available from 16.45 onwards in Committee Room 1

Planning Committee Members:-

Councillor Mrs Hill (Chairman)

Councillor Mrs Allgrove (Vice-Chairman)

Councillor Bishop

Councillor Bowrah

Councillor Mrs Copley

Councillor Critchard

Councillor Denington

Councillor Mrs Floyd

Councillor C Hill

Councillor House

Councillor Miss James

Councillor McMahan

Councillor Mrs Smith

Councillor Watson

Councillor Ms Webber

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

Planning Committee – 3 September 2008

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Bowrah, Mrs Copley, Mrs Court-Stenning,
Denington, Mrs Floyd, C Hill, House, Miss James, McMahon, Watson,
and D Wedderkopp

Officers:- Mr T Burton (Development Control Manager), Mr J Hamer
(Development Control Area Manager - West), Mr B Kitching (Area
Planning Manager), Mr G Clifford (Area Planning Manager - South),
Miss C Nute (Planning Officer – South and West), Miss M Casey
(Planning and Litigation Solicitor) and Mrs G Croucher (Democratic
Services Officer)

Also present:- Councillors Coles and Morrell

(The meeting commenced at 5.00 pm)

101. Apologies/Substitution

Apologies: Councillors Critchard, Mrs Smith, Ms Webber, Miss Wood and
Woolley.

Substitution: Councillor Mrs Court-Stenning for Councillor Ms Webber.

102. Minutes

The Minutes of the meeting held on 13 August 2008 were taken as read and
were signed.

103. Applications for Planning Permission

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

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

06/2008/058

Erection of detached dwelling with garage, 26 Church Street, Bishops Lydeard

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) C201 – landscaping;
- (d) Details of the arrangements to be made for the disposal of foul and
surface water drainage from the proposed development, shall be

submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;

- (e) C215 – walls and fences;
- (f) P001A – no extensions;
- (g) P003 – no ancillary buildings;
- (h) P006 – no fencing;
- (i) The area allocated for parking/turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (j) There shall be no obstruction to visibility greater than 900mm above adjoining road level within the area of land shown coloured green on the attached plan. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the parking of domestic vehicles only and shall not be used for further ancillary residential accommodation or other purpose whatsoever;

(Note to applicant:- Applicant was advised of the following Wessex Water requirements:- (1) The development is located within a foul sewer 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. It should be noted that a number of non-return valves have been fitted in the vicinity of the site, suggesting previous operational problems with Wessex Water assets; (2) The developer has not disclosed how they propose to dispose of surface water flows. As there are no existing public/separate 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 site (for example soakaways). Surface water should not be discharged to the foul sewer; (3) With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage; (4) Applicant was recommended to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (5) The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus).

Reason for granting planning permission:-

The proposed development would not adversely affect visual and residential amenity, nor road safety, nor the character and appearance of the designated Conservation Area, nor the setting of the adjacent listed building.

Accordingly, the proposal did not conflict with Taunton Deane Local Plan

Policies S1 (General Requirements), S2 (Design) and EN14 (Conservation Areas), Somerset and Exmoor National Park Joint Structure Plan Review policy 9 and PPG15.

27/2008/026

Siting of one mobile home for gypsy family and transit pitch for touring caravan at Altona Park, Hillfarrance

- (a) C511 – caravans – gypsy occupation;
- (b) No business activities shall be conducted at the site unless otherwise agreed by the Local Planning Authority;
- (c) C010A – drainage;
- (d) P006 – no fencing;
- (e) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority;
- (f) Not more than two mobile homes and two touring caravans shall be stationed on the site at any one time (including those allowed by planning permission 27/2006/019), in accordance with details to be submitted to the Local Planning Authority;
- (g) There shall be no open storage of any material used in connection with business activities;
- (h) (i) Within three months of the date of this permission a scheme of planting of trees and shrubs, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (i) The existing hedges on the boundaries of the site shall be retained except at the point of, access, to the satisfaction of the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised that the Environment Agency's Consent to Discharge to an underground strata was required.)

Reason for granting planning permission:-

It was considered that the proposal would cause a modest rise in daily vehicle movements and have limited impact on the local roads and visual amenity of the rural area and furthermore the proposal was in line with Central Government advice contained in ODPM Circular 01/06.

38/2008/237

Conversion and extension of former shop and accommodation to form two flats, demolition of outbuildings and erection of attached dwelling at 44-46 Staplegrave Road, Taunton

- (a) C001A – time limit;
 - (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the roof of the dwelling hereby permitted, including sample slate and ridge tiles have been submitted to, and approved in writing by, the Local Planning Authority and a sample panel of brickwork 1m x 1m minimum has been erected on site to show the size, colour and type of brick, along with its bonding pattern, type of mortar and recessed pointing. The panel shall be agreed in writing and shall be retained on site until the completion of the works.
Development shall be carried out in accordance with the approved details;
 - (c) All windows, doors, fascias and soffits hereby approved shall be of timber and shall thereafter remain as such, unless otherwise agreed in writing with the Local Planning Authority. The windows shall be traditional side hung balanced casements (with equal sized panes of glass) and shall be located within the wall thickness so as to provide a minimum external reveal of 100mm;
 - (d) The rooflights hereby approved shall be flush fitting Conservation Style and shall thereafter remain as such, unless otherwise agreed in writing;
 - (e) The development hereby approved shall not be occupied until bicycle storage has been provided in accordance with the plans submitted, which shall thereafter remain available and not be used for any purpose, other than for the storage of cycles in connection with the development hereby permitted;
 - (f) The area allocated for the storage of bins, as shown on the amended floor plan shall be made available for this purpose prior to occupation of the flats, and shall thereafter remain available and not be used for any purpose, other than for the storage of bins in connection with the development hereby permitted;
 - (g) P001A – no extensions;
 - (h) P010 – no further windows;
 - (i) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
 - (j) The internal ground floor level(s) of the building(s) shall be constructed no lower than 15.68m above Ordnance Datum for the existing building and 15.76m above Ordnance Datum for the new building;
 - (k) No development approved by this permission shall be commenced until a scheme for flood resilience, (to a level of 16.1m above Ordnance Datum), to be incorporated into the development has been submitted to, and approved in writing by, the Local Planning Authority;
- (Notes to applicant:- (1) Applicant was advised that it will be necessary, if required, to agree points of connection with Wessex Water, for water supply and the satisfactory disposal of foul flows and surface water flows; (2) It was

noted that the applicant has not disclosed how they propose to dispose of surface water flow. As there are no existing public/separate surface water sewers in the vicinity of the site, applicant was advised to 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; (3) Applicant was advised that although not shown on the public sewer record drawing, there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3m of this apparatus; (4) Applicant was advised that according to Wessex Water records, there is a public water main near the site. Wessex Water normally requires a 3m easement width on either side of the apparatus for maintenance and repair and therefore diversion or protection works may need to be agreed. Any such works should be agreed in writing with Wessex Water, prior to the commencement of development on site; (5) Applicant was advised that the developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, the applicant should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect it's apparatus; (6) Applicant was advised that the alteration of the footway will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Services Manager; (7) Applicant was advised there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.)

Reason for granting planning permission:-

The proposed flats and new dwelling were considered appropriate in this location and the level of car parking provided was acceptable due to its close proximity to the town centre facilities. Cycle storage would be provided to encourage sustainable transport methods. The proposed extensions and new dwelling would not result in detriment to the amenities of the occupiers of neighbouring properties or the character and appearance of the Conservation Area. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

38/2008/292

Erection of 4 storey arts and design building, 3 storey temporary accommodation building, single storey store, electrical substation, reconfigured service yard, landscaping and demolition of buildings at Somerset College of Arts and Technology, Wellington Road, Taunton

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C205 – hard landscaping;
- (e) A programme for the installation of art within the design of the building and external on the campus shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction commencing, unless otherwise agreed by the Local Planning Authority and the programme shall be carried out as agreed;
- (f) The existing Travel Plan shall be updated and agreed in writing by the Local Planning Authority and shall be implemented prior to the new development coming into use;
- (g) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest volume which could be stored at any one time, which ever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse and/or underground strata. Associated pipework shall be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
- (h) No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following: 1) Site Security; 2) Fuel oil storage, bunding, delivery and use; 3) How both minor and major spillages will be dealt with; 4) Containment of silt/soil contaminated run off; 5) Disposal of silt/contaminated water pumped from excavations; 6) Site induction for workforce highlighting pollution prevention and awareness;
- (i) No development shall commence until a scheme for the provision and implementation of surface water limitation through Sustainable Drainage Systems has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the agreed details and programme;
- (j) The temporary office accommodation shall be removed following occupation of the new building and the car parking spaces reinstated;
- (k) No site clearance works or development (or specified operations) shall take place between 1st March and 31st August without the prior written approval of the Local Planning Authority;
- (l) If the period of time between Wessex Ecological Consultancy's Survey dated May 2008, 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;

- (m) Details of covered cycle parking provision on site shall be submitted to, and agreed in writing by, the Local Planning Authority and provided prior to occupation of the building;
- (n) C671 – making good building after demolition of adjoining structure;
- (o) Before demolition of the existing Art and Design building takes place a measured survey and photographic record of the building shall be provided and agreed in writing by the Local Planning Authority;
- (p) Details of the means of protection during construction of existing trees to be retained on site shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so provided.

(Notes to applicant:- (1) Applicant was advised that 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; (2) Applicant was advised to contact Wessex Water to discuss the protection of Wessex Water infrastructure crossing the site and the discharge rate of surface water flows; (3) Applicant was advised that exemptions from the Waste Management Licensing Regulations for moving waste spoil/subsoil off-site will be required and the developer will need to contact the Environment Agency to apply for such activities; (4) Applicant was advised that all waste disposed of off-site must be taken to an appropriately licensed waste management facility in accordance with the Duty of Care and the Environmental Permitting Regulation 2007. If any waste is brought onto site then the appropriate exemption must be applied for; (5) Applicant was advised that it is recommended that the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site should be investigated in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water, and include a) Infiltration techniques; b) Detention/attenuation; c) Porous paving/surface; d) Wetlands.)

Reason for granting planning permission:-

The proposal was not considered to harm the residential amenity or character of the area and not to create additional flood risk and was considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M2 (Non-Residential Car Parking Outside Taunton and Wellington), C12 (Renewable Energy) and EN28 (Development and Flood Risk) and material considerations did not indicate otherwise.

38/2008/326

Erection of two storey extension to rear in place of conservatory and extension to front of garage at Fairhaven, The Avenue, Taunton

- (a) C001A – time limit;
- (b) Before the commencement of any works hereby permitted, samples of the bricks and tiles to be used on the external surfaces of the buildings shall be submitted to, and be approved in writing by, the Local Planning

Authority, and no other materials shall be used without the written consent of the Local Planning Authority;

- (c) P011 – no further windows on south elevation;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the garage element hereby permitted shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation.

(Note to applicant:- Applicant was advised to be aware that the proposed extension falls within a flood zone and therefore floor levels within the proposed development should be set no lower than existing levels and appropriate flood proofing should be incorporated.)

Reason for granting planning permission:-

The proposed extensions had been designed to be in keeping with the existing style of the property and would not compromise its character. The character and appearance of the surrounding Conservation Area would be preserved and there would be no adverse impact upon the amenities of the neighbouring properties nor highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN14 (Conservation Areas) of the Taunton Deane Local Plan.

104. Erection of construction and motor vehicle workshop, a replacement sports hall, and new infant nursery building at Somerset College of Arts and Technology, Wellington Road, Taunton (38/2008/280)

Reported this application.

Resolved that subject to the receipt of no further representations raising new issues by 5 September 2008, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if permission were granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) The existing Travel Plan shall be updated and agreed in writing by the Local Planning Authority and shall be implemented prior to the new development coming into use;
- (e) Details of the trees to be retained on the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement;
- (f) C238 – tree protection in relation to construction;
- (g) No site clearance works or development (or specified operations) shall take place between 1st March and 31st August without the prior written approval of the Local Planning Authority;
- (h) If the period of time between Wessex Ecological Consultancy's Survey dated May 2008 and the commencement of the development extends 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 use of the site by protected species;
- (i) Prior to commencement of the development a Community Use Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the sports hall;
 - (j) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 minute Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary. Monday to Friday, 0800 to 1800 hours and Saturday 0800 to 1300 hours. At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, for example hum, drone or whine, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
 - (k) Details of surface water disposal for the site, including sustainable drainage systems, shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the development. The scheme agreed shall be carried out in accordance with the approved programme and details;
 - (l) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10% or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
 - (m) Details of the solar panel provision on the site if they differ from the submitted plans shall be submitted to and approved in writing by the Local Planning Authority and the solar panels shall be provided prior to the commencement of use of the buildings;
 - (n) Finished floor levels shall be raised 600mm above 1 in 100 year flood levels plus climate change, ie 17.56m Above Ordnance Datum, and there shall be no variation thereto without agreement in writing from the Local Planning Authority;

(o) Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles shall be passed through an oil interceptor designed and constructed to have a capacity and detail compatible with the site being drained. Roof water shall not pass through the interceptor;

(p) Details of any new storage shed and boundary fencing adjacent to the southern boundary shall be submitted to and approved in writing by the Local Planning Authority prior to their erection.

(Notes to applicant:- (1) Applicant was advised that 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; (2) Applicant was advised that any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001; (3) Applicant was advised that nothing other than uncontaminated excavated natural materials shall be deposited on the site; (4) Applicant was advised that any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system; (5) Applicant was advised that there shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches; (6) Applicant was advised that all waste disposed of off site must be taken to an appropriately licensed waste management facility in accordance with the Duty of Care and the Environmental Permitting Regulations 2007. If any waste is to be brought onto site then the appropriate exemption must be applied for; (7) Applicant was advised to contact Wessex Water to discuss the protection of Wessex Waterinfrastructure crossing the site and the discharge rate of surface water flows.)

Reason planning permission, if granted:-

The proposed development was not considered to have any significant detrimental affects on the amenity of neighbours, flood risk, highway safety or the openness of the green wedge and was considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M2 (Non-Residential Car Parking Outside Taunton and Wellington), C3 (Protection of Recreational Open Space), C12 (Renewable Energy), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows), EN13 (Green Wedges) and EN28 (Development and Flood Risk) and material considerations did not indicate otherwise.

105. Stationing of mobile home outside the curtilage of barn, Frog Lane Barn, Frog Lane, Stoke St Gregory

Reported that earlier in the year, an application for planning permission to site a mobile home outside the curtilage of Frog Lane Barn, Frog Lane, Stoke St Gregory had been received.

Although the application had been refused under delegated powers on 7 April 2008, the mobile home continued to be stationed on the site.

Resolved that:-

1. Enforcement action be taken to remove the unauthorised mobile home outside the curtilage of the barn at Frog Lane Barn, Frog Lane, Stoke St Gregory; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

(The meeting ended at 7.20 p.m.)

49/2008/017

GADD HOMES LTD

ERECTION OF 80 NO. RESIDENTIAL UNITS, WITH ASSOCIATED NEW ROADS, PARKING AND DRAINAGE, TOGETHER WITH PUBLIC OPEN SPACE, BALANCING POND AND PLAY AREA, LAND TO NORTH OF STYLE ROAD, WIVELISCOMBE AS AMENDED BY PUBLIC OPEN SPACE SKETCH LAYOUT DRAWING NO. 148/07/SK1 RECEIVED ON 29TH MAY 2008, LETTER DATED 23RD MAY WITH ACCOMPANY FLOOD RISK ASSESSMENT LETTER DATED 17TH JUNE 2008 WITH ACCOMPANYING DRAWING NOS 0311-100A AND 101A AND C07414-SKC003A, DORMOUSE MITIGATION AND FURTHER DETAILS, LETTER DATED 15TH AUGUST 2008 WITH ACCOMPANYING DRG NOS 0311/102D, 103B, 104B, 105B, 108B, 109B, 200-232A AND REVISED DESIGN AND ACCESS STATEMENT AND SCHEDULE OF ACCOMMODATION AND FURTHER AMENDED BY LETTER DATED 19TH AUGUST 2008 WITH ACCOMPANYING DRG NOS 148/PP001 REV A AND PPOO2 REV A RECEIVED ON 21ST AUGUST 2008, LETTER DATED 11TH SEPTEMBER 2008 WITH ACCOMPANY DRAWING NOS. 0311 - 102F AND 0311/109C AND.....

