

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 15 December 2010 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meetings of the Planning Committee held on 17 November and 30 November 2010 (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 06/10/0045 – Replacement of storage building and provision of office within at Lime Tree Farm, Bishops Lydeard
- 6 07/10/0027 – Erection of building to provide ancillary office accommodation associated with current employment use at Trefusis Lodge, Tone Green, Bradford on Tone (Retention of development already undertaken)
- 7 30/10/0031 – Demolition of two dwellings, office building and associated outbuildings and the erection of 12 dwellings, 4 apartments, 5 business units providing 500m² of accommodation and associated external works at Sellicks Green, Pitminster
- 8 30/10/0032 – Demolition of two dwellings, office building and associated outbuildings and the erection of 15 dwellings and associated external works at Sellicks Green, Pitminster
- 9 37/10/0013 – Erection of single storey extension and balcony over at Russett House, Stoke St Mary
- 10 38/10/0309 – Demolition of dwelling and erection of three dwellings on site at 22 Gordons Close, Taunton
- 11 48/09/0054 – Development of 11 ha of land to provide in the region of 233 dwellings, recreation and play areas, a public house/restaurant and car parking on land at Maidenbrook Farm, West Monkton

- 12 Miscellaneous Item - Residential Development at Tangier, Taunton
- 13 Miscellaneous Enforcement Item - former Taunton Trading Estate, Norton Fitzwarren
- 14 E/0292/43/10 - Unauthorised sign on gable end wall of 127 Rockwell Green, Wellington
- 15 Planning Appeals - The latest appeal lodged and appeal decision received (details attached)

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 16 K:\Committees\Non Confidential\Tenant Services Management Board\15 March 2011\AGENDA ITEM 7 Report Supported_Housing_service_Standard_March_2011 (2).doc

Tonya Meers
Legal and Democratic Services Manager

31 March 2011

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact Democratic Services on 01823 356382 or email d.durham@tauntondeane.gov.uk

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Planning Committee Members:-

Councillor C Bishop (Chairman)
Councillor M Hill (Vice-Chairman)
Councillor J Allgrove
Councillor R Bowrah, BEM
Councillor S Coles
Councillor B Denington
Councillor M Floyd
Councillor E Gaines
Councillor C Hill
Councillor D House
Councillor L James
Councillor T McMahon
Councillor I Morrell
Councillor F Smith
Councillor P Watson
Councillor A Wedderkopp
Councillor D Wedderkopp

Planning Committee – 17 November 2010

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Coles, Denington, Gaines,
Mrs Floyd, C Hill, House, Miss James, Morrell, Mrs Smith,
Stuart-Thorn, Watson, A Wedderkopp and D Wedderkopp

Officers:- Mr B Kitching (Area Planning Manager),
Mr M Bale (West Area Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

120. Apologies/Substitution

Apologies: Councillors Bowrah and McMahon

Substitution: Councillor Stuart-Thorn for Councillor McMahon

121. Minutes

The minutes of the meeting of the Planning Committee held on 20 October were taken as read and were signed.

122. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Mrs Hill and Councillor Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Bishop declared that he had attended a parish council meeting where application No 27/10/0011 had been considered. However, he had not taken part in the discussion of the application and had not, therefore, fettered his discretion. Councillor Denington declared that he had discussed application No 38/10/0318 but did not consider that he had fettered his discretion. Councillor House declared that he had attended a parish council meeting where agenda item 8 had been discussed. However, he did not consider that he had fettered his discretion.

123. Applications for Planning Permission

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

(1) That **planning permission be granted** for the under-mentioned developments:-

27/10/0011

Change of use from redundant barn to B1 use (light industrial unit) for the manufacture of horse boxes at 1 Allerford Farm Barns, Norton Fitzwarren

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The site shall be used for the manufacture of horse boxes only and for no other purpose;
- (d) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

(Note to applicant:- Applicant was advised to strongly encourage all vehicular traffic visiting the site to approach and leave via the B3227 to the east of the site).

Reason for granting planning permission:-

The proposed development would make a good use of an existing rural building and, given the surrounding buildings and land uses, was considered to comply with specific policy requirements for the conversion of rural buildings. The proposed development would not give rise to unacceptable landscape impacts or cause significant harm to the amenities of neighbouring residents or the highway network. As such, the proposal was considered to be acceptable and in accordance with Policies S1 (General Requirements), S2(Design), EC6 (Conversion of Rural Buildings) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and Policies STR1 (Sustainable Development), STR6 (Development outside Towns and Villages) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review.

38/10/0376

Change of use of dwelling to house of multiple occupation containing 8 units and one self-contained unit to include part conversion of garage to residential and erection of single storey extension to rear of 80 Alma Street, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Before the development hereby approved is occupied, the area allocated for the storage of refuse and cycles as shown on the submitted site plan, shall be made available for this purpose and shall thereafter remain available and not be used for any purpose, other than for the storage of refuse and cycles in connection with the development hereby permitted. The cycle storage shall be fully lockable.

(Note to applicant:- Applicant was advised that (1) Although not shown on the public sewer record drawing it was possible 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. Wessex Water was currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as 'public' in appropriate cases. 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; (2) Applicant was advised that surface water should not be discharged to the foul sewer; (3) Applicant was advised that it will be necessary to agree points of connection with Wessex Water for water supply and the satisfactory disposal of foul flows; (4) Applicant was advised 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 exact position on the design site layout should be plotted 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 house in multiple occupation was not considered an inappropriate use in this location and, due to the close proximity to the town centre facilities, was acceptable as a car free development. Cycle storage would be provided to encourage sustainable transport methods. The proposal would not result in harm to the street scene or the appearance of the surrounding area and would not result in material detriment to the residential amenities of the occupiers of nearby properties. As such, the proposal was in accordance with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision).

(2) That **planning permission be refused** for the under-mentioned development:-

38/10/0318

Change of use of part of land to store 2 no mobile trailers at 31 Shoreditch Road, Taunton (retrospective)

Reasons

The proposed commercial vehicle storage, due to their size, height and advertisements, would have an adverse impact on the visual and residential amenity of neighbours contrary to Policy S1(D) of the Taunton Deane Local Plan.

Reason for refusing planning permission contrary to the recommendation of the Development Manager:-

The Committee considered that the vehicles were contrary to the visual amenity of the area.

124. Modification or discharge of a Planning Obligation (Section 106 Agreement), Manor Barton, Stoke Road, North Curry

Reported that an application to vary an existing Section 106 Agreement at Manor Barton, Stoke Road, North Curry to allow non-family members to occupy the annexe had been refused in April 2010.

The application was unusual and, as there was no set procedure to deal with this type of application, Ward Councillors and Parish Councils had, at the time not been consulted. However, following reconsideration of this matter the Ward Councillors and Parish Councils had now been given the opportunity to make comment.

As a result of the representations received, the matter had been referred to the Committee to determine.

In the view of the Growth and Development Manager there had been no physical change in the layout of the buildings or to the junction to Stoke Road that would overcome the original objections to the provision of a separate unit of accommodation.

Despite this, the Committee felt the request to modify the Section 106 Agreement was acceptable.

Resolved that the modification of the Section 106 Agreement at Manor Barton, Stoke Road, North Curry be agreed.

125. Appeals

Reported that one new appeal had been lodged, details of which were submitted.

Also reported that one appeal decision had been received, details of which were submitted.

(The meeting ended at 9.30 pm.)

Planning Committee – 30 November 2010

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Brooks, Coles, Denington, House,
Miss James, McMahon, Morrell, Mrs Smith, Mrs Stock-Williams,
Watson, Ms Webber, A Wedderkopp and D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee and Mr P Lowndes (Transport Group Manager, Somerset County Council)

(The meeting commenced at 6.00 pm)

126. Apologies/Substitutions

Apologies: Councillors Mrs Floyd, Gaines and C Hill

Substitutions: Councillor Brooks for Councillor Mrs Floyd
Councillor Mrs Stock-Williams for Councillor Gaines
Councillor Ms Webber for Councillor C Hill

121. Public Question Time

Mr Malcolm Summers of Bishop's Hull Parish Council asked if Section 106 Agreements were in the public domain. Mrs Jackson replied that all Section 106 Agreements were registered with Land Charges.

122. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor McMahon declared a personal interest as a Director of Southwest One. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillor Mrs Hill and Councillor Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor.

123. Approval of reserved matters for application 05/07/0057, residential development of 171 dwellings on 7.65 ha, together with open space provision and access on land west of Bishop's Hull Road, Bishop's Hull, Taunton (05/10/0014)

Reported this application.

Resolved that subject to:- (1) amended plans being received addressing the issues relating to the layout, landscaping and the hedge adjacent to Plot 54 so

that they correspond to each other and to include the corrected materials for the house type drawings; and (2) the receipt of no further adverse comments on the affordable house type by 3 December 2010, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans;
- (b) The hedgerows along the southern, eastern and western boundaries of the site and adjacent to plots 29-38, 44, 45, 48 and 54 and plots 157-166 shall be retained and not be removed at any time other than as agreed by the plans hereby approved;
- (c) The section of hedge to be translocated shall be carried out in accordance with details on plan L.09A and the maintenance of this hedge and infilling with appropriate planting shall be submitted to, and agreed in writing by, the Local Planning Authority and shall be carried out for a period of up to 5 years following the hedge translocation;
- (d) Where the hedge protection cannot be provided at 2m distance, details of alternative means of protection shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction work commencing adjacent to the hedge concerned;
- (e) Cycle storage prior to occupation shall be provided for each plot within garages or storage sheds and shall thereafter be retained;
- (f) Details of the emergency access surfacing and bollard provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being brought into use;
- (g) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (h) Details of any culverting of the ditch serving the existing pond to the west of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out;
- (i) Details of the hedge retention in respect of the section adjacent to the north of Plot 54 and cutting back and replanting of the road frontage hedge shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out.

(Notes to applicant:- (1) Applicant was advised of the need to comply with any outstanding conditions on the outline approval for this site; (2) Applicant's attention was drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990 relating to this site).

Reason for planning permission, if granted:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and provided adequate play and open space and was therefore considered an acceptable layout and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and C4 (Provision of Open Space). The proposed development site was considered to be in a sustainable location and the Transport Authority had not objected on highway safety grounds. The development provided housing to meet an identified need in Taunton given the current shortage of supply, the town's Growth Point status and advice in Planning Policy Statement 3.

124. Variation of requirements for Section 106 Agreement relating to Station Farm, Bishops Lydeard (06/07/0028, 06/07/0043 and 06/07/0044)

Reference Minute No 122/2009, reported that a further variation to the Section 106 Agreement relating to the mixed use development comprising open market housing, affordable housing and tourist facilities, together with an application by the West Somerset Railway (WSR) for the erection of a single storey building to form a museum on land which was to be transferred to WSR as part of the development at Station Farm, Bishops Lydeard, had been received.

The developer of the original proposal had gone into administration and the new developer had re-assessed the viability of the scheme in the current financial climate.

The developer had asked to replace the obligation to provide the tourist facilities with an obligation to transfer the designated area of land to the WSR at a consideration of £1. There would be a further obligation to provide services to the land prior to the occupation of any open market housing.

The WSR, which welcomed this proposed variation, would be obligated to provide tourist related facilities on the land related to functions of a heritage railway and to continue to provide tourist information facilities as at the present station.

All other obligations would remain.

Resolved that subject to the Parish Council raising no objections to the proposed variation, the Development Management Lead be authorised to agree the application in consultation with the Chairman or Vice-Chairman to the variation to the heads of terms of the Section 106 Agreement.

(The meeting ended at 8.12 pm.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors McMahon and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor McMahon
- Alternate Director of Southwest One – Councillor Watson

**REPLACEMENT OF STORAGE BUILDING AND PROVISION OF OFFICE WITHIN
AT LIME TREE FARM, BISHOPS LYDEARD**

Grid Reference: 316757.129454

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed building will replace an existing building on the same site, of the same footprint and to the same ridge height and by virtue of the design and materials, is not considered to result in any harm to the appearance of the landscape or increased impact on the amenities of neighbouring properties. Whilst the site lies within Flood Zone 3, being a replacement building of the same footprint and location within the site, it is not considered to result in an increased risk of flooding beyond that of the current situation. As such, the proposal is in accordance with policy 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S1 (General Requirements), S2 (Design) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A4) DrNo 6578.10.9 Sections as proposed
(A4) DrNo 6578.10.8 Roof plan as proposed and existing
(A2) DrNo 6578.0912 Block plan
(A3) DrNo 6578.10.6 Elevations as existing
(A3) DrNo 6578.0914 Site plan
(A3) DrNo 6578.10.10 Location plan
(A3) DrNo 6578.0911 Elevations and floor plans

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

3. The applicant shall undertake all of the recommendations made in Greena

Ecological Consultancy's Protected Species report dated August 2010 and provide mitigation for birds in accordance with the report. 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 the development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

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

4. The development shall be carried out in strict accordance with the approved Flood Risk Assessment (prepared by DG Engineering Consultancy and dated October 2010) and the following measures:
 - Finished floor levels of the building shall be set no lower than 51.90m AOD; and
 - Details of a "water exclusion strategy" in line with Section 10e are to be submitted to the LPA.

Reason: To reduce the risk of flooding to the development and it's users in accordance with PPS25.

5. The building hereby permitted shall be used for the storage of building materials and equipment and agricultural materials and equipment only and for no other purpose .

Reason: To prevent changes to uses that the Local Planning Authority would consider unacceptable in this location, as set out in Taunton Deane Local Plan policies S1 and S2.

Notes for compliance

1. Note to applicant at request of Nature Conservation Officer:
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.
2. The applicant should be aware that no retail sales from the site are permitted by this application.

PROPOSAL

Lime Tree Farm is situated on the east side of Bishops Lydeard, at the end of Lydeard Mead. The site is a well established builders yard, with trees along the northern boundary, open fields to the south and west and a river abutting the site to the south. A certificate of lawfulness for the existing use of land for agriculture and storage of builder's materials (including plant) was granted in 1996. A further application for a certificate of lawfulness to extend the site to the west was refused in February 2005 and again in August 2005.

The site falls within Flood Zone 3 (High Risk Area), just outside of the Conservation Area and the defined limit to development for Bishops Lydeard crosses the site. Planning permission was refused for residential development on the site in October 2002 (ref: 06/00/0027) and this was dismissed at appeal in June 2003. A further application for 7 dwellings was subsequently refused in September 2004 (ref: 06/04/0025)

The site is currently occupied by an open fronted corrugated sheet building. This application seeks permission to replace this storage building with a new storage building, occupying the same site, footprint and to the same ridge level. This would be part brick/part cream coloured box profile building, with roller shutter doors and a grey box profile roof. Part of the building would be split into two storeys with an ancillary office at first floor level. It is stated that the new building is required for increased security.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - On the basis that the proposal is a like for like replacement and there is no increase in traffic, a highway objection maybe considered unreasonable.

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL -
Comments awaited at the time of writing the report. Comments will be updated on the late representations document.

HERITAGE AND LANDSCAPE OFFICER - *Comments awaited at the time of writing the report. Comments will be updated on the late representations document.*

NATURE CONSERVATION & RESERVES OFFICERS - The application is for demolition of a corrugated metal agricultural storage building and the replacement with a new building at Lime tree Farm, Bishops Lydeard.

The existing building is situated near to a stream and sheltered meadow offering good foraging habitat for bats and nesting birds. Greena Ecological consultancy carried out a protected species survey, including a day and dusk emergence survey, in August 2010. Findings of the survey are as follows:

Bats - The surveyor found eight scattered droppings from a pipistrelle bat during the day survey. No bats were seen to emerge from the surveyed building although the surveyor concluded that pipistrelles and long eared bats were flying in the yard. I support the surveyor's conclusion that, as the building is of low potential for roosting bats due to materials used in its construction and its partly open nature, then it is probably used as an occasional feeding site.

Birds - The surveyor found eight pigeon nests and noted two wrens carrying nesting material in the building. I agree that demolition of the building should take place outside of the bird-nesting season and that the development should offer some biodiversity gain in the form of the provision of bird boxes. In accordance with PPS9, suggests condition.

ENVIRONMENT AGENCY - The application site lies in Flood Zone 3b according to TDBC's Strategic Flood Risk Assessment (SFRA). "Less vulnerable" development (i.e. storage and offices) is not permitted in Flood Zone 3b as per PPS25 Table D3. We advised the applicant that this is the case in a pre-application letter dated 03 March 2010 and are disappointed to see that this issue has not been addressed within the FRA.

When considering the application submitted, it is clear that the proposals will not increase the footprint or vulnerability of the buildings on site. The development will also create a betterment of the existing situation because a second storey safe haven will be provided. PPS25 Practice Guide advises that existing buildings should not be classed as Flood Zone 3b because they cannot form land where water must be stored or conveyed during a flood. Therefore, provided that the LPA are happy to accept the building footprint as Flood Zone 3a, we would have no objections to the principle of development at this location. The re-designation of the site to Flood Zone 3a can only be confirmed by TDBC because you are the custodians of the SFRA. Suggests condition.

Representations

One letter received stating no planning related objections.

Seven letters of objection received on the grounds of:

- Incorrect information submitted in Flood Risk Assessment, out-dated consultation paper used, which has been since replaced and sequential test answered incorrectly; site has flooded four or five times not three as mentioned; site is within functional floodplain where water has to flow or be stored in times of flood. According to the Flood Risk Vulnerability and Flood Zone Compatibility Table, development should not be permitted. In June 2007 site and properties in Lydeard Mead flooded and photographs show force of water was enough to move concrete slabs, depth of flooding not likely to be shallow and slow speed as indicated in Flood Risk Assessment. Appeal decision in 2005 stated 'it is common ground that the appeal site is at high risk of flooding'. Applicant has existing retail and office space within 500m of the site and as such should fail the sequential test. Proposal will reduce size of flood plain by size of building and any additional hard surface required for access and parking, increasing risk of flooding to residents of Lydeard Mead.
- Concern regarding building offices, which are likely to need tarmac parking spaces – change of use from B8 to B1.
- Applicant's intention has always been to build residential development on the land.
- Use of site is being spread into protected lawns areas.
- Waste is being stored on site, forbidden by the certificate for the use of the land.
- Increase in traffic movements by 50% from 20 to 30 movements per day. Cars park along Lydeard Mead resulting in danger to highway safety, which will be exacerbated by increased traffic movement.
- There are often a greater number of vehicles present on site than indicated in the application form.
- Protected species survey states replacement building will be same size, shape and height and planning permission is not required. Objectors consider

this is incorrect and invalidates findings of the report.

- As bat activity identified, a European Protection Species (EPS) Licence is required, concerns that criteria for a EPS licence may not be met and requirements concerning protected species may not be adhered to.
- Applicant has already been granted permission to demolish existing premises on Church Street, used as offices and hardware retail shop, concerns that applicant may wish to relocate retail shop to Lime Tree Farm site in future.
- Any development on this area of functional floodplain is highly contentious and should not be allowed.
- Request application is heard by the Planning Committee, making reference to previous evidence provided over the last 8 years.

One letter of objection went on to say: 'A replacement storage building, I can accept....This patch of land should not be developed beyond what is allowed now.' It is therefore queried whether one of the above letters of objection should be treated as such, as there appears to be some confusion as to the proposal.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
F1 - TTCAAP - Developments within the Floodplain,
EN8 - TDBCLP - Trees in and around Settlements,
S4 - TDBCLP - Rural Centres,
EN28 - TDBCLP - Development and Flood Risk,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S&ENPP5 - S&ENP - Landscape Character,
PPS25 - Development and Flood Risk,

DETERMINING ISSUES AND CONSIDERATIONS

Objectors have referred to the contentious nature of the site and comment that no further development should be allowed. The applications and appeals in the past referred to residential development on the site. As the site lies within Flood Zone 3 (High Risk Area) and outside of the defined limits to development, the Local Planning Authority remains of the opinion that residential development on the site is unacceptable. However this is an application to solely replace the existing storage building for use in association with the established use of the site and as such, is assessed against different planning policies.

The proposed building will replace an existing corrugated sheet building, on the same site and will be of the same footprint and ridge height. The principle of a building of these dimensions in this location is therefore already established. Whilst the eaves will be higher, resulting in a shallower pitch, this is not considered to be an unacceptable design. The design is typical of a commercial storage building and the use of red brick, cream box profile sheeting and grey box profile sheeting will reflect the red brick, cream render and slate evident on nearby dwellings. As such, the proposal is not considered to result in any increased harm to the appearance of the surrounding landscape.

Being of the same dimensions and on the same footprint, there will be no increased impact upon the amenities of neighbouring properties. Whilst office windows will be

present at first floor level, due to their orientation, these will not result in direct overlooking of any neighbouring properties.

It is accepted that the site falls within Flood Zone 3 (High Risk Area) and could therefore be liable to flooding. The Environment Agency have commented that the proposal would in fact create a betterment of the existing situation as a second storey safe haven will be provided, which is not currently provided in the existing situation. As PPS25 Practice Guide considers that existing buildings should not be classed as Flood Zone 3b (Functional Floodplain), because they cannot form land where water must be stored or conveyed during a flood, the actual footprint of the building should be Flood Zone 3a (High Risk). On this basis, the Environment Agency raise no objection to the principle of development in this location. Similarly, by virtue of the similarities of the replacement building to that already present on the site, the alleged inaccuracies in the Flood Risk Assessment are not considered to result in difficulties in making a decision on this application. Furthermore a great deal of flooding concerns raised by neighbours are not deemed directly relevant to a proposal for a replacement building, of the same dimensions, on the same footprint.

Objectors also suggest that the protected species survey is invalid as it states the replacement building is of the same size, height and shape. A protected species report however, concentrates on whether the loss of a building will result in harm to the habitats of any protected species. Where a replacement building is proposed and where relevant, suggestions may be made for substituting any lost habitats. It is not considered that the comments the objectors refer to, invalidate the findings in any way.

