

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 28 September 2011 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meetings of the Planning Committee held on 17 August and 7 September 2011 (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 48/10/0072 – Development of 138 houses and apartments with associated access roads, garages and parking, together with public open space landscaping and a section of the new western relief road, attenuation ponds, storm/foul sewers and cycle/footpaths at land north of Aginghills Farm, Monkton Heathfield
- 6 06/11/0032 – Erection of 39 dwellings and associated parking, access and landscaping at Station Farm, Station Road, Bishops Lydeard
- 7 07/11/0009 – Erection of a dwelling at land adjacent to Bradford Court, Bradford on Tone
- 8 19/11/0003/LB – Erection of single storey extension (Scheme A) to east elevation at Buttles Lodge, Village Road, Hatch Beauchamp
- 9 21/10/0006 – Change of use of land for siting of two mobile homes for travelling family at Carriers Gate Orchard, Higher Poleshill Farm, Langford Budville (Retention)
- 10 43/11/0075 – Change of use from A1 Retail to A3/A5 Restaurant/Take Away and internal alterations at 17 Fore Street, Wellington
- 11 43/11/0076/LB – Change of use from A1 Retail to A3/A5 Restaurant/Take Away and internal alterations at 17 Fore Street, Wellington
- 12 Breach of Conditions and Unilateral Undertaking (Section 106) at the Old Cider Factory, Norton Fitzwarren

13 Planning Appeals - The latest appeals lodged and decision received (attached)

Tonya Meers
Legal and Democratic Services Manager

22 November 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

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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 S Coles	(Vice-Chairman)
Councillor J Allgrove	
Councillor R Bowrah, BEM	
Councillor B Denington	
Councillor A Govier	
Councillor C Hill	
Councillor M Hill	
Councillor L James	
Councillor N Messenger	
Councillor I Morrell	
Councillor J Reed	
Councillor F Smith	
Councillor P Tooze	
Councillor P Watson	
Councillor A Wedderkopp	
Councillor D Wedderkopp	
Councillor G Wren	

Planning Committee – 17 August 2011

Present:- Councillor Bishop (Chairman)
Councillors Mrs Allgrove, Bowrah, Brooks, Denington, Govier, Mrs Hill,
Miss James, Mrs Messenger, Morrell, Mrs Smith, Tooze, Watson,
Ms Webber, A Wedderkopp and Wren

Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager) and Mrs G Croucher (Democratic Services Officer)

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

(The meeting commenced at 5.15 pm)

70. Apologies/Substitutions

Apologies: Councillors Coles, C Hill, Mrs Reed and D Wedderkopp

Substitutions: Councillor Brooks for Councillor Coles and Councillor Ms Webber for Councillor Mrs Reed

71. Minutes

The minutes of the meetings of the Planning Committee held on 29 June and 20 July 2011 were taken as read and were signed.

72. Public Question Time

Councillor Morrell asked why the officer's pledge made at the 20 July 2011 meeting when it was agreed to issue a Breach of Condition Notice to Persimmon within seven days of that meeting had not been honoured.

Mrs Jackson replied that she would provide a response in writing to Councillor Morrell.

73. Declarations of Interest

Councillors Brooks and Govier declared personal interests as Members of Somerset County Council. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Watson declared a personal interest in application Nos 06/11/0028 and 06/11/0029 as he knew the objectors. He also declared that he had attended a parish council meeting where the applications had been discussed. However, he did not consider that he had fettered his discretion. Councillor Brooks declared a personal interest in agenda item 12 as he knew the applicant. Mrs Jackson declared an interest in application Nos 06/11/0028 and 06/11/0029 and left the meeting during the consideration of these items.

74. 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 **outline planning permission be granted** for the under-mentioned development:-

06/11/0029

Erection of three dwellings on land adjacent to the Lethbridge Arms, Bishops Lydeard (resubmission of application 06/11/0015)

Conditions

- (a) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultants' submitted report and a further reptile survey dated February 2011 and shall include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) 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 shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;
- (d) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (e) Visibility splays shall be provided at the new accesses as indicated on drawing HBHT11006/SK01 rev A produced by Hydrock Byways and Highways such that

there is no obstruction to visibility in excess of 900mm in advance of the lines indicated on the drawing. Such splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;

- (f) The boundary wall along Station Road shall be altered to accommodate the requirements of condition (d) and shall be extended along the eastern side of the proposed access as shown on drawing 2458-121 and in accordance with details that shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in accordance with condition (a). The works required by this condition shall be carried out prior to the occupation of the dwelling hereby permitted and thereafter maintained as such;
- (g) Full details of the boundary treatment to all plots shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in respect of condition (a). The approved details shall be implemented prior to the occupation of the plot to which they relate;
- (h) (i) The landscaping and planting scheme that shall be submitted to, and approved in writing by, the Local Planning Authority pursuant to condition (a) 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.

(Note to applicant:- Applicant was advised that the 'half hip' roof design shown on the indicative section drawings is not considered appropriate for the detailed design required by condition (a)).

Reason for granting planning permission:-

The proposed development was considered to respect the character and form of surrounding residential development. It would not result in harm to the character and appearance of the Conservation Area or the settings of nearby listed buildings. It would not lead to unacceptable harm to the amenities of neighbouring residents or highway safety. It was, therefore, considered to accord with Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN3 (Local Wildlife and Geological Interests); Policies 9 (The Built Historic Environment) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and the duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and Conservation Areas respectively.

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

38/11/0246

Erection of two storey and single storey extension to the side and porch to the front of 85 Farm View, 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) 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 first floor window to be installed in the east elevation of the extension shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m 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 for granting planning permission:-

The proposed development would not harm either visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

24/11/0022

Change of use of land from agricultural to equestrian, erection of stables and construction of ménage at Birds Farm, Knapp, North Curry

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) No development 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;
- (d) (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;
- (e) A new layby or passing area shall be constructed and surfaced in accordance with details as indicated on Plan No LPA.755.106 Rev A. Such a bay shall be completed before the use of the livery commences and shall at no time thereafter be obstructed.

(Notes to applicant:- (1) Applicant was advised to ensure that the manure heap is located or protected so that seepage does not pollute nearby water courses or constitute a nuisance to adjoining owners. Its regular removal should avoid the occurrence of such nuisances; (2) Applicant was advised that with regard to condition (d), the landscaping scheme should include details of the new field hedge proposed at the new layby; (3) Applicant was advised that the proposed works must not encroach on to the width of the footpath. If any changes to the surface of Public Footpath T17/65 are to be carried out, authorisation for these works must be obtained from Somerset County Council. The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. Somerset County Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so. In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council:- (i) A public right of way being made less convenient for continued public use; (ii) New furniture being needed along a public right of way; (iii) Changes to the surface of a public right of way being needed; and (iv) Changes to the existing drainage arrangements associated with the public right of way. If the work involved in carrying out this proposed development would make a public right of way less convenient for continued public use or create a hazard to users of a public right of way then a temporary closure order will be necessary and a suitable alternative route must be provided).

Reason for granting planning permission:-

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

06/11/0028

Change of use and conversion of barn to form residential dwelling at Lethbridge Arms Hotel, Gore Square, Bishops Lydeard (resubmission of application 06/11/0013)

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 development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultants' submitted report dated February 2011 and a further summer bat survey and include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of

- development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) 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 shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;
- (d) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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;
 - (e) Prior to their installation, full details of all new windows and doors including the rooflights shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show the finished materials, sections, mouldings, working arrangements, cills and depth of reveal. Such approved details shall be implemented before the dwelling hereby permitted is occupied and shall thereafter be retained as such;
 - (f) Visibility splays shall be provided at the new access as indicated on drawing HBHT11006/SK01 rev A produced by Hydrock Byways and Highways insofar as it relates to the access titled Plots 1 and 2, such that there is no obstruction to visibility in excess of 900mm in advance of the lines indicated on the drawing. Such splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;
 - (g) The boundary wall shall be altered to accommodate the requirements of condition (f) and shall be extended along the eastern side of the proposed access as shown on drawing 2458-128 and in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. The works required by this condition shall be carried out prior to the occupation of the dwelling hereby permitted and thereafter maintained as such;
 - (h) 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), there shall be no extension, alteration or addition to the dwelling hereby permitted and no buildings shall be erected within the curtilage other than that expressly authorised by this permission without the further grant of planning permission.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity, the character and appearance of the Conservation Area, settings of listed buildings, highway safety or wildlife interest and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN3 (Local Wildlife and Geological Interests), EN14 (Conservation Areas); Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 (The Built Historic Environment), 49 (Transport Requirements of New Development), and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(3) That the following application be deferred for the reason stated:-

37/11/0010

Erection of 3 no polytunnels and clarification of vehicular movements at Taunton Deane Nursery, Stoke Road, Stoke St Mary (retention of works already undertaken)

Reason

For clarification of highways issues.

(4) That the following application be **withdrawn** for the reason stated:-

37/11/0011

Change of use of land for use as storage and depot for grounds maintenance equipment and materials at Taunton Deane Nursery, Stoke Road, Stoke St Mary

Reason

To enable a further amended application to be submitted in due course.

75. Condition of land adversely affecting the amenity of the area at 7 Wyndham Road, Taunton

Reported that it had come to the Council's attention that the property at 7 Wyndham Road, Taunton was in a poor state of repair, unoccupied and insecure.

The Council's Empty Property Officer had established that the owner had died and the next of kin had been contacted. Negotiations had taken place to improve the condition of the property and fencing had been erected to keep the property secure. However, no significant works had taken place.

A further visit was made to the site which appeared to be secure. However, the front garden was very overgrown and strewn with rubbish. Vegetation was growing up to the first floor level and had also extended onto the pavement and the garage had broken windows. The fencing also added to the overall adverse effect of the property on the area.

Resolved that:-

1. A Notice under Section 215 of the Town and Country Planning Act 1990 be served requiring the owner of 7 Wyndham Road, Taunton to improve the condition of the property so that it did not adversely affect the area; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Section 215 Notice not be complied with within three months.

76. Removal of catering trailers stationed at 31 Shoreditch Road, Taunton

Reference Minute No 53/2011, reported that an application to store two catering trailers at 31 Shoreditch Road, Taunton had been refused by the Committee in December 2010. The owner of the site had lodged an appeal against the refusal and this had recently been dismissed by the Planning Inspectorate. The Inspector agreed with the Committee's reason for refusal and also stated that the storage of one or more trailers at the site was considered to be a breach of planning control.

Resolved that:-

1. Enforcement action be authorised to ensure the removal of all catering trailers from 31 Shoreditch Road, Taunton;
2. Any enforcement notice served should have a three month compliance period; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceeding should the enforcement notice not be complied with.

77. Display of advertisement for Persimmon Homes on land south of footbridge at Walford Cross, adjacent to M5 Motorway, Creech St Michael

Reported that it had come to the Council's attention that a sign had been displayed in a field adjacent to the M5 Motorway between Junction 25 and Walford Cross without the necessary advertisement consent being granted.

The owner of the sign had been contacted and requested to remove the unauthorised sign but, to date, the unauthorised sign remained in place.

Resolved that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to remove the unauthorised sign.

78. Appeals

Reported that three new appeals had been lodged, details of which were submitted. Also reported that three appeal decisions had been received, details of which were also submitted.

(The meeting ended at 7.10 pm)

Planning Committee – 7 September 2011

- Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Denington, Govier, Hill, Mrs Hill, Horsley, Miss James, Morrell, Mrs Reed, Watson, A Wedderkopp, D Wedderkopp and Wren
- Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area Co-ordinator), Mrs J Jackson (Legal Services Manager), Miss 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)

79. Apologies/Substitution

Apologies: Councillors Mrs Messenger and Tooze

Substitution: Councillor Horsley for Councillor Tooze

80. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Wren declared a personal interest as an employee of Natural England.

81. 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 **full planning permission be granted** for the under-mentioned development:-

37/11/0010

Erection of 3 no polytunnels and clarification of vehicular movements at Taunton Deane Nursery, Stoke Road, Stoke St Mary (retention of works already undertaken)

Note to applicant:- Applicant was advised that vegetation has grown throughout the summer months and now affects the visibility splay to the left when exiting the site (Stoke St Mary direction). Visibility splays should be maintained at all times, and it is recommended that this vegetation is removed.