308364/128188 FULL

1. RECOMMENDATION

Subject to:

- 1) the further views of the County Highway Authority, Wessex Water, Education Authority, Environment Agency and the results of further dormice surveys;
- 2) the receipt of amended landscaping plans;
- 3) The applicants entering into a Section 106 Agreement to ensure:-
 - i) Affordable housing to be provided at 30% of the total number of dwellings.
 - ii) The provision, laying out and future maintenance arrangements for the Public Open Space.
 - iii) A contribution towards secondary education.
 - iv) The funding and construction of the offsite highway improvements to Burges Lane and its junction with Ford Road;

the Development Manager in consultation with the Chairman be authorised to determine the application and if permission is GRANTED be subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
(i) Before any part of the permitted development is commenced a phased landscape scheme of planting of trees and shrubs which shall include details of species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
(ii) Each phase shall be completed to the satisfaction of the Local Planning Authority before the development of the following phase commences. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs as may be approved in writing by the Local Planning Authority.
- 02 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 03 Before any part of the permitted development is commenced, a phased scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 03 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 04 Before any part of the permitted development is commenced, a phased scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

- 05 Before any part of the development is commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority showing existing and proposed levels and contours of the development site.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 06 Before any part of the development hereby permitted is commenced (a) a plan showing the location of, and allocating a reference number to each, existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Sect.5 of BS 5837 : 2005); (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.
- 06 Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 07 Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837: 2005. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of B.S.5837:2005.
- 07 Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and EN8.
- 08 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 08 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

- 09 All trenching works within the canopy spread of existing trees should be agreed with the Local Planning Authority's Landscape Officer. All works should be hand dug and no roots larger than 20 mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.
- 09 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 10 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.
- 10 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 11 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 11 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 12 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 12 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 13 Full details of the design of the attenuation pond, the proposed management regime and additional below ground drainage shall be submitted to, and approved by, the Local Planning Authority in writing before the commencement of development. The agreed details shall be fully implemented before any of the dwellings hereby approved are occupied.
- 13 Reason: To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Taunton Deane Local Plan Policy EN26.
- 14 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All

- filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 14 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy EN26.
- 15 Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage.
- 15 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy EN26.
- 16 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings . If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 16 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 17 Details of siting of temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil is to be stored on site.
- 17 Reason: To safeguard the existing landscape features and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 18 The development hereby permitted shall not be commenced until details of a strategy to protect species protected by law has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ambios's submitted reports, dated February and May 2008 and include:
Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
Measures for the retention, creation, enhancement and long term management of hedgerows on site
Compliance with legal consents relating to dormice, including applying to Natural England for licences in respect of these species as detailed

in Ambios' report May 2008. Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for dormice shall be permanently maintained.

- 18 Reason: To protect dormice and breeding birds and their habitats from damage bearing in mind that these species are protected by law and in accordance with PPS9.
- 19 Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge. Only for private dwellings.
- 19 Reason: To provide for vehicles to stand clear of the highway carriageway whilst the gates are being opened or closed in the interests of highway safety, and to ensure the formation of a safe and satisfactory access in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 20 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the dwellings first being brought into use.
- 20 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 21 The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car 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.
- 21 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 22 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.
- 22 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4.

- 23 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.
- 23 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4.
- 24 The gradients of the proposed drives to the dwellings hereby approved shall not be steeper than 1 in 10.
- 24 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 25 The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles (a motor vehicle) for domestic purposes only.
- 25 Reason: In order that satisfactory parking facilities are maintained in accordance with Taunton Deane Local Plan Policy M4.
- 26 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 26 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 27 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 27 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Policy S1 (A) and (E).
- 28 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwelling house(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 28 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 29 Details of any ground mounted sub-station or other utility building or structure shall be submitted to and approved in writing by the Local Planning Authority.
- 29 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Borough Council Policies S1 (D) and S2 (A).

- 30 Prior to the commencement of development details of proposed lighting to roads, footways and amenity open space shall be submitted to and approved in writing by the Local Planning Authority.
- 30 Reason: In the interests of visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN34.

REASON(S) FOR RECOMMENDATION: The site is allocated for residential development in the Taunton Deane Local Plan and it is considered that the proposed development will be in compliance with the Taunton Deane Local Plan Policies S1, S2, H10 and WV1.

NOTES TO APPLICANT:

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 04 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 05 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 06 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station 01278 363414 for further advice.
- 07 The development hereby approved may be subject to the Construction (Design and Management) Regulations 2007 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 08701 545500.
- 08 The development hereby approved may be subject to the Construction (Design and Management) Regulations 2007 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning

- supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 08701 545500.
- 09 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 10 You are advised of the need to follow the Authority's 'Guidance Notes for Developers on Surface Water Issues'.
- 11 Condition 18 relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the species will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the dormice that may be affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
- 12 During Construction the following applies:
- a) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed.
 - b) Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage. The Environment Agency must be notified immediately of any incident likely to cause pollution.
 - c) All waste disposed of off site must be taken to appropriately licensed waste management facilities in accordance with Duty of Care and the Environmental Permitting Regulations 2007. If any waste is to be brought onto site then the appropriate exemption from Environmental Permitting Regulations 2007. In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters [and relevance of regulatory regimes where the Environment Agency is the enforcing authority, e.g. waste management licensing].
- 13 You are requested to incorporate the provision of public art and public realm enhancements as part of the development.
- 14 You are advised that there is a public right of way (PROW) recorded on the Definitive Map (footpath WG 15/5 which crosses the area of the proposed development. Insofar as it affects the PROW, development 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 may result in the developer being prosecuted if the path is built on or otherwise interfered with.
- 15 If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group. A PROW being made less convenient 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 convenient 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 the Rights of Way Group.

2.0 APPLICANT

Gadd Homes Limited.

3.0 THE SITE

The overall site area as originally submitted totalled 4.5ha, of which 1.6ha is proposed for residential development. This has subsequently been amended.

The site falls gently from west to northeast. There is an existing mature hedgerow along the northern boundary of the site, which will be retained and re-enforced with additional planting. There is also a hedgerow along the southern boundary, which will also be retained, other than where the proposed new road will cross it.

4.0 PROPOSAL

The application was originally submitted for the erection of 89 residential units, together with associated new roads, parking and drainage, in addition to public open space, incorporating a possible rugby pitch, balancing pond and neighbourhood equipped area for play. This provided for 62 open market units comprising 5 one-bed flats, 22 two-bed houses, 8 two-bed flats, 22 three-bed houses and 5 four-bed houses; 17 intermediate units (6 discounted open market and 11 shared ownership) comprising 3 one-bed flats, 2 two-bed houses, 10 two-bed flats and 2 three-bed houses; and 10 social rented units comprising 4 two-bed houses, 5 two-bed flats and 1 three-bed house.

The amended plans provide for 56 open market units, comprising 21 two-bed houses, 23 three-bed houses, 5 four-bed houses and 7 two-bed houses;

6 shared ownership units comprising 2 three bed houses and four two bed houses.

6 low cost discounted open market units, comprising 2 three-bed houses and 4 two-bed houses; and

12 social rental units comprising 6 two-bed flats, 5 two-bed houses and 1 three-bed house.

Proposed materials are a mixture of brick, render and stone and render for the walling with a mixture of tiles and slate for the roof.

The application was accompanied by a Flood Risk Assessment, Design and Access Statement, Traffic Assessment, Ecological Report, a Draft Heads of Terms for a Section 106 Agreement and a Report on the Pre-application Public Consultation exercise (Statement of Community Engagement). A dormouse mitigation strategy was subsequently submitted.

5.0 RELEVANT PLANNING HISTORY

49/1990/037 Residential development for up to 110 dwellings plus provision for up to 25 affordable housing units with public open space and associated development, land north of Burges Lane and Style Road, Wiveliscombe. Permission refused for the following reasons:-

- The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to this policy STR6 adopted Structure Plan.
- Part of the site lies within a Special Landscape Area where it is the policy of the Local Planning Authority to carefully control all development that might damage those features which give the area its special character. In the opinion of the Local Planning Authority the proposal would constitute a visual intrusion, which would be detrimental to the amenities of the Special Landscape Area and would therefore be contrary to this policy (C7).
- Part of the site is located within an area covered in the Wiveliscombe Interim Local Plan by a Landscape Protection Policy where the Local Planning Authority consider that due to the area's elevated and prominent position, the proposed development would detract from the visual amenities of this attractive rural area and would have a detrimental effect on the landscape setting of the northern part of Wiveliscombe.
- The proposal will be prejudicial to the preparation of the draft Local Plan which is currently being undertaken.
- Sufficient land for residential development is available within the sub area and the district to meet the current need for housing development, as required by Government Circulars.
- The proposed development is within close proximity of the Styles Sewage Treatment works and the Local Planning Authority consider that this site is an unsuitable location for residential development having regard to the nature of odours which emanate from treatment works sites and the likely possibility of complaints and problems which would arise from persons occupying such development.

49/1990/038 Residential development for up to 110 dwellings plus provision for up to 25 affordable housing unit with public open space and development, land north of Burges Lane and Style Road, Wiveliscombe. (Duplicate Application) Permission refused for the following reasons:-

- The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to this policy STR6 adopted Structure Plan.
- Part of the site lies within a Special Landscape Area where it is the policy of the Local Planning Authority to carefully control all development that might damage those features which give the area its special character. In the opinion of the Local Planning Authority the proposal would constitute a visual intrusion which would be detrimental to the amenities of the Special Landscape Area and would therefore be contrary to this policy (C7).
- Part of the site is located within an area covered in the Wiveliscombe Interim Local Plan by a Landscape Protection Policy where the Local Planning Authority consider that due to the area's elevated and prominent position, the proposed development would detract from the visual amenities of this attractive rural area and would have a detrimental effect on the landscape setting of the northern part of Wiveliscombe.
- The proposal will be prejudicial to the preparation of the draft Local Plan which is currently being undertaken.
- Sufficient land for residential development is available within the sub area and the district to meet the current need for housing development, as required by Government Circulars.
- The proposed development is within close proximity of the Styles Sewage Treatment works and the Local Planning Authority consider that this site is an unsuitable location for residential development having regard to the nature of odours which emanate from treatment works sites and the likely possibility of complaints and problems which would arise from persons occupying such development.

6.0 RELEVANT PLANNING POLICIES

Regional Planning Guidance for the South West (RPG 10)

Policy SS 6: Other Designated Centres for Growth
 Future development in the region outside the PUAs should:

- generally avoid significant growth in the larger towns within easy commuting distance of PUAs and especially housing development proceeding out of step with employment

Development plans should:

- provide development and growth at identified centres designated to meet sub-regional growth needs outside the PUAs while maintaining and enhancing the range of employment, housing and other facilities in the area;
- recognise the Camborne and Redruth area as one where there are major

regeneration issues and where policies, plans, proposals and programmes will need to promote opportunities for employment growth in particular.

Policy SS 19: Rural Areas

Market towns should be the focal points for development and service provision in the rural areas and this role should be supported and enhanced. Outside market towns, development should be small scale and take place primarily within or adjacent to existing settlements, avoiding scattered forms of development. Local authorities in their development plans should:

- locate development to support the rural areas primarily in market towns, identified and designated in development plans through a balanced mix of homes, jobs, services and facilities suitable to the scale and location of such settlements;
- adopt policies which support the restructuring of the rural economy and the provision of jobs to satisfy local needs;
- set out policies for supporting sustainable farm diversification schemes which help to maintain the viability of the agriculture sector and rural economic vitality;
- seek ways of providing for essential shops and services to serve the rural areas;
- promote improved and integrated public transport, communications and service delivery and support innovative community based solutions to public transport and communications, in order to increase access to jobs, housing and facilities;
- limit housing growth in market towns near larger urban areas where it would fuel commuting rather than meet local needs.

Policy H03 Affordable Housing.

Draft South West Regional Spatial Strategy (Draft RSS)

Development Policy C: Development in Small Towns and Villages.

Development Policy E: High Quality Design

Policy H1: Affordable Housing

The Secretary of State published proposed changes to the strategy in July, this is currently out to consultation.

Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000)

STR1 - Sustainable Development
STR3 - Rural Centres and Villages
STR5 - Development in Rural Centres and Villages
Policy 5 - Landscape Character
Policy 35 - Affordable Housing
Policy 39 - Transport and Development
Policy 48 - Access and Parking
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:

- provide access for pedestrians, people with disabilities, cyclists and public transport;
- 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,
- 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

S1 General Requirements

S2 Design

S4 Rural Centres Bishops Lydeard and Wiveliscombe are defined as rural centres, appropriate for selective development which enhances or maintains their local social and economic role and environmental quality and is unlikely to lead to a significant increase in car travel.

H10 Affordable Housing Targets

Indicative targets for affordable housing, as a percentage of the dwellings on each site, will be sought on allocated sites as set out in the following table:

WIVELISCOMBE		
Style Road	WV1	30%

M4 Residential Parking Provision

M5 Cycling

C1 Education Provision for New Housing

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 has 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.

C4 Standards of Provision of Recreational Open Space

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.

EN6 Protection of Trees, Woodlands, Orchards and Hedgerows

EN12 Landscape Character Areas

EN28 Development and Flood Risk

EN34 External Lighting

WV1 A site of 2.7 hectares north of Style Road is allocated for not less than 50 dwellings. The following will be sought in association with the development:

- (A) an element of affordable housing in accordance with policies H9 and H10;
- (B) public open space, including a children's play area;
- (C) improvements to the local road network to facilitate access, including the provision of a traffic calming scheme along the new length of road;
- (D) pedestrian access from Plain Pond to the area of public open space;
- (E) landscaping along the northern and eastern boundaries of the site; and
- (F) education contributions, if necessary, in accordance with policy C1.

7.0 RELEVANT CENTRAL GOVERNMENT ADVICE

Planning Policy Statement 1 'Delivering Sustainable Development' PPS1

Paragraph 13 - Key Principles

Paragraph 27 - Delivering Sustainable Development - General Approach

Paragraphs 33 - 39 Design

Planning Policy Statement 3 'Housing' (PPS3)

Paragraphs 25/26 - Market Housing

Paragraphs 27 - 30 - Affordable Housing

Paragraphs 68 - 74 - Determining Planning Applications

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

Paragraph 9 - Housing

Planning Policy Statement 9 'Biodiversity and Geological Conservation' (PPS9)

Paragraph 1 - Key Principles

Paragraphs - 15/16 Species Protection

Planning Policy Guidance Note 13 'Transport' (PPG13)

This guidance is underpinned by the Government White Paper 'A New Deal for Transport: Better for Everyone'. The principal objective is to increase personal choice by improving the alternatives and to secure mobility that is sustainable in the long term. Developers are encouraged to promote more sustainable travel patterns by reducing the need to travel by private car and ensuring that development is located in areas that are well served by public transport or are easily accessible by walking or cycling.

8.0 CONSULTATIONS

COUNTY HIGHWAY AUTHORITY - The application is for eighty-nine dwellings with new roads on land north of Style Road. The land is allocated in the Taunton Deane Local Plan for residential development and one of the requirements is for a new road to replace the existing substandard carriageway and an improvement of the junction of Burges Lane and Ford Road. I am content that the proposals are in line with the Taunton Deane Local Plan and, therefore, I have no objection in principle to the proposed development. The new road will, as I have already said, replace the existing substandard roads and must be constructed in an appropriate manner and within a suitable timescale. The detailed design and construction of the road will be secured under a Section 106 Agreement. No development shall

commence until these design and timing issues have been agreed. In my view, it would be appropriate for a small number of the dwellings to be constructed prior to the completion of the new road. However, that section from the west to the new development access shall be constructed prior to the development commencing. The details of the new road will be required to be submitted as part of the Section 106 process and this will include the requirements for 2.4 x 60m visibility splays at the junction of Burges Lane and Ford Road.