The Protected Species Survey has been fully evaluated by the Council's Nature Conservation Officer, as a specialist in this field. Her consultation response (full details above) stated that the surveyor's conclusion and recommendation were supported and a condition and note to the applicant was suggested to ensure that adequate provision is made for the protected species

Concerns have been raised regarding the increase in traffic movements. It is important to note that this is an established builders yard with a certificate of lawfulness, where traffic movements could be increased at any time, without any change to the existing building. The application relates solely to a replacement building of the same footprint, it does not relate to an extension of the building or to the site itself. Limited weight can therefore be given to the concerns raised regarding increased traffic movements. Even if the County Highways Authority had raised an objection, it would not have been considered reasonable in this instance as the application refers solely to a replacement building.

Members should be aware that there appears to be some confusion as some objections refer to the change of use of the site to offices. Whilst an ancillary office is proposed, this is for use in association with the established use of the site as a builders yard. There is no proposal to change the use of the site to office use. One letter of objection went on to say: 'A replacement storage building, I can accept....This patch of land should not be developed beyond what is allowed now.' It is important to note that a replacement storage building is exactly what is proposed, it is not proposed to erect any more than a replacement storage building covering the same footprint.

Members are advised to bear in mind that the Builders Yard is already present, has

been for many years and has a certificate of lawfulness. Several of the objections raised by local residents, refer to the use of the builders yard and are not entirely relevant to the proposal now in front of us. For example, aspects of the concerns regarding flooding, level of vehicles currently on the site, increase in vehicle movement and waste being stored on the site are not matters that can be attributed significant weight when assessing whether or not the proposal for a replacement building, of the same ridge height, footprint and covering the same ground is acceptable in planning terms.

The proposal is therefore considered to be acceptable and it is recommended that planning permission is granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Miss K Purchase Tel: 01823 356468

07/10/0027

MR J BENDALL

ERECTION OF BUILDING TO PROVIDE ANCILLARY OFFICE ACCOMMODATION ASSOCIATED WITH CURRENT EMPLOYMENT USE AT TREFUSIS LODGE, TONE GREEN, BRADFORD ON TONE (RETENTION OF DEVELOPMENT ALREADY UNDERTAKEN)

Grid Reference: 316712.123142

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The development, to provide ancillary accommodation to the existing commercial/industrial uses on the site is considered to be an appropriate development, whereby the provision of a new, replacement building has provided the opportunity for an improvement to the visual amenities of the area, and new benefits to wildlife. The development would be safe from flooding and would not be detrimental to the amenities of other nearby property, the highway network. It complies with Policy S1 and S2 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 7.

RECOMMENDED CONDITION(S) (if applicable)

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

(A1) DrNo P080397-ELX Elevation survey
(A3) DrNo P08397-FFX First floor measured building survey
(A3) DrNo P08397-GFX Ground floor measured building survey
(A4) DrNo P08397-INT-ELX Internal elevation
(A1) DrNo P08397-3D-SX Topographical Survey
(A4) DrNo P08397-OSX Ordnance survey
(A1) DrNo 1051/2310A Site layout plan

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

2. The building hereby permitted shall be used as ancillary office/administrative purposes only for business(es) operating within the portal framed building labelled 'warehouse' on drawing P0837_3D_SX.

Reason: Other independent uses would lead to an increased need to travel by private car and a dispersal of activity across the rural area, leading to an unsustainable pattern of development detrimental to the character and appearance of the area, in accordance with Policies S1 and S7 of the

Taunton Deane Local Plan and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review. They would also lead to new independent uses within flood zone 3 (the high risk zone) and the Local Planning Authority considers that there is other land within the borough that could be used to for such purposes which is at a lower risk of flooding, in accordance with Planning Policy Statement 25.

3. Prior to the construction of the raised timber walkway required by condition (4) the flood storage compensation scheme detailed on drawings 1051/2310a and 1051/2310b shall be fully completed in accordance with those details.

Reason: To ensure that the development does not increase off-site flood risk in accordance with Planning Policy Statement 25.

4. Unless within 3 months of the date of this decision the raised timber walkway indicated on drawings 1051/2310a and 1051/2310 has been constructed in accordance with further details that shall previously have been submitted to and agreed in writing by the Local Planning Authority the use of the site hereby permitted shall cease until such time as a scheme is approved and implemented.

Reason: To ensure that a safe access and egress to/from the development is available in times of flooding, in accordance with Planning Policy Statement 25.

5. The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- i. Within 6 months of the date of this permission, details of a strategy to protect barn owls shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Greena Ecological Consultancy's submitted report, dated 22 March 2010 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

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 barn owls shall be permanently maintained.

- ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed

period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;

iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;

iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: To enhance the opportunities for wildlife at the site on the basis that habitat may have previously been lost, in accordance with Planning Policy Statement 9.

6. The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

i. (a) Within three months of the date of this permission, a landscaping scheme, which shall include details of the species, siting and numbers to be planted together with the proposed timing of the works, shall be submitted to and approved in writing by the Local Planning Authority.

(b) The scheme shall be completely carried out in accordance with the approved timing.

(c) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;

iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;

iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

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.

7. The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of

the date of failure to meet any one of the requirements set out in (i) to (iv) below:

i. Within 12 months of the date of this permission, the following works shall have been completed, in accordance with a schedule of works that shall previously have been submitted to and agreed in writing with the Local Planning Authority:

- Application of 'Yorkshire' hit & miss timber boarding applied to the external walls of the main portal frame building;
- Restoration/refurbishment of the remaining stone boundary wall and reduction of the northern access to accept pedestrian traffic only;
- Permanent removal of the existing, redundant, dilapidated mobile home.

ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;

iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;

iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: To secure improvements to the visual amenities of the area, which contribute to the justification for the development, in accordance with Policy S1 of the Taunton Deane Local Plan.

8. There shall be no retail sales from the site.

Reason: Such sales would lead to an increased need to travel by private car and a dispersal of activity across the rural area, leading to an unsustainable pattern of development detrimental to the character and appearance of the area, in accordance with Policies S1 and S7 of the Taunton Deane Local Plan and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Notes for compliance

PROPOSAL

This application seeks full planning permission for the erection of a building to provide ancillary office/administrative accommodation for the associated industrial unit already on site. Permission is sought in retrospect and follows the service of an enforcement notice (see below).

The building sits on the site of a former warehouse/barn. It is two-storey, finished with stone/rendered walls under a pantile roof. Windows are made from timber. The

building provides a significant amount of floor space and is currently occupied as the administrative base for an internet-based distribution company, which uses part of the main building for storage.

SITE DESCRIPTION AND HISTORY

The site is situated in the open countryside and comprises a range of two-storey barns, including that subject to the application, an attached currently open building and a modern single steel portal-framed former agricultural building. The site is accessed via a hard surfaced access direct from the Class 3 public highway to the south, which leads to a hard surfaced yard area between buildings.

The site is flat and long views are available to east. A mature tree line partially obscures the site from the west. Along the northwest boundary of the site is a pond, which is part of the former Grand Western Canal. The entire site is indicated on flood maps as being within flood zone 3.

In 1992, permission was granted for the use of the portal framed building for the manufacture of timber sheds/garden furniture. Subsequently (also 1992) the portal framed building was permitted to become an open B1 workshop and in 1996, part of the covered yard was permitted to be used for general storage.

In 2000 permission was refused for the conversion of a building that formerly stood on the site of the current application building to a dwelling. Subsequently, that building was partially demolished and a new building erected on the site. The Local Planning Authority were concerned that the building took the appearance of a new dwelling, with large windows and proportions that resembled a converted barn (although the building is almost entirely a newly built structure). The building was, however, not being used as permanent residential accommodation and the site owner was using part of it as his own office and attempting to let part of it to other business operations.

The Local Planning Authority was concerned that any use (be that commercial or residential) of the building would be unacceptable due to the site's isolated location in the open countryside, remote from the closest village (Bradford on Tone), which does not benefit from significant facilities (shops/schools etc.), and was accessed by relatively poor roads with no footways. The site is also identified as being within Flood Zone 3 (the highest risk zone), where any new development should be resisted if there are other sites available on land at lower risk of flooding. In light of these considerations, the Planning Committee subsequently authorised the service of an enforcement notice (dated 16th October 2008) requiring the complete removal of the building. An appeal was subsequently lodged against the notice.

At the appeal, the notice was upheld, the Inspector agreeing with the Council that the site was an inappropriate location for new business development, being in an isolated location, poorly served by public transport and at risk of flooding. However, he did allow modification to the time in which the appellant (the current applicant) was required to undertake the demolition and restoration of the site. In his reasoning, the Inspector was quite clear that he was allowing the extension of time (to 12 months) in order that the appellant and the Council could try to find a mutually acceptable use for the building, as evidenced from the following excerpts of his decision letter:

“It would be wasteful to require the building to be demolished if an acceptable, policy-compliant use could be found for it. It would send the wrong messages if the appellant were to be seen to benefit from not complying with planning requirements. However, in concluding that no possible use of the building would be acceptable it is not clear from their representations that the council took the advice in PPS7 fully into account. Moreover, whilst I have concluded that the location of the building is unsuited to the use that the appellant is suggesting, it may be that a low key use, perhaps more clearly connected to other activities on the site, would generate fewer trips and make the lack of public transport less of an objection.

Increasing the period for compliance would allow this possibility to be investigated. It may also allow the flood risk situation to be more fully assessed, which could reduce another of the concerns I have regarding the suitability of the location. In addition, the appellant could consider the merits of entering into a legally binding undertaking to improve the overall appearance of the site which, though beneficial, I have concluded could not be achieved through the imposition of conditions on the deemed application.

All of these matters could affect the overall balance of considerations. That is a long way from indicating that I am satisfied that a satisfactory solution could be found that would allow the appeal building to be retained...[but issues] could be investigated to see whether a scheme that would accord more closely with the advice in PPS7 could be achieved”.

The application is before committee because the recommended granting of permission is in the face of the previous resolution of the Planning Committee to take enforcement action requiring the demolition of the building.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BRADFORD ON TONE PARISH COUNCIL – Supports the grant of planning permission. The Parish Council would support any conditions made by the Inspector or Taunton Deane Borough Council which would enforce the building to remain as ancillary office accommodation rather than become a residence.

SCC - TRANSPORT DEVELOPMENT GROUP – It would appear that this application is effectively for the retention of the building that was the subject of the appeal, to provide ancillary office accommodation in association with the existing employment use that is already located on the site.

It has been stated in the Design and Access Statement under point, 1.2.4, that:

“this latest proposal is not intended as a stand alone accommodation for wholly new enterprises but as strictly ancillary office and staff amenity uses associated with the existing business on the site. Such Ancillary use would not create significant additional traffic over and above the potential of the existing authorised uses. Furthermore the site’s proximity to Bradford on Tone allows the genuine opportunity for employees to walk and/or cycle work”.

There is no guarantee that the employees are or will live locally i/e in Bradford on Tone, nor can it be conditioned that this is the case.

The building is located outside the Development Boundary Limit of Bradford on Tone and is accessed via Tone Green, which is a classified un-numbered highway that is subject to the national speed limit. There are no footways or street lighting between the site and the centre of Bradford on Tone, which is, located approximately 0.6km from the site.

Although Bradford on Tone has a development limit, it is considered to be unsustainable in transport terms as it does not accommodate adequate services and facilities, such as, education, employment, health, retail and leisure, and has a limited bus service.

The nearest bus stop is located at the White Horse public house in Bradford on Tone, which offers two limited services. The no. 9a service operates on Tuesdays and Fridays with one service in the morning and one in the afternoon. The no. 610 service operates on Thursdays only with one service in the morning and one in the afternoon.

Bradford on Tone is approximately 6.5km from the centre of Taunton and 6.0km from the centre of Wellington, which are the nearest major settlements offering significant services and facilities.

As a consequence, of the development being located outside of any development limit, the occupiers/staff/visitors of the development are likely to be dependant on private vehicles for most of their daily needs.

It must be a matter for the Local Planning Authority to consider whether or not this is a suitable location for such a development as the site lies outside any recognised development boundaries and is considered unsustainable in purely transport terms.

In terms of the detail, It is essential that all new development is served by a suitable means of access, irrespective of whether it is an existing point of access to the public highway or a new one being created, and that it can accommodate the traffic associated with the use and any increase in traffic that is likely to result from the development significant or not, in the interests of highway safety for all road users.

If the LPA are minded to grant consent, it is essential that sufficient onsite parking and turning is provided within the site commensurate with the use but not to the detriment of any existing use, and given that the proposal is located in what is considered an unsustainable area in transport terms I would recommend the maximum provision be applied in this location, which is 1 space per 30m squared of floor space.

No parking/turning layout has been provided setting out the existing and proposed layout given the additional use. The LPA may wish to request this additional information so that it can be provided and maintained in perpetuity.

Visibility to the east of the access is restricted by a roadside boundary hedge and not commensurate with traffic and I would seek that this is improved if the LPA are minded to grant consent and if this land is within the Applicant's control to enable improvements to be made. As part of a previous application on this site,

07/00/0016, visibility splays based on co-ordinates of 2.4m x 60m to the nearside carriageway edge in the Bradford on Tone direction and as far as the Bridge to the west.

HERITAGE AND LANDSCAPE OFFICER – No wider landscape impacts.

NATURE CONSERVATION & RESERVES OFFICERS – I visited the site in January 2009 when the likely presence of a barn owl and crevice dwelling bats was highlighted in the adjoining partially renovated barn. Greena Ecological Consultancy carried out a bat and bird survey of the adjoining partially converted barn, which is continuous with the converted barn, in March 2010. An emergence survey was carried out in August 2010. Findings of the surveys are as follows:

Bats - Both surveys found that there was no presence of bats, but it is recommended that appropriate mitigation was undertaken in the event of further development works to the building.

Birds - Site evidence suggested that a barn owl used the barn as a feeding site. The surveyor was unclear if the barn owl nested in gaps between the old thatch and the nw roof covering, but recommended that a barn owl box be installed. Pigeons nest in the barn and small birds night roost in the crevices.

The development has already taken place, but in accordance with PPS9, I would like to see wildlife accommodated, and so suggest that a barn owl box be provided in the old barn. The surveyors recommendations should be implemented and conditions imposed to ensure this.

ENVIRONMENT AGENCY – Awaited.

Representations

None received.

PLANNING POLICIES

EN28 - TDBCLP - Development and Flood Risk,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
S1 - TDBCLP - General Requirements,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
PPS7 - Sustainable Development in Rural Areas,
PPS25 - Development and Flood Risk,
EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application is the principle of the development and flooding. That is, whether the use proposed accords with planning policy and will not lead to an increase in the need to travel by private car. The impact upon the visual amenities of the area must also be considered as must the impact on the highway network and wildlife.

Principle

The site is situated in the open countryside, remote from any settlement. It is linked to the closest settlement, Bradford on Tone, by a narrow rural highway that does not have any footways and which offers no public transport opportunities. Bradford-on-Tone itself has very limited facilities and a very poor bus service.

This application seeks to retain the building for use as an ancillary, office building. That is, it would provide office/administrative facilities to a business which occupied the steel portal frame building which sits at the site entrance. Indeed, this is the situation on the ground at the present time, with the occupiers of part of that building using the site for administrative purposes.

The portal framed building itself, benefits from an existing, authorised business use, having been previously used for various industrial/commercial activities. There is, therefore, an authorised use for the site for such purposes and it would not be possible to extinguish that use.

It is clear from a site inspection that the building subject of the application has been finished to an extremely high standard – the quality of workmanship, design and choice of materials is exceptional. However that, in itself, cannot justify its retention, as accepted by the appeal Inspector. Based on the evident quality, it would appear that the building was never intended for some ‘low key, ancillary’ use such as that proposed here. It may even be that part of the building, due to its generous proportions is underused, or indeed, unused in such a use. As such, there could be future pressure for additional uses on the site. However, that is not what is currently applied for. The use sought is for an ancillary purpose and, whilst not clearly sanctioning such a use, the Inspector effectively commented that he thought such a use may be compliant with both Planning Policy Statement 7 and policies in the Taunton Deane Local Plan. Indeed, if the use of the building is purely ancillary, then arguments about the potential increase in traffic and general sustainability credentials of the site carry much less weight. Added to the mix (on the Inspector’s suggestion) are proposals to enhance the biodiversity of the site and its visual appearance, particularly by the cladding (in hit-and-miss timber boarding) of the external faces of the concrete block walls of the portal framed building. It cannot be denied that these alterations would bring about a general improvement to the visual appearance of the site when viewing it from the adjoining public highway. It is considered that these improvements (which can be secured by planning condition) add further weight to the acceptability of the current proposal.

With regard to these matters, it is considered that the proposal does accord with Planning Policy Statement 7 and is acceptable in principle.

Visual amenity

The site is isolated, however, the building subject to the application is not prominent in the surrounding countryside. It is well screened from the adjoining highway to the west and is only visible from the east (on the Bradford on Tone to Oake road), as a small component of an already developed site, where the large, grey roof of the portal frame building takes prominence.

The main visual impact of the site at close range comes from the concrete block walls of the main portal frame building, which are built right against the highway

boundary. The applicants proposal to clad these in timber would certainly soften the overall appearance of the site within the street scene and, as mentioned above, are considered to add weight to the acceptability of the proposal.

In addition, the building itself is clearly designed to a very high standard and the choice of materials and finishes respects the character of the local area.

Flooding

The submitted flood risk assessment indicates that the site is within Flood Zone 3 (the high risk zone) and not the functional floodplain as previously considered. This has come about as a result of detailed level modelling of the site and it is understood that the EA now accept this position (members will be updated at committee). Light industrial uses are identified in PPS25 as being 'low risk' and are acceptable in Flood Zone 3, provided that the sequential test is passed – i.e. there is no other land available at a lower risk of flooding. Now, as successfully argued by the Council in the enforcement notice appeal, the sequential test cannot be passed if the proposal is for an independent business use. However, the proposal is now for an ancillary use and such a use must be located within the confines of the site to which it relates. As such, the sequential test is now considered to be passed.

However, in a flood event, there is potential that the main vehicular access to the site could be blocked by flood water, so the application proposes to construct a raised walkway out of the building to higher ground to the east. It is not considered that such a proposal would result in an unacceptable visual impact and would be seen in the context of the existing buildings. Accordingly, the development is considered to be safe from flooding. At the time of writing, formal comments from the Environment Agency are outstanding and members will be updated with any additional detailed recommendations that they may make.

Highways

The Highway Authority have previously indicated that they would oppose any independent use of the building. In terms of this proposal they have raised some concerns about the location of the site, since the increase in floor space available could lead to some increase in traffic. However, given that the proposal is for ancillary accommodation, this is considered to be limited. It is also considered that there is adequate parking to accommodate any vehicles that may be attracted to the site. The site is large and spacious, and there is no need for the formal demarcation of spaces in this instance.

Wildlife

Surveys have been undertaken to establish the potential of the site for wildlife. It must be acknowledged that the survey was undertaken following the demolition of the old barn and it can never now be established what wildlife habitats the old structure may have contained. However, based upon the current evidence, as confirmed by the Nature Conservation and Reserves Officer, there are no significant wildlife interests on the site. However, in line with PPS9 and in order to secure the overall benefits referred to by the applicant, it is considered that a condition should be imposed to provide an overall enhancement of the site to wildlife, such as the provision of bat and owl boxes in the presently open section of the barn.

Conclusions

It is considered that the proposed ancillary use makes an acceptable use of the building. Being limited to ancillary office/administration accommodation only and not for an independent business or allowing any retail sales direct from the site there should not be any significant increase in traffic over and above the existing authorised use of the site. In light of the Inspectors comments in the previous appeal, it is considered that such a use of the site is acceptable and it is, therefore recommended that planning permission is granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

H TOTTLE & SON LTD

DEMOLITION OF TWO DWELLINGS, OFFICE BUILDING AND ASSOCIATED OUTBUILDINGS AND THE ERECTION OF 12 DWELLINGS, 4 APARTMENTS 5 BUSINESS UNITS PROVIDING 500M2 OF ACCOMMODATION AND ASSOCIATED EXTERNAL WORKS AT SELICKS GREEN, PITMINSTER AS AMENDED

Grid Reference: 321229.119114

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to viability assessment of the affordable housing and a Section 106 Agreement to secure affordable housing and leisure/recreation and community facilities permission be granted for the following reason:

The proposed mix use development is considered not to have a detrimental impact upon visual or residential amenity and is considered to respect the character of the area in terms of design and would have a satisfactory highway access, landscape provision and drainage design and it is therefore considered acceptable and, accordingly, does not conflict with policies STR6 and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC7 (Rural Employment Proposals), C4 (Provision of Recreational Open Space), H9 (Affordable Housing) and EN12 (Landscape Character Areas).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A2) DrNo 68 Rev A Proposed plans and elevations plots 10,11,12 and 13

(A4) Letter from Trevor J Spurway 25 Nov 2010

(A2) DrNo SPP/1531/1B Amended landscaping layout

(A3) DrNo 86 Proposed Plan, Elevations & Section A-A, Garages 3, 10, 11, 12 & 13

(A2) DrNo 9337 52 J Proposed site layout

(A2) DrNo 50 Rev A Existing land survey
(A1) DrNo 53 Rev D Proposed plans and elevations
(A2) DrNo 54 Rev B Proposed plans and elevations plots 3,4 and 5
(A2) DrNo 57 Rev C Proposed plans and elevations plots 14, 15 and 16
(A1) DrNo 59 Rev E Existing and proposed street elevations
(A1) DrNo 61 Rev D Proposed plans and elevations industrial unit plots A- E
(A2) DrNo 63 Rev D Proposed plans and elevations plots 6,7,8 and 9
(A1) DrNo 67 Existing and proposed site section
(A2) DrNo SPP/1531/1B Landscape proposals
(A3) Block plan
(A3) DrNo 58 Rev A Proposed plans and elevations typical garage layout plan
(A3) DrNo 01 Rev A Location plan

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

3. No development, excluding site works, shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. No development, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

5. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before **the building(s) are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority** and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. Details of the proposed surface water drainage shall be submitted for approval before any works commence on site and shall include full details of the pond, the intended future ownership and maintenance provision for all drainage works serving the site (including the pond). Calculations should be provided to show the system, including the pond can accommodate the surface water run-off from the 1 in 100 year storm plus climate change. Discharge to the receiving ditch shall be limited to greenfield run-off rates and as calculated from a 1 in 1 year storm using 10% impermeability. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent flood risk to the surrounding area in accordance with PPS25.

8. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Greena Ecological Consultancy's submitted report, dated November 2009 and the Bat activity surveys dated October 2010 and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when bats and nesting birds could be harmed by disturbance.
3. Measures for the enhancement of places of rest for wildlife.

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. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect wildlife including bats and their habitats from damage bearing in mind **these** species **are** protected by law.

9. No demolition work shall commence until the replacement bat roost

provision agreed under condition 8 shall have been provided. Once approved the bat roost works shall take place in accordance with the agreed scheme and thereafter the loft space and agreed openings shall be permanently maintained. The development shall not otherwise commence until the scheme for the provision of the bats' roost and related accesses has been fully implemented.

Reason: To reduce the risk of the loss and destruction of a roost site for bats, bearing in mind that all bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Local Plan Policies EN4 in accordance with relevant guidance in PPS9.

10. The light industrial units hereby approved shall be constructed and completed prior to the residential occupation of any of the dwellings approved.

Reason: To ensure provision of a mixed use scheme and the provide an employment use in accordance with Taunton Deane Local Plan policy EC7.

11. Noise from any plant or equipment at the proposed business units should not exceed background noise levels by more than 3 dB for a 2 minute LAeq, at any time when measured at the facade of residential or other noise sensitive premises. 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

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

12. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 07.30 - 19.00hrs Monday to Friday and 07.00 – 13.00hrs on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

13. Details of any external lighting for the industrial units or to the garages or rear of residential properties shall be submitted to and approved in writing by the Local Planning Authority before **the lighting is installed**. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan and limit the impact on wildlife.

14. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway during the construction period. In particular (but without prejudice

to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until construction on the site has ceased.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

15. Before the dwellings hereby permitted are first occupied details of the footway shown on drawing 9337.52J shall be submitted to and approved in writing by the Local Planning Authority. Such footway shall be fully constructed in accordance with the approved plan.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

16. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter provided as agreed.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

17. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients and car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: 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.

18. 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.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

19. 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 garages hereby permitted shall be limited to the

domestic and private needs of the occupier and shall not be used for any living accommodation or business or other purpose whatsoever.

Reason: To ensure adequate parking provision on site in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

20. There shall be no obstruction to visibility greater than 300mm above the adjoining road level forward of lines drawn 4.5m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 40m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

21. The premises shall be used for B1 uses only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To prevent changes to unacceptable uses which may affect residential amenity contrary to policy S1 of the Taunton Deane Local Plan.

Notes for compliance

1. 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 bats, breeding birds and reptiles will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and breeding birds that are affected by this development proposal.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. Bats are known to use the building(s) as identified in submitted report. The species concerned are European Protected Species within the meaning of the Conservation of Habitats and Species Regulations 2010. Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.
4. Part of these works would require a condition survey of the existing public highway to be carried out and agreed with the Highway Authority prior to

works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. It is therefore recommended that contact be made with the Highway Service Manager (Taunton Deane Area) on 08453459155 to arrange for a survey to be undertaken.

5. 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, applicants should plot the exact position on the design layout to assess the implications. 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 that may affect its apparatus.

PROPOSAL

The proposal is to make the best use of a previously developed site on the north eastern edge of Blagdon Hill. The scheme involves the demolition of a dwelling, bungalow and offices together with the builder's storage buildings and the erection of 16 dwellings and 5 business units. The dwellings will include 8 x two-bed units, 4 x three-bed units and 4 x two-bed flats. 3 affordable housing units are proposed as part of the development.

A wildlife survey, tree survey, landscape assessment, drainage scheme and design and access statement were submitted with the scheme.

SITE DESCRIPTION AND HISTORY

The site consists of 2 dwellings and a builder's office lying within the existing settlement limits of the village and land to the east consisting largely as a builders yard with open storage which lies outside the settlement limit. The boundary of the storage area is open to the east and visible from the public footpath.

A previous planning application for 17 dwellings and 5 industrial units (30/10/0007) was withdrawn earlier this year.

The site was considered previously at a Local Plan Inquiry and was considered inappropriate for residential development because of the loss of employment land, its location and landscape impact.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development relates to a mixed use proposal of 17 residential units and 5 business units.

The Highway Authority has been in lengthy discussions with the applicant over the redevelopment of this site as such the principle of development in this location is considered to be acceptable.

In terms of detail I have the following observations to make on drawing 9337/52/I and the Design & Access Statement. These comments are as follows; in terms of visibility the Design and Access Statement indicates that 4.5m x 40m visibility splays have been provided onto the northern and southern approaches. However drawing 9337/52/I shows splays of 4.0m x 40m would the applicant please confirm which visibility splay is the correct one. It is also noted that a length of the north-eastern splay appears to be contained within the curtilage of Hinton House. The land which will encompass the full extent of the splay must be within the applicant's ownership. Drawing Numbers 9337/01 and 9337/02 both appear to show that the land will be within the applicant's control. As such confirmation of this would be required in writing. Drawing Number 52/E states that there shall be no obstruction to visibility within the access splay greater than 600mm. This should be amended to 300mm. Finally the length of the visibility splay which fronts plots 10-13 will be adopted by the Highway Authority and must not be conveyed to said plots.

The proposed length of adoptable grassed visibility splay that extends across the frontage of plots 1 and 2 can be incorporated within the overall construction width of the new footway. There is a note within drawing number 9337/52/I that states there will be no obstruction to visibility within the site access visibility splay that exceeds a height greater than 300mm. Can the applicant please confirm that the height of the existing wall adjacent to the lay-by outside Hinton House, does not exceed 300mm above the adjacent carriageway level. Finally still in relation to Hinton House would the applicant please be able to confirm that the land fronting the dwelling upon which the short length of grassed visibility splay is proposed to be constructed, is within their ownership and can be dedicated.

In regards to drainage it has been noted that surface water associated with the proposed development will discharged via soakaways, would the applicant be able to confirm whether this also means the prospective highway. The use of soakaways is at the discretion of Somerset County Council, and is dependent upon the proven existence of highly permeable strata below the surface. Soakaways should be designed in accordance with CIRIA Report 156 – 'Infiltration Drainage – Manual of Good Practice'. In situ percolation tests should be undertaken in accordance with the BRE Digest 365. Somerset County Council must be advised of the test at least 7 days prior to the commencement of the tests to witness them if required. Results of the tests should be submitted to Somerset County Council in support of the calculations. Soakaways should be located at least 5.0m from any structure and not constructed within 3.0m of any existing or prospective public highway/path and 5.0m from any existing or prospective carriageway.

Where an outfall, drain or pipe will discharge into an existing drain or pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required. A copy of any written consent granted will need to be submitted to Somerset County Council for our records. Surface water from all private areas, including parking areas, must be intercepted by separate private drainage systems to prevent any possible discharge onto the prospective publicly maintained highway.

Private surface water will not be permitted to drain onto the existing publicly maintained highway. Measures shall be put in place to prevent surface water for the proposed access road from discharging out into Pitminster Lane, depending upon finished ground levels. Section 50 NRSWA 1991 (Sewer connections) – Where

works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtained from Mr John Nicholson, Streetworks Co-ordinator on 01823 483103.

In terms of the access where it will tie into Pitminster Lane – Allowance shall be made to resurface the full width of Pitminster Lane where it is disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Part of these works would require a condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. It is therefore recommended that contact be made with the Highway Service Manager (Taunton Deane Area) on 08453459155 to arrange for a survey to be undertaken.

The construction of the proposed footway across the site frontage must not result in the reduction in width of the existing sections of either Blagdon Hill Lane or Pitminster Lane. It should be noted that if these works are to take place within the existing publicly maintained highway, then the works will need to be contained within a Section 278 legal agreement with the Highway Authority. As the proposed site access will serve not only residential but business unit traffic, it would be beneficial if the junction incorporated 15m radii instead of the proposed 10m radii. This would aid manoeuvrability/swept path of vehicles in/out of the site.

In all cases where structures either supports the highway or land adjacent to the highway it will be necessary for full details of the proposed structure to be submitted to the Highway Authority for checking/approved purposes. The development will be required to submit an Approval in principle (AIP) signed by a Chartered Engineer (Civil or Structural).

The applicant should be aware that is it likely that the internal layout of the site will result in the laying out of a private street, and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advance Payment Code. Under section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of an approved type will be required for all trees that are to be planted adjacent to the back of the highway to prevent future structural damage to the highway. Whilst an adoptable 1.0m wide margin will need to be provided across the parking areas of plots 1 and 2 will need to be relocated 1.0m away back from their intended position.

Would the applicant supply a drawing showing the swept path manoeuvres of delivery vehicles when entering/leaving the site via Pitminster Lane. Further comments may need to be made on the layout of the proposed access depending upon the information supplied.

The applicant form states that the site will provide a total of 42 spaces, however drawing 9337/521 indicates that there will be a total of 38 spaces. Would the applicant be able to confirm which parking provision is correct. In terms of detail each dwelling will be provided the maximum standards of 2 spaces per unit as per the requirements of the Local Transport Plan 2006-2011: Parking Strategy. The 5 business units will provide a total of 17 spaces; this is in accordance with the

standards set out in the Local Transport Plan.

In conclusion the principle of development in this location is considered to be acceptable. Whilst in terms of the detail the proposed layout shown on Drawing No. 9337/521 is broadly acceptable. There are some minor amendments to be carried out and these are set out in the text above. The parking provision is considered to meet the maximum standards set out by the Local Transport Plan.

Therefore taking these points into account I raise no objection to this proposal and if planning permission were to be granted I would require conditions to be attached.

PITMINSTER PARISH COUNCIL -

1. The turning from Blagdon Hill Road into Pitminster Lane is a dangerous turning now on account of the poor visibility as you turn left. In fact there is no visibility and this already leads people to use the very narrow lane past the Sellicks Green Almshouses. This problem will only be exacerbated by the extra vehicular activity (a 100 or more journeys a day are a possibility) if the proposed site is developed. Commercial traffic leaving the site would in particular have problems turning on to the main road in to Taunton. The extra traffic will also impose greater risk to pedestrians and schoolchildren accessing the playing fields and the school buses. Moreover, there is increased HGV traffic from the Pitminster direction on account of the weight restriction on Corfe Hill. For this reason alone we feel the development should not be granted planning permission. We are disappointed that intensification of use of the access does not seem to have been a concern for SCC Highways and wonder if they have even visited the proposed site.

2. The site access opens onto Pitminster lane which is a narrow one car width road and is wholly unsuitable to cope with extra traffic from the site; it can't cope with the present traffic flow particularly with the aforementioned HGV's. We are fairly certain that planning permission would not be granted today for the use of the current access as a builder's yard let alone anything extra.

3. It is considered, that the development if allowed, would be undesirably intrusive in the street scene, reinforcing the ribbon development in the village and would detract from the visual amenities and rural character of the area.

4. The front (north and west) elevation of the development, (by reason of its size and disposition in relation to the street frontage) would be out of scale and character with existing nearby dwellings.

5. Because of the bulk of the terrace housing and light industrial units proposed, it will appear as a skyline development which would seriously depreciate the visual amenities and distant views of this rural area.

6. It is considered that the proposed layout and design is suburban in character creating an urbanised car park to the rear and would be out of keeping with the traditional character of the village. It is suggested that more local stone be used.

7. We are not satisfied that there is any established or actual need for light industrial business units - the nearby Mission Room in Blagdon Hill was on the market for a long time before it was sold for example. There are new such units which are

currently vacant both in Taunton and at Wellington and vacant ones in places such as Culmhead and West Buckland - not far away. We also feel that, as we are sure the builder's yard would not get permission in that situation now and with the current access, the development of the brown field builder's yard site for residential use, which will not involve regular commercial vehicle traffic, is both much safer for the roads and villagers and more appropriate in this location. We know that the residents immediately nearby would prefer it.

8. The proposed light industrial units may produce noise and light pollution to the detriment of the adjacent residential dwellings.

9. The car parking area proposed to the rear of the development may be subject to owners erecting forms of security lighting which will cause light pollution and a nuisance to other residents.

HERITAGE AND LANDSCAPE OFFICER - The structure planting and earth mounding to the west of the proposed development should be sufficient to significantly reduce the impact of the buildings and parking. My only concern is the proximity of the tree planting to the front of units 16, 17 and 13. At 3m distance from the buildings they are likely to cause concern as they grow. A better option would be to set the buildings back 2m from the roadside.

WESSEX WATER - The development is in a foul sewered area and it will be necessary to agree a point of connection, which can be agreed at detailed design stage. There is a public sewer close to the boundary and normally a 3m easement is required or diversion and protection may need to be agreed. An informative is requested for any consent to ensure the protection of any Wessex systems. The developer has proposed to dispose of surface water to soakaway. It is advised your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. There are water mains in the vicinity and connection can be agreed at the design stage. The developer should agree prior to commencement a connection onto Wessex Water infrastructure.

The developer should check with Wessex Water concerning uncharted sewers or mains within or near the site. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement to carry out diversion or protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of such proposals as may affect it apparatus.

NATURE CONSERVATION & RESERVES OFFICERS – Comments and suggests conditions

The site is in a rural location on the edge of a village. Grazed fields, native hedgerows and mature trees surround it, all with good connectivity across the landscape. There are no water features on or near the site.

The majority of the site is made up with tarmac and amenity grassland, although the garden of Greenway contains vegetation that has been left to grow up.

Greena Ecological Consultancy carried out an ecological survey of the site in

November 2009. Greena Ecological Consultancy also carried out bat activity surveys in October 2010.

Findings of the surveys are as follows

West view The surveyor found no evidence of bats using the building in the 2009 survey, but did discover four house martin nests on the west face of the building. Birds are also likely to nest in the garden

Norbu Two pipistrelle bat droppings were found in the loft space in 2009 but no bats were recorded in 2010. The surveyor concluded that bat usage of the building is likely to be several years ago. I agree however that, as a precaution, suitable bat boxes should be provided within 100 m of the site

- No signs of bats were found in the garage.
- Birds are likely to nest in the garden.

Greenway House In the first survey, it was possible for the surveyor to see that Lesser Horseshoe bats have been using some rooms in the property for occasional day and night roosting (estimated population 2-6 bats).

The survey carried out in 2010 confirmed that at least four lesser horseshoe bats were using Greenaway as well as two long eared bats. It is possible that individual pipistrelle bats could roost here as well.

Access for bats is possible via a hole in the roof and via broken windows. The surveyor considered that, because of the poor physical state of the building, it was unlikely to be a breeding site.

I agree with the surveyor that an EPS licence is required for the demolition of Greenway and that mitigation is required. Precise details of the mitigation should be agreed prior to determination of the applications.

The garden of Greenway House is overgrown and is potentially suitable habitat for reptiles. I support the surveyor's recommendation in the first report that the grass in the garden of this property should be cut in the winter to check reptiles using the garden in the summer.

- There was evidence of badgers using the garden
- Birds are likely to nest in the garden and possibly use the house.

Stores, garages workshops and offices _

No signs of bats were found in any of these buildings.

The Stables and Hay barn

No signs of bats were found but it is likely that birds could nest in the building.

Builders Yard

There was some limited potential for reptiles using the rubble in the builder's yard. I support the recommendation that the rubble should not be moved during the winter

months.

A badger path in the field east of the boundary hedge could be seen.

I support the surveyor's recommendation that clearance of vegetation and demolition of the buildings should take place outside of the bird-nesting season.

NATURAL ENGLAND - Natural England fully support the comments made by the Nature Conservation and Reserves Officer from TDBC dated 19 Oct.

Where the local population of a European Protected Species, in this case, lesser horseshoe bats, may be affected in a development a license must be obtained from Natural England in accordance with the Conservation of Habitats & Species Regulations 2010. Natural England requires that the local planning authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing a license. Development cannot commence until details of the mitigation strategy to protect and enhance the development for wildlife has been submitted and approved by the local planning authority.

NATURAL ENGLAND - Natural England fully support the comments made by the Nature Conservation and Reserves Officer from TDBC dated 19 Oct.

Where the local population of a European Protected Species, in this case, lesser horseshoe bats, may be affected in a development a license must be obtained from Natural England in accordance with the Conservation of Habitats & Species Regulations 2010. Natural England requires that the local planning authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing a license. Development cannot commence until details of the mitigation strategy to protect and enhance the development for wildlife has been submitted and approved by the local planning authority.

FORWARD PLAN & REGENERATION UNIT - Planning application 30/10/0032 (residential) should be refused. It results in the loss of employment land contrary to policy EC9 and results in development beyond settlement limits, contrary to policy S7 of the Local Plan. Extending the settlement limit to include the open storage area of Tottles was not accepted by the Local Plan Inspector.

Planning application 30/10/0031 (residential and industrial) is also of concern. The proposal is to demolish existing industrial units within the settlement limit, replace this area with residential (17 units) and around 500 sq.m. industrial on land beyond the settlement limit (Tottles open storage area).

Policy EC9 of the Local Plan resists loss of employment land unless there is an overall benefit. The site of the current buildings provides local employment opportunity which the LPI (Local Plan Inquiry) Inspector found more sustainable than housing, reducing the need to commute for work. Whilst policy EC7 allows for in principle small scale employment buildings adjoining settlement limits and there may not be a net loss of employment land with their proposal as it will result in building outside the defined settlement limit, the LPI Inspector stated development beyond the settlement limit here would result in a 'discernable change, significantly impacting on the area to the detriment of the wider rural character'.

Policy EC7 also contains the caveat/criteria that development will be permitted (in principle) adjoining settlement limits 'if there is no other suitable site available' (criteria EC7b). In this instance there is already an existing employment area within the village that could provide this function (as noted by the LPI Inspector).

One 'overall benefit' of housing development in this location that may override such concerns would be an identified local housing need. The Councils Housing Needs Register identifies only 3 households with a first choice need in Pitminster (this Parish includes Blagdon Hill and other settlements), of which 2 have a local connection. Likewise, with the abolition of RSS figures there is less of a need to meet higher 5 year housing land supply targets and early revised figures indicate that there does appear to be a current 5 year supply.

In regard to detail, I also note that parts of proposed houses, gardens and parking areas also extend beyond the settlement limit. Pitminster Parish Council objected to extending the settlement limit here at the LPI. Again, there is no justification for this proposal breaking the settlement limit other than the applicant trying to overly develop a site. On such grounds I am also wary of a precedent that approval may set. I am also wary of employment potential being curtailed by proximity to new residential properties and accessed through the residential road.

Finally, I recall in the past that there may have been issues with intensification of the access in close proximity to the road junction.

I can therefore see no policy justification for the change of use of this land. However, if there are sound and valid reasons why the policy position should be overridden or remedied, there should be no residential development before the industrial units are constructed and the residential element reduced to fully remain within the settlement limit.

DRAINAGE ENGINEER - I note that surface water is to be discharged to soakaways, pond and existing watercourse according to the application form. However the FRA states that surface water from dwellings and business units is to go to soakaways. There is no reference as to how surface water run-off is to be dealt with from roads etc. This information was previously requested 28 May 2010 for the previous application 30/10/0007. A surface water drainage strategy must be forwarded for approval before any permission is given for this application and therefore an objection must be registered at this time.

I note the amended drainage proposals following a meeting on 13th October. I have no further objections subject to the following conditions being attached to any planning permission given. Details of the proposed pond shall be submitted for approval before any works commence on site and shall include full details of the pond, the intended future ownership and maintenance provision for all drainage works serving the site (including the pond). Calculations should be provided to show the system, including the pond can accommodate the surface water run-off from the 1 in 100 year storm plus climate change. Discharge to the receiving ditch shall be limited to greenfield run-off rates and as calculated from a 1 in 1 year storm using 10% impermeability.

LEISURE DEVELOPMENT MANAGER - In accordance with Local Plan policy C4,

provision for play and active recreation should be made for the residents of these dwellings. A contribution of £1100 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £2200 for each additional 2 bed+ dwelling should be made towards children's play provision. A contribution of £885 per dwelling should also be sought towards community hall provision. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings.

HOUSING ENABLING MANAGER - Affordable housing to be 4 houses, mix of two-bed and three-bed, no flats to be affordable. Built to Code level 4.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - The proposed business units are Class B1 which should restrict the type of use. However, there could be the potential for noise from plant such as air conditioning units or extractor fans to disturb nearby residents if the equipment is not installed or maintained correctly. Therefore, I would recommend a condition to limit noise

POLICE ARCHITECTURAL LIAISON OFFICER - Nothing to add to previous comments contained in e-mail dated 9 June 2010.

The Design & Access Statement does not demonstrate how crime prevention measures have been considered in the design of this proposal and how the design reflects the attributes of safe, sustainable places as set out in 'Safer Places - The Planning System & Crime Prevention (Home Office/ODPM 2003). The DAS should include this information.

Residential The applicant is advised to formulate all physical design measures of the dwellings i.e. doors, windows, security lighting etc in accordance with the police approved 'secured by design' award scheme, full details of which are available on the secured by design website - www.securedbydesign.com.

Symbolic features such as rumble strips, road surface colour/texture change or similar at the entrance would help reinforce the defensible space of this development.

Parking spaces numbers 3 - 13 are located at the rear of the development in an area with limited natural surveillance from the dwellings. Vehicles parked in these spaces could be vulnerable to attack and there is a possibility that vehicle owners will not use them. I recommend that the siting of these parking spaces be reviewed. Police advice is that vehicles should be garaged, failing that, parked on a hard-standing within the dwelling curtilage. Communal parking should be close and adjacent to owner's homes within view from routinely occupied rooms.

Access paths to the side and rear of dwellings should be avoided, as 80% of burglaries occur via these routes. If essential for refuse collection etc they should be gated at the entrance. Side and rear fencing and gates for the dwellings should be a minimum height of 1.8m.

Boundary treatments at the front of dwellings i.e. walls, fencing, planting etc should be kept low, below 1m, to assist resident surveillance.

Business The Landscape Mound & Buffer surrounding these units, whilst providing a privacy screen, will also limit natural surveillance and make the units more vulnerable to attack. Improving natural surveillance of the units should be considered.

The Site Plan appears to indicate uncontrolled access to the side and rear of the business units from the parking area at the front - this should be controlled by means of gates/fencing in order to deter unlawful access to the rear.