Reason for granting planning permission:-

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

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

44/11/0006

Conversion of part of garages and erection of two storey link to dwelling to form disabled dependent's accommodation at Old Barn Court, Wrangway, Wellington (amended scheme to application 44/09/0002)

Reason

The proposed two storey and first floor extension, by virtue of size, scale, design and positioning, appeared as an incongruous addition, detracting from its simple linear form, to the detriment of the traditional character of the existing dwelling. Attaching the large two-storey extension to the front of the proposed annexe further exacerbated harm to the main dwelling. As such, the proposal was contrary to Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

44/11/0011

Conversion of redundant agricultural buildings to form work and office space with ancillary residential accommodation at Beacon Lane Farm, Wellington

Reasons

(a) The proposed live/work unit was not considered to provide sufficient employment or business space to support the operation of a successful business; the site was within a remote location with poor accessibility via an unclassified road network and a long private track and was therefore considered to be an unsuitable location for new business development. As a result, the proposed conversion scheme was considered to be tantamount to a new residential development with ancillary work space. The site was located outside of the defined settlement limits, as set out in the Taunton Deane Local Plan, where Development Plan policy provided that development should be strictly controlled and provided for were consistent with the policies and proposals set out in the Plan. The proposed conversion as a permanent residential dwelling remote from adequate services, employment and education would be likely to generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative means of travel. The proposal was therefore considered to be an unsustainable form of development contrary to Local Plan Policies STR1 and STR6 of the 2000 Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 (B), H7 (A) and EC6, together with guidance contained within Planning Policy Statements 1, 3, 4 and 7;

- (b) The site was located within the designated area of the Blackdown Hills Area of Outstanding Natural Beauty where it was the policy of the Local Planning Authority to safeguard the exceptional landscape and wildlife quality of the countryside through the strict control of development. In the opinion of the Local Planning Authority the proposal would constitute a change to the character and appearance of the site and surroundings through the formation of a residential curtilage and domestic appearance to the traditional agricultural buildings whilst also generating additional traffic movements along the public right of way. Such would be clearly visible from public vantage points and therefore detrimental to the visual amenities, character and appearance of the Area of Outstanding Natural Beauty. The proposed development was therefore considered to conflict with Taunton Deane Local Plan Policies S1 (D), S2 (A) and EN10;
- (c) The proposed development would result in an increase in traffic over the existing substandard access and junction of the private access track and the unclassified highway to the north, known locally as Foxmoor Road, which failed to provide the necessary visibility splays and was therefore considered to be prejudicial to road safety. The proposed access was located on a bend which provided for poor sight lines in a westerly direction. As a result of the proposed development, the increased use of the private track and existing substandard access would result in an actual and perceived harm to the safety of pedestrians using the public right of way and highway users where vehicles exiting the site would not be able to see or be seen from the west. The proposed development would therefore be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Adopted Policies 2000 and Policy S1 of the Taunton Deane Local Plan.

82. Non-compliance with Section 215 Notice at Moor House, Stathe Road, Burrowbridge

Reference Minute No 78/2010, reported that legal proceedings had been instituted against the owner of Moor House, Stathe Road, Burrowbridge for not complying with the requirements of a Section 215 Notice.

Reported that the owner of the site had been in contact and that, despite suffering from illness, he was making efforts to clear up the site.

Further inspections of the site had taken place on 2 August and 30 August 2011 and the condition of the site was now in a satisfactory state.

Resolved that the Solicitor to the Council be authorised to apply to the Magistrates Court to withdraw the current legal proceedings against the owner of Moor House, Stathe Road, Burrowbridge as it was not in the public interest to continue with the prosecution.

83. Appeals

Reported that one new appeal had been lodged, details of which were submitted. Also reported that two appeal decisions had been received, details of which were also submitted.

(The meeting ended at 6.53 pm)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors Govier and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren
- Daughter works as an administrator in Development Control – Councillor Mrs Reed

DAVID WILSON HOMES SOUTH WEST

DEVELOPMENT OF 138 HOUSES AND APARTMENTS WITH ASSOCIATED ACCESS ROADS, GARAGES AND PARKING, TOGETHER WITH PUBLIC OPEN SPACE LANDSCAPING AND A SECTION OF THE NEW WESTERN RELIEF ROAD, ATTENUATION PONDS, STORM/FOUL SEWERS AND CYCLE/FOOTPATHS AT LAND NORTH OF AGINGHILLS FARM, MONKTON HEATHFIELD

Grid Reference: 325215.126572

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to no new points of objection being raised by occupants of 11 and 13 Sylvan Way and Llanstefan Milton Hill by 12th October 2011; acceptable internal highway layout details and the applicant entering into a Section 106 agreement to secure the following:

1. Transportation- A package of highway improvements including :-

- i) The provision of a roundabout at the site access on to Milton Hill incorporating the diversion of Milton Hill and an associated Pedestrian/cycle crossing of Milton Hill north of the roundabout.
- ii) The construction of that part of the WRR necessary to gain access into the development together with the dedication of the land for highway purposes that part of the WRR corridor within the application site not constructed for access purposes.
- iii) Traffic management works to Dyers Lane in the form of signs, road markings etc to improve provision for cyclist and pedestrians, particularly school children
- iv) A Travel plan (as outlined in the CHA comments below).
- v) A financial contribution of £200k towards the construction of mitigation works at the Milton Hill Junction with the A38 which if not spent shall be put towards the cost of the WRR.

2 Affordable housing - 46 units comprising:-

27 x 2 bed houses

13 x 3 bed houses;

6 x 4 bed houses.

Ownership to be 50% social rent and 50% shared ownership

3 Education

- i) A contribution of £343,196 (pro-rata to a per-dwelling figure) towards primary education
- ii) A contribution of £369,380 (pro-rata to a per-dwelling figure) towards secondary education.
- iii) A contribution of £50,744 (pro-rata to a per-dwelling figure) towards

pre-school education.

In the event that the Section 106 agreement is not signed within 3 months, the Growth and Development Manager be authorised to refuse planning permission or agree an extension of time within which the agreement should be signed.

Recommended Decision: Conditional permission be granted

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:

(A0) DrNo 0900/100 Location Plan
(A0) DrNo 1021 Site survey sheet 1 of 2
(A0) DrNo 1021 Site survey sheet 2 of 2
(A3) Masterplan
(A1) DrNo 09001/001 Rev I Proposed Site Layout Plan
(A3) DrNo 0095/2010 Layout plan
(A1) DrNo 09001/102 Rev B Enclosures plan (1 of 3)
(A1) DrNo 09001/103 Rev B Enclosures plan (2 of 3)
(A1) DrNo 09001/104 Rev B Enclosures plan (3 of 3)
(A2) DrNo 09001/105 Enclosure details
(A0) DrNo 09001/106 Rev B Materials Plan
(A1) DrNo 09001/107 Rev C Storey Heights
(A0) DrNo Bir.3536_07 Soft Landscape Proposals Sheet 1 of 4
(A0) DrNo Bir.356_08A Soft Landscape Proposals Sheet 2 of 4
(A0) DrNo Bir.3536_09A Soft Landscape Proposals Sheet 3 of 4
(A0) DrNo Bir.3536_11A Soft Landscape Proposals Sheet 4 of 4
(A1) DrNo Bir.3536_10 A Play Area Proposals
(A0) DrNo 1027-999 Rev C Infrastructure Appraisal
(A1) DrNo SP2102_2 Rev A Lighting Design Site Roads
(A3) DrNo FMW0433-SK10 Milton Hill Signals
(A0) DrNo 09001/108 Rev B Proposed highway adoption plan
(A0) DrNo 09001/109 Rev B Proposed public open space adoption plan
(A0) DrNo 09001/110 Rev B Affordable Housing
(A1) DrNo 09001/200 Rev B Street Scenes
(A3) DrNo 09001/201 SH17 (BRICK) Plans and elevations
(A3) DrNo 09001/202 SH37 (BRICK) Plans and elevations
(A3) DrNo 09001/203 SH37 (RENDER) Plans and elevations
(A3) DrNo 09001/204 SB8 Elevations 1
(A3) DrNo 09001/205 SB8 Elevations 2
(A3) DrNo 09001/206 Rev A SB8 Floor plans

(A3) DrNo 09001/207 T322-5 Rev A (BRICK) Plans and elevations
 (A3) DrNo 09001/208 P331-R5 (BRICK) Plans and elevations
 (A3) DrNo 09001/209 P331-R5 Rev A (STONE) Plans and elevations
 (A3) DrNo 09001/210 P341-WD5 Rev A (BRICK) Elevations
 (A3) DrNo 09001/211 P341-WD5(Render) Elevations
 (A3) DrNo 09001/212 P341-WD5 Floor plans
 (A3) DrNo 09001/213 P341-E-5 (BRICK) Elevations
 (A3) DrNo 09001/214 P341-E-5 (RENDER) Plans and elevations
 (A3) DrNo 09001/215 P382-5 (BRICK) Plans and elevations
 (A3) DrNo 09001/216 P382-5 (RENDER) Plans and elevations
 (A3) 09001/217 H404-5 Elevations
 (A3) DrNo 09001/218 H404-5 Floor plans
 (A3) DrNo 09001/219 H406-5 Elevations
 (A3) DrNo 09001/220 H406-5 Floor plans
 (A3) DrNo 09001/221 H408-5 Elevations
 (A3) DrNo 09001/222 H408-5 Floor plans
 (A3) DrNo 09001/223 H433-5 (BRICK) Elevations
 (A3) DrNo 09001/224 H433-5 (STONE) Elevations
 (A3) DrNo 09001/225 H433-5 (RENDER) Elevations
 (A3) DrNo 09001/226 H433-5 Floor plans
 (DrNo) 09001/227 H469-5 (BRICK) Elevations
 (A3) DrNo 09001/228 H469-5 (RENDER) Elevations
 (A3) DrNo 09001/229 H469-5 Floor plans
 (A3) DrNo 09001/230 H500-5 (BRICK) Elevations
 (A3) DrNo 09001/231 H500-5 (STONE) Elevations
 (A3) DrNo 09001/232 H500-5 Floor plans
 (A3) DrNo 09001/233 H526-5 Elevations 1
 (A3) DrNo 09001/234 H526-5 Elevations 2
 (A3) DrNo 09001/235 H526-5 Floor plans
 (A3) DrNo 09001/236 H577-5 (BRICK) Elevations
 (A3) DrNo 09001/237 H577-5 (RENDER) Elevations
 (A3) DrNo 09001/238 H577-5 Elevations
 (A3) DrNo 09001/239 Garage plans and elevations 1 of 4
 (A3) DrNo 09001/240 Garage plans and elevations 2 of 4
 (A3) DrNo 09001/241 Garage plans and elevations 3 of 4
 (A3) DrNo 09001/242 Garage plans and elevations 4 of 4
 Revised Flood Risk Assessment (May2010)
 Meadfleet maintenance plan (scanned Sept 2011)

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

3. Notwithstanding the submitted material details, no development shall take place until details and samples of the proposed 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. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, surface water drainage (to prevent discharge from drives and parking directly onto the highway), car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: 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 and that the details do not detract from the visual amenity of the area in accordance with the requirements of Taunton Deane Local Plan policy S2.

5. The proposed roads, 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 carriageway and footpath to at least base course level between the dwelling and existing highway unless otherwise agreed in writing by 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.

6. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

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.

7. No part of the access drive shall be laid out at a gradient steeper than 1 in 10.

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

8. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the provisions for sustainable transport in association with new development in accordance with Policy STR1 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13 and Taunton deane Local Plan policies S1, TA8(J).

9. No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the overall drainage masterplan, phasing considerations, intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details and thereafter maintained as such.

Reason: To prevent the increased risk of flooding in accordance with PPS25

10. Prior to the commencement of works on site a foul and surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include arrangements for the points of connection and capacity improvements required to serve the development and the timing for the implementation of the strategy. Prior to the occupation of any of the dwellings hereby permitted the drainage scheme shall be fully implemented in accordance with the approved details unless a variation is first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

11. No development shall commence until a scheme for the provision and management of a buffer zone alongside the Allen's Brook watercourse within the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out and maintained in accordance with the approved scheme for the lifetime of the development.

Reason: To protect and enhance the biodiversity value of the watercourse in accordance with PPS9.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this contamination shall be dealt with and thereafter implementation of the approved measures.

Reason: To protect controlled waters in accordance with PPS23.

13. Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed road will not be detrimental to the amenity of the occupants of the premises on the completed development.

The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed in accordance with the approved details before the development is occupied and shall thereafter be maintained

as such.

Reason. To ensure the amenity of residential premises is not adversely affected by noise from traffic and other sources which would be contrary to Taunton Deane Local Plan Policy S1(E).

14. At the commencement of work on site and prior to the occupation of any dwellings hereby permitted the 20 metre buffer of woodland shown on the submitted drawings Bir.3536-07 and Bir.3536-08A shall be planted in full along the southern boundary of the site, south of the route of the new western relief road and shall thereafter be retained as such. The woodland buffer planting, retained hedgerows and the planting along Allen's Brook shall thereafter be maintained in accordance with the Meadfleet General Specifications for Public Open Space and Paved Areas maintenance plan received on 18th July 2011.

Reason: In order that the impact of the development is adequately mitigated to ensure that there is no detrimental impact on the wildlife on the site, in particular any Lesser Horseshoe Bats, which are protected by British and European Law and in the interest of visual amenity and in accordance with Planning Policy Statement 1 and 9, the Draft National Planning Guidance, Somerset and Exmoor National Park Joint Structure Plan Review policy STR1; Taunton Deane Local Plan policy S1(C), (D), (E); S2(A) and EN6.

15. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development site for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ecology Solutions submitted report, dated June 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 breeding birds and bats.
- Details of a lighting strategy.
- A landscape and ecology management plan

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

Reason: To protect and enhance the site for wildlife in accordance with the requirement of Planning Policy Statement 9 Biodiversity and Geological Conservation.

16. Prior to the commencement of works on site details of a lighting strategy for

the site shall be submitted to and approved by the Local Planning Authority. The lighting strategy shall incorporate the following measures:

- 1) no night time working during the construction phase of the development in order to prevent light spill of the area.
- 2) Street lighting to be at 5m in height and shall be directed/designed to avoid light spillage and light pollution.
- 3) Lighting adjacent to features used by bats as flight corridors and foraging habitat (generally the proposed woodland buffer, hedgerows and Allen's Brook) to be directed away from those areas and no lighting provided in such areas to exceed 0.1 lux and will be
- 4) Lights adjacent to or affecting the woodland buffer, hedgerows and Allen's Brook shall, be LED or if not suitable, highly directional and/or light on demand. It must not be white mercury vapour or high pressure sodium types of lighting.

The lighting strategy shall be fully implemented prior to the occupation of any residential units on site and thereafter maintained in accordance with the lighting strategy unless an alternative is first submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the lighting on the site is designed to ensure that there is no detrimental impact on the wildlife on the site, in particular any Lesser Horseshoe Bats, which are protected by British and European Law and in accordance with Planning Policy Statement 9, the Draft National Planning Guidance, Somerset and Exmoor National Park Joint Structure Plan Review policy STR1; Taunton Deane Local Plan policy S1(C), (E) and EN6.

17. The area of land within the application red line area and to the south of the buffer planting to the south of the alignment of the Western Relief Road as shown in the Taunton Deane Local Plan shall be managed as permanent pasture with attenuation ponds as shown on plan numbers Bir.3536-07 and Bir.3536-11A and shall be managed in accordance with the general guidelines contained with the submitted Meadfleet General Specifications for Public Open Space and Paved Areas maintenance plan received on 18th July 2011.

Reason: In order that the impact of the development is adequately mitigated to ensure that there is no detrimental impact on the wildlife on the site, in particular any Lesser Horseshoe Bats, which are protected by British and European Law and in the interest of visual amenity in accordance with Planning Policy Statement 1 and 9, the Draft National Planning Guidance, Somerset and Exmoor National Park Joint Structure Plan Review policy STR1; Taunton Deane Local Plan policy S1(C), (D), (E); S2(A) and EN6

18. Prior to the commencement of works on site a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority to ensure that the buffer planting and off-site compensatory woodland planting is managed appropriately for lesser horseshoe bats. The management plan will cover management of the whole site and will include measures to promote the

establishment of the buffer and off-site planting, such as thinning and replacement of the 'nurse crop' species (poplar and Norway spruce) with oak and ash to give a more diverse age range.

Once approved the management of the site shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority

Reason: In order to ensure that the mitigation measures are properly maintained to ensure that the mitigation measures are maintained in a state that is fit for purpose and that there is no long term, detrimental impact on the wildlife on the site, in particular any Lesser Horseshoe Bats, which are protected by British and European Law and in accordance with Planning Policy Statement 9, the Draft National Planning Guidance, Somerset and Exmoor National Park Joint Structure Plan Review policy STR1; Taunton Deane Local Plan policy S1(C), (E);and EN6

19. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological work shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN23 of the Taunton Deane Local Plan and advice contained in Planning Policy Guidance note 16 and the Draft National Planning Policy Framework .

20. (i) The landscaping/planting scheme shown on the submitted plans Bir.3536-07, Bir.3536-08A; Bir.3536-09A and Bir.3536-11A 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.

21. 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 adjacent to the boundary of Birds Crest. The agreed boundary treatment shall be completed before the development hereby permitted is commenced 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.

22. The boundary treatment shown on drawing 09001/102 rev A shall be completed before the dwellings are occupied 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.

23. Prior to the commencement of works on site a timetable for the provision of Public open space as shown on plan 09001/109 rev A shall be submitted to and approved in writing by the Local Planning Authority. The Public Open Space shall be provided in strict accordance with that timetable and shall thereafter be maintained at all times for the in accordance with the above plan and submitted Meadfleet Ltd General Specification for public open spaces and paved areas maintenance scanned on 1st September 2011.

Reason : In order to ensure the provision and maintenance of Public Open Space required in association with the development in accordance with the requirements of Taunton Deane Local Plan policy C4

24. The Childrens Play area and equipment shall be provided on site in accordance with the details supplied on plan number Bir.3536_10A and available for use prior to the occupation of the 68th dwelling on the site and shall thereafter be maintained as such in a safe and useable condition in accordance with the Meadfleet Ltd General Specification for public open spaces and paved areas maintenance as scanned on 1st September 2011.

Reason :- In order to ensure the provision and maintenance of children's play area required in association with the development in accordance with the requirements of Taunton Deane Local Plan policy C4.

25. 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 windows or dormers shall be inserted into the northern elevation of the dwelling or garage on plot 30 without the further grant of planning permission.

Reason: To prevent overlooking of adjacent residential properties resulting in a loss of amenity contrary to Policy S1(E) of the Taunton Deane Local Plan.

Notes for compliance

- . Guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night

(2300h) to 0700h). In addition a 45 decibel LAmax applies in all bedrooms during the night (2300h to 0700h).

- . The condition relating to wildlife requires the submission of information relating to protected species. The Local Planning authority will expect to see a detailed method statement stating clearly how wildlife will be protected through the development process and be provided with a method statement that will maintain favourable status for the species that are affected by the proposal. the condition also requires the submission of a landscape and ecological management plan for the site.
It should be noted that the protection afforded to species under the UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the development site(regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
- . All new surface water discharges made direct to a watercourse must terminate in a properly constructed outfall for which the separate consent of the Environment Agency may be required. The applicant is advised to check with us as to whether any Flood Defence Consents are required for any detailed proposals. For information, under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.0 metres of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary' watercourse will also require consent under section 23 of the Land Drainage Act 1991.
- . There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
- . Any waste brought into or disposed of off site will be subject to an Environmental Permit or Exemption which must be obtained from the Environment Agency.
- . The buffer planting shall be in accordance with the requirements of the Habitats Regulations Assessment. In order to protect the "offset" planting area from light noise or other disturbance no new footpath, cycle or vehicular links should be provided though the buffer. Such links would require planning permission.

PROPOSAL

The site is allocated as part of the Monkton Heathfield allocation in the Taunton Deane Local Plan (Policy T8 and T10) for development and the proposal is for the residential development of land to the North east of Birds Farm Monkton Heathfield. This is a detailed application proposing the erection of 136 dwellings (incorporating affordable housing units). The dwellings are 2 or 2.5 storey in height and comprise 2 – 5 bedroom dwellings. The majority are detached with some terrace units. The initial flat element has been removed. The proposed materials would be a mix of buff and red brick with roofing materials of artificial slate and red/ terracotta tile. The main road network and private drives would be tarmac with block pavements used for lesser

order roadways and junction detail.

The site is characterised by a strong network of hedges and trees. These are being retained where possible. In addition, for bat mitigation and landscape purposes, a 20m landscaped buffer is to be provided along the southern boundary of the site and the existing Allen's Brook hedges and trees are to be retained at the west of the site. This will form a green edge to the development complementing the green wedge allocation on the land to the south and west. A large public open space and children's play area would be provided at the south of the site with dwellings arranged around and overlooking the area. A footpath link would be provided from the south of the site north to the A3259 enabling access to services in Monkton Heathfield. It would run along the route of an existing hedgerow providing for its retention and future maintenance within the scheme. Footpath links are also provided from the southwest and east of the site to the surrounding area.

The site would be served off Milton Hill with a new roundabout being formed at the junction with Dyers Lane and the first section of the Western Relief Road (approx a third of the required length in that area) being formed to provide access, northwards, into the site. The remainder of the land (in the control of the applicant) required for the provision of the WRR would be dedicated to highways for the future provision of the road. Dyers Lane would be realigned to the west and form a new junction on the future WRR. In addition, improvements are proposed to the north where a new mini roundabout would be formed, just to the south of the School Road junction to improve the functioning of the one way sections of road onto and off Greenway Road/Yallands Hill. The proposal would also provide a new traffic controlled junction at the south of Milton Hill, where it meets the A38.

Sustainable drainage techniques are proposed for dealing with the surface water drainage with a scheme that would mitigate the development to the greenfield run off rates.

SITE DESCRIPTION AND HISTORY

The site is located approx 3.5km to the northeast of Taunton and lies between the villages of Monkton Heathfield and Bathpool. The site comprises 3 agricultural fields used for grazing with a number of strong hedges generally running north-south. The fields slope gently from north to south. The site lies to the rear of two storey detached residential properties on its northwest and bungalows on land to the east. A commercial garage lies at the north of the site. The existing highway network runs to the north (Yallands Hill) and the east (Milton Hill) of the site. To the south of the site are additional agricultural fields.

There is no planning history on the fields. The site is allocated in the Taunton Deane Local Plan for residential development as part of the comprehensive development of the Monkton Heathfield/Bathpool area.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The land in question is allocated

for development in the Taunton Deane Local plan as part of the Monkton Heathfield Key Site which sets out the principles for development. The development is therefore acceptable in principle. The development sits on the line of and gains access from the proposed Western Relief Road (WRR) which links the A38 to the A3259. The WRR is required prior to the occupation of the 651st Dwelling on the Monkton Heathfield Site due to capacity issues on the network. Planning consent for a first Phase of 327 has been granted. It is therefore necessary that any additional traffic generated by the proposed development is adequately mitigated. The County Council is currently working with Taunton Deane and Developers in designing the WRR with a view to its completion in 3 years time.

A Transport Assessment (TA) has been submitted with this application and subsequent to comments made this has been revised by a further addendum. The TA clearly shows that the network is congested when committed developments are considered in particular School Road/Greenway and A38/ Milton Hill Junctions. The School Road issue is resolved with the introduction of a mini roundabout which is acceptable subject to Safety and Technical audits. The development is accessed by means of a new Roundabout situated close to the junction of Dyers Lane and Milton Hill. This results in the diversion of Dyers lane onto the section of the WRR being constructed to gain access to the development. A controlled crossing for pedestrians and cyclists is also provided on Milton Hill, close to the roundabout. These proposals are acceptable subject to Safety and Technical Audits. The A38/ Milton Hill junction is less simple. Leaving the junction unaltered is unacceptable. However, the TA proposes mitigation in the form of Traffic Signals which on the face of it creates sufficient capacity to mitigate the effect of development traffic. However, this proposal as designed, whilst catering for a proposed access into The Hatcheries development is not compatible with the Roundabout, Toucan Crossing and Traffic Calming proposed approved in conjunction with The Monkton Heathfield Phase 1 permission.

Further discussions have taken place with the developers and their consultants and additional traffic modelling and design work has taken place to modify these proposals to make them acceptable. The traffic modelling has been undertaken to calculate the effect of the development traffic on the network based on the likely build rate for this and other close by developments with a view to ensuring that junction capacity does not become critical prior to the construction of the WRR in 2015. The modelling shows that it is unlikely that a critical state will occur. Should however the WRR be delayed, then the applicants will pay SCC a contribution to enable the agreed mitigation to be put in place.

It is clear therefore that the provision of the WRR is not required prior to this development commencing.

This is a full application, so it is essential that the internal development layout is acceptable from a Highway viewpoint to appropriately cater for vehicles and pedestrians. The layout has been the subject of discussion with the Highway Authority but that currently proposed is as yet not agreed with my colleagues although I have no doubt that the small issues that exist will be agreed. It is also essential that a travel plan that delivers a sustainable and fully integrated development is agreed and attached to any S106 agreement. It should contain the following:-

- Implementation of an approved Full Travel Plan for the development, such travel plan to have been agreed in full prior to the signing of the S106 agreement (prior to reserved matters or commencement of the development), appended to the agreement and supported by a full travel plan schedule which contains a full range of measures to assist with sustainable travel
- Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property for a period of five years from each occupation, to aid with uptake of smarter travel choices
- Travel information contribution of £200 to assist the County Council in providing relevant cycle leaflets and bus timetables to be provided by the developer as part of travel information packs (£1.50/dwelling)
- Smarter travel management fund of £7,500 to aid with the provision of matters such as on-site cycle servicing for residents and other events/one-off promotions to assist a travel plan coordinator promote sustainable travel, and should targets not be met to provide further remedies
- Fully-equipped bus stops featuring hard standing, licensed shelters and cycle parking on the stops on Milton Hill with a commuted maintenance sum
- Travel Plan Fee of £2000 to assist SCC's role in supervising the implementation of the travel plan as a one-off payment
- Cycle link to existing cycleway on Yallands Hill
- Off-site canal side cycleway signage improvements (TBD)

SCC - RIGHTS OF WAY - Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (temporary closure/stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

A temporary closure, if required, can be obtained from Sarah Hooper on (01823 483091).