As this is a full application, my colleagues have considered the detailed issues with regard to this application and make the following comments as a result:

Internal Layout

The following comments have been made as a result of looking at the submitted drawing numbers 003 1/104, C07414-C001/D with the Design and Access Statement. The Design and Access Statement at clause 6.1.3 refers to a 20mph zone. It is assumed that a zone will be created and, if not, the site will be designed to a 20mph speed limit. If the zone is created, gateway features will be required at the site entrance and traffic-calming features will need to be provided within the site to make the 20mph speed limit self-enforcing. A possible pedestrian link is proposed between parking bays 72 and 73 leading out onto a track not maintained at public expense. What is the current status of the existing track and who is the current owner? It is suggested that permission of the current owner may need to be sought for a link to be formed. The area of land between plots 73/89 and 78/80 can be constructed as a wall-to-wall block paved surface area and full extent of the adoption to be agreed at Section 38 Agreement stage. The footways within the site can be taken up to plot/parking bay boundaries so that a meandering effect is created. Again, the full extent of adoptable footway limits will be agreed at Section 38 stage.

Forward visibility splays of 22m based on 20mph speed, as recommended by Manual for Streets, will be required across the inside of all carriageway bends. Full extent of the splays will be adopted by the highway authority and there should be no obstructions to visibility within these areas that exceeds a height greater than 600mm above adjoining carriageway level. The gates at the entrance to the public open space shall be hung to open inwards and not over the prospective highway.

The applicant will need to confirm as to who will be responsible for the maintenance of the proposed trees in the vicinity of on-street parking bays 55, 77, 83 and 84. Under Section 141 of the Highways Act 1980, no tree or shrub shall be placed within 4.5m of a centre line of a made up carriageway. Trees are to have a minimum distance of 5m from buildings and 3m from drainage/services and in from the carriageway edge. Trees must be canopied at 5.5m above carriageway level. Root barriers of an approved type would be required for all trees to be planted adjacent to the highway. An adoptable 1.8m wide footpath will be reserved to service plots 6-15 to address possible Advance Payments Code liabilities. The footpath to be appropriately lit and

drained and, as the footpath will be adopted, it will be necessary to remove the entrance gate leading to the link. Any drive fronting a garage shall be a minimum of 6m in length. Drives to serve two parked vehicles shall be 10.5m long.

An unobstructed 18m wide aisle should be provided between the faces of garages G1 and G4. The gradients of the proposed access road should not at any point be steeper than 1:20 for a distance of 10m from its junction with Style Road.

Any alterations to the existing highway lighting as a result of this application will need to be discussed and approved by the Highway Lighting Manager (01823 483000).

Where an outfall drain or pipe will discharge into an existing drain, pipe or watercourse not maintained by the local highway authority, written evidence of the consent of the authority or owner responsible for the existing drainage will be required to be submitted to the highway authority. Private water from driveways and other private areas is to be intercepted by a private drainage system to prevent any discharge onto the prospective highway. No doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct the footways or shared surface roads. The highway limits will be limited to that area of footway/ carriageway clear of all private service boxes, etc. All shared carriageways shall be constructed with longitudinal gradients no slacker than 1:80. Access pathways across the highway where they meet the prospective public highway should be constructed as typical SCC footway specifications. Paving slabs cannot be used. Any entrance gates shall be erected to hang open inwards and set back a minimum of 4.5m from the carriageway. This includes the agricultural field gates along Style Road. The applicant should be aware that it is likely that the internal layout will result in laying out of a private street and, as such, under Section 219-225 of the Highways Act 1980 will be subject to the Advance Payments Code. 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 the development is to be remedied by the developer before the occupation of the development. On-street parking bays 37, 38, 39, 40, 55 and 56 shall be constructed 5.2m in length. The entrances to all private parking courtyards shall be a minimum of 4.1m wide, which will accommodate two-way vehicle movement. Parking bays that back onto planting, walling or any other structure will be a minimum of 5.5m length. The junction of the proposed residential site with Style Road shall incorporate 6m radii.

The use of granite setts within the highway is not recommended. The following Estate Road Conditions shall also be attached to any consent, which may be granted:

- Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge. Only for private dwellings.

- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the dwellings first being brought into use.
- The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car 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.
- The gradients of the proposed drives to the dwellings hereby approved shall not be steeper than 1 in 10.

The Area Highways Service Manager has been consulted with regard to drainage issues and, as yet, his comments are unavailable. I will pass those on when they have been received. I also attach comment from the County Arboriculturist with regard to the species of trees and their maintenance. The following are the comments from the County Arboriculturist:- Thank you for sending the planting proposal for the above site, I can confirm that the planting to the rear of the public highway is satisfactory.

Of the 5 trees that are within the highway limit 4 are shown as being *Prunus avium*, the wild cherry. This is a fast growing largish tree with a spreading crown. It also has shallow spreading roots, which in my view makes it unsuitable for street planting particularly in hard surfacing.

The other tree shown is *Malus Floribunda*, which is a much smaller variety of flowering crab apple, this tree is more suited to street planting.

I would recommend that the Developers Landscape Consultants replace the *Prunus* with *Malus* or a similar, smaller species.

There are many tree grilles on the market but I would recommend Greenleaf Urban Tree and Landscape Products who produce a fully integrated tree grille system. As the trees are to be planted in a hard surface, I would recommend that a root director is installed to help prevent future damage to the surfacing from root intrusion.

If we are to adopt these trees then we normally ask for a commuted sum of £100 per tree.

The drawings have been amended as a consequence of these observations.

COUNTY EDUCATION - I refer to the above planning application for a residential development of 89 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 school places from each 210 new dwellings, the development could be expected to generate the need for about 13 secondary school places. Wiveliscombe Kingsmead secondary school currently has a net capacity of 725, although there are currently 773 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 revised its figures in January of this year, the DCSF (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 13 additional places were required, this would therefore equate to a total contribution of £225,693. The proposed heads of terms for a Section 106 agreement submitted with the application state that the education contribution calculation should exclude the affordable housing, No information has been made available to me to substantiate the reasons for this, but I would welcome the opportunity to have further detailed discussions with the applicant in this regard. It is, however, noted that only ten of the dwellings would be social rented, whilst six are referred to as 'low cost', which PPS3 'Housing' specifically excludes from the definition of 'affordable housing'.

Whilst Wiveliscombe Primary School is currently nearly full, the forecast roll is expected to decline in the mid-term such that it would be likely to have sufficient capacity to accommodate children moving into the development. It is therefore presently considered unlikely that contributions towards any new additional primary school accommodation would be justified

COUNTY RIGHTS OF WAY OFFI CER - 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. WG 15/5). I have enclosed a plan showing this footpath for your information. The County Council do not object to the proposal subject to the developer being informed that the grant of planning permission does not entitle developers to obstruct a public right of way.

Development, insofar 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.

If the route is to be diverted, this will be done by Taunton Deane Borough Council under the Town and Country Planning Act.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient 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 convenient 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 (01823) 483091.

NATURAL ENGLAND - Natural England requests that further dormice surveys be undertaken, as recommended in the ecological survey report ('ambios ecology', February 2008), prior to the application being determined. It is important that the ecological consultant's recommendations and those of Taunton Deane Borough Council's 'Nature Conservation and Reserves Officer', in terms of wildlife/protected species mitigation, be considered in determining this application and attaching conditions.

The following further alterations have been received following submission of dormice mitigation:-

Natural England fully supports the comments and recommendations of Taunton Deane Borough Council's 'Nature Conservation and Reserves Officer', in terms of protected species mitigation (particularly dormice). It is important that these comments/recommendations are used in determining the application and attaching conditions.

AVON AND SOMERSET POLICE - Design & Access Statement makes reference to a number of security issues which appear to have been considered by the applicant, including the following:

6.1.4 - 'boundary screening will be used to protect the privacy of rear gardens' - the documents indicate that rear/side walls/fencing and rear access gates will be 1.8m in height, which is generally acceptable for this low crime area. Walls, railings, soft landscaping etc at the front of the development should be kept low i.e. maximum height 1m to assist resident surveillance, as would appear to be proposed. 'Houses will face all parts of the Public Open Space so providing a strong element of natural surveillance of this area' - POS can make a valuable contribution towards the quality of the development.

However, such communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and, besides good natural surveillance, such an area should have adequate measures in place to maintain it in the future. In addition, care should be taken to ensure that no lone dwelling is adversely affected by the location of this amenity space. POS to the rear of dwellings can also increase the potential for complaints arising from increased noise and nuisance and should be borne in mind in respect of boundary protection for dwellings abutting the amenity space. Measures should also be taken to prevent unauthorised vehicle access to the POS.

6.1.5 - as above re Boundary Treatments, which appear to be acceptable.

7.1.3 - the proposed development will be quite permeable with access to/from Plain Pond and the POS. Excessive permeability can compromise the security of a development providing the potential criminal with a choice of access and escape routes. Consequently, all access routes should be visually open, direct and well used. They should be restricted to those evidenced to be necessary. Potential 'desire lines' created by the public should also be taken into account.

7.2.0 - Secured By Design - 'public space/facilities should be well observed and private areas suitably secure'. Boundaries between public and private space should be clearly defined using physical and/or symbolic features i.e. walls, railings, fences, change of road surface/colour/texture etc, as would appear to be proposed.

7.3.0 - 'Pedestrian and vehicle routes will be well lit and observed' - all street lighting for adopted highways, footpaths, private estate roads and car parks should comply with BS 5489 to deter crime and reduce the fear of crime for residents. 'Car parking will be within curtilage where possible, alternately, courtyard parking'. In curtilage parking is preferable, courtyard parking should be avoided as this allows the potential criminal access to the rear of dwellings and parked vehicles. Where communal parking areas are necessary, they should be in small groups, close and adjacent to homes and within view of routinely occupied rooms of the owner's premises. Judging by the proposed Site Layout, this would appear to be the case for this development. The proposed 'Drive Throughs' should be provided with a suitable form of access control to deter unauthorised access. In addition to the above, I would make the following general observations:

* rear access alleys should be avoided, if possible, as these allow the potential criminal access to the rear of dwellings. I note that some such alleys are proposed and, if unavoidable, such alleys should be gated at the entrance to the footpath.

- * for the same reason, access paths to the sides of dwellings should be securely gated on or as near to the front building line.
- * the proposed Bin/Cycle Stores appear to be of substantial construction and should be lockable to prevent misuse of 'wheelie bins' as climbing aides or for ASB.
- * any communal entrances to flats should be fitted with a suitable form of access control e.g. intercom/buzzer connected to each flat with electronic door release.
- * I have some concerns regarding the personal safety of children playing in the vicinity of the pond and suitable measures should be taken to ensure that any potential hazards are eliminated, as far as possible.
- * the applicant would appear to be aware of the police approved 'Secured By Design' award scheme, full details of which are available on the SBD website - www.securedbydesign.com - and should be advised to formulate all physical security measures of the actual dwellings in accordance with this scheme. This is particularly important if the applicant is considering making application for an award under this scheme

ENVIRONMENT AGENCY –

The Environment Agency has NO OBJECTIONS to the proposed development subject to the inclusion of the following conditions and informative, in addition to the conditions, informatives and recommendations stated in our letters to the council dated 19 June 2008 and 24 April 2008.

CONDITION

Nothing other than uncontaminated excavated natural materials shall be deposited on the site.

REASON

To prevent pollution of the water environment.

CONDITION

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON

To prevent pollution of the water environment.

CONDITION

No development shall commence until an agreement has been drawn up to the satisfaction of the Local Planning Authority for the long term maintenance and management of the proposed public open space and other areas retained for their ecological importance.

REASON

To ensure that the proposed public open space provides the various benefits for ecology, sustainable drainage and recreation in perpetuity,

INFORMATIVE

Wessex Water should be consulted and be requested to demonstrate that the

sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution

The following conditions were requested in the earlier response:-

CONDITION: No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site.

REASON: To prevent pollution of the water environment

CONDITION: No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewage disposal infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

REASON: To prevent pollution of the water environment.

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

CONDITION: Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage.

REASON: To prevent pollution of the water environment.

The following informatives should appear on the decision notices.

During Construction the following applies:

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed. Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage. This Agency must be notified immediately of any incident likely to cause pollution.

All waste disposed of off site must be taken to appropriately licensed waste management facilities in accordance with Duty of Care and the Environmental Permitting Regulations 2007. If any waste is to be brought onto site then the appropriate exemption from Environmental Permitting Regulations 2007. In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters [and relevance of regulatory regimes where the Environment Agency is the enforcing authority, e.g. waste management licensing].

LEISURE DEVELOPMENT MANAGER - The layout proposed is now acceptable and will provide for sport, play and informal recreation adequately. The draft S106 Heads of Terms still proposes that the Council adopts NEAP play space only. This space should be retained and maintained by the applicant along with the LEAP and other recreational spaces. Alternatively the Parish Council may wish to adopt the open space and receive the commuted maintenance sum.

The design of the play space must be undertaken with full involvement of young people and be in line with the Council's play policy.

NATURE CONSERVATION OFFICER - The ecological assessment (Ambios, Feb 2008) identifies the hedgerow on the eastern boundary of the main development site that is possible dormouse habitat. The submitted drawings illustrate the new access road cutting through this hedge at the southern end. The report details that necessary dormouse survey work to establish a presence or otherwise of the species - will need to be undertaken throughout April - Sept.

My concern is that part 4.0 of the report advises that 'it should be assumed that dormice are present' and that survey work can be conditioned. Conditioning survey work is contrary to Taunton Deane Borough Council's requirement and PPS9 guidance. The impact of a development on a protected species population must be established and mitigation and delivery mechanisms proposed before planning permission is granted.

NE have been consulted and I will take their advice and comment further.

As a consequence of further submissions the following further response was received:-

Pending any further comment from NE - No development should be allowed before the results of the survey are completed. I support the proposed mitigation to ensure that no dormice are killed and no habitat loss. I also make the following suggestions:

Garden boundaries must not back onto the eastern hedge that is considered suitable dormouse habitat - the housing I planning layout dwg 03111/02 should be amended to illustrate this.

Access from the PRW into the POS, as illustrated on the planning layout shows a new access through the hedge. This will cause a further break in the eastern hedge and should be avoided.

Lighting of the areas, that will affect the eastern hedgerows, should be agreed prior to determination. Planting plans illustrating the proposed planting should be submitted for agreement prior to determination. Will comment again if/when NE responds

The following further response has been received:-

A site survey is underway for dormice but it is possible that the results will not be conclusive. I support the proposals detailed in Ambios's submitted report 4-tPE dated May 2008 and in applying PPS9, to ensure that dormice are not harmed through the development and that any habitat loss is mitigated. Breeding birds must also be protected.

Dwg No 0311-1 02Rev D supports the report. I advise that further details of the creation and reinforcement of hedgerows to the north and east of the POS through a programme of native species planting and the long term management of hedgerows should be conditioned

I suggest the following condition (see item 3) to be agreed with the Landscape Officer:

The development hereby permitted shall not be commenced until details of a strategy to protect species protected by law has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ambios's submitted reports, dated February and May 2008 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention, creation, enhancement and long term management of hedgerows on site
4. Compliance with legal consents relating to dormice, including applying to Natural England for licences in respect of these species as detailed in Ambios' report May 2008.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for dormice shall be permanently maintained.

Reason: To protect dormice and breeding birds and their habitats from damage bearing in mind that these species are protected by law and in accordance with PPS9.

Informative Note

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

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

HOUSING OFFICER - The Housing Enabling Manager will require an Affordable Housing Contribution on this site of 30% of the total numbers. The demonstrated need is for 14 social marked homes with a mix of 2 x 1 bed flats, 4 x 2 bed flats, 4 x 2 bed houses, 3 x 3 bed houses and 1 x 4 bed house. Shared Ownership 7 homes with a mix of 2 x 2 bed flats, 3 x 2 bed houses and 2 x 3 bed houses.
6 Low Cost Open Market with a mix of 2 x 2 bed flats and 4 x 2 bed houses.