The units appear to incorporate roller shutters, these should be internally locked and linked to a monitored alarm system. All other openings i.e. doors, windows, rooflights should also be linked to the alarm system.

ECONOMIC DEVELOPMENT MANAGER - In order to deliver the projected employment led growth for Taunton Deane, employment space of all types will be required and I am happy to support this application.

Representations

13 Letters of objection (including one from 16 properties) on basis of business units inappropriate are not needed and will not support the village and will lead to more traffic congestion, does not fit locally, density not in keeping, style and material of houses not in keeping with local vernacular and will be detrimental to the area, noise, access dangerous, inappropriate access for traffic movement, the traffic of the builder's yard would be far less than the proposed scheme, limited space for manouvering, the village does not enjoy a useable public transport system, building should be limited to where existing buildings are, the proposal implies an extension of the builder's yard use, safety, pollution, impact of lighting, impact on almshouses and too many uncontrollable unknowns. The scheme should be refused unless there is a restriction on the industrial use, there is a limit on operating times and the landscaping is enforceable.

1 letter of support on basis of the site is within the settlement limits or previously used land. There is a need for small scale housing and for affordable housing. Business units are appropriate and would support the social and economic viability of the village in accordanc with policy S5 of the Local Plan. The proposal is in accordance with EC9 (Loss of Employment Land) and most of the employment land is retained with a mix of business uses beneficial to the local economy. No other suitable sites appear available within the village. Reservation in respect of proosed access road and possible nuisance and conflict with mix of traffic. Anything other than a B1 use is likely to cause problems for residents. Materials and elevations are in keeping with the corner east of the access which looks suburban. Business units design welcomed.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS 1 SUPP - Planning and Climate Change,
PPS3 - Housing,
PPS4 - Planning for Sustainable Economic Growth,
PPS7 - Sustainable Development in Rural Areas,

PPS9 - Biodiversity and Geological Conservation,
PPG13 - Transport,
PPS25 - Development and Flood Risk,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP5 - S&ENP - Landscape Character,
S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EC7 - TDBCLP - Rural Employment Proposals,
EC9 - TDBCLP - Loss of Employment Land,
H9 - TDBCLP - Affordable Housing within General Market Housing,
M4 - TDBCLP - Residential Parking Provision,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
EN4 - TDBCLP - Wildlife in Buildings to be Converted or Demolished,
EN8 - TDBCLP - Trees in and around Settlements,
EN12 - TDBCLP - Landscape Character Areas,
EN34 - TDBCLP - Control of External Lighting,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the compliance with Development Plan policy given the location, the appropriateness of the mixed use, design, landscape impact, highway impact, affordable housing, leisure and community provision, wildlife, noise and light impacts.

Policy

The site lies on the edge of Blagdon Hill which has a defined settlement limit and the proposal effectively provides for the residential scheme, including an affordable element within the settlement boundary and provides for the 5 light industrial units within part of the builder's yard area outside the settlement limit. A small element of the residential parking area lies outside the defined settlement boundary, however this is less than 20m and the rounding off of the boundary in this way is not considered to cause any landscape or other harm. The mixed use scheme is one that is supported by advice in PPS3, PPS4 and PPS7. The light industrial units are considered to comply with condition EC7 of the Local Plan in that they are near a public road, are adjacent to the village limits where there is no alternative site available and there is not considered to be harm to residential amenity, landscape or highway safety.

The site lies on the edge of the settlement of Blagdon Hill and while the residential development lies predominantly within the settlement boundary the light industrial units lie within the builder's yard area which lies beyond the settlement boundary. The policies in the Local Plan that are saved do not include the policy S5 which defines villages. There must be a question therefore whether any development here is appropriate and sustainable given the rural location. However the scheme is for employment and residential uses and would secure benefits in terms of local affordable housing and recreation/community facilities and is considered to comply

with Local Plan policies EC7, H9 and C4.

Design

The proposal involves the provision of 16 dwellings and these are designed as a mix of terraced or semi detached properties fronting the highway. The majority are of a terraced form and materials include render, natural stone and brick with clay tiled or slate roofs. The design of the dwellings is considered to reflect the local vernacular and fit in with the street scene. A parking area for units 3 -16 is provided to the rear of the dwellings and surveillance of this area is limited the provision of parking to serve the site in this location is considered necessary and it is not considered that the parking location is a grounds for refusal. The design of the business units is considered to be low key with largely a timber finish in keeping with the character of the area.

Landscaping

A landscape assessment has been submitted with the scheme and the proposal includes a landscape plan which includes a mound and buffer planting to the east to mitigate the visual impact of the new light industrial workshop units. Limited landscape planting is also provided to the street frontage. This proposed planting can be controlled by condition and the Landscape Officer considers the planting scheme to reduce the impact of the buildings and parking. The scheme should if anything improve views of the settlement in the longer term from the footpath to the east.

Highways

The Highway Authority has considered the proposed scheme and are satisfied with the means of access and visibility to serve the site. Despite the concerns of locals to the employment provision, the level of traffic associated with this use is considered an acceptable one and the Highway Authority support this view. Adequate parking is provided for both the residential and business units and the Highway Authority recommend a number of conditions be attached to the development if granted.

Affordable Housing

The scale of development here requires an element of affordable housing under policy H9 of the Local Plan. A local needs survey has recently been completed which identifies a local need for up to 4 units and this is the level requested by the Housing Enabling Manager. The developer is currently offering 3 affordable units as part of the scheme and it is considered that this level of provision falls within the percentage requirements of policy H9. While this is one less than the need identified, given the current financial situation it is considered that a viability assessment using a residual value model is still required to substantiate the number proposed and subject to the detail of this being agreed the proposal is supported on this basis.

Leisure and Community Use

The Community Development Team has identified a need supported by policy in terms of local need for play and recreation facilities and a community hall. These facilities will require a commuted sum for off site provision as this can't physically be provided on site. There is an existing play area and playing field opposite the site

and therefore this is where the money would be likely to be spent. The area currently has a well provided play area for young children and given the identified need for a community hall, proposed for the land opposite, and given that this would provide for replacement changing facilities for the current building on site, it is considered that the funding not required for play could be put to use for the community hall which would provide for recreation facilities. In order to achieve this the wording of any legal agreement would need to address the flexibility of any funding provision to support this.

Wildlife

The ecological survey has been carried out and submitted with the application. This has identified a number of potential species using the site and particularly bats were identified in one of the buildings to be demolished. A wildlife mitigation scheme will be required to address these issues and a condition is recommended on this basis. As part of the mitigation, provision of alternative bat roost would be required before demolition of any existing roost takes place. This has been proposed in one on the new garages on site and a condition to ensure this alternative provision is considered necessary.

Pollution

A number of objections have raised the issue of noise and light pollution as a result of the scheme. The business units are a light industrial use which is considered a compatible use within a residential area. While the specific occupiers cannot be controlled a noise limit on the site is recommended by the Environmental Health Officer and it is also considered appropriate to control the hours of operation of any unit. A condition to control external lighting on the site is also considered appropriate and necessary both in terms of light pollution and disturbance of bat habitat.

Conclusion

In summary the provision of a mixed use housing and employment scheme here is considered a beneficial one with the affordable housing and community recreation provision that would occur. The mixed use scheme is one that is considered to comply with government guidance and this is considered to outweigh the rural location of the site.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

30/10/0032

H TOTTLE & SON LTD

DEMOLITION OF TWO DWELLINGS, OFFICE BUILDING AND ASSOCIATED OUTBUILDINGS AND THE ERECTION OF 15 DWELLINGS AND ASSOCIATED EXTERNAL WORKS AT SELICKS GREEN, PITMINSTER AS AMENDED

Grid Reference: 321229.119114

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal for the following reasons:

- 1 The proposal by reason of the loss of employment land and location outside of the settlement boundary would be contrary to policy EC9 and S7 of the Taunton Deane Local Plan and policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

- 2 The proposed housing layout by reason of the large detached properties and garages set back from the road is considered out of keeping with the character of the village contrary to policy S2(A) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

The proposal is to make the best use of a previously developed site on the north eastern edge of Blagdon Hill. The scheme involves the demolition of a dwelling, bungalow and offices together with the builder's storage buildings and the erection of 15 dwellings on land which is both within and outside the village boundary incorporating the employment land of the builder's yard. The dwellings include a terrace of three, a three-bed semi-detached, a two bed semi-detached, 2 x three-bed detached and 6 x four-bed detached. 3 affordable housing units are proposed as part of the development.

A wildlife survey, tree survey, landscape assessment, drainage scheme and design and access statement were submitted with the scheme.

SITE DESCRIPTION AND HISTORY

The site consists of 2 dwellings and a builder's office lying within the existing

settlement limits of the village and land to the east consisting largely as a builders yard with open storage which lies outside the settlement limit.

A previous planning application for 17 dwellings and 5 industrial units (30/10/0007) was withdrawn earlier this year.

The site was considered previously at a Local Plan Inquiry and was considered inappropriate for residential development because of the loss of employment land, its location and landscape impact.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Comments awaited.

PITMINSTER PARISH COUNCIL - observations

1. Our total support for the change in access, less noise and light pollution, more in keeping with the character of the village, less impact visually as you approach BH from Taunton and less impact of HGV's as result of no industrial use of the land.
2. The overwhelming support of the local population for the residential development viz a viz the mixed development.
3. Our consideration that development breaching the local plan is permissible in this case as the residential development is beyond doubt the preferred option in the locality.
4. That there are adequate, and indeed, empty industrial units not far away.
5. We support the need for better landscaping as outlined in the mixed development.
6. The visual impact from the countryside of the residential development will not be deleterious as all one will see will be housing and this will complement the current view.

HERITAGE AND LANDSCAPE OFFICER - Plots 10-15 are in open countryside and are poorly landscaped. In my opinion they will have an unacceptable landscape impact as seen from the west and south from public footpath T21/55. There is no separate landscape assessment with this scheme and no landscape scheme.

Revised Plan

The landscape plan and assessment correctly identify views from across the fields from Pitminster as the most critical. Subject to implementation of the proposed earthworks and planting and reduction of the existing soil levels it should be possible to reduce the impacts of the proposed dwellings to an acceptable level.

WESSEX WATER - The development is in a foul sewerred area and it will be

necessary to agree a point of connection, which can be agreed at detailed design stage. There is a public sewer close to the boundary and normally a 3m easement is required or diversion and protection may need to be agreed. An informative is requested for any consent to ensure the protection of any Wessex systems. The developer has proposed to dispose of surface water to soakaway. It is advised your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. There are water mains in the vicinity and connection can be agreed at the design stage. The developer should agree prior to commencement a connection onto Wessex Water infrastructure.

The developer should check with Wessex Water concerning uncharted sewers or mains within or near the site. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement to carry out diversion or protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of such proposals as may affect it apparatus.

NATURE CONSERVATION & RESERVES OFFICERS – Comments and suggests conditions

The site is in a rural location on the edge of a village. Grazed fields, native hedgerows and mature trees surround it, all with good connectivity across the landscape. There are no water features on or near the site.

The majority of the site is made up with tarmac and amenity grassland, although the garden of Greenway contains vegetation that has been left to grow up.

Greena Ecological Consultancy carried out an ecological survey of the site in November 2009. Greena Ecological Consultancy also carried out bat activity surveys in October 2010.

Findings of the surveys are as follows

West view The surveyor found no evidence of bats using the building in the 2009 survey, but did discover four house martin nests on the west face of the building. Birds are also likely to nest in the garden

Norbu Two pipistrelle bat droppings were found in the loft space in 2009 but no bats were recorded in 2010. The surveyor concluded that bat usage of the building is likely to be several years ago. I agree however that, as a precaution, suitable bat boxes should be provided within 100 m of the site

- No signs of bats were found in the garage.
- Birds are likely to nest in the garden.

Greenway House In the first survey, it was possible for the surveyor to see that Lesser Horseshoe bats have been using some rooms in the property for occasional day and night roosting (estimated population 2-6 bats).

The survey carried out in 2010 confirmed that at least four lesser horseshoe bats were using Greenaway as well as two long eared bats. It is possible that individual pipistrelle bats could roost here as well.

Access for bats is possible via a hole in the roof and via broken windows. The surveyor considered that, because of the poor physical state of the building, it was unlikely to be a breeding site.

I agree with the surveyor that an EPS licence is required for the demolition of Greenway and that mitigation is required. Precise details of the mitigation should be agreed prior to determination of the applications.

The garden of Greenway House is overgrown and is potentially suitable habitat for reptiles. I support the surveyor's recommendation in the first report that the grass in the garden of this property should be cut in the winter to check reptiles using the garden in the summer.

- There was evidence of badgers using the garden
- Birds are likely to nest in the garden and possibly use the house.

Stores, garages workshops and offices

No signs of bats were found in any of these buildings.

The Stables and Hay barn

No signs of bats were found but it is likely that birds could nest in the building.

Builders Yard

There was some limited potential for reptiles using the rubble in the builder's yard. I support the recommendation that the rubble should not be moved during the winter months.

A badger path in the field east of the boundary hedge could be seen.

I support the surveyor's recommendation that clearance of vegetation and demolition of the buildings should take place outside of the bird-nesting season.

NATURAL ENGLAND - Natural England fully support the comments made by the Nature Conservation and Reserves Officer from TDBC dated 19 Oct.

Where the local population of a European Protected Species, in this case, lesser horseshoe bats, may be affected in a development a license must be obtained from Natural England in accordance with the Conservation of Habitats & Species Regulations 2010. Natural England requires that the local planning authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing a license. Development cannot commence until details of the mitigation strategy to protect and enhance the development for wildlife has been submitted and approved by the local planning authority.

DRAINAGE ENGINEER - I note that surface water is to be discharged to soakaways and existing watercourse according to the application form. However the FRA states that surface water from dwellings is to discharge to soakaways subject to porosity tests. Surface water from the road will discharge to an attenuation tank,

then to a pond or existing watercourse. A surface water drainage strategy must be forwarded for approval before any permission is given. Therefore an objection must be registered at this stage.

I note the amended drainage proposals following a meeting on 13th October. I have no further objections subject to the following conditions being attached to any planning permission given. Details of the proposed pond shall be submitted for approval before any works commence on site and shall include full details of the pond, the intended future ownership and maintenance provision for all drainage works serving the site (including the pond). Calculations should be provided to show the system, including the pond can accommodate the surface water run-off from the 1 in 100 year storm plus climate change. Discharge to the receiving ditch shall be limited to greenfield run-off rates and as calculated from a 1 in 1 year storm using 10% impermeability.

LEISURE DEVELOPMENT MANAGER - In accordance with Local Plan policy C4, provision for play and active recreation should be made for the residents of these dwellings. A contribution of £1100 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £2200 for each additional 2 bed+ dwelling should be made towards children's play provision. A contribution of £885 per dwelling should also be sought towards community hall provision. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings.

HOUSING ENABLING MANAGER - Affordable housing to be 4 houses, mix of two-bed and three-bed. Units to be built to Code level 4.

FORWARD PLAN & REGENERATION UNIT - Planning application 30/10/0032 (residential) should be refused. It results in the loss of employment land contrary to policy EC9 and results in development beyond settlement limits, contrary to policy S7 of the Local Plan. Extending the settlement limit to include the open storage area of Tottles was not accepted by the Local Plan Inspector.

Planning application 30/10/0031 (residential and industrial) is also of concern. The proposal is to demolish existing industrial units within the settlement limit, replace this area with residential (17 units) and around 500 sq.m. industrial on land beyond the settlement limit (Tottles open storage area).

Policy EC9 of the Local Plan resists loss of employment land unless there is an overall benefit. The site of the current buildings provides local employment opportunity which the LPI (Local Plan Inquiry) Inspector found more sustainable than housing, reducing the need to commute for work. Whilst policy EC7 allows for in principle small scale employment buildings adjoining settlement limits and there may not be a net loss of employment land with their proposal as it will result in building outside the defined settlement limit, the LPI Inspector stated development beyond the settlement limit here would result in a 'discernable change, significantly impacting on the area to the detriment of the wider rural character'.

Policy EC7 also contains the caveat/criteria that development will be permitted (in principle) adjoining settlement limits 'if there is no other suitable site available'

(criteria EC7b). In this instance there is already an existing employment area within the village that could provide this function (as noted by the LPI Inspector).

One 'overall benefit' of housing development in this location that may override such concerns would be an identified local housing need. The Councils Housing Needs Register identifies only 3 households with a first choice need in Pitminster (this Parish includes Blagdon Hill and other settlements), of which 2 have a local connection. Likewise, with the abolition of RSS figures there is less of a need to meet higher 5 year housing land supply targets and early revised figures indicate that there does appear to be a current 5 year supply.

In regard to detail, I also note that parts of proposed houses, gardens and parking areas also extend beyond the settlement limit. Pitminster Parish Council objected to extending the settlement limit here at the LPI. Again, there is no justification for this proposal breaking the settlement limit other than the applicant trying to overly develop a site. On such grounds I am also wary of a precedent that approval may set. I am also wary of employment potential being curtailed by proximity to new residential properties and accessed through the residential road.

Finally, I recall in the past that there may have been issues with intensification of the access in close proximity to the road junction.

I can therefore see no policy justification for the change of use of this land. However, if there are sound and valid reasons why the policy position should be overridden or remedied, there should be no residential development before the industrial units are constructed and the residential element reduced to fully remain within the settlement limit.

POLICE ARCHITECTURAL LIAISON OFFICER - A number of comments contained in e-mail dated 9 June 2010 under the heading residential would also apply to this proposed alternative development. From a 'Designing out Crime' perspective this proposed layout is preferable to the alternative scheme.

Representations

2 Letters raising no comments.

12 letters of support (including one from 16 properties) on grounds that the development fits in with the existing properties and character of the village, it provides a complete answer for the 'developed' land, the buildings are in keeping with the local character and scale, the increase in traffic movements will be off-set by the improved junction with the main road, landscaping will ensure rural setting and protect distant views, good mix of house types, resolution of brownfield use, the access changes deliver an overall improvement to the road junction and pedestrian access and it meets the expectations of the community. It will also have less potential for noise, traffic and light pollution than the alternative. Loss of employment land outweighed by community benefit of small scale residential and affordable housing will help sustain the social and economic viability of the village, benefitting businesses and organisation in the spirit of Local Plan policy S5; it removes a source of potential nuisance to residential properties from employment uses; the improvement of Pitminster Lane is a safer configuration for traffic and pedestrians; it has the strong support of the Parish Council and Community opinion. The proposal

is within the spirit of EC9 as the overall benefits outweigh the loss of employment on site. Linked frontages and walls to Pitminster Lane are welcomed.

Also concerns over the landscaping buffer falls outside the application site and is not enforceable. A lasting surface treatment to the area at the end of the charity cottage gardens is required, as is deterrant planting between roadside and path serving plots 1-5, trees next to farm access will need permanent protection, significant fencing should be stated and levels to mound height should be shown. Reservation that lighting of the junction will be unsightly and a nuisance, the settlement boundary is breached, hawthorn tree on plot 11 should be protected, the road and plots 12-15 are set too high and should be reduced so they do not dominate the skyline, there is no commitment to materials, garages serving plots 7 & 8 should be joined, the post box is in a vulnerable position and this layout should be a maximum. A footpath from Sellicks Green Farm to the gable of Westview should be incorporated, bollards should be introduced to the lane fronting Charity Cottages to prevent a 'rat-run'. The hard surfacing between the garage court and plot 15 is regrettable and a pedestrian crossing of Honiton Road has been omitted. The scheme is suburban in character and does not reflect the character of the village or the Residential Design Guide. There should be more linked housing and less single large detached properties. The introduction of this estate would conflict with the village's existing character.

2 letters of no objection but concerns over safety of new road layout, the street lighting is alien to this unlit country parish, will exacerbate road surface flooding and ice in inclement weather.

1 objection on basis of building not where existing buildings are, building on green fields not builder's yard and lack of creative architectural design.

PLANNING POLICIES

PPS 1 SUPP - Planning and Climate Change,
PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPS4 - Planning for Sustainable Economic Growth,
PPS7 - Sustainable Development in Rural Areas,
PPS9 - Biodiversity and Geological Conservation,
PPG13 - Transport,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP5 - S&ENP - Landscape Character,
S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EC9 - TDBCLP - Loss of Employment Land,
M4 - TDBCLP - Residential Parking Provision,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
EN4 - TDBCLP - Wildlife in Buildings to be Converted or Demolished,
EN8 - TDBCLP - Trees in and around Settlements,

EN12 - TDBCLP - Landscape Character Areas,
EN34 - TDBCLP - Control of External Lighting,
H9 - TDBCLP - Affordable Housing within General Market Housing,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the compliance with Development Plan policy given the location and the loss of employment land, design, landscape impact, highway impact, affordable housing and leisure and community provision and wildlife.

Policy

The site lies on the edge of Blagdon Hill which has a defined settlement limit and the proposal provides for a residential scheme, including an affordable element. However the application site incorporates the builder's yard area which lies beyond the settlement limit and will result in the loss of employment land. The Local Plan no longer has a policy defining villages as S5 is not a saved policy. Policy EC9 seeks to retain employment land unless the overall benefit of a proposal outweighs the disadvantages of the loss of employment. In this instance the site lies outside the settlement boundary and given the rural location it is considered that the loss of employment land is not outweighed by a purely residential scheme which would be largely car reliant and increase the need to travel. While there are benefits such as a small number of affordable units and provision of a community contribution, this is not considered to outweigh the employment loss..

Design

The proposal involves the provision of 15 dwellings and these are designed as a mix of terraced, semi-detached dwellings and a detached unit to the road frontage with 6 larger detached dwellings set outside the settlement boundary and served by double garages, mostly detached. These dwellings are of a suburban form and the layout is one that is not in keeping with the character of the village. The large detached dwellings and detached garages set back from the carriageway lend a dominance to the highway and this suburban estate character is out of keeping with the village. The proposed materials are a mix of stone, render, tile and slate and this range of materials are considered to be appropriate.