With reference to more general walking/cycling matters, It is not clear from drawing 09001/001 Rev D Proposed site layout, the extent of footpath/ cycleways and whether they will fully link to the internal road layout. In particular the most western cul-de-sac and it's linkage to the east-west cycleway would be beneficial as access for pedestrians and cycles. Also, at the eastern end of the development it would appear to make more sense, if feasible, to have a zebra crossing north of the new roundabout to help facilitate journeys to school, rather than south of the roundabout as currently shown.

I note that the existing tarmac path serving the school on the eastern side of Milton Hill could benefit from widening and potential adoption as footway/cycleway as it does not appear to currently form part of the highway or school land.

WEST MONKTON PARISH COUNCIL –

In 2002 the timing of the Western Relief road was thought to be important and safeguards for the residents of West Monkton were put in place to ensure its provision. Since 2002, the traffic situation in the village has become much worse and it is imperative that the Western Relief road is completed as per the document (see

extract below).

I spoke to County Highway Authority who consider that the Transport Assessment does not support the developers stance regarding this application and has requested further information. Apparently the land for the relief road is owned by four different owners and this prevents the developers from building the Western Relief Road. As far as I am aware the land has not changed ownership since 2002 so this should not be an issue.

The parish council looks forward to working with TDBC in the future and hope they will support the parish on this issue, after all developers knew about these requirements when they considered development of the land.

Relief road

Although having no legal or valid technical basis, the County Highway Authority and the development consortium submitted a preliminary statement of agreement at the Local Planning Inquiry (2002), regarding the implementation of the relief roads, the details of which are set out below. However, the precise timing of the eastern and western sections of the relief road were to be determined through a Transport Assessment (TA), to be submitted as part of any comprehensive planning application for the Monkton Heathfield major development site.

The 2002 Statement of Agreement indicated the eastern section of the relief road would be required to be completed before the occupation of 300 dwellings within the 'mixed use allocation. The threshold for completion of the western section (A3259 link) was anticipated before the completion of 650 dwellings within the major development site or 90% (90 units) of the Aginghills farm development, whichever is the sooner. However, the TA and its subsequent agreement will determine the timing of the actual implementation of the relief road and associated works."

ENVIRONMENT AGENCY - Thank you for consulting us on additional information submitted in respect of the above application which was received on 04 May 2011. We confirm that based on this information we now **WITHDRAW** our previous **OBJECTION** subject to appropriate conditions and make the following comments:

We have reviewed the information presented in the Hydrock Consultancy Ltd Report "Birds Farm, Monkton Heathfield: Desk Study and Ground Investigation Report, Final" dated May 2010. Whilst we concur with the assessment that the site is unlikely to represent a risk to controlled waters, it is not clear if a search for unlicensed private abstractions has been incorporated. We would recommend consultation with the Local Authority Environmental Health Officer to confirm the absence of such features. In the absence of such investigation, we consider that any issues arising during the development in relation to contamination can be adequately dealt with by attaching the above condition.

Paragraph 4.9 of the submitted Ecological Assessment suggests that the depth of water in the Allen's Brook precludes its use by otters. We would disagree, as there is plenty of evidence that otters will use quite small watercourses. Stream corridors are not just used for feeding but provide otters with cover, routes and lying up places. In addition the conditions noted may not be typical of other parts of the watercourse or the same parts under different conditions. In our view, with otter now

occupying most suitable habitat in Somerset, it is misleading to suggest that possible use of the Allen's Brook corridor by otters should not be considered.

We generally welcome the protection of the Allen's Brook corridor and other hedgerows which appear to occasionally support a watercourse. We also welcome the provision of the functional ponds within open space both for attenuation and biodiversity reasons. We consider that some of the proposed housing at the western side of the proposed development is too close to the watercourse and could both constrain its corridor and provide unwelcome light spill if not sensitively managed.

Although the watercourse is generally treated sensitively by the proposals the riverside corridor should remain unobstructed so that otters can pass without being forced onto roads or away from the corridor of the Allen's Brook. Any crossing of the Allen's Brook should be done using clear span bridging rather than culverts.

We would recommend that a strip of land, at least 5.0m in width, is retained free of all built development, fencing, and ground raising, etc. adjacent to the top of bank of any watercourses crossing or adjoining the site. This recommendation is also made to facilitate access along the edge of the watercourse in future for channel/bank vegetation maintenance and / or to provide sufficient space for any improvement works deemed necessary to the channel in future.

All new surface water discharges made direct to a watercourse must terminate in a properly constructed outfall for which the separate consent of the Environment Agency may be required. The applicant is advised to check with us as to whether any Flood Defence Consents are required for any detailed proposals. For information, under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.0 metres of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary watercourse' will also require consent under section 23 of the Land Drainage Act 1991.

There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

Details of the potential crossing of the Allen's Brook by the future Western Relief Road will be the subject of further detailed flood risk assessment by the Environment Agency and Highways Authority, and no approval of any such details is implied by this application.

Any waste brought into or disposed of off site will be subject to an Environmental Permit or Exemption which must be obtained from us.

STRATEGY AND COMMUNICATIONS UNIT - – no comment

SCC - ECOLOGY - A Habitats Regulation Assessment has been undertaken on behalf of TDBC by Larry Burrows. This has been confirmed by Natural England. The applicant has proposed amended mitigation measures, including the provision of a

20m wide buffer planting strip to the south of the likely alignment of the Western Relief Road, to counteract any negative impact on Lesser Horseshoe and other bat species that may be affected by the development.

The Habitats Regulation Assessment identifies that in order to secure a no likely significant effect Taunton Deane Borough Council have considered and set out the following counter acting measures that will be conditioned in granting planning permission:

1. Provision of a 20 metre buffer of woodland planted along the southern boundary of the site, south of the route of the new western relief road. When functional, this will form a continuous unlit corridor around the southern perimeter of the site, linking to vegetation along Allen's Brook to the west, which will provide the opportunity for light-sensitive bat species (including lesser horseshoe bats) to access additional foraging habitat. The planting schedule and layout of the 20m buffer planting will conform to that set out in the Appropriate Assessment (Somerset County Council, 2009) [see Appendix 1]. The on-site buffer planting will be planted at the commencement of the works on site. Advanced stock (Extra Heavy Standards) will be used.

2. Retention of the existing trees and hedgerows along Allen's Brook on the western boundary of the development. This will link in with the buffer planting.

3. Any paths and cycleways through the buffer planting will be constructed diagonally rather than at right angles through the buffer and will not be lit. These paths/cycleways will not exceed 3m in width.

4. The proposed route of the new relief road will be offset from the buffer planting by a minimum of 5 metres.

5. The area to the south of the buffer to be managed as permanent pasture with attenuation ponds. At certain times of year these ponds would hold water, whilst others would provide wet grassland habitat.

6. Preparation and implementation of a habitat management plan to ensure that the buffer planting and off-site compensatory woodland planting is managed appropriately for lesser horseshoe bats. The management plan will cover management of the whole site for a period of 25 years from completion of the works. This will include measures to promote the establishment of the buffer and off-site planting, such as thinning and the replacement of 'nurse crop' species (poplar and Norway spruce) with oak and ash to give a more diverse age range. It is proposed that the preparation and implementation of the management plan be secured a planning condition.

7. To minimise the effects on lesser horseshoe bats (and other bat species), a lighting strategy (to be produced at the reserved matters stage) will incorporate the following measures:

1. There will be no routine night-time working during the construction stage of the development.
2. Street lighting will be set at 5 metres (the minimum height permissible in Somerset) and will be directed to where it is needed to avoid light spillage and pollution.

3. Lighting adjacent to features used by bats as flight corridors and foraging habitat (namely the woodland buffer strip, hedgerows, and Allen's Brook) will be directed away from these features and lighting levels will not exceed 0.1Lux
4. Lighting will not be of the white mercury vapour or high pressure sodium types. Where possible, LED, highly directional and/or 'light on demand' forms of lighting will be used.

It is considered that with these measures in place there is unlikely to be a significant effect on the population of lesser horseshoe bats at Hestercombe House SAC.

SCC - HISTORIC ENVIRONMENT SERVICE - The submitted archaeological evaluation shown some remains in the southeast corner of the site and I recommend that the developer is required to excavate the heritage asset and provide a report on any discoveries made as laid out in PPS 5 (policyHE12.3).

SCC - CHIEF EDUCATION OFFICER - The local catchment schools do not have capacity to accommodate the additional pupil numbers likely to arise from this development. A financial contribution is therefore sought for the provision of additional pre-school (£50,744), primary school (£343,196) and secondary school places (£369,380)

HOUSING ENABLING :- Whilst in an ideal world we would require 35% affordable housing all of which are 2, 3 and 4 bed houses we do very rarely get offered such a good mix as this so I would accept 33.8% with this mix :- 2 bed houses 27; 3 bed houses 13; 4 bed houses 6.

I would like the 4 bed houses to be for rent rather than shared ownership and the rented units will be social rented houses not affordable rented houses

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – Noise - no objection subject to appropriate conditions

WESSEX WATER - - Have yet to agree a drainage strategy with the applicant. Foul Water but additional details have been supplied that would be an acceptable basis for a drainage strategy. No objection subject to a condition requiring the submission of an acceptable drainage strategy, its provision and long term maintenance.

Water Supply - There is sufficient capacity within the water supply network to serve the proposed development.

Flood and Water Management Act 2010 - The Flood and Water Management Bill became an act of parliament during April 2010 and central government intend to issue and implement detailed regulations and Codes of Practice some time after April 2011.

The council should note that the provisions contained in the new Flood and Water Management Act 2010 will require that;

- a) sewers and off site lateral connections are subject to a compulsory signed adoption agreement before connecting into the public sewerage system
- b) new sewers and lateral connections are built in accordance with the proposed Government Mandatory Build Standard

National Standards for sustainable drainage - National Standards for the design, construction, operation and maintenance of SuDS are also being drafted. Plans for the drainage system will need to be approved, before construction can start, by the SuDS Approving Body (SAB) which will be Somerset County Council.

NATURE CONSERVATION & RESERVES OFFICERS - no objection based on the submitted ecology report and subject to conditions.

DRAINAGE ENGINEER - Additional information has now overcome my concerns.

LEISURE DEVELOPMENT MANAGER - Play areas and public open space should be provided in accordance with the local plan policy C4 requirement. I am concerned about the proximity of the proposed play area to the Western Relief Road and would prefer to have the play areas relocated to the centre of the site, overlooked but at least 5m from any dwelling. Contributions are required towards active outdoor recreation; allotment and public art provisions. The amended details provide a much better layout and play provision and I consider that the scheme is now acceptable.

LANDSCAPE LEAD - TDLP policies EN6, EN12, EN13, EN25 are relevant. The eastern hedgerow should be retained and where lost to highway visibility it should be replanted I consider that plot 1 is too close; I would like to see additional tree planting next to the houses within the development site generally and along the southern boundary of the proposed Western Relief Road.

NATURAL ENGLAND - No development should take place until a strategy to protect and enhance the development for wildlife, based on the Ecology Solution's report dated June 2010, has been approved in writing by Taunton Deane Borough Council. Although the site has no statutory designated sites within or adjacent to it, Hestercombe House SAC is 2.4km to the north west. Natural England would remind TDBC of its duty on biodiversity issues under Section 40(1) of the *Natural Environment & Rural Communities Act 2006*, Regulation 3(4) of *The Conservation (Natural Habitats &c.) Regulations 1994* and Section 74 of the *Countryside & Rights of Way Act 2000* - to ensure that the potential impact of development on species and habitats of principal importance is addressed.

SOMERSET DRAINAGE BOARDS CONSORTIUM - no objection but additional detail should be provided by condition for a surface water management plan designed to limit the developers impact on the receiving land drainage network.

CHEDDON FITZPAINE PARISH COUNCIL - concerned regarding the loss of the green wedge separating Taunton from its surrounding villages, which, in the past has been considered high priority by planners. The proposals cover an area from Waterleaze to Avinghills Farm/Allen's Brook and showed a large number of small houses/affordable dwellings in a high density that would lead to road congestion onto an already busy road. Another development off Yallands Hill south towards Dyers Lane, for 4 to 5 bedroom houses in a low density, including 35% affordable would add to this problem.

BRITISH WATERWAYS Object to the proposal - the Canal has suffered localised over- topping in the past as a result of additional flows from housing located near the canal and the Flood Risk Assessment mentions that flooding has occurred near the Canal Culvert in the past. It appears that the proposal will result in the potential for additional flow through this culvert and we object to the proposal until further investigations are carried out as to the suitability for the culvert to cope with such flows.

A Discharge Licence may be required if any water is to be discharged into the Waterway and that this will only be granted if the waterway is deemed suitable to accept the potential volume of water proposed and if the water is free from pollutants. Amended details have been provided which overcome these concerns and British waterways have now removed their objection in this respect.