The Social Marked and Shared Ownership must be delivered through a Registered Social Landlord who is a preferred partner of Taunton Deane Borough Council.

LANDSCAPE OFFICER - The landscape proposals area acceptable around the housing. Will they provide details of the open space landscaping?

The following further comments received on the amended plans:- "The revised housing layout planting is fine. Subject to any final details for the open space planting it should be a good scheme".

FORWARD PLAN UNIT - The site falls under policy WV1 of the adopted Local Plan (2004), being an allocation "for not less than 50 dwellings." Whilst the proposal increases the minimum number of dwellings envisaged in the Local Plan by 78% there is no policy objection in principle subject to the following comments:

1. Three storey apartments (flats) to the north east of the site should be scaled back to two storey. This part of the site is on the extreme edge of the urban area, is surrounded by existing and proposed two storey buildings and as it stands is totally out of keeping with the scale, built form and context of the area.
2. Whilst the courtyards/coach houses are an acceptable design solution I am concerned that they do present an overly dead ground floor frontage. These could be redesigned to provide less units but more ground floor presence.
3. Related to point 2., there are significant areas of dead frontage on pedestrian routes caused by the sides of rear gardens. If these areas are

unavoidable they need careful design consideration. In particular they should be of a solid (eg. brick) rather than timber construction and provide a sense of enclosure and continuity with the houses.

4. The Plan policy requires landscaping to the northern and eastern boundaries. This appears to be completely absent on the northern edge where the residential properties are located.

5. There appears to be large areas of highway. Excessive use of 'blacktop' should be avoided. The overall appearance at present is one of buildings in a 'sea' of tarmac, ie not what is claimed in 6.1.3 of their Design Statement. Whilst the proposals appear to show a central area of paviers other treatments should also be used to provide a more appropriate design solution, eg natural resin bonded surfaces using gravel and chippings in courtyards.

6. Presumably we will condition any approval to ensure the road connection to Ford Road is constructed at the appropriate time. In addition, I recall that the Local Plan Inquiry proposed alternative parking provision for existing properties on Burgess Lane(?) that would be affected by the highway requirements of the proposed development.

7. Around 20 of the dwellings (22%) are proposed to contain bay windows. Whilst this may reflect certain more recent developments this is not a Somerset tradition and does not reflect the local vernacular style (such out of context features are often criticised by CABE as 'anytown', lacking local distinctiveness). Whilst suitable as a key feature it is proposed to frequently for this site and the extent of its use should be curtailed.

8. The proposal makes no reference to the 'sustainability' of the new development. The RSS (policies RE5 and G) proposes that from 2008 this scale of residential development should be built to Level 4 of the Code for Sustainable Homes and incorporate a minimum of 20% CO2 reduction through the use of renewables. The RSS IS a material consideration and by the time these properties are complete (and probably commenced) the Plan will be adopted. A condition to meet "the requirements of RSS policy" should be part of any approval decision.

It is noted that the residential proposal encroaches onto land allocated in the Local Plan as open space. However, this is considered minor and does not detrimentally affect the Plan policy in this regard.

Affordable housing (30%) meets the level set out in the adopted Local Plan for this site. No doubt the Leisure Manager will specify the range of play equipment and commuted sum for maintenance of the open space etc.

DRAINAGE OFFICER - I note the comments/recommendations made for surface water disposal in the Flood Risk Assessment dated February 2008 and my comments are as follows:

- 1) Full details of the design of the attenuation pond and additional below ground drainage should be forwarded as agreed before any works commence on site.
- 2) Details of the proposed management regime for the proposed attenuation pond being constructed with the area identified as Public Open Space.
- 3) It should be confirmed that the Council's Leisure Development Manager is happy with the proposed attenuation pond being constructed with the area identified as Public Open Space.

I enclose a copy of the Buildings Guidance Notes for Developers on Surface Water Drainage Issues, which should be used in any design forwarded for approval.

ARTS OFFICER - Taunton Deane Borough Council now have an integrated Public Art and Design Policy, which states that:

"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 through either a commuted sum or by commissioning and integrating public art into the design of buildings and the public realm to the value of one percent of development costs".

We would expect the submission of a Statement of Intent regarding integrated public art and design in the access statement. We would not necessarily require a stand-alone piece, but seek to ensure that a high standard of design in the leisure and play areas as well as the residential units. It is expected that integrated public art and design will be achieved through the commissioning of an experienced public artist, landscape or conceptual artist as part of the design team. Designs from local school children or local residents will not suffice.

FOOTPATHS DIVERSIONS OFFICER - The Public Footpath WG15/5 will be affected by these proposals and as such measures need to be put in place to provide an equally convenient or at least as substantially as convenient way for users if the proposals are granted.

WG15/5 is a route forming part of the Borough's promoted trail, the West Deane Way. Any required change in the alignment of the path would need to be dealt with under Section 257 of the Town and Country Planning Act 1990.

PARISH COUNCIL - (Initial proposals). The Parish Council OBJECT to the above application for the following reasons:

- 1 Local Plan Policy 18.4 Housing is out of date regarding the current need for housing, which should be reassessed following the recent increase in new houses constructed in the area.
2. The balance between unit size and type, affordable and commercial housing is inappropriate. The Parish Council are very concerned that according to Gadds when TDBC Housing were consulted by the developer they were unable to state what was required for social/affordable housing in Wiveliscombe and have relied on a 'suggestion' being put forward by Gadd Homes Ltd.
3. The site area is stated in the planning application as 4.5 hectares whereas in the Local Plan the area designated is 2.7 hectares. The extent of any housing should be limited to the west of the site (Style Road) and must not exceed the 2.7 hectares provided in the Local Plan. The Parish Council understand that the east end of the site (Burgess Lane) includes land in which

the new access road will be situated and to provide some flexibility when positioning the new road which is still subject to formal consultation with County Council Highways. Once the exact road line is determined any land to the north of that road line should be excluded from the application and in no circumstances should it be available for housing.

4. Number and density of residential units - the Parish Council consider that the site is over developed and this needs to be reviewed. It is generally felt that it is wrong part of the site may have an increased density to reflect that the 'open land', which cannot be built upon.

5. Affordable/Social Housing - the proposed development comprises 9 houses and 18 flats and the Parish Council would prefer the element of affordable/social units to be split 50% for renting by local people the majority of which should be houses, 25% low cost homes and 25% shared equity houses the majority again should be houses.

6. Design - it is noted that the affordable and social housing will be built to a high eco-standard whereas the other units are simply being built to a high standard in line with current building regulations.

7. Phasing of the new road - the Parish Council is concerned that congestion on the town's roads will be caused by construction on site, particularly by large vehicles trying access the site through Northgate and Burges Lane / Golden Hill. The Parish Council recommends the road constructed before any houses are built and any planning consent is subject to an appropriate condition to this effect.

8. Parking the amount of off road parking is inadequate and the Parish Council are concerned about the loss of parking along Style Rd and Burges Lane.

9. Road Safety many vehicles driving out of town along Ford Road tend to speed up when they see the end of the 30 mile per hour speed restriction at Heathstock Hill. If the new improved road junction at the end of Burges Lane is to go ahead then speed restrictions should be reviewed and the 30 mph sign should be moved further up the hill/road towards Ford in order to slow traffic as they pass the new road junction with Burges Lane.

In addition the Parish Council support the following comments received from residents:-

(a) The six cottages at Durhams currently use a lay-by which will be lost and residents are concerned about the inadequate provision for parking once Burges Lane and Style Road have been altered as a result of the scheme and will be carrying a higher level of traffic, which will result in less parking on the road.

(b) Local residents are concerned about road safety, particularly the junction of the new road onto Burges Lane, where additional traffic will flow onto Burges Lane possibly resulting in an increased hazard for pedestrians.

(c) Local residents are concerned about the loss of the hedge along Burges Lane and generally wish to be assured that Taunton Deane Borough Council will fully consider the impact of the development with regard to wildlife, bio-diversity, light pollution, and landscape impact, and full assessment of these factors should be undertaken. In particular the new road should be sensitively lit to avoid unnecessary light pollution.

(d) Notwithstanding the point above, local residents are particularly concerned about the extent of land included in the site to the north of Style Road, despite being advised developers this is purely to accommodate some flexibility in positioning the new road.

The following further response has been received on the amended plans:-

"The Parish Council's support for this proposal is subject to the following 4 areas of comment:-

1. Wiveliscombe Parish Council consider it is essential that ALL of the road servicing the Gadd Homes development off Style Road is completed BEFORE the estate is started, for the following reasons:

a) From the East, the site can be approached from the B3227 via Ford Road and Burges Lane, which leads into Style Road. This route avoids the centre of the town but as Burges Lane is not a two lane road and as most of the dwellings along it have no off street parking it is generally very tight to navigate by a car and certainly not capable of taking lorries in its present state. For one third of its length, before it joins Style Road at the junction with Golden Hill, it has no pavement, narrows to barely 4 metres wide and only one vehicle at a time can pass in any direction.

b) Style Road itself is one vehicle wide (4 metres) with no pavement for half its length and has Style flats built on its South side (10 dwellings with no parking).

c) From the West the site can be approached from the B3227 through the often crowded, centre of the town and then North Street and down Northgate. Northgate is wider than Burges Lane but on one side it is lined with 1930s council houses, largely with no off street parking spaces, on the other side by the cramped Doctors Surgery for the area and a row of bungalows. This side is used by the Surgery patients for parking. Thus, for most of every day, Northgate is a single track highway between parked cars. There is no alternative parking nearby.

Part of this Planning Application involves widening Burges Lane with a new, more vehicle friendly, junction with Ford Road. Our conviction is that this junction and the estate road must be built first, so that materials for the new estate can all reach the site by this route, without disrupting Wiveliscombe centre, causing damage to parked cars and posing a danger to surgery patients, the less mobile elderly and the pupils of the Primary School on North Street

2. This development will displace existing car parking capability in Style Road. The Parish Council consider that Taunton Deane Borough Council needs to provide extra car parking for Style Flats.

3. The Parish Council considers that it must have some say in the control and management of the green leisure area to be provided.

4. The Parish Council's approval of this development is subject to any comments to be made by the Housing Officer.

LETTER FROM WIVELISCOMBE CIVIC SOCIETY -The Executive of the Civic Society has discussed this application at length and has held a meeting with the applicants. We would wish to make the following comments.

1 Site Area

While the Local Plan refers to a site of 2.7 hectares, the actual application site is shown as 4.5 hectares. The discrepancy is due almost wholly to the inclusion in the application of most of the field adjoining Ford Road to the North of Burges Lane. The reason given by the applicants for this was that they had not yet settled the precise line of the new road with the Highways Department. However, there is no way that any adjustment required by Highways could require anything like so much of that field to be included. There is justifiable concern that, whatever promises are made by the applicants, and whatever conditions are attached to the permission, the inclusion of this land, which slopes upwards quite steeply, will be a step towards its development in the future. We would therefore OBJECT to the application site as shown and would ask that it be amended to follow the North side of the new road, as envisaged by the Inspector in his report on the Local Plan Inquiry.

2 Social Housing

Our immediate reaction on seeing the plans was that the mix of social housing is wrong in two respects. Firstly, there are too many flats, which are simply not required in Wiveliscombe. Secondly, the proportion of units for rent is well below the 50% which we feel is needed. When we met, the Housing Enabling Officer had not communicated her views to the applicants but we understand that she broadly supports the points we have made and would ask that the application be amended to meet these requirements. The Local Plan makes it clear that new development in Wiveliscombe should be allocated to meet the needs of the Town rather than of Taunton Deane as a whole and we are concerned that this major application should meet those needs in terms of social housing. One of our members has given us further guidance and views on this aspect. I appreciate that not all that she says can be taken into account in determining a planning application and have therefore attached this as an appendix to this letter.

3 Ecology

While we recognise the limited power of Local Planning Authorities, we would urge that every step be taken to ensure that all the new houses are as ecologically sound as possible. In particular we would draw attention to the fact that the flats have no outside drying area, which will mean the exorbitant use of washer-dryers.

We would also urge that the lighting requirements for the new road do not cause light pollution. We hope that the lighting will reflect the "edge of country" setting and be of the village type found in many of the smaller roads in Cotford St. Luke.

4 Roads

It would be totally wrong for construction traffic to approach this site via the Town Centre and Northgate. We would urge the imposition of a condition to require the construction of the access from Ford Road before any houses are built. The junction with Ford Road will always be somewhat problematical because of the limited visibility to the South. Perhaps one step that could be

taken would be to reduce the speed of traffic proceeding along the B3188 past that junction and this could be achieved by extending the 30mph zone around the corner towards Ford. This would have the advantage that drivers would not see the de-restriction sign until they were well past the site and would therefore not be tempted to increase speed at that point.

Additional comments have also been received as follows: -

- 1 We are pleased to note that the area of the application is to be reduced.
- 2 We are concerned to learn that TDBC Leisure are suggesting the erection of two high fences if part of the site is used for Rugby. The fences would look very out of place in this rural landscape and, while we appreciate the requirements of Health and Safety, there are no such fences at the main Recreation Ground in Wiveliscombe.
- 3 In particular we are appalled to read that the Highways Department are prepared to allow "a certain number of houses" to be built before the construction of the access from Ford Road. This would mean that a large amount of construction traffic will pass through the already congested Square, into North Street, one of the narrowest roads in the Town and then turn down Northgate, a residential road with little or no off street car parking and highly unsuitable for heavy vehicles. Please will you give very serious consideration to the problems that will inevitably arise if the access road from Ford Road is not built before work starts on the site.

The following further comments have been received relating to the amended plans:-

We have examined the revised plans and, while we welcome many of the changes, we would make the following comments

There appears to be inadequate parking space for the affordable housing, only one per dwelling. We doubt if this is sufficient and this is particularly relevant in the case of the housing near the existing houses on Burges Lane and Style Road which also have no off street parking.

2 Again on the question of parking, there seems to be inadequate provision for trades

and visitors vehicles and there is no suitable alternative in the vicinity. 3 There is no outside area for the flats. This is a poor environment.

4 We query whether there is sufficient public amenity space for 80 dwellings, particularly as much of what we thought was amenity land seems to be earmarked for a sports purpose.

5 While this may not strictly be a planning matter, we are concerned that single people should be able to rent the flats.

6 Finally, we must reiterate our strong argument that development must not be allowed to commence before the access road from Ford Road is completed.

The alternative via the Town Centre and Northgate is totally unsuitable, in particular in view of the fact that most of the houses in Northgate have little or no off street parking. This means that the road is already congested with parked cars (including many for visitors to the Surgery) and the addition of construction traffic would cause a major hazard, particularly for the large

number of children who live along the road.

LETTERS FROM WARD COUNCILLERS

1 Density is too high.

2 Just over a third of the units are flats, which is far too high a density of flats for a rural area. There is no proven need for as many flats, but there is a proven need for family homes.

3 Situating flats for rent with flats for sale may create problems.

4 If they are sold, flats can create management problems relating to the upkeep of the blocks in which they are situated.

5 The additional land included in the application for the proposed road into Burges Lane is very much more than will be needed for the road and is therefore likely to be built on in the future. Gadds should not be given the opportunity to build more houses at this time. The size of the area set aside for the road should be considerably reduced to just what is necessary.

6 Question the affordability of the "affordable" homes.

7 Whilst we can see the commercial sense in building some houses first then putting in the road, this does not take into account how detrimental this would be to the surrounding residents. All the contractors plant, equipment, deliveries and supplies will have to either go through the town centre, past the primary school, the doctors surgery and through a council estate or along Ford Road and then through a very narrow lane with houses close to the road and little pavement for parents walking their kids to school, going to the surgery etc.