Landscaping

A landscape assessment has been submitted with the scheme and the proposal includes a landscape plan which includes a mound and buffer planting to the east to mitigate the visual impact of the new dwellings. Limited landscape planting is also provided to the street frontage. This proposed planting can be controlled by condition and the Landscape Officer considers the planting scheme to reduce the impact of the buildings and garage parking. The view from the footpath to the east sees the existing dwellings on the skyline and the new dwellings will also fall against this backdrop. The landscape buffer planting proposed is considered to lessen and soften the impact to an acceptable degree.

Highways

The Highway Authority is satisfied with the principle of the altered access and junction with the main road to serve the scheme. Detailed comments are awaited at the time of writing the report, however subject to suggested conditions the principle of the works are considered acceptable. Parking provision for the site is two spaces per unit for the smaller properties, the semi-detached and terraces and a higher level of provision for the large detached properties. This level of parking is higher than the policy requirements of M4 in the Local Plan and reinforces the dominance of the highway in the layout.

Affordable Housing

The scale of development here requires an element of affordable housing under policy H9 of the Local Plan. A local needs survey has recently been completed which identifies a local need for up to 4 units and this is the level requested by the Housing Enabling Manager. The developer is currently offering 3 affordable units as part of the scheme and it is considered that this level of provision falls within the percentage requirements of policy H9. While this is one less than the need identified, given the current financial situation it is considered that a viability assessment using a residual value model is still required to substantiate the number proposed and the proposal should be subject to the detail of this being agreed.

Leisure and Community Use

The Community Development Team has identified a need supported by policy in terms of local need for play and recreation facilities and a community hall. These facilities will require a commuted sum for off site provision as this can't physically be provided on site. There is an existing play area and playing field opposite the site and therefore this is where the money would be likely to be spent. The area currently has a well provided play area for young children and identified need for a community hall, (proposed for the land opposite). Given that this would provide for replacement changing facilities for the current building on site, it is considered that the funding not required for play could be put to use for the community hall which could provide for recreation facilities. In order to achieve this the wording of any legal agreement would need to address the flexibility of any funding provision to support this.

Wildlife

The ecological survey has been carried out and submitted with the application. This has identified a number of potential species using the site and particularly bats were identified in one of the buildings to be demolished. A wildlife mitigation scheme will be required to address these issues and a condition is recommended on this basis. As part of the mitigation, provision of alternative bat roost would be required before demolition of any existing roost takes place. This has been proposed in one on the new garages on site and a condition to ensure this alternative provision would be necessary if permission were granted.

Conclusion

In summary the proposed scheme provides a residential development of 15 units on the site that extends beyond the settlement limit and utilises employment land. The main issue is whether the benefits of the scheme outweigh this loss of employment

land contrary to Local Plan policy EC9. The layout of the site away from the frontage is also suburban in form and out of character with the village character. The disbenefits of the scheme are considered to outweigh the benefits and the proposal is recommended for refusal.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

37/10/0013

MRS K WILSON

**ERECTION OF SINGLE STOREY EXTENSION AND BALCONY OVER AT
RUSSETT HOUSE, STOKE ST MARY**

Grid Reference: 326331.122234

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo C4755/100a Proposed scheme
(A2) DrNo C4755/001a Existing floor plans and elevations

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

Notes for compliance

PROPOSAL

The application is for a single storey rear extension, measuring 4.8 meters by 3.6 meters. The roof of the extension will be a false pitch and contain a balcony at first floor level with a 1 metre high handrail on the three open elevations. Materials will match the existing dwelling and there will be a bay window on the South East elevation.

The application is reported to Members as the agent is related to a member of staff.

SITE DESCRIPTION AND HISTORY

The site comprises a detached two storey brick dwelling with a detached garage to the front. The property is situated in the central area of Stoke St Mary and has a shared access/drive with the adjoining property. There is a wooden fence along the eastern boundary and a tall evergreen hedge along the south west boundary. There is a section of open stock fencing along the south elevation, adjoining fields.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

STOKE ST MARY PARISH COUNCIL - Support the application. Please consider any impact on the neighbours of the proposed balcony.

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

Representations

One letter of representation from adjoining occupants at Chalfont; "As long as the design and finish is sympathetic to the area we have no objections." One letter of supporting information from the applicants, also signed by neighbours at The Orchard.

PLANNING POLICIES

S5 - TDBCLP - North Curry Settlement Limits,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,
EN12 - TDBCLP - Landscape Character Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,

DETERMINING ISSUES AND CONSIDERATIONS

The design of the proposed extension is in keeping with the existing dwelling and it is considered that there would be no adverse impacts upon the character and appearance of the dwelling or the surrounding area.

The main concern with the proposal is the potential loss of privacy to adjoining properties. The property to the east, 'Chalfont', is set back approximately 11 metres from the back of Russet House.

It will be possible to view the front windows of 'Chalfont' from the proposed balcony. However due to the position of the detached garage the balcony will not overlook into the rear garden of 'Chalfont', which would be considered as private amenity space.

The adjoining property on the West side, 'The Orchard', is currently screened by a very tall evergreen hedge. The hedge is within the ownership of 'The Orchard' and it

is therefore accepted that the occupants of the property can ensure the hedge is retained. Therefore the proposal will not affect their privacy. The occupants of both of these adjoining properties do not object to the proposal.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mrs F Wadsley Tel: 01823 356313

38/10/0309

MR A MOORE

DEMOLITION OF DWELLING AND ERECTION OF THREE DWELLINGS ON SITE AT 22 GORDONS CLOSE, TAUNTON AS AMENDED BY LETTERS RECEIVED 16/11/10 AND 29/11/10 AND ACCOMPANYING PLANS WITH ALTERATIONS TO HOUSE TYPES AND WINDOW ARRANGEMENTS ON PLOTS TWO AND THREE, AND INCREASE IN WIDTH OF PART OF PROPOSED ACCESS ROAD AS AMENDED.

Grid Reference: 323669.123101

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a significant detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision). The proposal is considered to be a positive contribution to the area, as the design is contemporary, yet mirrors the characteristics of the other properties in the area.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 0910 03 Existing Land Survey
(A1) DrNo 04 Rev D Proposed Site Layout
(A2) DrNo 0910 10 Rev B Proposed Floor Plans & Elevations Plot 1
(A2) DrNo 0910 11 Rev B Proposed Plans & Elevations Plot 2
(A1) DrNo 0910 13 Rev B Existing & Proposed Sectional Elevations
(A2) DrNo 0910 14 Rev Proposed Plans & Elevations Plot 3

(A2) DrNo 0910 15 Proposed & Existing Street Elevations
(A2) DrNo SPP/1481/1 Tree Survey
(A4) DrNo 0910 01 Location Plan
(A4) DrNo 0910 02 Block Plan

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

3. No development, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. Any drive and/or turning areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: To prevent the discharge of water onto the highway, in the interests of reducing the risk of flooding, in accordance with guidance contained in Planning Policy Statement 25.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied or and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

6. (i) Before any part of the permitted development is commenced, a landscaping scheme, 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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species,

or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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.

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order) (with or without modification), no additional window/dormer windows shall be installed in the northern/north-eastern elevations of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents in accordance with Policy S1(E) of the Taunton Deane Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the upperfloor bathroom, shower room, ensuite windows to be installed in the northern/north-eastern elevations of the new dwellings shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

9. The dwellings shall not be occupied until the means of vehicular access has been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

10. No dwelling shall be occupied until space has been laid out within the site in accordance with the plan (0910/04D) submitted for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

11. 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 garages hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

12. 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 BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two 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 BS 5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

13. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

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.

14. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm 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.

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.

15. The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds, reptiles, otters and water voles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country contracts submitted report, dated October 2010 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

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 nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Reason: To protect bats, birds, reptiles, otters and water voles and their habitats from damage bearing in mind these species are protected by law.

16. The development hereby permitted shall be carried out in full accordance with the submitted Flood Risk Assessment (prepared by Trevor J. Spurway and dated 01 September 2010) and the following details therein:

- Finished floor levels of the development shall be set no lower than 24.0m AOD; and
- Surface water run-off from the development shall be attenuated to existing rates using soakaways.

REASON: To protect the development and future users from the risk of flooding and to ensure there is no increase in flood risk elsewhere in accordance with PPS25.

17. No development shall commence until a detailed Environmental Management Plan for the Blackbrook has been submitted to, and agreed in writing by, the Local Planning Authority. The approved Plan shall include the following details and measures:

- Details of construction works and pollution prevention measures during this phase of development;
- Details of riverside improvement for Otters and Bats upon completion of the development; and
- Maintenance and management of the riverside upon completion of the development.

REASON: To protect and enhance biodiversity and water quality interests at the Blackbrook in accordance with PPS9 and PPS23.

Notes for compliance

1. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Section 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code

(APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

2. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.
3. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Highway Office, Burton Place, Taunton Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
4. 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.
5. The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife and their habitat will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development process.
6. You are advised that it has been claimed that the existing building may contain asbestos and you should take professional advice in identifying and removing asbestos.
7. 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, 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.
8. The applicant is advised to agree with Wessex Water any connections onto its system.
9. The Blackbrook is a designated "main river" and as such, the Environment Agency has maintenance powers which must be retained for 8m from the top of bank. From the submitted plans it would appear that all existing trees on site are to be retained and no additional tree planting, fences or other structures will be constructed within 8m of the Blackbrook. This being the

case, the Environment Agency is satisfied that the development will not impede its maintenance access and protect biodiversity interests.

10. The Environment Agency advises:-

- There must be no ground-raising within Flood Zone 3 during any phase of development because this is likely to displace flood flows at the site.
- Any works within 8m of the Blackbrook will require a separate Flood Defence Consent from the Environment Agency. This matter should be discussed with my colleague Adam Daniells (01278 484 603).

11. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

PROPOSAL

The proposal is to demolish the existing detached dwelling and erect three new detached properties, with the access between one new property (plot one) and No 20 Gordons Close. The agent has outlined PPS3 Housing, that better use should be made of previously developed land, along with Regional Planning Guidance and Local Plan Policies. Design of the surrounding properties is said to be of various architectural styles using brick and render. The density is given as 13.5 per hectare, with the adjoining site, formerly occupied by 17 Gordons Close, now occupied by 5 dwellings, being 15 per ha. The trees to the southwest are retained, several Leyland cypress trees, a sycamore, an ash, and cherry are to be removed in the northwest corner. The new buildings to the rear will be set slightly lower than the plot one (by the road) due to the land sloping away from the highway.

The layout has been such that plot one is the replacement of the existing property fronting the highway, but set back and slightly angled. The only upper floor window facing north of plot one being an en-suite shower. Other windows face the highway and rear garden. Plot two would face the rear garden of No 20, but be set back 15.4m from the boundary. The original plans show a number of upper floor windows, these being bedroom 4, stairwell, landing, bathroom and shower room. The main windows face south. Plot three is furthest west, being on the level area of the garden before it slopes down to the stream. The upper floor windows facing east at an angle towards No 20, are 2 bedrooms and a landing.

The application was submitted with a tree and wildlife surveys and Flood Risk Assessment. The tree survey considers the trees on site, including the three TPO trees (one of which overhangs, but is sited to the south of the boundary. The survey suggests the TPO trees all retained, with some works to remove deadwood and monitor the cavity. It is suggested that a poplar be removed, and suckers be removed from a lime tree.

The wildlife survey indicates no indication of bats and little potential for bats in/on the dwelling; the mature line of trees along the Blackbrook is expected to provide foraging for bats; the development area does not offer any suitable habitat for reptiles or amphibians; the site boundaries offer suitable habitat for nesting sites for birds; no badger setts found, but badgers are known to be active in the area; no dormice; no indication of otters and no water voles. There are recommendations in

respect of conditions.

The Flood Risk Assessment includes comments that the proposed dwellings will utilise the existing mains foul drainage, stormwater will be disposed of via new soakaways, the site is outside the extent of the of extreme flooding, there are minor alterations to existing site levels, thus the agent considers that there will be no change to potential flood risk.

Revised plans have been submitted which address the County Highway Authority's concerns about two cars being able to pass in the new access. These plans show a widened area to access the highway, to enable cars to pass before entering or leaving the public highway. An additional amended plan alters the position of plot 3 and its style to delete the double garage, and to include an integral garage similar to plot 1, to amend the upper floor windows on plot 2 to be obscured glass and to change the materials to be all brick.

SITE DESCRIPTION AND HISTORY

The site is to the eastern side of Shoreditch Road, and comprises a close of detached dwellings dating from the 1950s. The former no 17 was demolished and 5 detached dwellings built on that site in the 1990s; this is the adjacent site to the south. The road has a small roundabout with tree in its centre; the application site is sited to the rear of this when viewed from the end of the Close. The Blackbrook Stream is located to the east of the site, with a steep slope down to it. There are numerous trees alongside the stream, with others along the southern boundary. There are three TPO trees on the site, a lime and flowering cherry on the southern boundary (the cherry being outside but overhanging the site), and a sycamore on the western side of the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Section 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

The proposal will see a net increase of two dwellings on Gordons Close as plot one will be a direct replacement for the existing dwelling. The additional two dwellings would see an 8% increase in vehicle movements. The Highway Authority has a 5% threshold over which any development is considered to be significant. Therefore in this case an 8% increase would be a significant increase in vehicle movements. Gordon Close is narrow although as the majority of dwellings have off street parking two vehicle flow is possible. From viewing the Taunton Deane web site it is apparent that there have been a number of concerns raised over the increase in the amount of traffic at the junction with Shoreditch Road. The Highway Authority feels that it would be inappropriate to ask the developer to look at providing improvement works

at this junction. In addition any highway works would potentially have a detrimental impact on the free flow of traffic on Shoreditch Road.

It was noted that there is a boundary wall shown on the elevation drawings it should be noted that this wall should be no higher than 900mm.

In terms of the internal layout of the site the proposed access road provides a width of 2.0m this is not considered to be wide enough to allow two-way traffic flow. Ideally the first 6.0m of the access should be widened to allow two way vehicles whilst stopping vehicles obstructing the adopted highway. In regards to the parking and turning requirements each unit will provide sufficient space for the provision of the parking of two vehicles whilst also providing enough room for a vehicle to turn and leave in a forward gear.

Therefore weighing up the information set out above on balance I raise no objection to this proposal and if permission were to be granted I would require conditions to be attached.

re amended plans Drawing 0910 04 C shows the point of access has been widened as per the recommendations set out in my response to the Local Planning Authority.

I am satisfied that the amended point of access will allow vehicles to pull off the adopted highway and as such not cause obstruction to other road users. I therefore have no objections to this revised plan.

DRAINAGE ENGINEER - Note that the preferred method for the disposal is surface is via soakaways. These should be to BRD 365. The western boundary is formed by the Blackbrook Stream, the Environment Agency should be notified.

HERITAGE AND LANDSCAPE OFFICER - subject to management and thinning of existing trees; Protection of trees during construction; No services within tree root areas; Details of landscape proposals; Details of fencing; Enhancement of the stream corridor – the proposals are acceptable.

NATURE CONSERVATION & RESERVES OFFICERS - The site is mainly mown grass area, with flower borders and occasional tree and shrubs, it is bordered by Blackbrook stream, a significant wildlife corridor in this part of Taunton. In summary, no evidence of bats in the building, 2 trees on the site have potential for bats so should be checked prior to any works taking place. The stream and its associated tree line is likely to be important for foraging and commuting bats and an important feature for other wildlife, this tree line should be retained. Nesting birds should not be disturbed. All boundary strips should be protected throughout any development. No signs of badgers on the site. Suggests conditions. Has also considered detailed points raised by concerned neighbour, that the development involves the loss of garden habitat and so will have an impact on local wildlife, any disturbance is kept to a minimum, especially along the Blackbrook Stream.

WESSEX WATER - No objections, points of connection to be agreed, check position of sewers.

ENVIRONMENT AGENCY - We have no objections to the application as submitted subject to conditions to be imposed upon any permission granted.

Representations

Cllr C Herbert objects;

- Echoes the concerns of the existing residents of Gordons Close.
- The new policy of protecting rear gardens will be paid due consideration.
- It is a shame that to lose a family garden.
- There will be a significant increase in traffic movements in a tight access.
- Poor visibility when leaving Gordons Close into Shoreditch Road, with potential for accidents.
- Await SCC's advice on highways.
- Existing properties have had problems with drains and back-ups,
- There appears to have been no consideration to the house to the north, which should have enjoyment to the house and garden.
- The access road could be handed. This would give better visibility onto the roundabout.
- Concern about rubbish collection, the refuse lorry will not be able to access the narrow road shown, and bins will be left out and cause visibility problems for adjoining properties.

27 letters of objection (some from the same household) raise the following issues:

Traffic/visibility

- Increase in traffic onto a restricted road and roundabout.
- Further increase in danger of turning out of Gordons Close onto Shoreditch Road.
- There is restricted visibility at the junction with Shoreditch Road.
- Visibility restricted due to overgrown hedges and bend to south of junction.
- The houses in the Close were built when people had only one car, most households now have 2 or 3, thus the Close is already overcrowded with cars, this will make it worse.
- The proposed new access would be detrimental to the amenities of No 20.
- Gordon Close not built to take heavy traffic.
- Recycling vehicles have to reverse to collect bins.
- It will be dangerous to have another access at the mini roundabout.
- Lorries will not be able to access the site when there are cars parked along the street.
- There are also 4 houses on Shoreditch Road which have access to their garages via Gordon Close.
- Drivers from South Road use the roundabout to turn around, this would add to the chaos if construction were to start.
- The existing pavements are very narrow, and when cars are parked, other cars have to mount the pavement to pass, which is dangerous to pedestrians/children.
- The traffic generation does not take into account the potential additional cars owned by teenagers of residents and extra parking needed for visitors.
- Access for Emergency vehicles will be obstructed as more vehicles are generated.
- Access is only wide enough for one vehicle.
- Additional traffic from construction vehicles will cause obstruction.
- The proposed access road would impact on adjoining property by means of

safety, security, there is no visibility at exit of road. Quotes recent reasons for refusal on access.

- The new access would be squeezed into a narrow gap, which is out of keeping with the area.
- Consistency in decisions, should follow the refusal of 2 dwellings in rear of Gardener's Hall, Bradford on Tone, on grounds of poor access.
- The previous development to the south of the application site, has already resulted in an increase in traffic.
- There are small garages and little space for cars.
- The visibility to Shoreditch Road was not properly improved when the new houses were built.
- The Close is used by children to play, and ride bikes, additional traffic will raise traffic issues.
- Further damage to the surface of the Close, which already need resurfacing, this will be further worsened by construction vehicles.

Garden Land

- The statement says this is previously developed land, but it is a garden with a unique character.
- The local community feels that the proposal is not best for them and should be rejected.
- It is not acceptable to have "garden grabbing".
- This is not brownfield land, since June 2010, residential gardens do not fall within this category.
- Loss of a valued garden area as part of a family home.

Character of area/dwelling

- The replacement dwelling is not in keeping with the existing houses in the vicinity.
- This proposal will result in the removal of the unique feature of a dwelling sited at the end of the road.
- There has been a large amount of money spent on the refurbishing the existing No 22, this will be destroyed in the current proposal.
- This destruction of part of the architectural heritage of Taunton, it will spoil the look of the nearby Conservation Area.
- This is a large elegant period house, and Taunton does not have many of this age.
- This is an individually designed 60 year old house set in a large garden.
- Overdevelopment
- There has been much financial and resource input (high carbon cost during quarrying and manufacture) into the refurbishment of No 22.
- This will result in 'gardenless' properties.
- There are enough houses in this Close, no need for anymore.
- Considers the proposal to be contrary to Taunton Deane Local Plan Policies S1 and H2, in that the appearance and character of the street scene must not be harmed by the development.
- The proposal is contrary to PPS1 & PPS3 in terms of protect the natural environment, accessibility to services...should be well integrated...streets that are pedestrian and cycle friendly...and the current proposal does not meet the requirements.
- Increase in density; density should be calculated on the basis of when Gordons Close was constructed.
- Detrimental impact on character of the area by reason of demolition of No 22,

- as this is in a prominent location in the street scene at the end of the Close.
- Precedent in that other people with large gardens will do the same.

General amenity

- There will be much disruption to families and elderly people in the Close.
- This is being done for financial gain.
- There will be additional fumes/pollution from the extra cars.
- Loss of privacy to adjacent property's garden from windows in proposed dwelling (plot 2).
- Plot 3 will completely obstruct light to vegetable garden and greenhouse.
- There has been efforts to fell large mature trees in the garden, often late at night.
- Only a narrow margin along boundary, especially when compared to the margin between No 22 and adjacent dwellings.
- Noise and disturbance to children at a critical time in exam years.
- Previous works at No 22 have been at unsocial times.
- Concerns about noise and disturbance on home working.
- There will be an increase in water run-off.
- Loss of views, in a recent case a right to a view was acknowledged.
- Flooding risk will increase due to tripling of run –off
- The area has already been blighted by the demolition of one dwelling and replacement by 4 houses.
- The property was sold as a family house.
- Loss of privacy to Mountfields Avenue.

Wildlife

- Impact on biodiversity of adjacent garden, numerous species have been seen, some of which must nest in the garden of No 22. Should be a spring and summer survey.
- There are slow worms in the garden of 22. These are protected species.
- Badgers have been seen in the garden of No 20, it seems unlikely that they are not at No 22.
- The wildlife survey is irrelevant as no birds are currently nesting and other species are hibernating until spring.
- The deliberate destruction of a rich and varied habitat.
- Risk to wildlife within the stream.
- There are bats in this area, they roost in the trees.
- There are also 'smooth worms' in the area and badgers in the stream.
- Questions the impartiality of the wildlife survey

Other

- No planning notices displayed.
- There may be asbestos in the original house, this should be properly assessed.
- Additional strain on the water and sewerage services, which have already been under strain with the development at Gordon's Park.
- Wessex Water clarification needed.
- There was no early engagement discussion with local residents, such that their significant objections and concerns have not been addressed.
- Proposal is just for financial gain.