In addition we have concerns regarding the increased use of the towpath by future occupants of the housing. The towpath is already a well-used transport and recreational route. The Sustrans Cycle network Route 3 follows the towpath and many people use it as a direct route all the way into the town centre. The increased use by future residents will result in the need for additional maintenance and improvement works. We feel that it is unreasonable for British Waterways to incur additional costs as a result of the development and object in order to protect our land ownership from undue degradation. As mentioned above however we will be willing to remove this objection if we are able to ensure that suitable mitigation measures are put in place to help prevent such degradation.

We note that the accompanying traffic assessment mentions usage of the canal towpath as a sustainable transport route, but does not consider the likely volume of additional usage or the resultant implications. The towpath is approximately 300m from the site.

Circular 05/2005, Annex B sets out the circumstances when a proposed development should require a planning obligation. Annex B states that planning obligations might be used, when appropriate, to compensate for loss or damage caused by a development. It encourages obligations to help offset through regeneration the loss of, or damage to, a feature or resource present or nearby, for example, a landscape feature of biodiversity value, open space or right of way, in other words a feature such as a stretch of canal towpath. The Taunton Deane Strategy, proposed core strategy, green infrastructure route and Taunton Deane Local Plans have policies for increased walking, cycling and cycling by public rights of way including footpaths such as the canal towpath paragraphs indicate that the Council should be supportive of increased usage of an existing walking and cycling route, particularly when a development is located close to it. Policy C6 states that the impact of a proposal on a public right of way is a material consideration and

therefore we believe that in order to encourage the use of the towpath for the benefit of future residents the Council should consider the need for mitigation to ensure that the right of way is not adversely affected.

A detailed survey of the condition of the towpath between Firepool Lock and Bathpool, (approximately 2.6 km) indicates that the wearing surface has degraded in some locations and requires replacement to remove wet spots, remove trip hazards and allow safer cycling and improved accessibility for all users. There are few dog or litter bins along this stretch and we would suggest that these basic facilities are improved to meet the needs of the additional users. We would also suggest a finger post sign or other interpretive panel to advise distance, routes etc.

Due to the large number of dwellings proposed in the area we feel that the development should only be required to fund a proportion of the total cost of the towpath improvements for this stretch and our figures suggest £220 per dwelling would be appropriate.

Representations

48 letters of objection have been received raising the following points:-

- Bungalows will be overshadowed by the proposed housing and sunlight will be very restricted;
- The proposal would provide approx one third of the Western Relief Road and with the part of the road in third party ownership it is unknown when the remaining road could be built;
- Western relief road must be provided before this site is developed;
- all development in this area should contribute to the provision of the western relief road and necessary services/infrastructure;
- the proposed new road and roundabout on Milton Hill have crossings but no thought has been given to the existing roads and the safety of pedestrians, cyclists or the congestion for cars and buses on the narrow overloaded roads;
- The WRR will serve to move the traffic congestion further south along Milton Hill to the new roundabout which will bottleneck when additional cars are using the network;
- the road network cannot handle the existing traffic and more traffic would make this worse and be unacceptable;
- there is an existing capacity issue at Bridgwater Road/Milton Hill and additional traffic would exacerbate this;
- The accident record over the last 30 years is too low probably because many of the accidents with cyclists have not been reported;
- The A3259 acts as a barrier to pedestrians on the north side of Yallands Hill and access to the pedestrian footpath is hazardous;
- there are no proposals for traffic calming along the A3259, which were to accompany the WRR to enable removal of through traffic;
- references to a cycle path at Yallands Hill are misleading as the cycle path stops at the bottom of Yallands Hill;
- adequate cycle and pedestrian links should be provided to ensure the development is safe for the public, especially school children;
- traffic will exit the estate and turn right to the Milton Hill junction putting pressure on the school access and School Road. There is no pavement on the one way section and the development should not proceed until the WRR is complete;
- The TA was based on a computer model. I do not believe any actual surveys were undertaken and I do not think anyone has tried to cross the A38 or A3259

- during busy periods by vehicle or foot as it is not safe to do so;
- the additional traffic will endanger the safety of pedestrians using the road system;
- a new gas regulator has been sited on the ground where the new roundabout is due to go;
- a cycleway should be provided that stops cyclists having to use Yallands Hill;
- The schools are full already and the existing infrastructure cannot cope with the proposed development;
- the extra traffic and roads will stop people walking;
- An existing sewer runs parallel to the rear of properties in Yallands Hill approx 2m from the boundaries and at a deep level and the proposal should take this into account;
- Proposals should allow access to the existing sewers adjacent to the rear of Yallands Hill to enable maintenance;
- the existing sewerage system may not be adequate to cope;
- A natural watercourse runs behind the rear gardens of Sylvan Way and the plans should ensure that this is managed appropriately;
- Monkton Heathfield should remain a village not a housing estate;
- Properties adjacent to the existing bungalows should be single storey;
- the proposed public cycleway and pathway are only approx 6ft from the boundary with Birds Nest;
- the boundary with Birds Nest has been drawn in the wrong location;
- development should retain all the existing hedgerows and erect a strong wall/fence for added security and privacy;
- Policy T10 refers to lower densities but this proposal is not;
- policy T10 considers that the allocated site should be considered as a whole and the requirements of the Local Plan (100 houses and the provision of the WRR) should be strictly adhered to;
- the proposal will result in the loss of green wedge;
- the development would have a detrimental impact on the context of Maidenbrook Farm, a grade 2 listed building;
- Density is above that envisaged in the local plan;
- the proposal is not a sustainable development as the impact on existing infrastructure will be unacceptable;
- the proposal will result in the loss of wildlife habitat and lead to an increase in noise fumes and vehicle movements;
- dwellings should be more spaced out and in keeping with existing area;
- There should be a green buffer between the existing and proposed dwellings and a natural green area provided adjacent to the streams and hedgerows;
- There are no plans of the proposed boundaries between the existing and new properties;
- We were told that a green wedge would be in place but this does not seem to be part of the proposal;
- Social housing is out of keeping with the area;
- social housing should be spread throughout the development but there is an over concentration at the northern section;
- The open space should be further to the north near to the social housing where the need is greater;
- the two storey dwellings will overlook the existing bungalows and their gardens;
- The 2.5 storey house overlooking 16 Sylvan Way is inappropriate causing a loss of outlook and amenity. New development should be single storey only;
- the designs are standard David Wilson Homes used throughout the country and do not reflect the local vernacular;

- the area is dominated by bungalows and the proposed houses, up to 8.3m in height, are out of keeping;
- The development will remove existing occupier's outlook and views of the Blackdowns;
- the height of the new dwellings will reduce the privacy and sunlight to existing dwellings and their gardens;
- The proposed dwellings backing onto Willows End are too close and will result in unacceptable overlooking. The triangular site boundary should be squared off and new fencing and planting should be provided to provide a screen;
- The development will make it harder and more dangerous for caravans, campers and large vehicles to exit the site onto Milton Hill.

PLANNING POLICIES

T8 - TDBCLP - Monkton Heathfield Major Development Site,
 T10 - TDBCLP - Housing Allocation (Aginghill's Farm, M Heathfield),
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 H9 - TDBCLP - Affordable Housing within General Market Housing,
 H10 - TDBCLP - Affordable Housing Targets,
 C1 - TDBCLP - Education Provision for New Housing,
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,
 EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
 EN12 - TDBCLP - Landscape Character Areas,
 EN13 - TDBCLP - Green Wedges,
 EN14 - TDBCLP - Conservation Areas,
 EN24 - TDBCLP - Urban Open Space,
 M4 - TDBCLP - Residential Parking Provision,
 STR1 - Sustainable Development,
 STR4 - Development in Towns,
 S&ENPP1 - S&ENP - Nature Conservation,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,

DETERMINING ISSUES AND CONSIDERATIONS

Policy

The application site is allocated for residential development in the Taunton Deane Local Plan under planning policy T8. The policy requires a comprehensive mixed use development of the identified land including the provision of adequate education facilities, social and community facilities; public open space and play facilities; surface water attenuation; Affordable housing; cycle and pedestrian linkages throughout the development connecting to local services and the town; bus linkages and service improvements; Eastern and Western Relief roads. The allocation covers two areas. Land to the east of Monkton Heathfield (50Ha) to include a mix of uses and services and the application site (ha) to the west allocated for residential use.

In addition to policy T8 the Local Plan policy T10 covers the additional detailed requirements for the current application site at Aginghills Farm.

T10 - A site of 4.8 hectares north of Aginghill's Farm as shown on the
 Proposals Map is allocated for residential development.
 Affordable housing will be sought on this site in accordance with policies H9 and

H10.

8.148 This smaller area of housing is the most visually sensitive, so will be screened by an area of tree planting to the west. It is within the current green wedge which separates Monkton Heathfield from Bathpool, set on land which rises up to the north. Access could be from the north, which would require the removal of through traffic from the A3259 arising from the provision of the relief roads.

8.149 The site will be suitable for lower density houses set in substantial grounds. Over time this will allow the growth of large trees in the gardens, softening the views of the site. It is expected that the site will be completed by 2011."

The current application is for the provision of 136 houses with a mix of tenures, sizes and designs. It does not propose dwellings in substantial grounds as required by the local plan but with a density of 24 per hectare on the site, is by today's standards, considered to be a low density development. The proposal retains the western planting adjacent to the Allen's Brook and provides a wildlife buffer of 20m to the south of the alignment of the WRR to ensure that the development compensates for its impact on the green wedge and wildlife.

The proposal incorporates 46 dwellings for affordable rent. This is marginally below the 35% (47.6) stipulated in the policy but, unusually, there are no flats within the scheme and as the identified need in the area is for more family sized accommodation this is considered to be preferable to the provision of a larger number of smaller flat units.

To the south of the site the Local Plan envisaged the provision of a Western Relief Road, in association with the whole allocation (circa 1000 houses), to link the A38 to the A3259 to replace the existing road link, Milton Hill, provided it was shown to be required by a Traffic Assessment. This is discussed in more detail below. The current development proposes to construct a portion of the western relief road (1/3) including a new roundabout junction in the vicinity of the Dyers Road / Milton Hill junction and dedicate the remainder of the land required for the WRR to the Highway Authority ready for its provision. The Consortium developing the remainder of the allocated site (900 dwellings) is required to complete the WRR from the A38 to the A3259 after the occupation of the 651st dwelling.

Highways

When allocating the Monkton Heathfield sites for development the Taunton Deane Local Plan envisaged that a new relief road network would be required to cater for the additional traffic and to enable traffic calming of the A3259, through Monkton Heathfield and the A38 through Bathpool. The relief roads were defined as the Eastern and Western Relief Roads. The alignment and provision of the Eastern Relief Road (ERR) has been agreed with the outline permission issued on the land to the east of this site. The approximate line of the Western Relief Road (WRR) was drawn on the proposals map, running along the southern boundary of the current residential application site. This alignment is in the process of being properly designed and I am advised that it accords with this application. In the Local Plan and Development Guide the timing for the provision of the WRR was to be determined by traffic impact assessments, to form part of the planning applications. The outline planning approval for the land to the east of this application site (900 dwellings)

required the developer to provide the WRR before the occupation of the 651st dwelling but the owners of the Aginghills site were not party to that agreement and have undertaken a separate Traffic Assessment looking at the capacity of the highway network to accommodate the traffic from their development.

The WRR has now been designed by the Highway Authority and the Consortium has agreed to provide the road when the full design and Compulsory Purchase Order steps have been completed. The Highway Officer estimates the timing for the provision of the WRR as three years. As a result there is every expectation that the WRR will be constructed before this development has been completed. Irrespective of this, the impact of the current proposal on the highway network has been assessed without the provision of the WRR.

The current proposal would provide the eastern section of the WRR (approx 1/3 of that area of road), sufficient to gain access into the development site, and the dedication of the remaining land required for the future provision of the WRR across the site.

A Transport Assessment (TA) has been updated and revised. The development site would be accessed by means of a new roundabout situated close to the junction of Dyers Lane and Milton Hill. This results in the diversion of Dyers lane onto the section of the WRR being constructed to gain access to the development. A Controlled crossing for pedestrians and cyclists is also provided on Milton Hill, close to the roundabout. These proposals are acceptable subject to Safety and Technical Audits.

The TA indicates that the network is congested when committed developments are considered. In particular, the capacity of junctions at School Road/Greenway and A38/ Milton Hill. In order to mitigate the School Road junction problems a mini roundabout has been proposed which County Highways consider to be acceptable. In order to mitigate the additional congestion that would be generated at the A38/ Milton Hill the TA proposes mitigation in the form of Traffic Signals and road markings on the new roundabout (yellow box markings) to keep the NW-SE roadway free from obstruction. County Highway officers consider that this would overcome the congestion problems at that junction and they do not raise an objection to the current proposal. The mitigation works are not required immediately as they depend on additional traffic from the adjacent site and this site together and it is possible, if the three year delivery is achieved, that the mitigation works would not be required. In that event the monies would go towards the cost of the delivery of the WRR.