LETTER FROM CONSERVATIVES PARLIAMENTARY SPOKESMAN

Make the following objections and observations:

1 Very large scale development for a town the size of Wiveliscombe.

2 Development is very dense and need more family homes, rather than flats.

3 The access road should be built first to avoid construction traffic having to go through town centre.

4 Pedestrian safety along Ford Road.

5 Unacceptable increase in on-road parking pressures, with people living near the site being displaced from their usual on-road parking spots.

6 Needs to be provision of additional public parking.

7 Site bigger than first proposed in the Local Plan.

8 Town is being extended into open countryside generating fears that other Greenfield sites will be opened up.

9 Dormice survey was totally inadequate and worthless and should be carried out at the correct time.

10 Primary School unlikely to have capacity and surprised that County Council not requesting a S106 contribution.

11 Concern of capacity at health centre.

LETTER FROM WIVELISCOMBE WOMAN'S INSTITUTE

1 The doctors surgery and local schools are already overstretched.

- 2 Increased demand on the sewerage system and electricity, gas and water supplies could have an adverse effect on existing residents.
- 3 Difficulty in reaching site due to parked cars.
- 4 Parking in the centre of town is already a massive problem.
- 5 Question need for more development on Greenfield sites in Wiveliscombe is necessary when development on a brownfield site at Norton Fitzwarren is taking place.
- 6 Imperative that road improvements would be in place before any building starts.

9 REPRESENTATIONS

37 letters of objection (including a number of standard letters) have been received, making the following points:

- 1 Increase in traffic along Ford Road will put families at risk along the sections with no pavement walking to the playgroup at the scout hut.
- 2 Rumours that the developer wishes to also develop the fields to the south – east if so this will result in a significant departure from the scale of the original application and negates the community involvement exercise.
- 3 The application is premature given new RSS allocations and the emerging LDF. With the emerging level of new housing allocations for Taunton Deane, it is clear that Wiveliscombe will have to take a considerable amount of new housing in the period to 2026. When preferred locations are identified, the site may no longer be favoured. A decision on this site should therefore not be made until the LDF process has run its proper course.
- 4 The site has been allocated for many years, but has not come forward for development until now.
- 5 The site is located in a flood risk area, and risk is much more acute than it was when the allocation was first proposed.
- 6 The site is distant from the main service area of the town, which is likely to lead to additional car journeys and will not contribute to the cohesion or sustainability of the community.
- 7 The size of the proposed development, its location in an environmentally sensitive location and the extent of the new road brings the scheme within the definition of a Schedule 2 development and should therefore be subject to an Environmental Impact Assessment. This should include an assessment of traffic impact, the economic impact of the housing, where the residents will work and how the scheme will contribute to the development of a sustainable community and services in Wiveliscombe. If the application has been agreed by Taunton Deane Borough Council that an EIA is not required, this should be made publicly available.
- 8 The area of development extends beyond that identified in the Local Plan and beyond the settlement limit.
- 9 The density of development is excessively high for this location.
- 10 The number of flats is excessive for this community and this location.
- 11 The proposed road is being developed to facilitate the development of the fields to the east of the site. If it is the developers intention to bring forward this land for development, it should be properly included in the application now. If it is not to be developed, then the developer should enter into an

undertaking with the planning authority to protect it from future development and the road should be reconfigured more in line with that identified in the Local Plan.

12 Style Road and the new development would be given home zone status with improvements carried out as part of the Section 106 contributions.

13 No traffic impact assessment is provided. Without this it is not possible to determine if the highway solution is appropriate or if any mitigations are required elsewhere, eg. Golden Hill and Silver Street. If there is an impact in these streets, a home zone solution should be funded by the development.

14 The development make insufficient attempt to mitigate its environmental impact.

15 The application does not adequately respond to PPS1, which clearly states that "before the development plan is updated to reflect the policies in this PPS, planning authorities should ensure proposed development is consistent with the policies in this PPS". The Design and Access Statement fails in this regard.

16 The application does not address the "urgent need for action on climate change" as required by PPS1.

17 Contrary to PPS1, the application does not "secure the highest viable resource and energy efficiency and reduction in emissions", it does not show how it will "reduce the need to travel, especially by car", and it does not adequately "conserve and enhance biodiversity".

18 PPS1 expects decentralised energy supply and sustainable buildings, yet the application merely refers to the minimum building regulations requirements. This is wholly inadequate given the opportunities that this site presents in particular for on-site generation and energy conservation/capture through passive design.

19 The application does not explain what measures will be taken to reduce the carbon and ecological footprint of the construction materials.

20 The design is for an inward facing housing development that pays no regard to the surrounding streets or the community of Wiveliscombe.

21 The design is insufficiently permeable and will create a sub-community that does not relate to the established community.

22 The buildings do not sufficiently respond to the local vernacular.

23 In terms of pre-application community involvement, other than presentation to the Parish Council and an invitation only event for neighbours, the scheme was only available for public comment on one day. Given the scale of the impact, this is unacceptable.

24 The public open space is not sufficiently accessible to the Wiveliscombe community as a whole.

25 Some of the public open space should be allocated as allotment land for the new and existing residents.

26 Although there is a commitment to contributing towards additional school spaces, the development does not make any contribution to other local services, eg. community buildings, healthcare, sports facilities, family services, independent retailers etc.

27 If Wiveliscombe has to have more development, there should be a more sympathetic approach to the size of the scheme.

28 Wiveliscombe is at saturation point with parking where off-road parking is minimal. Any further development should take this into consideration and not

just be subject to the present planning guidelines

29 Additional parking spaces should be provided to replace current 'on road' parking where new junctions are to be installed.

30 Additional traffic will approach site along roads that have on-street parking problems. Concern that additional parking restrictions may be introduced.

31 Insufficient parking provision for the new dwellings - in practice garages not used to keep a car, most residents will have two cars per household, no provision for visitors' cars and insufficient road parking space.

32 Will increase parking problems in the Town Centre because people will use their cars rather than walk.

33 Golden Hill will become a rat-run. It is narrow and even narrower at Silver street. Impractical to make it one-way. Banning parking will make it dangerous as cars will speed. An increase in traffic will cause disruption because there are too few parking spaces.

34 Part of the public open space proposed should be tarmaced over to provide overflow parking spaces.

35 Services and infrastructure inadequate to cope.

36 Kingsmead School is full to bursting and the doctors surgery cannot cope now.

37 Appreciate that houses mean money, but perhaps a few less with more space make for a better quality of life. Bigger gardens for families to relax in, to grow their own for a healthier diet and provision for ample parking relative to the size of house would make for a compromise all round.

38 Unnecessary greenfield destruction.

39 The area has a large array of wildlife, including dormice, which would be destroyed.

40 Many of the people in Wivey would not be able to afford the homes being proposed.

41 Both schools in the area are already at capacity.

42 Wivey is a community in its own right with a different and special social structure. The mass migration of new people to the town would destroy this community spirit.

43 Will turn our green and pleasant land into a giant concrete lump.

44 With our current financial situation, these houses could potentially turn into a disused half-finished blot.

45 The town currently has a very good balance of residents to facilities and an increase of 89 homes plus cars, rubbish, noise pollution, light pollution and the effect on current residents and surrounding countryside deserves serious consideration.

46 Will potentially wreck this independent, co-dependent, special community and unique town.

47 Contributions should be forthcoming for Golden Hill and Silver Street for traffic calming and pedestrian improvements to make it a safer environment for pedestrians from the new site.

48 The existing footpath across the site has been ignored.

49 There is no footpath connection from the site to the centre of the town by the most direct route.

50 The western end of the bypassed section of Style Road needs to be closed to stop it still being used as a short cut.

51 Internal arrangement needs to be tightened up to restrict on-street parking,

but still allow a refuse vehicle to pass through.

52 Although it is not appropriate for all of the off-site works to be in place prior to commencement, they do need to be in place prior to first occupation.

53 It is essential that construction access to the site is taken from Burges Lane and hence the middle section of the road should be completed (to sub base) prior to commencement on site.

54 Increased traffic.

55 The proposed new road will inevitably become a rat run with people avoiding the town centre.

56 'Donating' money to Kingsmead School will only result in the school having to build and a further loss of local green space.

57 Junction of Ford Road with Taunton Road is already busy and there is poor visibility with a blind bend.

58 New road would have to be in place before the development works commence.

59 Heavy plant and construction traffic will affect foundations of properties.

60 Consideration should be given to the way the new road will be lit to avoid too much light pollution.

61 Hedge along Burges Lane should be replaced as this is habitat for breeding birds.

62 Question why there is only an education contribution being made from the private homes.

63 Proposed development will overshadow property, creating issues with light and the views from property.

64 Impact on property values.

65 There are perfectly good double track roads from Northgate and North Street without the need to widen Burges Lane with the associated road changes.

66 A wider road with faster and more frequent traffic may prove a significant risk, particularly to children and the elderly.

67 There is currently no pavement for residents, many of which are mothers and toddlers going to playgroups at the scout hut or other children walking unaccompanied etc.

68 Historic importance to the town of the view across the site.

69 Without suitable employment in the local area, Wiveliscombe will become a dormitory town for Bristol and Exeter and local trades people will be affected.

70 Promised facilities may not materialise.

71 Builders are just out to line their pockets.

72 Inappropriate to build in front of the sewerage works.

73 Question having a drainage pond near a play area.

74 Planting should be wildlife-friendly.

75 Need for accommodation for mobility trikes.

76 Possible vermin and nuisance of odours from bins for the flats. Also occupiers would need to descend this flight of stairs, negotiate parked cars and cross their courtyard to the furthest point in order to put their rubbish in their wheelie bin.

77 Properties should have solar panels.

78 Street lighting should be kept to a minimum.

79 Footpath crossing of the new road should be designed in a safe manner to

protect pedestrians.

80 Loss of ancient wall to provide access.

81 Development of the old Brewery site in the heart of the town, which is currently a derelict wasteland should be supported in preference to this green-field housing estate development.

82 New native hedge should be planted alongside the new road.

83 Work should be done at appropriate times of the year to ensure minimum disturbance to species.

84 Question whether the sewerage treatment works will have sufficient capacity

85 Lack of larger units and total lack of provision for single people.

86 No access to outside space for the flats and no outdoor drying facilities.

87 Footpath and parked cars right up to windows of flats, making for a very unpleasant living environment.

88 Parking provision for affordable housing is totally unacceptable and socially divisive.

89 Bicycle shed not big enough.

Some further representations have been received as a result of the amended plans making the following observations:-

1 Note that the number of apartments has been reduced and feel it is now more realistic, although the height of the block may still be slightly out of scale when considered in the context of the lower houses and gardens which it will overlook.

2 Pleased that the bin-storage area has been resited closer to the apartment block.

3 Slight concern that some of the gardens may overlook one of the potential hotspots for benzopyrene identified by Hydrock in 2007. Presume that any contaminated soil will be replaced and that the tenants can safely grow vegetables.

10 PRINCIPAL ISSUES FOR CONSIDERATION

A) Does the proposed development comply with relevant Local and National Planning Policies? **POLICY**

B) Is the access to the site and the road network of the area suitable to serve the proposed development? **HIGHWAYS AND ACCESS**

C) Is the appropriate level of affordable housing proposed? **AFFORDABLE HOUSING**

D) Has adequate public open space been provided by the proposal development? **PUBLIC OPEN SPACE**

E) Has the proposed development made appropriate arrangements for any wildlife present on the site? **WILDLIFE**

F) Is the site at risk of flooding and have appropriate arrangements been made for foul and surface water drainage? FLOODING AND DRAINAGE

G) What will the landscape impact be of the proposed development? LANDSCAPE IMPACT.

H) Is the proposed development sustainable? SUSTAINABILITY

I) OTHER ISSUES.

A) POLICY

The site is proposed for residential development in the Taunton Deane Local Plan (Policy WV1). The Local Plan sees the development as a modest housing allocation which will help to deliver a range of housing types which will support the social and economic role of the rural centre and ensure the maintenance of a mixed and balanced community. This includes catering for the rising number of smaller households and local population who might otherwise be unable to afford to buy local housing. The plan sees this as being achieved through ensuring that small dwellings are built by promoting a high density development and through the provision of affordable housing. An indicative target of 30% of the dwellings to be affordable is included in the Local Plan (Policy H10), reflecting the level of highway improvements to the local road network to facilitate access. This is achieved with the proposed development, with 24 of the 80 dwellings being affordable.

The site is a flat well contained field to the north of Style Road and east of the Plain Pond housing development. There is an existing mature hedgerow along the northern boundary of the site which is retained and supplemented by additional landscaping. Part of the development site is proposed for public open space.

The Forward Plan Officer raises no in principle objections to the proposal. The Local Plan states a requirement for not less than 50 dwellings. It is considered that the current proposal for 80 dwellings is compliant with this.

B) HIGHWAYS AND ACCESS.

A Transport Assessment was submitted with the planning application. This notes that Government policy in the form of PPG13 and the Regional Spatial Strategy seeks to widen travel choice and reduce the need to travel by car, thereby increasing the sustainability of transport and utilising efficient use of the existing transport infrastructure. The Assessment concluded that the traffic generated by the proposed development would have a minimal impact upon the surrounding highway network.

Policy WV1 of the Taunton Deane Local Plan, which allocates the site for residential development requires improvements to the local road network to facilitate access, including the provision of traffic calming schemes, along a new length of road. The general principals and requirements for this new

road were set out in the Taunton Deane Local Plan. One of the main design criteria for the new road is to reduce traffic speeds and to discourage the use of the road by through traffic. As a result, the new road has been designed to incorporate speed restraint bends. The junction of Burges Lane and Ford Road is also proposed to be improved as part of the new road alignment, increasing visibility in the Ford direction from 21m to 60m.

The area surrounding the site is well served by pedestrian facilities with all roads in the area having pavements on both sides.

The closest bus stop is located at The Square, which is approximately 400 metres from the site. This is within a distance considered acceptable for walking. There is an hourly daytime bus service to Taunton with other services to Dulverton, Barnstaple and Wellington.

With regard to parking, Policy M4 of the Taunton Deane Local Plan notes that car parking for residential development should be at a maximum of 1.5 spaces per dwelling. The proposed parking provision is in line with this requirement. There is no requirement in the Local Plan for any additional parking to be provided for existing residents in the area. County Highways have not raised any issue with regard to parking.

C) AFFORDABLE HOUSING

Because of the level of highway improvements required is unusually high for a site of this size, the Taunton Deane Local Plan sets an indicative target for affordable housing of 30%. This is met with the proposal. The provision is split between 50% social rental and 50% intermediate housing, with the latter split 25% shared ownership and 25% discounted low cost purchase.

This provision is in line with the requirement of the Housing Officer.

D) PUBLIC OPEN SPACE.

There is a requirement in Taunton Deane Local Plan Policy WV1 for the provision of public open space as part of the development.

The proposals for the public open space seek to combine a number of recreational and drainage functions within as natural a setting as possible.

The recreational and landscape features include:

- i) an area of 0.1 ha allocated for formal play, including a fenced area for under 5's play;
- ii) a flat 'pitch' area of approx 0.33 ha, suitable for a junior size rugby pitch;
- iii) an area of 0.83 ha for informal play;
- iv) a water retention area, mainly dry but with a small area of shallow permanent water;
- v) native species of hedgerow and tree planting, and links to the adjacent

lanes and housing area.

The final choice of play equipment and layout within the play area are to be confirmed in discussion with the local community. A certain amount of landform modelling is proposed across the public open space. The creation of natural habitats will include wetlands with some open water (associated with the retention area), native fields/hedgerows and wildflower meadows. Features typical of lowland areas, such as pollarded willows will be used, both as landscape and habitat feature.

The existing hedgerows and trees around the periphery of the site will be retained and strengthened. Two openings will be created through the hedges, one to allow access to and from the lane along the eastern boundary and the other to allow footpath and cycle access to the lane along the northern boundary of the site.

If a rugby pitch is to be provided, when this is not in use by the rugby club, it will remain fully accessible for members of the public.