26 letters of support (some from the same household) raise the following issues:

Traffic/visibility

- Does not consider that there will be a significant increase in traffic in the Close.
- Does not consider Shoreditch Road to be such a busy road, and therefore additional traffic is not an issue.
- Never had any issues turning right or left.
- Never been any accident to the knowledge of writer.
- As a newly qualified driver, have been confident going into and out of the Close.
- As a frequent visitor to Gordons Close, have never had any problems accessing/exiting the Close.
- Several of the residents work from home and others are retired, so there is little traffic.
- Seven households have 2 cars, 12 residents only have one car, and 4 are without cars, averaging 1.13 per household.
- There are often times with no cars parked on the street.
- Some people park on the street when they have drives.
- It is the road user not the road which is a danger.
- As a resident of Tamar Avenue, have rarely seen a vehicle entering or leaving Gordons Close.

Character/garden

- Development of 2 executive houses will add to overall housing numbers which will help local traders.
- There are no negative environmental consequences as shown in the surveys.
- The size of the existing garden is sufficient for the scheme.
- Hypocrisy as some of the objectors live in the houses which were built on the site of the former No 17 are now objecting, the wildlife in their gardens is flourishing.
- The house was advertised with development potential when it was marketed in 2006, so such a scheme has been envisaged for some time.
- This development will mean less pressure on green belt land which can be saved.
- Trees will be saved, and will be protected by the applicant.
- The wildlife surveyor works for Somerset County Council so is properly qualified.
- The replacement dwellings for 17 Gordons Close are mock Tudor style and not in character.
- This is a sensitive and high quality scheme for the site.
- The new houses have large gardens when compared with the new properties to the south.
- A developer could have applied for many more smaller properties with little or no garden.
- There is always a need for more dwellings.
- Suggests the 1950s was an "unappealing" era for attractive housing.
- Will be done to a high standard.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,

PPS 1 SUPP - Planning and Climate Change,
PPS3 - Housing,
PPS9 - Biodiversity and Geological Conservation,
STR2 - Towns,
STR4 - Development in Towns,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
EN28 - TDBCLP - Development and Flood Risk,
T1 - TDBCLP - Extent of Taunton,

DETERMINING ISSUES AND CONSIDERATIONS

Traffic and Access

County Highway Authority has no objections to the principle of development. The additional traffic from this proposal is not considered to have a detrimental impact on the free flow of traffic in Shoreditch Road, and it is felt that it would be inappropriate to ask the developer to look at providing improvement works at this junction, but that having road improvement works, would potentially have a detrimental impact on the free flow of traffic on Shoreditch Road. The Local Plan requires each 4 bed dwelling to have 2 parking spaces. The agent has provided two single and one double garage with parking to provide such spaces. The provision of parking spaces/garages does not always result in the higher level of traffic generation. There is a net gain of two dwellings in the Close, and as such the highway and junction is considered to be adequate. Thus whilst the residents of the Close have concerns, the proposed development is not considered to be of such significance in overall traffic generation as would warrant refusal. The County Highway Authority Officer has considered the appeal decisions and does not consider these cases to be similar. Construction/worker's traffic is often a nuisance, but this is temporary whilst works are underway. The road, at a width of approx 5m, is not as wide as would be expected to meet current standards, however, the increase of two units is not considered to be excessive on such road.

Garden Development

The site may be the garden of the existing property, but the application is being dealt with on the basis of the policies contained in the Development Plan, it is not being considered on the basis of the issue of whether the site is 'Brownfield'. In terms of the Local Plan the site is within settlement limits, and is capable of accommodating two additional dwellings (with a one for one replacement), without detriment to the amenities of the adjoining residents or the area. Whilst the property currently has a large garden, such is not a requisite of the area, and there is no minimum garden area size. The stream-side trees are retained, along with those on the southern boundary and the new dwellings will have reasonable sized gardens.

There is no objection from Wessex Water nor the Environment Agency to the proposal. The Conservation Area is about 400m to the north, and it is not considered that there will be any effect on the character. The density is acceptable for the area. Wildlife is protected by means of condition, the Local Planning Authority's wildlife officer is content that the survey is acceptable (ie not biased).

The slope to the stream with the majority of trees are not affected by the scheme.

Amenity

Dwelling Plot 3 is close to the boundary with the adjacent property No 20, and the concerns of the occupiers are noted; however their garden is of significant size, such that privacy can be achieved in areas away from this boundary, and the distance between the proposed and existing is 23m at the closest point (with no 20 at an angle). There were some bedroom windows in the east facing upper floor of plot 3 and one in the north facing of plot 2 (at least 15m from the boundary), it is considered that these distances are significant enough so as not to result in loss of privacy, given the normal window to window distances. The amended plan alters these windows such that now only one bedroom window in plot 3 faces east, some 25m to the nearest part of the rear of no 20. Other upper floor windows are shower/bathrooms which will have obscured glass and landing/stair windows which are now shown with obscured glass. It is acknowledged that the introduction of the new dwellings will have an impact on the amenities of the occupiers, however it is not considered that such change is sufficient to warrant refusal given the substantial garden area of that property and the distances between properties.

Conclusion

The Local Planning Authority has to have regard to the overall concepts of the scheme as well as any effects on the local residents. Whilst many local residents object, such objection cannot in itself be reason to refuse. It is considered that whilst there will be a short term disturbance from building works, the long term effect will be minimal. The revised street scene indicates that the proposed dwellings will sit well within the immediate area.

In conclusion, it is considered that the revised plans are acceptable, and will form a satisfactory development in this part of Taunton.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Ms K Marlow Tel: 01823 356460

TARKER LTD

DEVELOPMENT OF 11 HA OF LAND TO PROVIDE IN THE REGION OF 233 DWELLINGS, RECREATION AND PLAY AREAS, A PUBLIC HOUSE/RESTAURANT AND CAR PARKING ON LAND AT MAIDENBROOK FARM, WEST MONKTON

Grid Reference: 324964.126396

Outline Planning Permission

PROPOSAL

The application is an outline proposal for the development of 11 ha of land to provide in the region of 233 dwellings, recreation and play areas, a public house/restaurant, surface water drainage attenuation and car parking. The land is currently situated beyond the settlement limits of Taunton in an open area of countryside that forms the separation of Taunton from Monkton Heathfield.

SITE DESCRIPTION AND HISTORY

The site is located to the north east of the market town of Taunton. It lies to the south of the A3259 which links Taunton to Monkton Heathfield and Bridgwater. To the south of the site is the Taunton and Bridgwater canal and to the east of the site is the Allen's brook a public footpath which partially runs along the access track to Aginhill's Farm. The land forms part of a gap in the built development of Taunton and Monkton Heathfield and is allocated in the Local Plan as green-wedge and recreational open space. The site slopes gently down from the A3259 south to the Taunton and Bridgwater canal. It consists of agricultural grassland with hedges forming the field boundaries. Adjacent to the A3259 there is a footpath and cycle way which provides a partial off site route between Maidenbrook Farmhouse and Monkton Heathfield.

Planning permission was refused in April 1999 and a subsequent appeal dismissed in February 2000 for residential development of land and conversion of Maidenbrook Farmhouse and outbuildings to A3, B1, C1 and C3 uses together with associated works and landscaping at site from Maidenbrook Farm eastward to Allen's Brook, Monkton Heathfield.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL - The parish council strongly opposes this application. It is located on Green Wedge land so development at the site would create a precedent that would threaten the integrity of the Green wedge. The development would isolate the green park proposed on the Viridor site and thus continuity for threatened species would be lost.

SCC - TRANSPORT DEVELOPMENT GROUP - The application is in Outline but access is not a Reserved Matter. I am aware that the site lies outside the

Development Boundary of Taunton, however bearing in mind other development close by and the benefits that would accrue from the provision of infrastructure; I do not propose to object to the principle of development in this location from a Highway and Transport perspective.

The application has been supported by a Transport Assessment which has been carefully scrutinized and additional modeling work has been carried out to answer questions raised on its methodology. It is concluded that whilst it is inevitable that additional development will result in more traffic, the mitigation and off site works proposed will, as far as possible, dilute the effect.

In terms of the access, this together with a widening of the A3259 has been proposed and a design agreed in principle on drawing P9320/H105/B. This design also includes a potential alignment for the proposed western relief road which is required to serve development in the area. The land on which this road will be constructed is required to be dedicated to the Highway Authority as part of a S106 Agreement for this development.

Comments have been made by the Cycling Officer on the proposed road alignment and his requirements have been incorporated in the agreed design. The application is in Outline but an illustrative layout has been submitted. I do not propose to comment on it in detail at this time. However I must point out that the sinuous layout of the spine road and linear roads are reminiscent of highway dominated schemes of the past and without careful integration of the housing layout, which should inform the movement strategy along the street, will do little to reduce speed.

In respect of the Drainage Strategy, the applicants should be aware that the attenuation of water should not take place within the carriageway or pedestrian areas and any soakaways should be at least 5m clear of the carriageway. The developer has submitted a travel plan with the application. This has been commented upon and alterations are awaited. The Travel plan must include appropriate measures and outcomes and include proposals for Green travel vouchers to enable the purchase of sustainable travel incentives for 3 tenures over a 5 year period from the first occupation of each dwelling. This travel plan must be agreed prior to its inclusion in the S106 agreement.

In consequence I do not propose to object subject to the applicants entering into a S106 Agreement to secure the following: 1 the access and highway works shown on Drg No P9320/H105/B or any subsequently approved revision 2. The dedication of that area of land required to construct the proposed road linking the land to the east to the A3259 together with the proposed bus lanes shown on Plan 89320/H 107/A 3. A Travel Plan including appropriate measures and outcomes including green travel vouchers. 4. A contribution of £250K towards sustainable travel initiatives in the area.

Finally there will be conditions regarding the developments internal access roads.

BRITISH WATERWAYS - no objection subject to appropriate conditions

SOMERSET WATERWAYS ADVISORY COMMITTEE - no response

CHEDDON FITZPAINE PARISH COUNCIL - no response

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - The EIA contains information concerning the potential for significant archaeological remains relating to prehistoric and Roman activity. Therefore this site is a Heritage Asset as defined by PPS 5. However, the EIA contains insufficient information about the significance of these archaeological remains, or the impact of the development on them. The idea put forward within the EIA that evaluation will take place as mitigation is unacceptable and contrary to both local and national policy. PPS 5 is clear in stating that a field evaluation should take place when a desk-based assessment is insufficient to properly assess the archaeological interest. The applicant's archaeological consultant did contact this office and were advised of the requirement to carry out all evaluation phases so that the results could be included within the ES. This requirement is acknowledge (in part) within the ES in statement 9.6.2 which makes it clear that the archaeological consultant agreed that archaeological value of the site can only be assessed through trial trenching . At present it is not possible to assess the impact on the significance of the asset nor is it possible to detail a mitigation.

Therefore, this application does not accord with the requirements of PPS5 or the Local Development Scheme May 2009 Saved Policy of the adopted Local Plan EN 23, Areas of High Archaeological Potential, which states:

"Where a proposal affects a site of archaeological interest or Area of High Archaeological Potential, or it is suspected the development could affect archaeological remains, developers must provide for satisfactory evaluation of the archaeological value of the site, and the likely effects on it, before planning applications are determined."

For this reason I recommend that the this application be refused on the grounds that insufficient information has been submitted to assess the significance of the heritage asset or the impact of the development on the asset as required by PPS5 and saved Local Plan Policies.

ENVIRONMENT AGENCY - The agent has provided additional information with respect to the above application which was received on 08 November 2010. The drainage strategy has been amended to include on site infiltration SuDs and an attenuation basin within the south east corner of the application site which will store surface water run-off volumes in extreme rainfall events.

Our initial observation of these changes is that the proposed surface water drainage scheme is now more acceptable in principle to us. Compared to the earlier concept drainage design, the attenuation basin option illustrated on Drawing P9320/H108/A would now provide a more sustainable drainage solution to limit downstream flood risk in the Allen's Brook catchment.

However, there remain some fundamental questions over the viability of any developer actually delivering this drainage scheme. At this time, the information provided does not adequately satisfy us that there is a high enough level of confidence about the delivery of this drainage option. Prior to any change in our position on the current planning application, we would need to see the following evidence to demonstrate that flood risk will not be increased as a result of the development:

- Infiltration tests to establish the actual scope for soakaway drainage at the site, as this will have an impact on the overall attenuation area volume and footprint. This is material to the site layout.
- Some form of written confirmation from Wessex Water that they would adopt the current piped proposals.
- Some form of written confirmation from TDBC that the changes to the drainage system will not impact upon Public Open Space provision, and importantly, accept that the land would be wetted up to 1.2m deep in extreme rainfall events.

If the applicant is able to satisfy us on the three points listed above, we would be prepared to withdraw our current flood risk objection to the planning application in favour of conditions and notes to cover our interests.

SCC - CHIEF EDUCATION OFFICER - The local catchment primary and secondary schools do not have sufficient capacity to accommodate the additional pupils generated from the development and developer contributions are necessary to meet the requirements.

SCC - RIGHTS OF WAY - The walking and cycling link to the existing cycle path at the south of the site and a link to Waterleaze is welcomed. The footpath/cycleway from the south of the development to Swingbridge to the east will need to be adopted to a status that will allow cyclists. There are two Public Rights of Way (PROW) along the access track to the proposed development (T5/17 and T32/12). The health and safety of walkers must be taken into consideration during works for the development. SCC is not responsible for any damage to the PROW resulting from inappropriate use by vehicles and it is an offence to drive a vehicle along a PROW without lawful authority to do so. Any works affecting the PROW may require authorisation from Somerset County Council Rights of Way Group.

WESSEX WATER - There is an available foul sewage connection situated to the west of the site and capacity for treatment is available at the Sewage treatment works. A surface water sewer is available to the west for the part of the site that would naturally drain that way by gravity, the main part of the site will drain to the east where new sewers will be required to link to existing watercourses. Surface water disposal shall comply with PPS25 (Development and Flood Risk) subject to flood risk assessment and any agreed attenuation(soak away to be used where possible).Water supply will require appropriate connections and pipes through the site to the existing trunk main.

CONSERVATION OFFICERS - The principle concern is the affect on the setting of Maidenbrook Farm complex (a grade 2 listed building). If permission is granted then a substantial planting buffer would be required around the listed complex.

NATURE CONSERVATION & RESERVES OFFICERS - I have read the Environmental statement information of wildlife and make the following comment:- I do not agree that, if the development of the site does not take place the wildlife would deteriorate, the land is green wedge and should ideally be retained for landscape and wildlife reasons as well as playing fields or agricultural land. Bats - The Environment Statement identified six species of bat recorded as foraging at the site. This includes Lesser Horseshoe Bats. It is likely that the LAB are those roosting at Hestercombe House, a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation site (SAC) (European nature conservation importance). This needs to be established through further survey work during the summer and if the

bats are linked to the Hestercombe site then an full assessment of the impact the proposal will have on the bats will be require to inform an Appropriate Assessment to be made. Badgers - Any development is likely to effect the foraging territory of the badgers shown to be located at the east of the site, additional native planting is proposed to mitigate for the loss. Birds - 20 species of bird were recorded showing breeding behaviour and the development will have an impact on the bird population due to loss of scrub, hedges, trees and grassland.

DIVERSIONS ORDER OFFICER - The public footpath T5/17 and part of T32/12 will be affected by the proposal. Adequate provision must be made to safeguard the footpaths or legal measures pursued to bring about any necessary changes.

DRAINAGE ENGINEER - I object to this proposal, the proposal is to incorporate piped storage in preference to open attenuation ponds. This greenfield development has huge potential to follow PPS25 advice to use underlying storage, to provide basins and ponds for excess water in preference to in line tanks and sewers. Details of the long term maintenance and ownership of the SUDs system needs to be established (public bodies are preferred).

LEISURE DEVELOPMENT MANAGER - This land is scheduled as recreation open space in the Taunton Deane Local Plan and should not be built upon. The location of any future sports pitches should be co-coordinated with other existing facilities where necessary infrastructure can be shared(changing rooms, parking) and maintenance costs kept to a minimum. Any further play areas need to be located for clear informal surveillance form adjacent houses and footpaths to prevent any antisocial behaviour.

HERITAGE AND LANDSCAPE OFFICER - I strongly oppose this proposal for the following reasons :- The proposals would have a detrimental impact and be contrary to EN6 – harm to trees and hedgerows, EN12 – impact on landscape character, EN13 – impact on Green Wedge and EN25 – impact on canal and watercourses.

The drawings do not show the proposed road link which is a requirement of the LDF and therefore the impact on the gap of the Green Wedge along the A3259 cannot be properly assessed. The Inspector at the appeal for a similar scheme in * was very clear that the development would have a detrimental impact on the integrity and character of the Green Wedge and did not allow the appeal. It would be contrary to that decision to now allow this development.

HOUSING ENABLING MANAGER - The following response is based entirely on need. Any decision with regard to the suitability of the site rests entirely with the Planning Officer:- There should be a minimum of 35% affordable housing, delivered through a social registered landlord providing a comprehensive mix of accommodation to fit the local demand/need. Affordable housing should be built to code level 4 standards. The tenure mix should include an emphasis of social rented with some shared ownership and rent to buy.

NATURAL ENGLAND - Bats - There is insufficient evidence to determine the origin of the Lesser Horseshoe Bats (LHBs) which have been recorded foraging on the proposed development site. The Environmental Statement (ES) conclusions are from assumptions based on past radio-tracking survey data and the applicant's (consultants) own limited site-specific data. What we do know for sure is that LHBs are using the site, the site is within the foraging range of LHBs in relation to the

Hestercombe House SAC, and there is no data to prove, beyond doubt, that these LHBs are not from the SAC. Based on this, Natural England objects to this proposal subject to additional survey work being undertaken and the Appropriate Assessment being revisited and revised.

Great Crested Newts - Natural England does not agree with the ES conclusions in relation to Great Crested Newts (GCNs) – the conclusions are based on assumptions and not robust survey data. A pond has been identified, rated as “good” for GCNs. This pond lies adjacent to the proposed development site, well within the foraging range of the GCN. Although a “closely mown lawn and a side road” lie between the pond and the site, these are not barriers for GCNs and it is considered possible for them to make the journey. In order to reach any conclusions on whether GCNs will be impacted upon by the proposed development, a GCN survey of the pond needs to be undertaken at the appropriate time of year. Natural England objects to the proposal subject to a GCN survey being undertaken.

Landscape Natural England is satisfied that the proposal is unlikely to have a significant impact on any Nationally designated landscapes, particularly the Quantock Hills Area of Outstanding Natural Beauty (AONB). Having said this, it is important that the proposal aims to mitigate against any identified local landscape impacts, associated with the development. We request that the site planning and architectural design take into account the recommendations of the Taunton Deane Borough Council (TDBC) Landscape Architect and are sympathetic with the local character of the area, as detailed in the Taunton Deane Landscape Character Assessment report.

Green Infrastructure/Biodiversity Natural England would emphasise the need for a green infrastructure (GI)/biodiversity management plan for the site, detailing what GI will comprise of and how/by whom it will be managed. We invite discussions with the applicant and/or TDBC in relation to this.

Updated Ecology Chapter, Proposed Housing, Maidenbrook Farm, Taunton October 2010

Following the results of the bat surveys at Nerrols Farm and the survey information from Maidenbrook we agree with the Somerset County Council Ecology Officer's comments that we must consider a combined/inferred foraging area for the lesser horseshoe colony as there is no evidence to the contrary. We must take a precautionary approach with Natura 2000 sites. The updated ecology chapter of the environmental statement is insufficient and not compliant with habitats regulations linked with Hestercombe House SAC.

Natural England would want to see buffer planting extended along the total length of the eastern site boundary. The boundary would need to be mature and functional prior to the commencement of any development to provide adequate mitigation for the bats

FORWARD PLAN & REGENERATION UNIT - The proposal would involve the large scale development of a Greenfield site outside of the existing settlement boundary of the Taunton Urban Area and on land designated as ‘Green Wedge’ within the Adopted Taunton Deane Local Plan. In part, the site is also allocated for playing field provision.

The site was subject to an earlier application for housing in 1999. This application was refused by the Borough Council, principally on the basis that it would result in loss of 'Green Wedge' and also prematurity issues. An appeal was subsequently dismissed by a Planning Inspector who asserted that the proposal would harm the character and appearance of Taunton and Monkton Heathfield and the surrounding rural landscape and environment.

A key consideration in respect of this planning application is therefore to assert what has materially changed since the 1999 appeal was dismissed.

Considered in the context of the existing statutory development plan, the proposal runs counter to a number of existing policies. Fundamentally as a large Greenfield site beyond settlement limits, the site would conflict with policy S7 of the Adopted Taunton Deane Local Plan: Outside Settlements. The policy establishes strict control on the release of Greenfield sites and new building beyond existing settlement limits unless the proposal maintains or enhances the environmental quality and landscape character of the area and satisfies site specific criteria. The proposal would result in the loss of remaining open land between Monkton Heathfield and Priorswood and as a consequence, would have a detrimental impact on environmental quality and landscape character. Criterion B of the Policy states that acceptable proposals will accord 'with a specific development plan policy or proposal', since housing development of the site would result in loss of Green Wedge and allocated playing field provision, the scheme is also totally at odds with this criterion.

Policy EN13 of the Adopted Local Plan: Green Wedges accords significant protection to Taunton's green wedges. The wedges themselves are regarded as multi-functional: providing landscaping, open space and wildlife habitat functions. Since the proposal involves loss of green wedge land for housing and the remaining 'open break' between Priorswood and Monkton Heathfield, quite clearly the proposal runs counter to the policy which states: 'Development which would harm the open character of green wedges will not be permitted.'

Policy C3 of the Adopted Local Plan affords protection to existing recreational open space. Whilst that part of the site subject to an existing Local Plan allocation for playing pitches has not been implemented, it is still considered that any loss of this allocation would fail to comply with C3.

In regards to the Council's emerging Core Strategy, the document is now at a relatively advanced stage in its production. The Council plans to publish its Regulation 27 Published Plan in the early part of 2011. This Plan will include draft policies and proposals which subject to formal responses and the findings of a subsequent Examination in Public, the Council will adopt as part of its statutory development plan.

Whilst the last published stage in document production was a Regulation 25 document which did not attempt to formulate draft policies themselves, the document reaffirmed the Council's commitment to protecting the integrity and functionality of its green wedges.