The access off the WRR into the site would be to the west of Milton Hill and consist of a single point of entry-exit. The main road into the site then extends north to provide access to three residential areas to the west, north and east of the site entrance. The highways have been designed to differentiate between the main road and residential off shoots by varying the width and surface materials. Details have been submitted to overcome minor problems with the internal layout and I am awaiting the highway comments on these (I will place these comments on the update sheet).

A revised layout plan has been submitted which indicates a site average of 1.5 parking spaces per dwelling and the parking spaces are provided either on plot, in areas provided at right angles to the highway or in small courtyards. This is in accordance with the Taunton Deane policy M4 that stipulates maximum parking standards for residential development.

The proposal includes the provision of a cycleway / footpath link running north – south from the future WRR to the A3259. Two other footpath links are proposed; one at the far west of the site, eventually this would be onto the WRR and to the west, and one to the far east of the site, onto Milton Hill. These details are considered to provide an acceptable level of linkage to the surrounding transport network.

In conclusion, the Taunton Deane Local Plan and the Development guide state that the timing for the provision of the relief roads will be determined by a Transport Assessment, along with the mitigation measures on the A38 and surrounding highway network. The submitted Transport Assessment (including addendum information) establishes that, with appropriate mitigation as proposed, the traffic generated by the development can be accommodated by the road network and the proposal is therefore considered to be acceptable.

Design and impact on existing residents

The Local Plan allocation suggested that the site should provide a low density development with good landscaping to help assimilate the development into the surrounding countryside and green-wedge. This proposal is for 136 dwellings on 5.65ha of developable land, resulting in a density of 24 dwellings per hectare, well below the densities sought by the previous Government for development sites. It proposes the retention of the western hedgerow adjacent to Allen's Brook and a central green open space with children's play area. Adjacent to the north – south footpath link mentioned above there is an area of public open space enabling the retention of two existing hedgerows. The retention of the natural features and the shape of the site means that the housing layout forms three areas of residential development, one to the west, north and east, linked by a west east access roadway.

The development has been designed so that the new properties front onto the future WRR to provide an interesting street frontage. In order to preserve an adequate level of amenity, given the potential use of the WRR in the future, these properties have been set well back (2-5m) from the pavement edge behind metal railings with a hedge and tree boundary behind.

The proposed development is for a range of detached, semi-detached and terraced dwellings. The house types are standard David Wilson Home designs but they have been chosen from a range of house types because they reflect the character of the area. The proposed materials are a mix of slate grey, orange and red roof tiles, yellow and red bricks with the occasional render. Samples of these have been requested to ensure they are in keeping with the surrounding area.

Of great importance is the relationship of the proposed housing to the existing development. The development site lies generally to the south of the existing housing although a finger projects north with dwellings to the west and east. Detached dwellings have been sited where rear gardens can provide an adequate level of separation from the existing dwellings. Normally developments provide minimum rear garden distances of about 10m and window to window distance of about 20m. This proposal provides a range of rear garden distances. Where the proposed dwellings back onto dwellings along Yalland Hill, which have long back gardens, the proposed dwellings are from 10m – 15m from the boundary. The majority of the dwellings to the east of the site are all single storey bungalows. Some

have a higher ground level than the application site but all will be affected by the development. In recognition of the difference in the height of the existing and proposed dwellings rear gardens of 12 - 15m have been provided and the boundary hedge is to have occasional trees along it to provide a dappled boundary to further reduce the impact of the new dwellings on the existing properties. One area of specific concern was the erection of a dwelling and attached garage on plot 30 which was approximately 6 m from the boundary with two bungalows. Amended plans have been received which replace the house type with a 2 storey dwelling and detached garage and re-site the dwelling further from the boundary.

The site drainage has taken into account the existing watercourses and the applicant proposes to improve the capacity of the foul sewage system to serve the additional demand.

Affordable Housing

Taunton Deane Local plan requires the provision of 35% (47 units) Affordable housing units on the site. At Monkton Heathfield (same allocation) the 35% was split 50% social rent and 50% Shared Ownership. The phase 1 reserved matters has provided 158 affordable housing units of which 18 are provided as flats. It is recognised that there is now a strong preference for larger 2/3 bedroomed dwellings in Taunton, which are generally more costly to provide.

The original affordable housing scheme for this site was for 48 units and included the provision of a 3 storey block of 6 flats. The flats were considered to be out of keeping with and less suitable to cater for the current identified housing needs for the area. The application has now been amended and replaces the flat block with three two bed roomed dwellings providing a total of 46 units, 34% of the total development.

As the identified need in the area is for larger 2 and 3 bedroomed dwellings rather than flats this proposal is welcomed and considered to be an acceptable compromise.

Education

The County Education Officer has confirmed that there is no capacity for primary or secondary schools in the vicinity of the development site. In order to secure adequate provision contributions are required based on the likely need. This results in the requirement for contributions of £343,196 for Primary school places and £369,380 for Secondary school places. In addition in 2006 Government placed a duty on the Education Authority to provide pre-school places and where they are not already available contributions are required. In this case an additional £50,744 is required. In total the Education requirements is £736,310. The applicant is currently offering £331,306.96, less than half the required sum and this matter is currently under discussion and would need to be agreed as part of the Section 106 discussions, prior to the grant of planning permission. The recommendation is that the full contribution, as identified by the Education Authority, is required.

Landscape and Wildlife

The proposal is located within part of the former green wedge separating Taunton and Monkton Heathfield. It was allocated for development in the Taunton Deane Local Plan leaving the land to the west to perform that green wedge function. The

Local Plan recognised that the land, sloping gently up from the south, was more visible and considered that landscaping within the site should enable its softening to assimilate it into its rural edge location. The current scheme has utilised the existing hedgerows as much as possible to enable a degree of landscaping immediately. Additional landscaping has been proposed through out the site in association with the residential layout and public open spaces.

The Local Plan envisaged tree planting to the western boundary of the site and the proposal includes the retention of the existing Allens Brook Hedge boundary for that purpose. In addition the WRR to the south of the site is to be landscaped. The proposal for this links into the need for wildlife mitigation planting to compensate for the loss of habitat for wildlife species some of which are protected by law. The proposal is for the establishment of a 20 wide landscape buffer to be planted with a mix of tree and shrubs. The landscape Officer would have preferred additional tree planting in the field to the south of the landscape buffer but this conflicts with the desire to establish permanent pasture land for a varied wildlife habitat and drainage attenuation features so in the circumstances additional planting has not been requested.

The ecological survey undertaken on the site indicated the presence of a number of protected species using the site. It included a survey looking for the presence of Lesser Horseshoe bats, potentially from the Hestercombe House SAC as LHB had been recorded on the site immediately to the west of these fields. The survey did not record any lesser horseshoe Bats but it did record the use of the habitat by a number of other bat species. The application proposed a number of mitigation measures to ensure that any impact of the development on wildlife was compensated for. As there were Lesser Horseshoe bat recordings on the adjacent site a Habitat Regulations Assessment was undertaken by Taunton Deane. This assessed the impact of the proposal on the wildlife of the area and identifies mitigation that would ensure that the impact of the development on wildlife is acceptable. The recommendations have been accepted by the developer and include the woodland buffer being increased from 15 to 20 metres in depth and the field to the south to be permanent pasture. The provision of the measures will be secured and maintained by condition.

Drainage

The surface water drainage for the application site would use Sustainable Drainage techniques to ensure that the run off rate does not increase from the current level. This involves the introduction of an attenuation pond on land to the south of the route of the WRR. This has been considered as acceptable by both the Environment Agency and TDBC drainage Officer. The Parrett Internal Drainage Board have requested long term maintenance arrangements to be assured and the applicant's have now provided a maintenance schedule that would achieve that aim.

The foul sewers for the area do not have sufficient capacity to accommodate the needs of the development. The applicant proposes introducing additional underground pipes to act as storage areas which will empty naturally during off peak times. Wessex Water's views on this are awaited but the final details of the scheme will be required as a pre-commencement condition should planning permission be granted.

Open Space/Recreation

Taunton Deane Local Plan policy C4 requires the provision of 2,760sqm of casual play space to include equipped play. This development proposes a central public open space within which would be a fully equipped open space. The Leisure Development Officer considers that the amended scheme will result in a good quality equipped area. In addition to the central open space the development also proposes a linear open space providing foot and cycle links through the site. This area retains the existing hedge so that a degree of established greenery will accompany the link. The developer proposes to provide and maintain the spaces into the future and conditions are proposed in order to achieve this at an appropriate standard.

Summary

The proposal is for the development of an allocated site providing 136 dwellings at a density of 24 per hectare. The proposed layout and design are considered to be acceptable. The proposal provides adequate affordable housing, play area and children's play space and is considered acceptable.

The submitted Transport Assessment establishes that, with the proposed highway mitigation works, the existing highway network can accommodate the additional traffic without the provision of the Western Relief Road and the proposal is therefore considered acceptable and in keeping with the requirements of the Taunton Deane Local Plan allocation.

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

TAYLOR WIMPEY (SOUTH WEST) UK LTD

ERECTION OF 39 DWELLINGS AND ASSOCIATED PARKING, ACCESS AND LANDSCAPING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD

Grid Reference: 316281.128944

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to:

(A) 1. The receipt of amended plans to address officers' requests in respect of alterations to the position of fenestration and design of dwellings;

2. Updated schedule of plans;

3. Modifications to the layout plan to respond to the landscape officer's comments and to re-position the substation and pump house;

4. Submission of a Transport Assessment which addresses the reduction of parking for both West Somerset Railway (WSR) and the Tourist Facilities; and,

(B) The applicant entering into a S106 obligation to secure:

1. 8 affordable homes (prior to no more than 20 open market houses being occupied);

2. Transfer of Land to West Somerset Railway for the provision of tourism facilities related to the functions of a Heritage Railway;

3. Provision of Tourist Information Facility;

4. A commuted sum of £104,832 to provide off-site children's play facilities or securing alternative provision of 760 square metres of play space to include a LEAP within the vicinity. The definition of 'vicinity' would be identified on plan to include the wider area of applications set out in the site history. The phasing would require the play facility or commuted sum to be provided prior to the occupation of no more than 75% of the development.

Recommended Decision: Conditional Approval

The proposed development will bring forward tourist related development which will support the long term aspirations of the West Somerset Railway, a key economic tourism and heritage resource within the Borough, in line with Taunton Deane Local Plan Policy EC22 (Land West of Bishops Lydeard Station), and will also deliver a proportion of affordable housing, for which there is an identified need in the Parish. The principle of the development

has been established by application 06/07/0027. The revised design, layout and landscaping are considered acceptable as an alternative scheme whilst securing the economic and highway benefits in association with the West Somerset Railway.

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 approved plans listed in schedule **[insert name or number of schedule of plans]**.

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

3. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of the development or as agreed in writing by the Local Planning Authority.

The above scheme shall also include full details of the operation and management strategy of the Sustainable Drainage Scheme to be submitted to and agreed in writing by the Local Planning Authority. The strategy shall be carried out in accordance with the approved details thereafter.

Reason - To prevent the risk of increased flooding, to improve water quality to enhance the biodiversity value of the site and to ensure the maintenance of the surface water drainage system in accordance with PPS9 and PPS25.

4. Finished floor levels of the development shall be set no lower than 51.8m AOD.

Reason - To reduce the impact of flooding on the development and it's users in accordance with PPS25.

5. Prior to their installation, details or samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, unless agreed in writing by the Local Planning Authority, and retained thereafter.

Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1 and S2.

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 structural planting along the site boundaries shall be retained and supplemented in accordance with the agreed landscaping scheme and shall be maintained in accordance with a maintenance strategy. The aforementioned strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site and shall also set out the maintenance and management of the grass verges and landscaped areas held in common (as identified on a plan to be submitted to and agreed in writing by the Local Planning Authority).
 - (iii) The landscaping 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.
 - (iv) 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. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be completely implemented in accordance with a phasing schedule, to be submitted to and agreed in writing, before the development to which that part of the phasing relates is occupied.

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 Deposit Policy S2.

8. Before development commences (including site clearance and any other

preparatory works) a scheme for the protection of trees and hedges 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. Such fencing shall be erected prior to commencement of any other site operations and 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.

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.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

9. No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

Reason – The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Policies EN6 and EN8.

10. No trenching works shall be undertaken within the canopy spread of existing trees unless agreed in writing by the Local Planning Authority. Any trenching works shall be carried out in accordance with the approved details and shall be hand dug with good quality topsoil 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, contrary to Taunton Deane Local Plan Policies EN6 and EN8.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no garage shall be erected on the site without the further grant of planning permission.

Reason - To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling without the further grant of planning permission unless indicated on

the approved plans.

Reason – In the interests of the visual amenity in accordance with Taunton Deane Local Plan Policy S2.