E) WILDLIFE

An Ecological Assessment was submitted with the planning application. This noted that the fields proposed for development comprises improved pasture and are of no significant ecological value. A mature hedge runs along the eastern boundary of the development site and is likely to be used by nesting birds and dormice. Some of the mature trees on site may provide opportunities for roosting bats. The few areas of rough grassland on the site are unlikely to support reptile populations as they are limited in area and are isolated from other semi-natural habitats such as scrub, heathland etc. Mitigation measures for nesting birds are proposed.

The Assessment also assumed that dormice are present, pending further survey work and that agreement to undertake the removal of the section of hedge for the new road under the terms of a European Protected Species Licence be made a planning condition. No significant tree felling is required by the scheme as recommendations for bats are provided as best practice only.

Both Natural England and the Council's Nature Conservation Officer required further dormice surveys to be undertaken before determination of the application. Further surveys have been carried out and the consultation responses have regard to this.

F) FLOODING AND DRAINAGE

The submitted Flood Risk Assessment indicated the site to be within flood risk zone 1, as indicated on the Environment Agency flood maps, with less than 1 in 1,000 year probability of flooding in any one year. Surface water run-off is proposed to be managed by a tiered system of underground storage and a pond area in the open space. Surface water run-off flows would be limited to

current green field run-off rates. The proposed storm water management system is designed to provide attenuation facilities for 1 in 100 year storm events plus an allowance of 30% for climate change.

The Environment Agency, in its initial response objected to the development as it had failed to address flood risk management concerns.

Points raised by the Environment Agency have been addressed in the submitted Flood Risk Assessment. The Environment Agency are now satisfied.

A public combined sewer crosses the site from the southeast to northwest outfalling at the sewerage treatment work to the north of the site. Wessex Water has agreed that the sewer can be diverted through the site, that foul drainage from the development can be connected to the diverted public sewer within the site and that capacity is available at the sewerage works to serve the development.

G) LANDSCAPE IMPACT

The site is fairly flat and currently well contained by mature hedgerows. These have been retained as far as possible with the proposed development and supplemented by additional landscaping.

The Landscape Officer considers that the proposal should be a good scheme.

H) SUSTAINABILITY

The affordable housing units will attain Code for Sustainable Homes Level 3 and the private units will be built to a standard that will exceed current day building regulations.

The surface water disposal has been designed to comply with Sustainable Urban Drainage Systems. Surface water run-off will be arranged by a tiered system of underground storage and a pond area in the open space. Surface water run-off flows from the site will be limited to current greenfield run-off rate. The proposed storm water management system will be designed to provide attenuation facilities for 1 in 100 year storm events plus an allowance of 30% for climate change. The proposed layout has also allowed for potential surface water over land flow from the adjacent existing residential area to the south of the site and will assist in relieving an existing flooding problem in Style Road. The provision of a pond in the open space will help to improve the quality of run-off to the adjacent watercourse.

I) OTHER ISSUES

At the request of the Parish Council, Civic Society and others, the scheme has been amended to reduce the number of flats and 1 bed units. As a consequence the total number of dwellings has been reduced from 89 to 80. The amended plans also revise the size of the bicycle shed.

The amended plans reduce the size of the site to reflect the land requirement for the road improvements to Burges Lane.

Whilst the Council does have a public art policy this is not part of the Local Plan . The applicants are not prepared to make a contribution and it is not considered that refusal could be justified on these grounds.

11. CONCLUSION

The site is allocated for residential development in the Taunton Deane Local Plan. Policy WV1 of the Plan proposed a development for not less than 50 dwellings, with provision for affordable housing, public open space, improvements to the local road network, pedestrian access from Plain Pond to the public open space, landscaping and education contributions.

The proposed development provides for the above requirements, with the various elements secured through a Section 106 Agreement. The amended plans go a long way towards alleviating the concerns of the Parish Council and other interested parties.

My recommendation is therefore a favourable one.

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

CONTACT OFFICER: 356461 MR J HAMER

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06/2008/057

DR TIM WOODGATE--JONES

CHANGE OF USE FOR MOBILE HOME FOR AGRICULTURAL WORKER AND PHEASANT REARING AT MILL FIELD, BISHOPS LYDEARD AS AMENDED BY PLANS RECEIVED 3 SEPTEMBER 2008

316639/129306

FULL

PROPOSAL

This application seeks full planning permission to retain a change of use of the land for pheasant rearing and to retain a mobile home for a worker for a temporary period. It also proposes a new access and landscaping.

The site comprises agricultural land, on the edge of the village of Bishops Lydeard. The land is currently accessed via a field gate from Minehead Road, adjacent to the neighbouring property. The land slopes down from Minehead Road to the west down to a stream on the east side of the field. The applicant's land ownership continues on the opposite side of the field, but this does not form part of the current application site.

The site is bordered by hedges and a number of mature trees to the north, east and west. There is a weaker boundary of trees to the south, where the site borders a neighbouring dwelling. This dwelling has windows overlooking the site.

Application 06/2006/029 sought planning permission for the use of land for pheasant rearing and the siting of an mobile home. The application was refused on the grounds that there was insufficient evidence of an overriding functional need or financial justification for the dwelling; inadequate information had been submitted to demonstrate that a satisfactory access could be achieved; and that the existing access did not incorporate the necessary visibility splays required to create a safe access.

Following this refusal, an enforcement notice was served. The applicant appealed the notice on the grounds that the time specified to comply with the notice (by March 2008) was too short and requested an extension until the end of the summer. By the time the appeal was determined in July 2008, 4 months had passed and the inspector upheld the notice in the form it was served. The Council is now in a position to take further action if desired, but that action is being held in abeyance pending the outcome of the current application.

Application 06/2006/041, determined by Somerset County Council, granted permission to in-fill a ditch along the boundary of the site with Minehead Road.

This application seeks to retain the presently unauthorised use of the site for the rearing of pheasants. It also seeks to retain the worker's caravan for a temporary period of 3 years, although this would be moved closer to the neighbouring dwelling

to the south of the site. A new access is proposed slightly to the north of the existing, closer to the junction of Minehead Road with the A358. This would provide visibility splays of 60 metres to the north and 40 metres to the south, although it would require the removal of a number of large trees and the trimming back of the existing hedgerow to create the required splays. The existing access would be closed, and the gap planted with a new hedgerow.

CONSULTATIONS AND REPRESENTATIONS

WESSEX WATER: The proposal is not within a Wessex Water sewered area. The developer has not indicated how foul water would be disposed of. Surface water would be disposed of via soakaways. TDBC should be satisfied that the proposed arrangements are acceptable.

SCC HIGHWAYS: The site is outside the settlement limit of Bishops Lydeard and the Local Planning Authority must decide whether there is an overriding functional need for the proposal. ... "In detail the proposal will derive access from/onto Minehead Road which is a classified unnumbered highway. The existing access is substandard and as part of the application it is proposed to stop up this access and form a new one...Whilst the new access will be sited just outside of the 30mph speed limit, the road layout and traffic priority will mean that vehicle speeds are decreasing as they exist they A358 approaching the village and 30 mph restriction"...The highway Authority [consider] that Manual for Streets visibility splays would be appropriate in this location, therefore the splays denoted on the submitted plan are acceptable and meet this criteria. The visibility for vehicles emerging to see and be seen from the new access compared to the existing access is considered to be an improvement to highway safety and on this basis I do not intend to raise a highway objection"

The parking and turning indicated needs to provide for residential and commercial vehicles, so that all vehicles can enter and leave the site in a forward gear. The present layout may not be sufficient, but further details can be required by condition. Recommends conditions to ensure that the visibility splays are implemented, the turning area is surfaced with a properly consolidated surface, a revised parking area should be submitted, entrance gates should open inwards, the existing access should be stopped up, the gradient of the proposed access should not be steeper than 1 in 10, provision should be made for the disposal of surface water so that none drains onto the highway.

TAUNTON DEANE BOROUGH COUNCIL ENVIRONMENTAL HEALTH OFFICER: No observations to make on this application.

TAUNTON DEANE BOROUGH COUNCIL LANDSCAPE OFFICER: The proposed access alignment will require the felling of an oak and greater soil grading than a less impacting access further south. Subsequently verbally agreed that if a need was demonstrated, it would be difficult to resist the application on the grounds of the loss of trees, as they are not fundamental to the amenity of the area.

TDBC DRAINAGE: Details are required of the proposed system to treat foul sewage, prior to the determination of the application. With regards to surface water

disposal, it is noted that soakaways are proposed. These should be constructed in accordance with Building Research digest 365 (September 1991) and made a condition of any permission.

BISHOPS LYDEARD AND COTHELSTONE PARISH COUNCIL: The Council objects to the proposal and has the following comments to make:

- The proposal is too large a commercial operation for a village site.
- The proposal is too close to a residential area.
- Public health issues such as flies, vermin and effluent from the birds are of concern.
- The proximity to a river, on a sloping site, gives concern over effluent run off into the watercourse.
- There are a dangerous number of gas cylinders located very close to residential properties.
- The assessment provided with the proposal is based on extra land not included in this application and is therefore inconsistent.
- Proposed access appears less safe than existing. The Council would like to point out that the road is in fact heavily trafficked, not lightly trafficked as claimed in the assessment.

NINE LETTERS OF OBJECTION have been received, raising the following issues:

- Pheasant rearing for sport is not an agricultural activity;
- The mobile home does not meet the criteria for an agricultural worker's home;
- It is understood that the operation has to be on the land for a full 12 months of the year and be full-time;
- The applicant is a gardener who works away from the site;
- The huge rises in fuel and food will make the activity uneconomical;
- The proposal relies on excessive transport movements;
- There is not space to expand or rotate the land as recommended by the Game Keepers' Association;
- The pens are not dismantled at the end of the rearing season;
- There is likely to be contaminated run-off into Mill Stream;
- There is an unacceptable transfer of noise and smell to neighbouring properties that will be worse with the planned intensification;
- There have been an influx of pests (rats, mice and flies) since the operation began;
- There is a risk from avian influenza;
- There is a sewer in Minehead Road (contrary to the comments in the application). No mention of how the foul drainage will be disposed of has been given – the current septic tank system is not adequate and is leading to pollution;
- Minehead Road is a busy road with no footway, no traffic survey has been carried out;
- The slip road should be treated as part of the A358 and access should not be allowed onto it.
- Minehead road and the access cannot accommodate the traffic generated by the development;

- The impact of the access on the trees cannot be assessed without a full tree survey;
- The proposed landscaping would not provide an adequate screen and could take several years to grow;
- There is no mention of any screening to Lydeard Mead;
- There are no details of the proposed screen for the gas bottles.
- No details of drainage for the access/turning area have been provided;
- The development affects the setting of the settlement;
- The supporting statement relies on an additional 6 acres for stock rotation, but this is outside the application site and prone to flooding;
- Queries why the mobile home is proposed to be moved closer to existing properties;
- Queries why the proposed enhancements/screening are now proposed when they have not been in place for the last 2 years;
- The submitted site plan is not up to date;
- The application is retrospective;
- Withholding the financial information denies the public the opportunity to comment fully.

ONE LETTER OF REPRESENTATION has been received in respect of this application raising no objection but noting that the mobile home is not currently sited as indicated in the application and requesting screening if it is to remain where it is.

POLICY CONTEXT

GOVERNMENT GUIDANCE: PPS7 (Sustainable Development in Rural Areas); PPS25 (Development and Flood Risk).

SOMERSET AND EXMOOR NATIONAL PARK JOINT STRUCTURE PLAN REVIEW: STR1 (Sustainable Development); STR6 (Development outside Towns, Rural Centres and Villages); Policy 49 (Transport Requirements of New Developments).

TAUNTON DEANE LOCAL PLAN: S1 (General Requirements); S2 (Design); S7 (Outside Settlements); H13 (Agricultural or Forestry Workers); M1 (Transport, Access and Circulation requirements of New Developments); EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows).

ASSESSMENT

The main issues in the consideration of this application relate to the principle of the development, flood risk, impact on neighbouring property, potential pollution, impact on the visual amenity of the area, and impact on the highway network.

PRINCIPLE

Pheasant rearing for sports purposes (as proposed here) does not constitute agriculture within the meaning of the Town and Country Planning Act. However, it is an activity which one would expect to find in the rural area and it is considered that the change of use of agricultural land to this purpose is acceptable in principle.

In respect of the dwelling, PPS7, Annex A, indicates that dwellings for non-agricultural rural land based enterprises may be acceptable in principle, provided that the same stringent tests that would be applied to applications for agricultural worker's dwellings had been fulfilled. Essentially, these tests require that there must be a clear intention to develop the enterprise, there must be a functional need for the dwelling (the *functional* test) and that the enterprise has been planned on a sound financial basis (the *financial* test). If these tests are fulfilled, it is considered that the provision of a supervisory dwelling for a temporary period would be acceptable in principle.

Much has been said in the representations and consultations that the pheasant rearing is not agriculture, and as such, references to an 'agricultural worker's dwelling' in the submitted appraisal are misguided. Whilst this is, strictly speaking, the case, PPS7 makes clear that such dwellings can be acceptable in principle and the reference to an agricultural dwelling as opposed to a game farm workers dwelling is not considered to be material to the decision making process.

FUNCTIONAL TEST

To pass the functional test it must be demonstrated that it is essential for the proper functioning of the enterprise for one or more workers to be resident on the site at most times. It is considered reasonable to interpret this as relating to a full-time requirement.

The applicant's business involves rearing batches of day-old pheasants to 7 weeks and then selling. In 2007, the applicant reared a single batch of 5000 pheasants on the site. In 2008, this was increased to 8000. In 2009 and 2010, it is proposed to increase this figure to 16,000 by rearing two batches back to back across the summer months. It is proposed to hold back 350 of the hens from 2008 to breed in 2009. Thus, by 2009, it is proposed that no day-old chicks will be purchased and all pheasants will be reared on the land.

The application is accompanied by an appraisal document which sets out the likely labour requirements for the enterprise. The nature of the enterprise means that there are significant variations in the labour requirements throughout the year. The applicant's agent has submitted some information about the seasonal variations based on the 2009 and 2010 business plan. Your officers have rearranged the information into a 'month by month' display and this is provided for Members as appendix A to this report. The analysis indicates that during the summer months, when the batches of chicks are being reared, there is a requirement for over two full-time workers. During the 'shoulder' months of March and July, there is a requirement for over 1 full-time worker. It is considered that during these times, when there is a large amount of stock on site, in pens heated by gas heaters, there is a need for a worker to be resident on site to give diligent care and attention to the stock. In the months of October and November, there is still a requirement for almost one full-time worker, although most of the work would be associated with cleaning up and disinfecting of the site, which could be undertaken remotely, without any need to be resident on the site. From December to February, there would only be a need for around one third of a worker, with all of the requirement relating to the care of the retained breeding hens and cocks.

The annual spread of the labour requirement indicates that the enterprise functions very intensively, where there is a clear functional need for about 6 months of the year. For the remaining 6 months, the need is less apparent. However, even in the low season, there would still be some stock retained on the site, to which it may be reasonable to provide an element of supervision. Your officer's view is that taking into account the intensity of the use over the summer months, it can be argued that the need relates to a full-time worker at most times, in compliance with the guidance.

Comments raised in the representations relating to the applicants other work are noted, however this assessment is based upon the business forecasts over the next 24 months, which the applicant has stated can be realised in the event that a caravan is permitted. The purpose of a temporary permission is to allow an applicant the opportunity to develop a business and it is considered that in this instance, the benefit of the doubt should fall with the applicant.

FINANCIAL TEST

For applications for temporary dwellings on new enterprises, it must be demonstrated that the business has been planned on a sound financial basis. Forecast profit and loss accounts have been provided which indicate anticipated cash flow for the current and next two years.

One objector has suggested that the profits have been miscalculated by not taking into account the costs of rearing. However, examination of the figures indicates that that his interpretation is likely to be misguided, effectively discounting the cost of rearing the animals twice. It also works on the basis of rearing 5000 birds, as was the case in 2007. Your officers have studied the submitted forecasts and the figures stated appear to be reasonable. With regard to this it is, therefore, considered that the financial planning is sound.