Moreover, as part of a commitment to the development of green infrastructure and green links, a new strategic Country Park was proposed at Monkton Heathfield, immediately to the north of the Maidenbrook site. A green link was proposed

extending from the most deprived ward in Somerset at Halcon, across the canal, through the site and on through to the Country Park and Quantock Hills AONB.

The Published Plan will articulate through a Core Policy on the Environment, the importance of Green Wedges and a commitment to the delivery of Green Infrastructure and Green Corridors whilst also proposing large scale redevelopment in the Monkton Heathfield and Priorswood areas. Growth at Monkton Heathfield over the period upto 2027 will provide in the order of 5,000 new dwellings whilst around 900 homes will also be delivered on land at Priorswood and Nerrols.

Were the proposed development at Maidenbrook to be approved, the Council's green wedges policy and commitment to its Green Infrastructure Strategy would be fundamentally undermined. Furthermore, the ability to maintain and enhance green links through from the proposed urban extension(s) would be diminished.

The Council acknowledges that the appellant may wish to justify their appeal on the grounds of land supply arguments. Taunton Deane Borough Council will publish its review of the Strategic Housing Land Availability Assessment shortly, and this document will acknowledge that the Council has a supply of 5.03 years against its own locally derived and agreed target.

Since formulating this land supply position, the High Court has ruled that the Secretary of State acted 'unlawfully' in rescinding Regional Spatial Strategies. The position for the South West Region is however more complex than most English Regions since the Plan itself was never formally adopted and presumably now will never be with further work to justify the scale of growth outlined in the Proposed Changes still un-published.

Notwithstanding the uncertainty as to the degree of weight which should be applied to the Revised RSS, the Council would acknowledge that its land supply position is predicated on a locally agreed figure. Until such time as it has been tested through an examination into the soundness of the Core Strategy, it is accepted that given the small margin of oversupply (even against the Council's target), the appellant will attempt to justify that the proposal meets with Paragraph 69 of PPS3.

In anticipating the Paragraph 69 arguments which may be used it should be noted that provisions within the text make clear that a lack of deliverable sites does not over-ride to ensure that proposals are appropriate in terms of offering well-designed, sustainable developments offering a mix of housing.

It is contended that the proposal does not meet with bullet point three of paragraph 69: 'the suitability of a site for housing, including its environmental sustainability' since development would decimate remaining green wedge and open break between Monkton Heathfield and Priorswood and compromise the ability to deliver the Council's Green Infrastructure Strategy.

In conclusion, it is considered that the circumstances in which this appeal is being heard are not materially different to that in which the previous appeal was dismissed.

In 1999, the Council had a green wedge policy the proposal ran counter to, in 1999, the Council was not able to demonstrate an over-abundance of housing land supply and in 1999, the scheme was premature in terms of its impact on plan-making. Now

in 2010, little has changed in regard to the consideration of this application, the green wedge policy is adopted as part of the statutory development and will be carried forward through the imminent Published Core Strategy, the land supply position is unclear (albeit it is likely to be supplemented by the Published Plan while it is questionable why the site should be coming forward outside of the plan-making process since if any appeal were to be allowed it would have such a profound effect on the Council's ability to implement its vision for Monkton Heathfield and Priorswood. For these reasons it is considered that the appeal should be dismissed.

WASTE SERVICES OFFICER - no response

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Based on the information that has been provided the development should not have a significant impact on noise or air quality. The noise mitigation measures would screen some of the proposed dwellings from traffic noise. During construction work the hours of noisy work should be limited and best practice used to minimise disturbance to residents.

SCC - ENVIRONMENT & PROPERTY DEPARTMENT - During survey work Lesser Horseshoe bats were recorded and the development may, potentially effect the Hestercombe House SAC. Taunton Deane will be required to carry out an Appropriate Assessment under the Habitats regulations in order to show that the development would not have an adverse impact on the bats. In order to determine the Appropriate Assessment, further surveys work is required during the summer that establishes where the LH bats are entering the site and if they are linked to the Hestercombe House roost. If shown that the development of the site will effect the SAC, adequate mitigation would need to be provided and may include offset habitat creation (requiring additional land to the north to be provided by the developer) as per the approved Appropriate Assessment for Hestercombe House carried out by Somerset County Council on behalf of Taunton Deane and in association with the allocated sites in the area.

Comments on updated Ecology Chapter - October 2010

7.2.7 The Birds Directive was updated in 2009 (Council Directive 2009/147/EC)

7.2.11 The Conservation (Natural Habitats &c) Regulations 1994 was replaced by the Conservation of Habitats and Species Regulations 2010.

7.2.14 Habitats and species of conservation importance in England are listed under Section 41 of the Act for local authorities not Section 74 of the CRoW Act.

7.2.17 The buffers of 5km and 2 km will not necessarily capture features supporting the ecological functioning of a Natura 2000 site, nor that of bat species.

7.4.15 The lit cycle track may be avoided to the west where a crossing point south of Nerrols Farm is possible whereby bats fly through buildings away from the cycle path and onto the site. There is a night (possibly a subsidiary roost used during the day) roost at Nerrols Farm.

7.5.9 The use of terms such as 'regional', 'county', 'parish', etc as set out in Tables 7.1 and 7.2 is misleading for many and has led to the misinterpretation of ecological impacts in the past. It would be better to look at significance in terms of local populations, trends, rarity, UK BAP and the magnitude of impacts on those populations. Would advise to drop from the assessment.

7.8.42 I would disagree with valuations in Tables 7.12, 7.13 and 7.14. What evidence is used to support these subjective assessments of value?

7.9.1 The second sentence makes no sense. The non management of hedgerows

- are probably beneficial for bat species. Paragraph appears highly subjective.
- 7.10.11 The paragraph considers that there is abundant semi improved grassland available in the area. Habitat surveys for an area of 6 kilometres around Hestercombe House show that there is only 106.94 hectares. 6.5 hectares represents approximately 6% of the local resource. In addition, bat species such as Pipistrelle and Natterer's have limited foraging ranges. Therefore, further analysis is needed to determine the assumption made by the statement, especially as it is required for the Borough as a planning authority to ensure the 'Favourable Conservation Status' of European Protected Species is maintained when determining a planning application, separate of any licensing considerations.
- 7.10.15 The outcome of the radio-tracking and field surveys cannot determine with certainty that Maidenbrook Farm is not within the foraging area of lesser horseshoe bats from Hestercombe House SAC due to their limited coverage, for example only 9 bats of a population 150 were radio tracked. Following surveys at Nerrols Farm and from survey information provided for Maidenbrook the site must now be considered within the Combined / Inferred Areas for the colony lacking evidence to the contrary.
- 7.10.20 The statement does not take into account cumulative impacts on loss of bat foraging habitat. The amount of off set habitat creation can be determined as the sub optimal habitat but still needs to be a condition of the development in line with other development north of Taunton, and as agreed by Natural England in the Habitats Regulations Assessment carried out on allocation sites as part of the Core Strategy in September 2009. The amount habitat required in compensation was calculated in the 'test of significance' for the Maidenbrook Farm application, agreed with Natural England, and should be conditioned in giving permission for the development. However, the calculation can be reconsidered in light of current habitat condition.
- 7.11.12 The mitigation includes the on site measures from the 'test of significance' for Hestercombe House SAC – the lighting and buffer of 20 metres of tree planting. However, the buffer planting as illustrated in Figure 7.6 is not sufficient and not as shown in the 'test of significance'. The planting should continue north to the road. Also note that the planting needs to meet criteria set out in the HRA before development can start on site. This was agreed by Natural England and should be conditioned as part of giving planning permission.

Habitats Regulations The main concern is that no mention has been made of the offset habitat creation required by the Habitat Regulation Assessment and is countered presumably by the argument put forward in 7.10.20, which tries to minimise the importance of the potential impact, even though it is stated that the impact is moderate but concluded that it is not significant. The population of lesser horseshoe bats at Hestercombe House has again showed a decline in numbers in 2010 making loss of habitat even more important in terms of offsetting and with a view to cumulative impacts from other land use change north of Taunton within the foraging range of the roost site. Note that a precautionary approach should also be taken when dealing with Natura 2000 sites. Therefore, the offset habitat creation as put forward in the 'test of significance' should take place as agreed with Natural England.

In addition the mitigation is not as set out in the 'test of significance.' Therefore as it stands the proposal cannot be seen to compliant with the Habitats Regulations.

Other Considerations Generally the report lacks assessment of cumulative and in combination effects on valued ecological receptors. It is also of concern that subjective terms such as 'local', 'parish', etc are used which can lead to misinterpretation. If these terms are to be used they should be used within the assessment template set out in the IEM Guidelines (2006) on page 39.

Under regulation 9 of the Conservation of Habitats and Species Regulations 2010 Taunton Deane Borough Council will need to assure themselves that the development would not affect the 'Favourable Conservation Status', as defined by Article 1 of the Directive, of the populations of European Protected Species recorded on site. Natterer's bats with a home range of about 2.8 kilometres are most likely to be affected by the development.

SOMERSET WILDLIFE TRUST - Having assessed the ecology chapter of the Environmental Statement, the Trust has a number of concerns:

Assessment of biodiversity impacts The Trust stands by its previous suggestion that the appraisal made in 7.9.1 (that in the absence of the scheme the site's biodiversity value would decline) is dubious. It is made with the assumption that one scenario will prevail - that of increased fertiliser application to the grassland with an annual hay cut, and no management to the other habitats - and draws an unsafe conclusion. In fact, there are a number of alternative scenarios that might suggest a more positive outcome for biodiversity: designation and management of the site as a Local Wildlife Site, or entry of the site into a stewardship scheme, for example.

We stand by our previous statement that the context of the site in the wider landscape has not been described sufficiently to determine its value for wildlife. Small sites with connecting linear features such as this one often contribute more to the biodiversity of the local landscape than their intrinsic value suggests, and thus their loss can have wider implications. Therefore, the site should be considered in light of surrounding land use and local ecological receptors.

The Trust disagrees with the claim that otters do not make much use of the watercourse in this area. Otters make use of the canal along this length, as well as the River Tone, and this idea that development somehow "puts them off" using the watercourse is erroneous; indeed, in the centre of Taunton, there are two known otter holts, and otter can frequently be seen at sunset at French Weir and near Firepool. It is important, therefore, that this development provide appropriate scrub habitat creation along the watercourse to prevent disturbance to otter by dogs. From the plans provided, it appears suitable habitat buffering along the watercourse and development edge has not yet been planned. In the 'Assessment plan illustrative', the edge of the car park for the restaurant is less than 30m from the watercourse (at its nearest point) and there is no planting in between. Owing to the nature of the business, this car park is likely to be well lit and in use until well after dark, potentially posing a considerable disturbance risk to otter. Therefore scrub habitat creation to act as screening between this area and the watercourse should be provided.

The Trust feels strongly that gardens should not be relied upon to provide habitat to mitigate impacts to biodiversity. The developer has absolutely no control over what individual householders choose to do with their gardens. It is essential that

some habitat creation is provided on this site, outside of gardens, with the control of management resting with the developer or other, to guarantee the continuation of habitat into the future.

The Trust welcomes the results from the great crested newt survey, but would suggest that even though this rare newt is absent from this pond at this time, there is no harm in improving the site making it more suitable for this BAP species, thereby possibly encouraging them to breed here in the future.

We strongly support the comments made by Ecology Officer, Larry Burrows, regarding the ecological impact of this development on the bats already present on the site, and would urge his recommendations are followed.

Impacts to UK and LBAP species 7.8.4 states the 'Seven fruit trees...have negligible intrinsic wildlife value'. Dead and decaying fruit wood is vital for many invertebrates and is a key habitat for the Noble Chafer, a UK BAP species. These trees are not yet dead and are likely to be an important habitat and resource for wildlife; the presence of mistletoe further increases their value to local wildlife. In addition to this, ancient Orchards (defined as less than 150 trees per hectare and minimum 5 trees, with veteran trees of 40 years old or more present) are themselves a Somerset HAP species and are worth conserving and improving where possible.

Biodiversity gain No reference has been made to the aims of either the county strategy for biodiversity (Wild Somerset) or the local biodiversity action plan for Taunton Deane in developing recommendations for biodiversity mitigation. No demonstration that habitat creation on site will lead to a net gain for biodiversity has been made; PPS9 advises that new development should adhere to principles of sustainability, and thus generate a benefit rather than a loss of features for wildlife. In fact, table 7.16 shows residual effects are still predicted as negative for a number of habitats and associated species, including some featured on the UK and LBAP. Regardless of how 'minor these impacts are, as mentioned in our previous letter, planning guidance is perfectly clear that biodiversity gain, not loss, should be secured by new development. The revised mitigation strategy appears ineffective to address biodiversity impact and therefore should be revised to reflect government policy, and deliver substantive biodiversity gain.

Green infrastructure As an emerging strategic plan, the draft Core Strategy for Taunton Deane Borough should be included within the contextual framework of plans, policies, legislation and guidance considered in the ES. Therefore, policies relating to the natural environment and the provision of green infrastructure should be referenced, and compliance with these principles of sustainability demonstrated. As it stands, the ecology chapter of the ES does not identify the emergence of these important documents. New development should be ecologically sustainable, and provide incoming and existing communities with opportunities to access nature. Natural England has produced guidance on how to secure benefits for people and wildlife in documents such as "Access to Nature", "Green infrastructure and the urban fringe" and "Green infrastructure guidance": the principles of these guides are followed through in Taunton Deane Borough Councils Green Infrastructure policy (see the draft Core Strategy). The Trust would expect to see a green infrastructure plan developed for this site, to integrate provisions for networked multi-functional and naturalistic greenspace within the development area.

Representations

27 Letters of objection have been received raising the following matters:-

- The land is designated green wedge to avoid the settlements of Taunton and Monkton Heathfield from merging into one large settlement
- The local Plan contains ten Strategy Statements including “ to retain important open spaces and green wedges within settlements”
- The new local plan has identified land for both Greenfield and Brownfield sites for development without the need to build on this green wedge
- At the Local Plan and Maidenbrook appeal inquiries residents were assured that the green wedge would be protected from development are the authorities going to renege on this now?
- Development of the green wedge will result in the loss of hedges and open spaces used by a wide variety of wildlife
- We agree with the comments of the County ecologist about the Lesser Horseshoe bats
- The value of the green-wedge as open space for the community will become even more important as the allocated site at Monkton Heathfield is developed, the small area that is shown if Maidenbrook is developed is far too small for that purpose
- The proposal will result in an unacceptable increase in the traffic congestion of the existing highway network
- The proposed cycle path will go outside of our lounge windows resulting in loss of privacy and increased noise and disturbance
- The A3259 runs through the village of Monkton Heathfield and is already used as a rat run by cars and lorries this proposal will increase that level of traffic especially at peak times with rips to the local schools
- The existing roads are grossly inadequate for the increased volumes of traffic.
- No new development should be allowed without the provision of a relief road to cater for the additional traffic and avoid unacceptable levels of congestion. The A3259 and A38 are both inadequate
- The proposed roundabout is of concern
- This is a main commuter route and provides access to a busy local school and the additional construction and residential traffic that would be generated by the proposal would be an increased danger to highway safety
- Any access link to Waterleaze would create a through route that would endanger children in the existing development and reduce security for residents
- There is a flood risk to the Waterleaze development. The field in question is often left with standing water and its replacement by tarmac would exacerbate the risk of flooding to existing properties
- The applicants Flood risk submission states that the housing to the north of Aginhills farmhouse will use the Allen's Brook to take the surface water run off and that the Brook has banks between 2-am in depth that can easily accommodate the water. This is not accurate as the banks decrease in depth near to Aginhills farmhouse where they are less than am in depth. The owners of Aginhills have raised the height of the bank close to the farmhouse but still the water levels can rise to within 300mm of the top. The stream drains steeply sloping land from the north (Hestercombe area) and quantities of water fluctuate greatly. Allen's Brook should be surveyed by TDBC to assess

the situation, preferable after a winter storm. If development goes ahead and results in flooding TDBC will be responsible

- The proposal should ensure that it does not create flooding of land to the west of the development
- The planting of trees close to existing properties may undermine foundations
- There are archaeological ruins on part of the land that would be lost
- There are no proposals to support the community structure and facilities of the area, primary and secondary schools are already over subscribed and are unable to consider this development, in addition to the planned development in the area
- The planned developments at Monkton Heathfield will have enough of an impact on the local community without additional land such as this, where are the facilities and infrastructure?
- The Local Development Framework is set to provide 5000 houses in this area and further housing is not needed here
- 233 houses seems too many for the site, crammed in with no amenity
- It appears that the houses would overlook my privacy and will result in the loss of my privacy contrary to Article 8 of the Human Rights Act 1998
- Development of the site will interrupt views of Waterleaze residents of the hills to the north
- The development of Tudor Park has been strictly controlled to preserve the outlook and setting of the listed farmhouse it would be inconsistent to allow another residential development adjacent to the listed building
- The development would engulf the historic setting of Maidenbrook farmhouse
- The proposal has a paucity of community assets and the public house, restaurant, recreation, play areas are insufficient and the public house inappropriate as there are two such establishments in the locality. There is support within the Tudor Park development for a community orchard to be provided where it is currently located, to the east of the Tudor Park development and this could be managed locally.
- If provided the community orchard would provide a landscape buffer between the development and Tudor Park and protect the historic integrity of the listed farmhouse.
- The additional cyclists and pedestrians using the canal path will swamp the local area
- There are three public houses and restaurants within walking distance and another such establishment is not need
- The provision of a pub in the location shown on the plan would result in noise, smell, additional lighting and nuisance to local residents

A petition with 35 signatures (all residents of the area and 11 of whom have also written in separately) has also been received objecting to the development as it is contrary to the approved Local Plan; highway safety and traffic impact; flood plain; loss of visual amenity, trees and wildlife; over development of the area and overlooking/loss of privacy.

PLANNING POLICIES

PPS 1 SUPP - Planning and Climate Change,
PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPS9 - Biodiversity and Geological Conservation,

PPG15 - Planning and the Historic Environment,
PPG16 - Archaeology and Planning,
PPG17 - Sport and Recreation,
PPS22 - Renewable Energy,
PPG24 - Planning and Noise,
PPS25 - Development and Flood Risk,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP9 - S&ENP - The Built Historic Environment,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EN1 - Landscape and Biodiversity,
EN2 - TDBCLP - Sites of Special Scientific Interest,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
EN12 - TDBCLP - Landscape Character Areas,
EN13 - TDBCLP - Green Wedges,
EN21 - TDBCLP - Nationally Important Archaeological Remains,
EN24 - TDBCLP - Urban Open Space,
EN25 - TDBCLP - The Water Environment,
EN28 - TDBCLP - Development and Flood Risk,
C1 - TDBCLP - Education Provision for New Housing,
C3 - TDBCLP - Protection of Recreational Open Space,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
T1 - TDBCLP - Extent of Taunton,
T34 - TDBCLP - Approach Routes to Taunton,
T38 - TDBCLP - Maidenbrook Playing Field Allocation,
M4 - TDBCLP - Residential Parking Provision,
M5 - TDBCLP - Cycling,
CAS - County Archeological Site,

DETERMINING ISSUES AND CONSIDERATIONS

Policy

The application site is lies outside of the settlement limits of Taunton and Monkton Heathfield in open countryside where it is the policy of the Local Planning Authority to resist any new development unless it unless it maintains or enhances the environmental quality and landscape character of the area and

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

The proposed development would not maintain or enhance the environmental quality or landscape character of the area and does not meet any of the specified criteria

and is therefore considered contrary to that policy.

In addition the site is located within a well established allocated "green wedge". That area separates the market town of Taunton from the neighbouring village of Monkton Heathfield. Taunton Deane Local Plan states that green wedges are important to avoid the coalescence of settlements in order to preserve their identity; to act as air conduits, flushing pollutants from the urban system; act as valuable wildlife corridors; allow views of the countryside beyond and provide an opportunity for playing fields in a good position for the growing town. There are three policies that are applicable to this site:- Policy EN13 will not permit development that would harm the open character of the green wedge area and policy T38 a site of approx 9.5 ha at Maidenbrook Farm as shown on the proposals map is allocated for playing fields. Given the T38 allocation it is considered that policy C3, affording protection to recreational open space, should still apply.

The proposed development would introduce an urban form, comprising mainly residential development and associated infrastructure, onto a substantial part of the green wedge along with the provision of a new road junction involving a realignment of the A3259 to serve that development. It will result in the loss of the open character of a substantial part of the green wedge and is clearly contrary to the development plan for the area.

Taunton Deane Borough Council are currently in the process of preparing its core strategy document which will plan for the future needs of the Borough. One of the documents, the Green Infrastructure Strategy, has recently been published under Regulation 25 Core Strategy and Small sites consultation. This document identifies a network of green spaces in and around the town that will be maintained and enhanced as the town grows. The Maidenbrook – Monkton Heathfield area will form part of a green link that will join the Quantock Hills AONB in the north, via a new country park around Hartnells Farm, south to the canal and onwards to the Halcon ward, the most deprived part of the town. The loss of this link in the green infrastructure and green links at Maidenbrook Farm will prevent this important objective and frustrate the ability to improve access to the areas from Halcon now and in the future. Furthermore the development of this site was previously considered by the Council when looking at sites for development in the core strategy and it has been excluded due to the importance of its "green wedge" functions. Indeed if permitted the development is likely to result in the need for a reassessment of the core strategy to reconsider the balance in the area of development and open space.

Highways

Whilst the proposals are contained within an outline application details of a new road junction, involving a realignment of the A3259, have been submitted as reserved matters.

The proposal is for the creation of a junction onto the A3259 approximately 170m from the Maidenbrook Farmhouse access road, which lies to the west of the site and approx 170m from the Allen's Brook, which marks the boundary with Monkton Heathfield. The proposals would realign the A3259 further to the south involving the removal of the existing boundary hedge, provide a toucan crossing to the east of the new access road, create a new footpath/cycleway link to the south of the road, provide two bus stops (one either side of the road) and a right hand turning lane for

traffic travelling eastwards. The proposal would also reserve land for the provision of a dedicated bus lane to the south of the realigned A3259 and new roadway to link to the “ Monkton Heathfield” Western Relief Road.