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

a) Site Characterisation

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

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

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

b) Submission of Remediation Scheme

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

scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with policies S1 and EN32 of the Taunton Deane Local Plan.

14. Prior to the commencement of the development hereby permitted full details of the proposed access, footways (to include providing a suitable cross over point to the existing northern footway) and visibility splays from the site onto Greenway Road, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details and visibility splays shall be fully implemented in accordance with the agreed details before any part of the development is occupied and shall thereafter be maintained as such. No further access shall be provided into the site.

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

15. The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, carriage gradients, drive gradients, car parking, street furniture and turning spaces shall be provided and laid out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority.

* For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted and agreed by 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.

16. The area allocated for visitor parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the development is occupied, or as agreed in writing by the Local Planning Authority, and shall not be used other than for the parking of vehicles.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

17. Not more than 50% of the open market housing shall be occupied until the following highway works:
 - Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
 - Provision of shuttle traffic signals at the approach to the bridge and

- footway works over the bridge;
- Provision of a new roundabout at the junction of Station Road and the A358.

have been constructed in strict accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

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

18. No development shall commence 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 EAD's Ecological assessment and upto date ecological surveys and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stage of development.

2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.

3. Measures for the enhancement of places of rest for breeding birds and bats.

4. Details of a lighting strategy.

5. A landscape and ecological management plan.

Once agreed the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: To protect and enhance the site for wildlife in accordance with PPS9.

Notes for compliance

1. The principles of a suitable surface water drainage scheme has previously been set out and agreed with the Environment Agency in the Flood Risk Assessment (FRA) submitted with the previous application 06/07/0027. In seeking to discharge the surface water drainage condition, these principles should be transposed into a detailed drainage design and confirmation of maintenance responsibilities provided.

2. The applicant is advised to contact the Highway Authority at the earliest opportunity to agree the off-site highway works to avoid any subsequent delay in the development process.

PROPOSAL

Planning permission is sought for residential development comprising 39 dwellings, of which 8 are proposed to be affordable homes on site. This site forms part of a range of wider development proposals previously submitted, and approved, to support the long term aspirations and viability of the adjacent tourist attraction of the West Somerset Railway. The planning history sets out the type and scale of development that has been approved for the wider site.

The original developer, GADD Homes Ltd, went into administration. Taylor Wimpey is now seeking to bring forward the residential element, whilst the enabling elements previously supported will be secured by S106 agreement. This has resulted in a revised internal layout and substitution of houses types. There has been further dialogue and negotiation with the developer to achieve a positive design solution for this site. The developer has been supportive to those requirements; however, at the time of writing, further amendments are awaited. The guiding principles are to provide good design that respects the site's semi-rural position and draws upon the local vernacular. The amendments include: removing horizontal bandings; introducing slate roofs; and, re-positioning of fenestration. The internal layout has also been amended to remove bin storage to the rear, introduce more meaningful landscape provision and address areas of hardstanding.

The main changes to the original scheme relate to the inclusion of the area for Sustainable Drainage, in the form of an attenuation pond(s), to the south east of the development; the omission of the picnic/play area from the application site; reduction to the amount of parking to serve both the tourist and museum land (the parking has now been incorporated into the rear gardens of properties); the provision of a substation and sewage pump station sited on part of the area previously indicated for tourist facilities (but outside the land transferred to WSR).

SITE DESCRIPTION AND HISTORY

The application site, measuring 1.82 ha, lies to the west of the tourist attraction of the West Somerset Railway. The Bishops Lydeard terminus of the railway and the railway line form the eastern boundary of the overall development. The rural centre of Bishops Lydeard is located to the north east, with a pedestrian underpass providing access under the A358. The site is accessed off Greenway Road, to the east of the entrance to the residential development at Greenway, which continues into Station Road and joins the A358. The site currently comprises agricultural fields and a mix of farm buildings.

The wider site, that formed the previous GADDs proposals has been subject to five applications, which following delays due to the developer going into administration and the resolution of technical matters, in respect of ecology and flooding/drainage, have now been consented – 15th August 2011.

Those applications relate to:

06/07/0027 – Erection of mixed use development comprising tourist facilities, 29 open market houses, 8 affordable units and associated infrastructure works. The tourist element of the proposals provided for a café, micro-brewery, creative industry centre, cycle hire centre and an ice cream kiosk.

06/07/0028 – Erection of Public House with restaurant.

06/07/0042 – Erection of 2 detached dwellings plots 38 & 39.

06/07/0043 – Erection of single storey building to form museum and carriage shed.

06/07/0044 – Erection of two storey office building.

The application now before Members is the residential elements of 06/07/0027 & 042.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL – The Parish Council supports the proposal and has the following comments:

- The Council supports the proposals submitted by the Community Development Team and in particular notes that there is no space for a play area indicated in the current plan;
- The Council supports the comments from Natural England and hopes that all ecological mitigation issues proposed are taken on board by TDBC and SCC;
- The Council seeks assurances that the Section 106 agreement is the same as that previously negotiated with Gadd Homes, in particular with reference to the Highway improvements, including the roundabout on the A358 and the proposed works to the railway bridge;
- The Council requests confirmation that both the Section 106 and Section 278 agreements are in place and signed before development starts;
- The Council requests that consideration be given to installation of a railing along the railway bridge to prevent pedestrians from stepping into the road;
- The Council welcomes the social housing portion of the development but notes that at 8 units it is below policy of 25% of the development.

HIGHWAY AUTHORITY – The site is situated on the south-west edge of Bishops Lydeard adjacent to Station Road, Bishops Lydeard and the Greenway housing estate.

This application generally replaces Applications 06/07/0027 and 0042.

The majority of is allocated in the Taunton Deane Local Plan for recreation and tourist development. However, some of the site is outside of the Local Plan area and

there is no provision in the plan for residential development. It is therefore a matter for the Planning Authority to decide whether or not the proposal is compliant with the Taunton Deane Local Plan. From a transportation viewpoint, it is on the edge of the village and generally not placed to encourage travel by modes of transport other than the private car. The principle of development on this site was however established by the resolution to grant permission of the previous applications on this site.

From a highway and transport viewpoint there are several issues to be considered in terms of highway infrastructure. In particular, the level of traffic that will use Station Road and its junction with the A358 and the necessary alterations to the railway bridge and junction of Station Road with the A358.

1. The site access onto Station Road is appropriately sited and has adequate visibility splays. Subject to minor alterations in its geometry and the extension of the southern footway to form a suitable crossover point to the existing northern footway, the access is acceptable. Conditions will need to be attached to any consent requiring its provision prior to the occupation of any of the development on site. The following condition will also be required to secure the appropriate internal estate road details:

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

2. Station Road, and in particular the bridge over the West Somerset Railway, is hump-backed and inter-visibility between the oncoming traffic is poor. There is no footway on the south side of the bridge from which access to the station platforms is provided via steps. The absence of a footway raises safety concerns for pedestrians using the steps and the bridge to cross over the railway. In order to overcome this, it is recommended that traffic signals should be provided on the railway bridge to restrict traffic flow to single-way working. This will allow sufficient width for a new footway and prevent parking of vehicles on the bridge. It also overcomes the inter-visibility issues on the approaches to the bridge.

3. The junction of Station Road and the A358 has also been considered both in terms of capacity and highway safety. It is clear from the analysis provided that there are no significant capacity issues at the junction, and therefore any improvements required are based on the existing accident problem at the junction and the potential for further accidents should the development proceed. Discussions have taken place with the applicant and his consultants, where alternatives for junction improvements have been considered. Taking account of all the issues, a proposal for a roundabout junction has been received and evaluated and it is considered that this is the only solution which will both reduce speeds on the A358, and overcome the existing accident problem at the junction. The roundabout is currently being designed in detail. The internal layout differs from that shown on the plans in relation to previous applications. The internal layout details are currently

being considered by my colleagues and I would hope to let you have detailed comments on these prior to the Committee date.

In conclusion, therefore, I do not propose to object to the proposal subject to the applicants entering into a Section 106 Agreement to secure the design, construction and funding of the following:

1. The provision of a roundabout at the junction of the A358 and Station Road. Detailed discussions are ongoing with the developers' highway consultants to agree a detailed design.
2. The provision of shuttle traffic signal installation on the West Somerset Railway Bridge.

Should it prove necessary for Somerset County Council not to be a party to the Section 106 Agreement then the agreement should require the applicants to enter into a further Section 278 Agreement with the Highway Authority to ensure adequate and timely completion of the offsite highway works. In addition the following conditions should be attached to any consent which may be granted:-

1. No development shall take place until detailed plans showing works to form a site access and visibility splays onto Station Road, Shuttle Signals and Footway Works over the railway bridge, a new Roundabout at the junction of Station Road and the A358 shall have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
2. No more than 50% of the dwellings hereby approved shall be occupied until the works approved in Condition 1 above shall have been completed to the satisfaction of the Local Planning Authority and Somerset County Council and open to traffic.

NATURE CONSERVATION & RESERVES OFFICER - The proposal is the development of 39 houses together with associated parking, access and landscaping at station farm, Station Rd, Bishops Lydeard.

EAD Ecological consultants carried out an ecological assessment of the site in July 2011. This assessment includes an extended phase 1 habitat survey and several Phase 2 surveys. Surveys by DWC undertaken in 2007 and 2008 have also been reviewed. No updated dormice survey was undertaken, although requested. Presence of dormice was established in 2008. EAD took the view that as the habitat has remained the same then it is still likely that dormice will be present on site. Findings of the report were as follows

Bats - Three soprano pipistrelle bats were recorded entering one of the buildings on site to be demolished. Due to the low numbers the surveyor concluded that the roost was likely to be a non maternity summer roost. A licence will be required from NE to destroy the roost. Five trees were recorded as having moderate to high potential to support roosting bats. At least seven bat species (common pipistrelle, soprano pipistrelle, myotis, noctule, lesser horseshoe and barbastelle bats) were recorded within the site. In addition daubenton bat was recorded foraging over the pond to the SW. I support the surveyor's enhancement proposals for bats in the form reinforcement of hedge lines and the provision of bat boxes and raised roof tiles.

Birds - The hedgerows and trees on site provide suitable nesting and foraging habitat for birds and so hedgerow removal will have an impact on birds. Two of the buildings on site accommodated nesting swallow. Bird boxes are proposed as mitigation. I agree that site clearance should take place outside of the bird nesting season

Badgers - The surveyor found no evidence of badgers within site although badgers have been recorded in the study area.

Dormice - The dormice surveys undertaken in 2008 confirmed the presence of dormice on site. The removal of hedgerows would impact on dormice and so an EPS licence is required. I understand that the applicant intends to apply for a licence immediately (If a licence is applied for in 2012 instead of 2011 further dormouse survey is likely to be required.)

Initially the applicant had not submitted sufficient detail for me to make an assessment of the impact of the development on FCS for dormice. On receipt of further detail of proposed mitigation, I now consider that FCS for dormice can be achieved.

Reptiles and amphibians - Slow worms and common lizard were recorded along field margins and along the stream. I agree that stream alignment will have an impact on these species but that the new SUDS feature will provide new habitat.

Great crested Newts - The pond located 100m to the south west was considered by the surveyor to be below average suitability for GCNs. The pond was however considered suitable amphibian breeding habitat whilst hedgerows and species poor grassland were considered to be suitable foraging habitat.

Invertebrates - The surveyor considered that the stream with associated riparian margin and hedgerows was likely to support a range of invertebrates.

Otters - No evidence of otters was recorded although it was conceded that otters could occasionally forage on site. Prior to the clearance of vegetation, a survey of the stream should be undertaken to establish the presence of otters. If these are found a EPS licence may be required.

Water voles - The stream provides a foraging and movement corridor for water vole and so I support the proposal for further survey prior to construction of the SUDS feature.

It is recommended that a condition be imposed requiring a strategy to protect and enhance the development for wildlife. In addition a number of informative notes be imposed.

NATURAL ENGLAND – The information supplied in the ecological reports on your website confirms the proposal will impact upon slow-worms, bats, water voles, reptiles and dormice and an ecological mitigation strategy for the species is needed and must be sufficient to avoid adverse impacts.

Taunton Deane Borough Council also needs to make an assessment of the

favourable conservation (FCS) status of the dormice and bats on this site and whether or not Natural England will grant a license. This assessment must be undertaken before the application is determined and should be informed by the dormice and bat data supplied to you by EAD Ecological Consultants. I spoke to the Council's Nature Conservation Officer last week and I understand, after her recent site visit, she has enough information to assess the impact of this development upon the FCS of the European Protected Species on the site.

LANDSCAPE OFFICER – There is a difference between the layout of the car parking for housing 1-10 on the landscaping and general layout. My preference is for the landscape scheme layout which is a much more sympathetic layout and includes areas of shrub and tree planting rather than an area of just tarmac.

Species *Castanea* and *Ulex* need to be removed and replaced with *Quercus robur* and *Viburnum opulus*.

Plots 2 and 16 are too close to the existing hedgerow and should be no closer than 2m.