One objector has commented that the public has been unable to comment fairly on the application as the Council has withheld detailed financial information about the application. Members should be aware that accounts and detailed cash-flow information can be commercially sensitive and it is standard and accepted practice for this Authority (and others) to remove the information from the public domain. It is considered that sufficient information has been made available to allow the public to comment on the proposal.

INTENT TO DEVELOP

PPS7 indicates that intent to develop may be demonstrated by a large investment in farm buildings. In this case, there is a limited need for such buildings that would indicate strong commitment to the land, however, the applicant has already purchased the rearing pens and animal housing, together with facilities to incubate some of the eggs. The investment demonstrated so far, with the business development outlined in the appraisal, is considered to show sufficient intent to develop the enterprise and on balance, the proposal is acceptable in principle.

FLOOD RISK

A small part of the site is within flood zone 3, the highest risk zone, with much of the neighbouring field also within this zone. Concern has rightly been expressed by a number of objectors that the appraisal document refers to all of the applicants owned land (including this neighbouring field) in justifying the functional and financial tests, even though the application site is largely excluded from the flood zone. The site's risk of flooding could seriously impact upon the viability of the business. However, the current enterprise functions entirely on the identified application site (outside the flood risk area) and the agent has confirmed that the outlined business plans could be entirely accommodated within this area.

In support of their argument, the objectors have referred to guidance on stock rotation from the Game Farmers Association regarding the field rotation required between flocks. However, as noted above, it has been confirmed that the identified land is sufficient, and it is not the place of the planning system to impose the working guidelines of other organisations. With regard to this, it is considered that the presence of flood risk, and the small application site presented, will not impact unduly on the submitted financial planning or development of the enterprise.

IMPACT ON NEIGHBOURING PROPERTY

A number of concerns have been raised from nearby residents about the transfer of smells from the site and the increase in vermin. However, concerns over the transfer of smells and spread of vermin have been reported by a number of other nearby residents. The Environmental Health officer has not raised any objection to the proposal on the basis of transfer of noise/smells and as such, it is not considered that sufficient weight could be attributed to the concerns of the neighbours to warrant refusal.

The closest dwelling to the south, which overlooks the site to some degree would likely be most affected by the use and the siting of the caravan. It is considered, however, that the siting of the caravan closer to this property would not give rise to unreasonable overlooking or other general disturbance to amenity.

One neighbour to the east has commented that the caravan can currently be seen from their dwelling. Simply being able to see a development is not grounds for its refusal and, in any case, the re-siting of the caravan further to the south should negate this concern.

With regard to these factors, it is considered that the impact of the development on the neighbouring residents is acceptable.

POLLUTION

Concern has also been raised regarding the potential pollution of the watercourse to the east of the site. Again, no objection has been raised from the Environmental Health officer or the Environment Agency, so an objection in this respect is not considered to be justified.

HIGHWAY SAFETY

The Local Highway Authority initially raised no objection to the scheme on the basis that a new access and visibility splays are constructed and that heavy goods vehicles (HGVs) are not allowed to access the site. The new access can be constructed, but it will result in the loss of a number of trees and will require the replanting of the hedgebank behind the new visibility splays – see below. It is considered that any condition preventing access for HGVs would be unenforceable and the Highway Authority have since confirmed verbally that that they would not object if their access was permitted. They would wish to see a condition imposed to require further details of the access and parking arrangements to be submitted to ensure that adequate facilities are provided.

Concerns raised in respect of misleading information in the supporting documents are noted. However, the Highway Authority will have made their assessment based on the characteristics of the road, not simply the applicant's opinion of local highway and traffic conditions. With regard to these factors, the impact on highway safety is considered to be acceptable, subject to conditions.

VISUAL IMPACT

Intensive pheasant rearing generates considerable building clutter due to the large number of small structures required in connection with the operation. However, the site is generally well-screened from the public domain due to the mature trees that surround the site and the buildings are only truly visible from within the site and some other neighbouring land.

Some trees and vegetation will be lost as a result of the access works. The agent has undertaken a detailed survey of the tree line to Minehead Road which reveals that a hornbeam, oak and field maple will be lost to create the access. Other than these, it is anticipated that the required visibility splays can be achieved by trimming the existing hedgerow and allowing it to re-grow behind the visibility splays. The applicant has agreed to supplement the boundary with additional landscaping, and as such, it is considered that the overall visual impact would be acceptable. A detailed landscaping scheme could be required by condition.

OTHER MATTERS

It has been suggested that there is a sewer available in Minehead Road, contrary to comments within the design and access statement. The application form states that the method of foul water disposal is yet to be decided and this can be agreed by condition.

The Parish Council raised concern over the scale of the operation and gas bottle storage so close to the village and neighbouring properties. After discussions with the Health and Safety Executive, it seems unlikely that the storage of gas bottles would be to such a level that would cause them concern. However, clarification is being sought and members will be updated at committee. In terms of the scale of the enterprise, it is considered that in light of the responses of the Highway Authority and Environmental Health officer, little weight could be attributed to the concerns

raised. Other concerns over threat of avian influenza and the applicants working practices are not material planning considerations. The fact that the application is retrospective cannot influence the decision and the application must be determined on its own merits.

CONCLUSION

The proposed change of use of the site to pheasant rearing is considered to be acceptable in principle, subject to the formation of a new access and vehicle turning facilities. It is considered that the removal of trees to create this access will have a limited impact on the overall character of the area and approach to Bishops Lydeard, subject to conditions to replant the hedgerow and enhance the tree planting. The majority of the screening will remain helping to retain the general visual amenities of the area. In respect of the proposed accommodation, it is considered that there is a functional need for a worker to be resident on site and that the enterprise has been planned on a sound financial basis. With regard to these factors, the development is considered to be acceptable and it is, therefore, recommended that planning permission is granted.

RECOMMENDATION

GRANT subject to the following conditions:

- occupation of caravan to person employed in pheasant rearing on this site;
- occupation of caravan limited to temporary 3 year period;
- implementation of access, having agreed details including visibility splays, surfacing, drainage requirements and gradients;
- provision of revised parking/turning arrangements;
- stopping up of existing access;
- entrance gates to open inwards;
- submission of landscaping scheme;
- confirmation of the method of disposal of foul drainage.

REASON(S) FOR RECOMMENDATION:-

The use is considered to be acceptable, not impacting unreasonably upon the character of the area, highway network or neighbouring property. There is considered that there is a functional need for the accommodation and the enterprise has been planned on a sound financial basis, in accordance with policies S1, S7 and H13 of the Taunton Deane Local Plan, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, and advice contained in Planning Policy Statement 7.

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

CONTACT OFFICER: MR M BALE: 01823 356454

APPENDIX A

The following table shows the estimated labour requirement for the enterprise for each month of the year on the basis that a full-time worker works 2200 hours per year, spread evenly across the year.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual total
Breeding hens & cocks	60.83	60.83	60.83	60.83	60.83	60.83	60.83	60.83	60.83	60.83	60.83	60.83	730
Set up & preparation			180.00	180.00									360
Incubate eggs				84.00									84
Rearing (1-14 days)				126.00	126.00								252
Rearing (14-28 days)					168.00								168
Rearing (28-56 days)						224.00							224
clear up & set up						8.00							8
Incubate eggs						84.00							84
Rearing (1-14 days)							252.00						252
Rearing (14-28 days)							84.00	84.00					168
Rearing (28-56 days)								112.00	112.00				224
Clear up & disinfect										120.00	120.00		240
Land management	2.33	2.33	2.33	2.33	2.33	2.33	2.33	2.33	2.33	2.33	2.33	2.33	28
Monthly totals	63.17	63.17	243.17	453.17	357.17	379.17	399.17	259.17	175.17	183.17	183.17	63.17	2822
2200 hours per labour unit =	183.33 hours per month												
Monthly labour units (whole enterprise)	0.34	0.34	1.33	2.47	1.95	2.07	2.18	1.41	0.96	1.00	1.00	0.34	
Discount setup and land management which does not require on-site presence and incubation, which is (largely) proposed off-site.	60.83	60.83	60.83	186.83	354.83	284.83	396.83	256.83	172.83	60.83	60.83	60.83	
Monthly labour units (likely essential on-site work)	0.33	0.33	0.33	1.02	1.94	1.55	2.16	1.40	0.94	0.33	0.33	0.33	

29/2008/010

MR D MIDDLETON

ERECTION OF SINGLE STOREY EXTENSION AT THE STALLS, RULL FARM, OTTERFORD

324042/113672

FULL

PROPOSAL

The proposal provides for the erection of a single storey extension to the existing dwelling which is a barn conversion. The extension is proposed on the rear of the dwelling to provide a new lounge. Materials to be stone and slate to match existing.

An application (29/2008/012) has been received by the adjoining dwelling to attach a small extension to the side of this proposal.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations.

PARISH COUNCIL supports application.

ONE LETTER OF SUPPORT FROM WARD COUNCILLOR: - extension would sit comfortably into the structure; constructed from same traditional materials; subservient; no loss of character; no material harm to neighbouring properties; in context, more harm would be caused by new-build garage block nearby, yet planning consent granted; extension cannot be viewed by public highway; should be treated as an extension to a domestic property; five barns have been converted to residential, and restoration and conversion of former farmhouse; difficulty accepting that a discretely located one-room extension would cause concern about need to protect character and amenity of surrounding landscape and countryside.

FIVE LETTERS OF SUPPORT: - built to high specification and same materials; will not interfere with anyone at the rear; development has enhanced the area; subservient; unobtrusive

POLICY CONTEXT

The dwelling is the result of the conversion of a former barn. Policy H7 of the Taunton Deane Local Plan states that outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless certain criteria are met. Policy H17 of the same plan states that extensions to dwellings will be permitted provided they do not harm (a) the residential amenity of other dwellings; (b) the future amenities, parking, turning space and other services of the dwelling to be extended; and (c) the form and character of the dwelling and are subservient to it in scale and design. I do not consider that criterion (c) is met with the current proposal.

The criteria of Policy S1 of the Taunton Deane Local Plan is relevant in respect of traffic, accessibility, wildlife protection, character of area, pollution, health and safety. Policy S2 requires good design appropriate to the area, EN10 relates to development within the Area of Outstanding Natural Beauty.

ASSESSMENT

The existing barn conversion is a single storey dwelling which has no extensions on the rear elevation. The proposed extension would add a projection to this elevation, which is considered an alien feature and not in keeping with the character of the building. Although the barn has been converted to a residential dwelling the form, design and appearance of the dwelling retains a barn like appearance and the proposal would have a detrimental impact to this building within the Area of Outstanding Natural Beauty.

RECOMMENDATION

Permission be REFUSED for reasons that the existing dwelling is the result of the conversion of a former agricultural building of traditional character, where the Local Planning Authority's policies require that the appearance, structure and surroundings of the building should remain materially unaltered. The proposed extension will have a detrimental impact on the architectural integrity and traditional character of the existing dwelling contrary to Taunton Deane Local Plan Policies S1, S2, and H17.

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

38/2007/556

UNIQUE HOMES S.W LTD

ERECTION OF DWELLING AND DETACHED GARAGE WITHIN GARDEN OF 27 CALWAY ROAD, TAUNTON AS AMENDED BY AGENTS LETTER DATED 30 MAY 2008 AND DRG NO.S 91106/7, 8, 9, 10 AND 11 AND AGENTS LETTER DATED 16 JULY 2008 AND DRG NO. 91106/11A

323606/123497

FULL

PROPOSAL

The site forms part of the garden of No. 27 Calway Road, which lies within the identified settlement limits for Taunton. An outline planning application was submitted and withdrawn in 2000 for a dwelling within the garden of No. 27, concerns were raised regarding the impact on trees within the garden, and overdevelopment.

The proposal is for the erection of a dwelling and a single garage. The plot is approximately half the size of the existing curtilage of No 27. The proposed dwelling has been designed to prevent any overlooking to the neighbouring properties. The materials are to be dealt with via planning condition. Access is to be gained from Fouracres Close.

The application has been amended: relocating dwelling further away from north western boundary; reducing site level; changing roof from gable to hipped; replacing double garage with single garage; access via existing, rather than creating new access.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY - there is no objection in principle to this application. Parking for three vehicles should be provided. Visibility in both directions is acceptable. Conditions are recommended regarding:- garage for vehicle only, consolidated surface, visibility, surface water, drop kerbs and a note regarding the Highways Act 1980.

WESSEX WATER - points of connection to be agreed; three metre easement to build over sewer; recommend informatives.

DRAINAGE OFFICER - no observations.

LANDSCAPE OFFICER - subject to landscape details and tree protection during construction and no services within root protection areas and suitable landscape scheme, should be possible to integrate into local area.

NATURE CONSERVATION & RESERVES OFFICER – nesting birds may be affected – condition recommended; possibility of bats roosting in trees, if proposal includes removal of trees a bat survey must be carried out.

7 LETTERS OF OBJECTION - have been received raising the following issues:- not in keeping with surrounding area and generous garden plots; scale, density and height do not reinforce character of local area; design not in keeping; intrusive and

would overpower neighbours; overshadowing; loss of light; proposed dwelling on higher ground; loss of privacy; close to boundary; no fixed cill level to roof lights; experienced considerable building work in area, further development should not be considered; little provision for parking; new access will affect vehicular and pedestrian movements; affect habitat of birds and wildlife; impact on trees; short distance from Conservation Area, worth protecting surrounding area; area has parking problems, another property will add to this; AMENDED SCHEME – still overshadowing; site too small; not in keeping with ambience; cill of rooflights above eye level, what does this mean?, minimum of 1.6m should be stated; unaware existing access has legal use.

LETTER OF OBJECTION FROM WARD COUNCILLOR – height and mass of dwelling in close proximity of neighbour is a great concern; overbearing on No 25, casting shadow across garden, detrimental to enjoyment; if moved closer south, away from boundary of No25 and remove loss of light and overbearing problems.

AMENDED SCHEME - continue support of objections, minor alterations have made little difference to size and continues to pose significant threat to enjoyment of adjacent gardens for neighbours.

POLICY CONTEXT

Policies S1 (general), S2 (design) and M4 (residential parking requirements) of the Taunton Deane Local Plan are relevant to this application.

Policy EN5 (protected species) and EN6 (protection of trees) stipulates that proposals that harm trees of amenity value will not normally be permitted, are also relevant.

ASSESSMENT

The site lies within the settlement limits for Taunton, where there is a presumption in favour of development. The plot is of sufficient size to accommodate a dwelling and there is adequate amenity land associated with the proposal. The scale of the proposal is thought to be acceptable. The area consists of a variety of two storey dwellings and bungalows, as well as recent new-build, as such the design is not considered to be out of character with the area. The dwelling would also be screened by large mature trees adjacent to Fouracre Close and is not considered to detract from the street scene.

There are a number of trees to the side of the site which are protected by a Tree Preservation Order. The proposed dwelling would not result in the loss of any of these trees. The Landscape Officer has commented on the application, and subject to conditions, has no objection to the application.

Wildlife implications have been assessed, and a condition will be attached regarding nesting birds, and if a tree was to be felled, a condition regarding a bat survey.

The site will utilise an existing access and a single garage will be built. In accordance with Policy M4 of the Taunton Deane Local Plan 2 parking spaces should be provided. The two spaces can be accommodated on the site. The site will not require

3 parking spaces, as indicated by the Highway Authority. Conditions will also be attached.

The amended scheme has altered the design of the building (hipped roof) and reduced the site level. Furthermore the proposed dwelling will be sited 4.2m from the boundary of No 25, and 9.6m from No 27. The distance to the boundary of 1 Fouracre Close is 1.2m. This has helped to overcome any impact on the amenity of the neighbouring properties.

All the main 1st floor windows serving the bedrooms do not overlook any properties. The two bathrooms will be served by rooflights, as will the staircase and there will be a rooflight in one of the bedrooms adjacent to the garden of No 25, One small window will face onto No 25, and will serve an attached room to the bedroom (wardrobe). To safeguard any loss of privacy, a condition will ensure this window has obscure glazing.