A traffic assessment and travel plan have been submitted in support of the application. The County Highway Officer considers that the proposals are acceptable subject to some alterations to the travel plan and the submission of a Section 106 agreement covering the following matters:

1. The access and highway works shown on Drg No P9320/H105/B or any subsequently approved revision
2. The dedication of that area of land required to construct the proposed road linking the land to the east to the A3259 together with the proposed bus lanes shown on Plan 89320/H 107/A
3. A Travel Plan including appropriate measures and outcomes including green travel vouchers.
4. A contribution of £250K towards sustainable travel initiatives in the area.

It must be noted that whilst the applicant has agreed to these requests there is no signed Section 106 agreement or similar at the present time. Failure to supply such agreements in reasonable time to be considered before the planning Inspectorate deadline for the submission of appeal statements may result in an additional reason for refusal.

Landscape

The site comprises open grassland with hedge boundaries and is clearly visible from the Taunton Bridgwater Canal, Creechbarrow Hill and the Quantock Hills and forms a visual break between the two settlements of Taunton and Monkton Heathfield. The land enables clear views from the south to the Quantock Hills beyond enhancing the quality of the wider environment as a result. The development of the site as proposed would detrimentally effect the low vale character of the site and even with the proposed planting the site is likely to be poorly screened for at least 10-20 year and is clearly contrary to the development plan policies.

Ecology

The proposal is for the urban development of agricultural fields, recreation and play areas, restaurant, surface water drainage attenuation and car parking on land at Maidenbrook Farm and this will have an impact on wildlife present on the site. An ecology report was included in the Environmental Assessment submitted with the application. This recorded protected species (bats birds and badgers) on the site and proposed mitigation measures to compensate for the impact on those species and their habitat.

Planning Policy Statement 9 Biodiversity and Geological Interests identifies the considerations that should be given to planning applications with Ecological interests such as those present on the application site it states that “The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation

measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

The submitted ecological report was updated in October 2010 this found 20 species of bird displaying breeding behaviour, 6 species of bat of which 3 are a Priority species in the UK BAP and are of special importance; a badger sett was found just outside of the site boundary with signs of ancillary activity on the site. The report considered that the impact of the development on the birds would be at worst moderate and the impact on the badgers not significant. The Lesser Horseshoe Bats have been considered separately to the other species as they have the potential to be linked to the Hestercombe House Special Area of Conservation (SAC) where more stringent requirements are in place. The report considers that the impact on the remaining 5 bats will depend on their tolerance for feeding in lit areas. It is considered that the impact of the development will be permanent and irreversible but that there is adequate alternative grassland with hedges where they will be able to feed and for these reasons the report claims that the effects are minor and not significant. The Somerset County Council Ecologist (Spatial Planning), advising TDBC on these matters disagrees with this assumption. "Habitat surveys for an area of 6 kilometres around Hestercombe House show that there is only 106.94 hectares of suitable habitat. 6.5 hectares represents approximately 6% of the local resource. In addition, bat species such as Pipistrelle and Natterer's have limited foraging ranges and further analysis is required before considering that the impact would be minor. The Planning Authority has a responsibility to ensure that a Favourable Conservation Status is maintained for European Protected Species and this cannot be assumed without that additional analysis.

As stated above, the Lesser Horseshoe Bat(s) foraging in the area has the potential to come from the Hestercombe House SAC. Planning Policy Guidance 9 requires that in such cases a precautionary principle is applied. So without any evidence to the contrary it must be assumed that this is indeed the case. A "test of significance" was undertaken on behalf of the District Authority by the County Ecologist.

This concluded that the development would not have a significant effect on the European Site PROVIDED the same mitigation methodology (agreed with natural England) is applied to the site as identified for the sites being considered to the north of the town in the LDF. This requires on site and offset planting as follows:-

On site mitigation

1. A 20m wide buffer of woodland planting along the eastern edges of the housing and playing areas including the proposed highway.
2. The woodland buffer areas should not be artificially lit and any residential lighting must be directed away from the woodland buffer.
3. Any paths through the woodland must be sinuous, a maximum of 1m wide and unlit.
4. Street lighting in the vicinity of the recreation land should be the LED type.
5. Finally no development should take place on the site until 40% of the trees have reached 5.5m in height(approx 10 years)

Offset Planting

1. Off set planting of a 2.81 ha in an area to be specified by the Local Planning

Authority. Such an area must be FUNCTIONAL before development can commence on the site.

(The definition of functional requires the planting mitigation to have established and it is estimated that this would take at least 10 years)

The current proposals do not include sufficient mitigation measures and no offset planting and the impact on the Lesser Horseshoe Bat population must therefore be considered as significant and planning permission cannot be granted in such circumstances.

Housing – forward plans

Taunton Deane Borough Council will publish its review of the Strategic Housing Land Availability Assessment which will acknowledge a supply of 5.03 years against its own locally derived and agreed housing number target. PPS3 paragraph 69 requires housing development to have regard to the suitability of the site for housing, including its environmental sustainability. In this case the potential negative impact on protected species including of Lesser Horseshoe Bat weigh heavily against the development of the site because the mitigation and offset planting will mean that the site is not deliverable now (estimated period of 10+ years for mitigation planting to become functional) and the use of the site as a green wedge

The applicant's argue that planning permission should be granted for this site because it is close to services and has good infrastructure links; that the development of this site will not prejudice the outcome of the development plan process and that the site has a reasonable prospect of being delivered within the next five years. I agree that the site is relatively close to services in Monkton Heathfield although the distance to services are beyond a 10 minute walk (800m) normally required for sustainable locations and will be likely to require public transport to avoid the use of the car. I disagree that the development of this site will not prejudice the development plan process as the site is included within the Green Infrastructure proposals in the core strategy and its partial development will have an impact on those proposals and can therefore be regarded as premature. The site is used by Lesser Horseshoe Bats and the Test of Significance undertaken by Taunton Deane requires planting on site and offset to mitigate against the loss of habitat. The planting has to be functional before any development of the land can proceed. This is likely to take a minimum of ten years and as a result the site is not available and will not aid in the provision of housing now or within the next five years as a result of these proposals.

Affordable Housing

Taunton Deane Local Plan policy H9 requires the provision of affordable housing to be provided on sites of over 1ha or 10 dwellings. As this is not an allocated site there are no predetermined levels for the amount of Affordable housing but the nearby allocated site has a Section 106 agreement for the provision of 35% affordable housing comprising 50% social housing and 50% shared ownership. The need for affordable housing in Taunton has increased since that agreement and I would suggest that a figure of 35-40% may be suitable for a Greenfield site such as this. Whilst the developer has indicated that a section 106 would be discussed and agreed as part of this application no such discussions have taken place and therefore the proposal is contrary to Taunton Deane Local Plan policy C1

Education

Taunton Deane Local Plan policy C1 requires that where development generates a significant need for statutory education provision (ie for 4-16 years old), that cannot be accommodated at existing schools, it should be provided by the developer.

This proposal for 233 dwellings will be likely to create a demand for 47 primary school places. The local school is currently over capacity and whilst a new school is planned in association with the allocated Monkton Heathfield additional funds would be required for the 47 places. The cost of this would be £576,079. The development would also be expected to generate an additional need for 33 secondary school places. The local secondary school is also over capacity at the current time and additional funds are required to provide for the additional pupils. A contribution of £609,477 would be required. At present the applicants have suggested that such monies can be secured through a section 106 agreement but no such agreement has been supplied at the current time and therefore the proposal is contrary to Taunton Deane Local Plan policy C1.

Archaeology

The environmental Assessment contains information concerning the potential for significant archaeological remains relating to prehistoric and Roman activity. Therefore this site is a Heritage Asset as defined by PPS 5. PPS5 policy HE6.1 requires Local planning authorities to require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. As a minimum the relevant historic environment record should have been consulted and the heritage assets themselves should have been assessed using appropriate expertise where necessary given the application's impact. Where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation.

It is considered that the EIA contains insufficient information about the significance of these archaeological remains, or the impact of the development on them. The idea put forward within the EIA that evaluation will take place as mitigation is unacceptable and contrary to both local and national policy. PPS 5 is clear in stating that a field evaluation should take place when a desk-based assessment is insufficient to properly assess the archaeological interest. The applicant's archaeological consultant was advised of the requirement to carry out all evaluation phases so that the results could be included within the ES. This requirement is acknowledged (in part) within the ES in statement 9.6.2 which makes it clear that the archaeological consultant agreed that archaeological value of the site can only be assessed through trial trenching . At present it is not possible to assess the impact on the significance of the asset nor is it possible to detail a mitigation.

Therefore, this application does not accord with the requirements of PPS5 or the Local Development Scheme May 2009 Saved Policy of the adopted Local Plan EN 23, Areas of High Archaeological Potential, which states:

"Where a proposal affects a site of archaeological interest or Area of High Archaeological Potential, or it is suspected the development could affect archaeological remains, developers must provide for satisfactory evaluation of the archaeological value of the site, and the likely effects on it, before planning applications are determined."

For this reason I consider that the this application is unacceptable as insufficient information has been submitted to assess the significance of the heritage asset or the impact of the development on the asset as required by PPS5 and saved Local Plan Policies.

Planning appeal decision 1999 and Inspectors report on the Taunton Deane Local Plan.

A planning application was previously submitted on this site in 1999. This application was refused for 6 reasons :- the site was outside the defined limits of settlement;

- 1) The proposal did not constitute infill and was therefore contrary to policy C4;
- 2) The proposal would have a detrimental impact on the visual amenity and character of the green wedge and would contribute towards the coalescence of Taunton and Monkton Heathfield;
- 3) The proposal was considered premature to the Local Plan and would predetermine the location of a significant amount of housing and have an adverse impact on the character and identity of the two settlements of Taunton and Monkton Heathfield and undermine the identifiable character of the green wedge;
- 4) There was an attempt to remove the change of use of the listed building from the application.(not proposed in this application)
- 5) There was insufficient information regarding the impact on the listed building, Maidenbrook Farmhouse(not within this site boundary).

The applicant lodged an appeal against the refusal and this was dismissed by the Secretary of State, in accordance with the Planning Inspector's recommendations on 28th February 2000. In the appeal decision the Inspector considered that the site was located outside of settlement limits and should be regarded as open countryside, furthermore he stated that the role of the site, as green wedge, separating the two settlements was vital given the allocated residential development located to the south at Monkton Heathfield. There was an agreed deficit in the housing land supply figures at that time but the Inspector concluded that the lack of a five year supply did not outweigh the harm that would be caused to the Green Wedge by the appeal.

Subsequent to that decision the Local Plan Inspectors report was issued. The Green Wedge allocation at Maidenbrook Farm was challenged by Messrs Tarker Ltd but the Inspector stated "Development of the Tarker land would effectively close the gap between Taunton and Monkton Heathfield and would have a major impact on the integrity of the Green Wedge.

The Inspector accepted that whilst the "land has only limited landscape value in its

own right, it does facilitate clear long distance views of the Quantock Hills to the north. The land also provides a potential continuous wildlife corridor and, although the quality of that contribution might be diminished by its use for playing fields, its effectiveness could be maintained by careful design and planting of the area, and the incorporation of a structural hedgerow system within the overall layout"

Conclusion

In considering any proposals for development the application must be judged on its conformity with the policies in the development plan and government advice, as contained within the Planning Policy Statements, unless material considerations suggest otherwise. In this case the proposal is clearly contrary to the policies of the development plan. The applicant argues that the Council does not have a 5 year housing supply and that development of the site could take place at an early date and would not be detrimental to the objectives of the Local Plan and forthcoming Core Strategy. I disagree with this and consider that the planning objections, as outlined above combined with the delay in the delivery (due to the time needed for the establishment of the mitigation and offset planting for the Lesser Horseshoe bats) clearly outweigh the provision of housing on the land. Furthermore that development of this land would be premature to the core strategy, due to be published in the early part of 2011.

RECOMMENDATION AND REASON(S)

The planning committee are asked to endorse the following reasons for refusal had they been in a position to determine the application.

01 Under Regulation 9 of the Conservation of Habitats and Species Regulations 2010 Taunton Deane Borough Council consider that there is insufficient evidence to ensure that the development would not affect the 'Favourable Conservation Status', as defined by Article 1 of the Directive, of the populations of European Protected Species recorded on site and the proposal is considered to be contrary to Planning Policy Statement 9, Somerset and Exmoor National Park policy 1.

02 The proposal does not incorporate measures set out in the "test of significance", a legal requirement under the provisions of the Conservation Habitats and Species Regulations 2010, which was submitted to and agreed by Natural England as being necessary to offset impacts on Hestercombe House SAC. The proposed mitigation is considered to be inadequate to compensate for the loss of habitat and the proposal is considered to be contrary to the Conservation Habitats and Species Regulations 2010, Somerset and Exmoor National Plan policy 1 and Taunton Deane Local Plan policy EN3.

03 The site lies outside the settlement limits of Taunton and Monkton Heathfield where new development is resisted. The proposal does not serve an agricultural or other appropriate need and as such is considered to be contrary to Somerset and Exmoor National Plan policy STR6 and Taunton Deane Local Plan policy S7.

04 The proposal will have a significant detrimental impact on the open character of the Taunton-Monkton Heathfield green wedge and would reduce the effectiveness of the area in its role as an effective air conduit and wildlife corridor and would represent an undesirable contribution towards the coalescence of the settlements of Taunton and Monkton Heathfield and is considered to be contrary to Somerset and Exmoor National Plan policy STR1 and Taunton Deane Local Plan policies EN13.

05 The proposed development of this open greenfield site, characterised by hedge enclosed farmland, would be out of character with and detrimental to the landscape character of the area contrary to the requirements of Taunton Deane Local Plan policy EN12 furthermore its development would have a detrimental impact on the character of the Taunton and Bridgwater Canal and approach route into Taunton contrary to the requirements of Taunton Deane Local Plan policies EN25 and T34.

06 Whilst the housing land supply position is uncertain the site does not satisfy the provisions of PPS3, para 69 as the site forms part of an area of proposed green infrastructure that is required to support the emerging Core Strategy and Strategic Urban Extensions at Priorwood and Monkton Heathfield and its loss would undermine the evidence base for the Strategy.

07 The submitted Archaeological assessment states that there is potential for significant prehistoric and Roman archaeological remains at the site and is therefore a Heritage Asset as defined by Planning Policy Statement 5. The current submitted information is inadequate to assess the impact of the development on the Heritage Asset and the proposal is considered to be contrary to policy HE6.1 of that Statement, and contrary to Somerset and Exmoor National Plan policy 11 and Taunton Deane Local Plan policy EN23.

08 Taunton Deane Local Plan policy H9 requires the provision of affordable housing to be provided on sites of over 1ha or 10 dwellings Affordable Housing. The current proposal does not provide for any affordable housing and is considered to be contrary to Somerset and Exmoor national Park policy 35, Taunton Deane Local Plan policy H9 and Planning Policy Statement 3 (paragraphs 27 – 30)

09 The development is expected to result in a need for an additional 47 primary school places and 33 local Primary school places. The existing primary school and secondary schools have no spare capacity to cater for the additional demand and the developer is not proposing any contributions in order for those facilities to be provided as a result the proposal is considered to be contrary to Taunton Deane Local Plan policy C1.

I am also awaiting an update from the Highway Authority on their position given that a signed Section 106 covering the items they list is not available and this may result in an additional reason for refusal.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

Planning Committee – 15 December 2010

Report of the Development Manager

Miscellaneous Item

Residential Development at Tangier, Taunton - 38/02/0114; 38/07 0183; 38/07/184 and 38/10/0108Rex

Planning permission has been granted for the erection of 225 flats and ancillary works including new site access, car parking and associated works at the former gas storage site, Tangier, Castle Street, Taunton subject to a section 106 agreement that covered contributions for education, leisure and recreation and the provision of public access to footpath link adjacent to and footbridge over the River Tone, highway contributions towards the construction of the Third Way, 56 units of affordable housing split 28 x 1 bed room flats and 28 x 2 bed roomed flats.

Since the grant of planning permission and the completion of the majority of ground decontamination works the recent financial crisis has made the development financially unviable and the developer has requested an amendment to the affordable housing agreement. The current proposal is for the provision of 40 affordable units to be split 28 x 2 bedroom flats and 12 x 1 bed room flats.

The applicant has submitted a financial viability statement which has been independently assessed by the District Valuation Office on behalf of Taunton Deane. That report agrees that proposed scheme is not viability in the current economic climate. There were some differences in opinion over the final profit level and sale of some of the units and this has resulted in advice from the DVO that, whereas the provision of 48 units would equate to an 11% profit (+6.8% overheads), the provision of 45 units (17% profit +6.8%) would be reasonable.

The developer maintains that 45 units would make the scheme unviable but has offered a compromise:-

- The reduction of flats would all be 1 bed roomed units meaning that there would still be 28 x 2 bed roomed units
- Any overage from the other contributions can be retained by TDBC to be used for additional flats within the scheme (this could be upto £300,000 which would provide an additional 5 units)..
- That the tenure split of the flats would be 80% social and 20% shared equity (the split was previously unspecified).

In my opinion the compromise offer would enable the development of the Tangier site, which has remained empty for a considerable number of years opening up public access along the River and providing a new footbridge to Frenchweir Park.

Recommendation

That the TDBC solicitor be authorised to agree a supplemental S106 agreement regarding affordable housing and any over payments as outlined in the compromise solution listed above.

Contact Officer – Mrs Julie Moore 01823 356467

Planning Committee - 15 December 2010

Report of the Head of Legal and Democratic Services

Miscellaneous Enforcement Item

1. Background

At a meeting of the Planning Committee on 28 July 2004 the Committee resolved to grant planning permission for a mixed use development at the former Taunton Trading Estate at Norton Fitzwarren subject the completion of a S106 agreement covering various issues. The agreement was completed in March 2006 following considerable negotiation.

2. The S106 Agreement

One of the requirements was that an area of 2.25 hectares of land in the vicinity of Stembridge Way was to be offered for transfer to the Council at nil cost with good title prior to the first occupation of any dwelling house on the main site. The land was to provide a new playing field.

3. The Present Position

The responsibility for complying with the terms of the agreement lies with St Modwen although they clearly have a contractual relationship with David Wilson Homes who are building the residential units. The Council has been in touch with solicitors acting for St Modwen for about the last eighteen months seeking details of the title to the land at Stembridge Way so that a transfer can be completed. There have been various problems relating to third party interests and a right of way, but little progress has apparently been made in resolving these matters. The first occupation on the main site has now taken place.

The provision of the playing field is a key obligation under the agreement and the Parish Council and local residents are very concerned that the land has not yet been transferred to the Council.

4 St Modwen's position.

I have been writing to St Modwen since May of this year reminding them of their obligation under the agreement and on the 30 November following the occupation of the first house I wrote advising that I would be reporting the matter to this Committee with a view to enforcement.

St Modwen do not at this stage have direct control of the land to be transferred although they do have contractual arrangements in place with two other parties. They are hopeful that the land transfer will be completed shortly and are now putting pressure on the other parties to expedite the various transactions prior to the land transferring to this Council.

5 Consideration

The S106 agreement is clearly being breached and it seems likely that now that occupation has started on site further dwellings will be completed and occupied. If the matter of the transfer of the land is allowed to drag on, the Council's leverage in securing the transfer of the Playing Field land will be increasingly weakened. The Council could safeguard its position by seeking an injunction to stop any further occupation of properties prior to transfer of the land.

From the latest correspondence it appears that the transfer may be completed within the near future, but there is no certainty as to this.

RECOMMENDATION

It is recommended that the Solicitor to the Council be authorised to seek an injunction preventing further occupation of residential properties on the former Taunton Trading Estate site if the transfer of the playing field land is not completed .

Tonya Meers
Head of Legal and Democratic Services

Contact Officer Judith Jackson 01823 356409 or j.jackson@tauntondeane.gov.uk

Planning Committee – 15 December 2010

Report of the Development Manager

Enforcement Item

1. File/Complainant Number E/0292/43/10

2. Location of Site

127 ROCKWELL GREEN, WELLINGTON, TA21 9BT

3. Names of Owners

RIDGE ROOFING

4. Names of Occupiers

OWNER / OCCUPIER
127 ROCKWELL GREEN
WELLINGTON
TA21 9BT

5. Nature of Contravention

**UNAUTHORISED SIGN ON GABLE END WALL OF 127 ROCKWELL GREEN,
WELLINGTON**

6. Planning History

The sign was first brought to the council's attention in September 2010. Contact was made with Mr Steve Watts (Ridge Roofing) when he said that he was working at the address but agreed to remove the sign by the end of October. Further contact was made in the middle of November because the sign was still in situ and again Mr Watts said he would remove it by the end of November. As the sign was still there on 1st December I spoke with Mr Watts who said he would definitely remove it by 5.30pm on December 2nd. I advised if it was not removed when I checked on Friday 3rd December a report would be taken to Planning Committee with a recommendation for Prosecution.

7. Reasons for Taking Action

Article 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires the Local Planning Authority to exercise its powers in the interests of amenity and public safety. In this regard, Policy EC26 of the Taunton Deane Local Plan sets out the detailed considerations that must be assessed

The sign by reason of its size, location and colour is considered to cause disharmony with the host building, which is detrimental to the visual amenity of the area. It therefore conflicts with Policy EC26 of the Taunton Deane Local Plan.

8. Recommendation

The Solicitor to the Council be authorised to commence prosecution action in respect of the unauthorised sign.

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

Contact Officer: Mrs A Dunford

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 15 DECEMBER 2010

Proposal	Start Date	Application/Enforcement Number
DEVELOPMENT OF 11 HA OF LAND TO PROVIDE IN THE REGION OF 233 DWELLINGS, RECREATION AND PLAY AREAS, A PUBLIC HOUSE/RESTAURANT AND CAR PARKING ON LAND AT MAIDENBROOK FARM, WEST MONKTON	12 NOVEMBER 2010	48/09/0054

APPEAL DECISION FOR COMMITTEE AGENDA – 15 DECEMBER 2010

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/F/10/2124542	Insertion of double glazed windows	Enforcement Appeal	E/0087/38/03	The Inspector considered the elevation in question is of significant architectural merit and interest. The new windows affect the character of the listed building. He therefore DISMISSED the appeal and upheld the enforcement notice.

TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park