The closest point to the South Road Conservation Area is approximately 32m. Between the site and the Conservation Area is the residential dwellings of Fouracre Close. The proposed dwelling is not considered to harm the setting of the Conservation area.

The amended scheme has overcome any concerns regarding the impact on the amenity of the neighbouring properties. Highway safety is not affected by the proposal. The protected trees will not be harmed, nor will any wildlife. Proposal is therefore considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, protection of trees, no services within root system, boundary treatment, nesting birds, garage for parking vehicle only, consolidated surface, drop kerbs to be installed, surface water, obscure glazing, no further extensions, ancillary buildings and windows, bat survey. Notes re compliance, Disabled Persons Act, , Wessex Water Connection Points, easement, protection of Wessex Water infrastructure,

REASON(S) FOR RECOMMENDATION:-

The site lies within the settlement limits for Taunton, is large enough to accommodate a dwelling and meets the requirements of Taunton Deane Local Plan Policies S1 and S2. Furthermore, the protected trees will not be harmed and as such the proposal also accords with Taunton Deane Local Plan Policies EN5 and EN6.

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

CONTACT OFFICER: 01823 356463 MR D ADDICOTT

NOTES:

43/2008/091

MS LYDIA DANIEL-BAKER

ERECTION OF MEDICAL CENTRE WITH ATTACHED SERVICES, INCLUDING CAR PARKS, EXTERNAL WORKS AND LANDSCAPING AND FORMATION OF ACCESS TO MANTLE STREET, LAND TO SOUTH AND WEST OF 112B MANTLE STREET (PART OF TRINITY FARM), WELLINGTON (REVISED PROPOSAL)

313427/120216

FULL

PROPOSAL

The site is located on the south side of Mantle Street approximately ½ mile west of Wellington town centre. It is currently agricultural grazing land with a number of parkland trees. It extends to just over 1 ha in size and slopes up away from Mantle Street. The site is generally bounded on three sides by residential development, but is open on the fourth to the remainder of the agricultural land. The location of the site is approximately 550 m from the existing Bulford site.

A previous planning application was granted in July 2007. The current application was accompanied by a Design & Access Statement, Flood Risk Assessment, Tree & Landscape Survey & Assessment, Ecology / Habitat Surveys, an Ecological Management Plan, Transport Survey and a Trial Pit Investigation Report.

The proposal provides for the development of a new medical centre and attached services, including car parks, external works, landscaping and new access onto the public highway. The proposed development will replace the practice's existing facility at Bulford. The existing medical centre is being used to full capacity with no slack to absorb new initiatives. The applicants state that the present building is approximately half the size recommended by current guidelines and parking is not sufficient. They consider that it is impractical to extend the existing building or add another floor. The site is too small to provide the temporary accommodation in portacabins and re-build.

Access to the site from Mantle Street is in the same position as the previous application. Re-use of rubble stone for new walls and the addition of ashlar piers will aim to create a new gateway, in keeping with the adjacent entrances. The external form of the two storey building has been designed as a series of interlocking traditional gabled roofs, with those towards the centre of the site being single storey to minimise the effect of the building on the views up the slope to the south. The aim is that it will be perceived as part of the existing built form rather than viewed as an intervention into the wider protected landscape. In this position, the impact upon the site and the effect upon the open views will be kept to a minimum. The main entrance will be visible from the new site entrance from Mantle Street and the single storey arm of the building on the west side has been angled to facilitate this. The scale of the building reduces on the west side to reduce to a minimum the effect

upon the views. Materials are to be reconstructed stone and brick for the walls and artificial slate for the roofs.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. FIRE OFFICER means of escape and access for appliances should comply with the Building Regulations and water supplies / fire hydrants should conform to British Standards. ENVIRONMENT AGENCY object as the proposals are not compliant with the guidance provided in PPS25, specifically in terms of the management of surface water. The submitted Flood Risk Assessment offers few suggestions into the management of surface water and the supporting trial pit information shows that soakaways are not a feasible method at the site. Would wish to see some proposals for attenuation on site and proposals for sustainable drainage systems. SOMERSET PRIMARY CARE TRUST support. The existing premises are cramped and not fit for purpose in the longer term, currently operating at 88% of the recommended space for the current size of practice and having significant problems with providing sufficient consulting space. The existing premises do not permit the development necessary for the size of practice required. This will prevent services from being developed and delivered more flexibly. The proposed size of the premises sits within the guidance provided by the PCT in line with national policy and the site provides for future expansion should this be needed. The list size has been growing steadily, alongside improvements in practice performance. The longer term developments proposed in the TDLP and in the RSS will require additional medical services capacity. The Board has approved this proposal as one of nine priority schemes to be delivered within the next year. This scheme is required to ensure high quality, accessible services can be delivered to an expanding population enabling patients to continue to have a choice regarding the practice they wish to register with. SOMERSET ENVIRONMENTAL RECORDS CENTRE no statutory or non-statutory sites and species at the application site. 5 County Wildlife Sites within 1km of the site. One or more legally protected species found within 1km of the site. NATURAL ENGLAND mitigation measures for slow worms should be assured through planning conditions. Comfortable that the ecological management plan will mitigate for the impacts of the development on the biodiversity issues identified by the ecological consultants. WESSEX WATER connection may be made to the nearest public foul sewer in Mantle Street for foul drainage and to the nearest public surface water sewer in Mantle Street for surface water drainage. There is sufficient capacity to serve the site. There is a water main in the vicinity of the site. AVON & SOMERSET POLICE physical and electronic security measures need to be considered, in particular external doorset and window security, security lighting, intruder alarm protection, CCTV and access control within the building. The winged design of the building creates a secluded area with very limited natural surveillance and should be fenced off or thorny shrubs planted. WELLINGTON TOWN COUNCIL recommend refusal because the Councillors feel it is the wrong place for a medical centre.

CONSERVATION OFFICER no objection provided that adequate screening with trees / shrubs along the Mantle Street end of the site at least seeks to maintain this edge of Conservation Area setting as a green space. LANDSCAPE OFFICER there appears to be no proposal to soften the impact of the new building or parking. T11 is a significant tree of mature age that is unlikely to be able to respond to significant

ground disturbance. However, the proposed car parking will have a significant impact on the trees root protection area. Recommends removal of some of the car parking spaces to reduce this impact. Further observations following receipt of amended plan – main concern is that from the parkland and drive to Foxdown House, the car parking and surgery will be prominent and detrimental to the parkland and green wedge setting. Therefore recommend a laurel or other evergreen boundary hedgerow along the southern and western boundaries of the surgery and the southern boundary of the car park. Would also like to see additional tree planting within the park setting to break up the form of the surgery building. NATURE CONSERVATION OFFICER support the objectives of the submitted Ecological Management Plan and advise that the implementation of the plan is conditioned. FORWARD PLANNING UNIT the policy issues relevant to the proposal are the same as those in relation to the original scheme, so the comments previously made are still relevant to the current application. By shortening the building and limiting it to the lower, northern part of the site, the amended scheme takes it further from the boundary of the Special Landscape Feature than in the original proposals. This will reduce the impact of the development on the Special Landscape Feature and also the Green Wedge. In relation to these policy considerations it is, therefore, an improvement on the earlier scheme, thus shifting the balance of considerations in favour of the proposals.

THIRTEEN LETTERS OF OBJECTION concern that the proposed entrance to the revised site has been moved and now faces into property – this will cause noise from people and doors; the buildings and entrance is now much closer to property; position of the entrance should be reconsidered and relocated to face into the field; road and path will be closer to property – this will increase noise and affect security and privacy; moving the proposed pharmacy closer to property will add to noise and disturbance compared to simply medical centre visitors; revised shape of building makes it wider, blocking out rear facing aspect taking out light and view of what is left of the field; building should be sited somewhere more suitable for the whole town; there are more suitable sites available; horror and dissatisfaction at the planning process and the lack of political or democratic justice in this case; site totally unsuitable; amazed that consideration was ever given to the site, given the strategic importance of the green wedge designation; so few of the Planning Committee show any interest in Wellington – their approval is based on ignorance and indifference rather than judgement being based on local knowledge; the extra traffic and the access will cause further problems to the overall traffic flow in and out of Wellington; Mantle Street narrows drastically towards its western end and is already heavily traffic laden; site is too far from the town centre, particularly for pedestrian access by the elderly; lack of public parking if the health centre car park is full; would need to be a more frequent bus service; parking for existing local residents in Mantle Street does not seem to have been carefully considered – should be free parking for them; west side of town is already served by a health centre – Luson; due to the Co-op taking over Somerfield, the present Co-op supermarket site in Longforth Road car park may become available – this site would be far more useful and appropriate for the town and would be more cost effective; flood risk from the car park; will not benefit anyone other than the doctors who are selling the land of their existing practice; concern about the proposed design, in particular the double-height atrium; another hazard for the school children to negotiate; impact on natural habitat, flora

and fauna; additional carbon emissions as a result of additional car journeys; Mantle Street has a history of flooding.

ONE LETTER OF SUPPORT delighted, hurry up and build it.

LETTER OF REPRESENTATION request that fence on boundary be erected prior to work commencing; delighted that the scheme incorporates some attempt to support the vast amount of wildlife that lives and feeds in this field;

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains policies related to sustainable development. Policy 49 of the same Plan relates to the transport requirements of new development.

Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments. Policy S2 of the same plan addresses design issues. Policy S7 states that 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 provided certain criteria are met. I am satisfied that all reasonable attempts have been made to find a suitable site within the settlement limits closer to the town centre and consequently I consider that the principle of a site just outside the settlement limits is acceptable. Furthermore, a previous planning permission for a similar proposal on the site was granted last year. The site is within an area designated as Green Wedge in Policy EN13 of the Taunton Deane Local Plan. This policy states that development which would harm the open character of the green wedge will not be permitted. The site is part of a very much larger area of countryside. It is also affectively surrounded on three sides by development (the 'open' cemetery to the north is not included within the Green Wedge designation). The purpose of the designation is to prevent the coalescence of Wellington and Rockwell Green. I consider that the integrity of the Green Wedge, in particular the overriding reason for the designation, will not be adversely affected by the proposal.

ASSESSMENT

The current proposal is substantially the same as the previously approved scheme in terms of the accommodation and supporting information. However, a different design approach has resulted in a more compact footprint, not extending as far up the slope and therefore minimising the visual impact upon the landscape.

The site lies beyond the settlement limits of the town of Wellington where there is strict control over new development, and exceptions are only allowed where a proposal can be seen to be justified. In this instance, the applicants have demonstrated that the current site at Bulford is too small for their expansion requirements and that an extensive search for an alternative site has shown that the current application site is the most appropriate in terms of suitability and likelihood of coming forward within a reasonable time frame. There are proposals for

redevelopment of the Bulford site together with the adjacent public car park for a food store.

Most of the application site falls within an area designated as Green Wedge in the Taunton Deane Local Plan. The aim of this designation is primarily to prevent the physical coalescence between Wellington and Rockwell Green. I consider that the proposal has been sensitively positioned and designed to minimise the loss of land within the green wedge. The proposal will maintain and increase opportunities for views into the green wedge and to the Special Landscape Feature of Foxdown Hill beyond. It also minimises any impact on existing mature trees and increases the potential for attracting wildlife. The Ecological Management Plan submitted with the application seeks to protect existing parkland trees, provide additional parkland trees, diversify grassland sward, plant a boundary hedge, avoid killing or injuring slow worms and enhance conditions for bats.

The County Highway Authority did not raise any objection to the principle of the development when the previous, similar application was being considered.

With reference to the views of the Environment Agency, the applicants confirm that they are proposing a sustainable drainage system for the site. The applicant's Engineer is to submit a drawing addressing the concerns.

RECOMMENDATION

Subject to receipt of further drawings addressing the concerns raised by the Environment Agency and the further views of the Environment Agency thereon, the Development Manager be authorised to determine the application in consultation with the Chairman and if permission is GRANTED be subject to conditions of time limit, materials, hard and soft landscaping, retention / protection of trees, no service trenches beneath canopy of trees, no felling, boundary treatment, as planted landscaping plan, storage compound, adherence to Ecological Management Plan, access, Travel Plan, parking, underground services, details of surface water drainage. Notes re disabled access, energy / water conservation, secure by design, CDM regulations, contact Fire Officer, need for S278 Agreement with CHA, soakaways or other method of surface water drainage and wildlife.

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: 356461 MR J HAMER

NOTES:

Planning Committee – 24 September 2008

Report of the Development Manager

Enforcement Item: E282/25/2007

1. **File/Complaint Number** E282/25/2007
2. **Location of Site** Land South East of Allerford Fishing Pond, Norton Fitzwarren.
3. **Names of Owners** West Somerset Railway Association, The Railway Station, Bishops Lydeard, TAUNTON.
4. **Names of Occupiers** West Somerset Railway Association and John Luffman Trading.
5. **Nature of Contravention** Sorting and selling excess ballast
6. **Planning History** A complaint was received that large volumes of ballast were being deposited, crushed and sold by a contractor constructing the triangle at the above. Members will no doubt recall that Planning Permission was granted to West Somerset Railway Association (WSRA) in April 2005 for the change of use of land to form a turning triangle, embankments and reinstatement of the former track on land adjacent to Allerford Pond. WSRA had intended that the development would be constructed using material from two large forthcoming developments in the area, namely the demolition of the Cider Factory and the redevelopment of Taunton Trading Estate. All the crushed material from these developments would be brought to site by road. All the relevant approvals from the Environment Agency had also been obtained. Detailed negotiations were entered into with both contractors but considerable delays were occurring and no firm date could be obtained.

During this time Network Rail offered WSRA clean inert material in the form of spent ballast from their maintenance operations. With no firm date from the other developments it was decided to take up Network Rail's offer. Network Rail has based their High Output Ballast Cleaner at Fairwater Yard. This highly automated machine works at night to clean and replace ballast under the tracks. The machine lifts the old ballast and replaces it with new in a single pass. The old ballast is conveyed within the train along a series of hopper wagons. The lines between Bristol and Exeter and Taunton and Newbury are those that are currently being serviced which will take another two, maybe three years. The machine will then move to Birmingham and no further ballast will be available to WSRA. A revision to the Planning application was made to incorporate these arrangements. The revised proposals included an area to store, screen and handle the unloading operation. The area set aside for this was approved by both the Local

Authority and the Environment Agency. In order to extract useable material there would need to be a greater volume than required. The material has to be screened to remove both the large and smaller aggregate. This was stated in the revised proposals and it was intended to sell the excess material to the Taunton Cider site, Taunton Trading Estate and major developments in Minehead using the railway corridor for delivery. The entire surplus for both 2007 and 2008 would have been taken by these projects.

In early 2007 when deliveries began it became clear that none of the contracts would start imminently so WSRA sent a letter dated 31 January in compliance with Condition 8 outlining proposals to move aggregate by road. John Luffman Trading of Tiverton is the appointed contractor for the triangle and surplus aggregate was moved by road to a large contract in Bridgwater. John Luffman took most of the aggregate to other sites which were currently being developed. John Luffman secured a contract in 2007 for road stone. However this was small chippings. In order to achieve the correct technical specification of aggregate size they started a crushing operation in between two of the existing screens using a machine to size the aggregate.

In summary the current situation is that WSRA are receiving, storing, handling and screening ballast using as much as needed in the construction of the triangle and making the balance available for sale in accordance with the details contained in the original and revised application. The volumes on site vary but are in accordance with the agreed locations and storage limits agreed with the Environment Agency. At the current rate of progress and dependant upon Network Rail's programme of works upon which WSRA rely, it is estimated that the triangle would be substantially complete in the next two to three years and the activities on site would run down to clear any remaining stocks at that time.

7. **Reasons for taking Action** It is considered that in order for the approved triangle to be constructed WSRA have had to rely on the selling of the surplus ballast. This has also involved not only the implementation of an additional process but the stock piling of material. Due to the relatively short time scale of the project no further action at this time should be taken.
8. **Recommendation** Members to resolve that No further action be taken.

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

CONTACT OFFICER: Mr John A W Hardy Tel: 356466