Path surfacing within 2 metres of the hedgerows should be accompanied by construction details and method statements.

Plot 37 on the road frontage should retain the existing hedgerow as on the approved scheme,

The areas set aside for ecological planting should be accompanied with a longer term management plan. It is important that this area is either managed by a management company or committed to the Council and not passed into private ownership.

I recommend hedgerow planting on the south-eastern boundary of the site rather than just meadow planting as this will provide some landscape mitigation.

Revised Comments - 12.09.11 Plots 16 and 27 are too close to existing hedgerows and should allow at least 2m clearance from the bank of hedgebanks. Hedgerow protection fencing should be at least 2m from base of hedgerows and not as drawn. Tree protection should follow RPA guidance not as drawn. The roadside hedgerow should be reinstated behind the visibility splay and not left open. I recommend two *Amerlanchier Lamarckii* in the north east garden of the front plot.

Otherwise the proposals are fine.

COMMUNITY DEVELOPMENT SERVICES - In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings.

20 square metres of equipped play space should be provided for each additional 2 bed+ dwelling. On this site with 38 x additional 2 bed+ dwellings 760 sq.m of play space should be provided to include a LEAP. The play space should be designed to the principles outlined in the Council's Play Policy and the Council's Parks

Department should be asked to comment on the layout of the play space. The play area should also be in the centre of the site, overlooked but at least 5.0m from the nearest dwelling.

A contribution of £1454.00 for each dwelling should be made towards the provision of facilities for active outdoor recreation. The contribution should be indexed linked.

A contribution of £194.00 per additional dwelling should be sought for allotment provision along with a contribution of £1033.00 per additional dwelling towards local community hall facilities.

A public art contribution should be requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum of 1% of the development costs.

HOUSING ENABLING LEAD – The housing enabling officer supports this application on the basis of need and not the suitability of the site.

The requirement is 35% of the units to be affordable but only 8 units have been offered. This site is required as enabling development and the provision of the 8 units is welcome.

DRAINAGE OFFICER – I note that in the application detailed reference is made to surface water disposal being made by the use of a sustainable drainage system. However, no details of how this is to be achieved have been included.

In the drainage and services statement reference is made to a 'storm water drainage strategy within the flood risk assessment produced by Hydrock dated July 2011' again this report has not been included.

Details of how surface water disposal is to be dealt with should be forwarded for approval. This should include details of any ongoing maintenance / ownership issues.

Till such time I have to object to the application.

Revised Comments (14-09-11) - I am now in receipt of the requested FRA produced by Hydrock dated June 2011. I also note the comments made by the EA dated 18 August 2011 following separate discussions they have had with the applicant's agent. I can now remove my objection subject to the endorsement of the points/required conditions made by the EA.

ENVIRONMENT AGENCY – No objection subject to the imposition of conditions and informative.

DEVON & SOMERSET FIRE SERVICE – Means of Escape - Means of escape in case of fire should comply with the Building Regulations 2000 and as such should

satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at the Building Regulations consultation stage.

Access and Facilities for the Fire & Rescue Service - Access and facilities, which should where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.

POLICE – PPS1 makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion. Design & Access Statements should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in 'Safer Places, The Planning System and Crime Prevention'. The Planning Statement (assuming this is meant to be the DAS) does not do so.

Bishops Lydeard is considered to be a low crime area.

The layout appears satisfactory in that the majority of dwellings are positioned to face one another to allow neighbours to watch over each other and create conditions which will make the potential offender feel liable to detection. The cul-de-sac design also has some advantages in that it can help frustrate the search and escape pattern of the criminal. Where it is desirable to limit access to residents and their visitors, changes in road surface textures can help define defensible space by creating the impression that the area beyond is private, as would appear to be proposed in certain areas of this development.

Enclosures – the proposed dwelling enclosures i.e. 1.8m closeboard fencing and walls for rear side boundaries are appropriate, as are the lower walls/fencing to the front of dwellings. These boundary treatments should provide adequate security for the more vulnerable side/rear of properties, whilst the lower boundaries at the front provide good resident surveillance of the street. Gates providing access to rear gardens should be the same height as the fencing and lockable. They should be located on or as near to the front building line as possible to avoid recessed areas/potential hiding places.

Car parking – the majority of parking areas to be in garages within dwelling curtilages or on hard standings to the front of dwellings within sight of the owners, which are the recommended options. I have some concerns regarding the security of vehicles parked in the visitor's parking area adjacent to Plot 1, as these parking spaces seem to be subject to very limited resident surveillance. I recommend that these parking spaces be relocated to an area with better surveillance.

Planting & Landscaping – where good visibility is needed, shrubs should have a mature growth height of no higher than 1m and trees should have no foliage below 2m, so allowing a 1m clear field of vision.

Street Lighting – for adopted highways and footpaths, private estate roads and car parking areas should comply with BS 5489.

Physical Security – the applicant is advised to formulate all physical design features of the dwellings i.e. doorsets, windows, security lighting etc, in accordance with the police approved 'Secure by Design' award scheme, full details of which are available on the Secure by Design website.

QUANTOCK HILLS AONB SERVICE – The Quantock Hills AONB does not wish to make detailed comments in respect of the above planning application but we are concerned to seek reassurance that views of the proposed development have been considered from the Quantock Hills AONB. Given the proximity to this nationally protected landscape (which is characterised by areas of high ground offering views across to Bishop's Lydeard) we are very concerned to ensure that there are adequate landscape mitigation measures in places that will soften the impact of new development in views from the Quantock Hills.

Please note, a recent planning application for ground-mounted photovoltaic arrays was approved close to this application site and this was judged by consultants undertaking the landscape assessment not to be visible from Cothelstone Hill. These pv panels have now been erected and are visible from Cothelstone Hill. With this in mind, we seek assurance that the potential visual impacts of the proposed housing development in this location will not be underestimated, and will be thoroughly assessed.

WESSEX WATER – We have previously assessed this site and can confirm two possible options for connection:

Possible gravity connection to Bishops Lydeard, Greenway Pumping Station. This option would require further appraisal to confirm possible uprating of pumps, rising main and additional storage. This would be at the developer's cost.

Pumped connection direct to Sandhill Sewage Treatment Works at the developer's cost.

These options are based upon domestic foul flows from 39 dwellings. If flows increase further appraisal of Sandhill Sewage Treatment Works would also be required.

Surface Water is to discharge to the land drainage system in accordance with PPS25.

There is adequate capacity within the water supply network to accommodate the proposed development without the need for off site reinforcement.

SCC ARCHAEOLOGY - As far as we are aware there are limited or no archaeological implications to this proposal.

CONSERVATION OFFICER - No further observations to make.

Representations

25 letters of OBJECTION have been received. Summary of OBJECTION:

- Outside of the settlement boundary;
- Detrimental to the rural character and appearance of this Greenfield site;
- Loss of agricultural land – food security;
- Overdevelopment;
- Experience tells that landscaping proposals tend to be destroyed with inadequate replacements;
- Detract from the historic setting of the WSR station and adversely affect the attractiveness of the main attraction in the Borough; One side is already blighted by the industrial estate;
- Unsuitability of the existing highway network - Additional traffic on Station Road, the railway bridge and the junction with the A358, which is already signposted as an accident black spot;
- There should be a roundabout at the junction with Greenway Road to provide a safer access;
- The bridge is not strong enough;
- Impact of traffic on nearby settlements;
- Traffic lights not appropriate in such a rural location;
- Are there any plans for traffic calming?
- Lack of visibility;
- The requirements for signalised junctions and a roundabout acknowledges the hazard that an increase in traffic will cause;
- Application omits the requirement to make good the deficiencies in the offset junction of Station Road and the bypass;
- Potential for large tailbacks due to the traffic lights on the bridge;
- There is already an abundance of unsold properties;
- There are other more suitable areas such as Sandhill Park;
- Impact on residential amenities of existing residents;
- Lack of affordable housing;
- Inadequacy of communal play areas;
- Additional pressures on the local school, doctors surgery, sewers etc;
- Local Plan identifies this area for leisure and tourism purposes – not residential;
- Further residential development will follow leading to coalescence between Bishops Lydeard and Cotford St Luke;
- Loss of hedgerow and wildlife habitat;
- Increased pollution;
- Increase traffic and amenity problems during construction;
- Site is on a floodplain;
- Residents will probably complain about the noise and smoke from the WSR;
- Tragic to see the erosion of Greenfields in the countryside;
- There must be a radical change to the planning system where logic not just economic growth is put forward;
- Britain is becoming a land of concrete, look at Norton Fitzwarren the village has now been totally destroyed;
- This proposal will see the same policy repeat itself;
- This development is driven by money, whilst local residents lose their chosen

- village lifestyle;
- Proposals must look at improving individuals lives – economic growth is not a measure of living happily;
- We need to stop increasing the population of places;
- We need to look at re-developing existing eyesore environments and not greenfields;

3 letters of SUPPORT have been received. Summary of SUPPORT:

- Development is needed in conjunction with the railway;
- Proposal will enable the WSR to purchase land for the storage of the railways increasing stock, allowing greater flexibility in the running of the railway;
- WSR is a major tourist attraction, bringing in significant financial and social benefits to the area, as well as helping to provide extra employment and volunteering opportunities;
- Housing (both social and private) is much needed;

WEST SOMERSET RAILWAY support the proposal. Comments as follows:

I am writing this letter on behalf of the West Somerset Railway plc in support of the development of land at Station Farm, Bishops Lydeard by the developers, Taylor Wimpey UK Limited. This development is important to the future of the West Somerset Railway and is closely linked with plans to develop tourism and museum facilities at Bishops Lydeard Station through the onward sale of part of the land to the railway by Taylor Wimpey UK Limited. New railway facilities may include other land uses associated with accommodating the needs of visitors and / or the operation of the railway. The repair and restoration of locomotives, rolling stock and other equipment used in connection the running of the railway can be placed on public display to railway visitors clearly demonstrating the functions and activities of a Heritage Railway in pursuit of its every day business needs.

The West Somerset Railway plc has been consulted by Taylor Wimpey UK Limited through out this process and Taunton Deane has monitored developments so that the railways interests are maintained.

5 letters of NO COMMENT have been received.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS3 - Housing,
 PPS4 - Planning for Sustainable Economic Growth,
 PPS 5 - PPS5 Planning for the Historic Environment,
 PPS7 - Sustainable Development in Rural Areas,
 PPS9 - Biodiversity and Geological Conservation,
 PPG 12 - Highways,
 STR1 - Sustainable Development,
 STR3 - Rural Centres and Villages,
 STR5 - Development in Rural Centres and Villages,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP5 - S&ENP - Landscape Character,
 S&ENPP9 - S&ENP - The Built Historic Environment,
 S&ENPP22 - S&ENP - Tourism Development in Settlements,

S&ENPP23 - S&ENP - Tourism Development in the Countryside,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP39 - S&ENP - Transport and Development,
S&ENPP48 - S&ENP - Access and Parking,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S4 - TDBCLP - Rural Centres,
S7 - TDBCLP - Outside Settlement,
H11 - TDBCLP - Rural Local Needs Housing,
EC7 - TDBCLP - Rural Employment Proposals,
EC13 - TDBCLP - Restrictions on Unit Size and Range of Goods Sold,
EC15 - TDBCLP - Associated Settlements/Rural Centres/Villages,
EC21 - TDBCLP - Tourist and Recreational Development,
EC22 - TDBCLP - Land West of Bishops Lydeard Station,
EC23 - TDBCLP - Tourist Accommodation,

DETERMINING ISSUES AND CONSIDERATIONS

The primary considerations relate to the policy implications of the development; design and layout; highways; and, ecological impacts.

Policy

The principle of residential development has been established by the concurrent consent(s), which accepted the need to provide residential development to secure, as part of a mixed use scheme, the adjoining land for the WSR tourist facilities on a viable basis. The numbers of dwellings proposed are in line with those previously approved. The following benefits will be secured through a S106 agreement: -

- Affordable housing provision of 8 dwellings;
- The developer is required to offer the adjacent land referred to as the 'tourism land' to the West Somerset Railway for a nominal fee and the museum land for £50,000. There would be a covenant on the land that it shall only be used for purposes associated with the provision of tourism facilities related to the functions of a Heritage Railway;
- Provision of a Tourist Information Facility;
- Contributions to and children's play area or provision within the locality.

In addition, the following highway improvements are to be secured through a Grampian highway condition prior to the occupation of no more than 50% of the open market housing:

- Improvements to the junction of Greenway/Station Road to include yellow lining of the bridge approaches;
- Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;

- Provision of a new roundabout at the junction of Station Road with the A358.

The transfer of land to WSR will support long term objectives of the railway in bringing forward their proposals on a viable basis. The enabling works, above, were previously supported and secured by S106. Those elements will once again be secured.

The main change to the scheme, other than an assessment of the design and layout, relates to the loss of parking and play area (which is now outside of the red line). In respect of parking there is a condition imposed requiring that parking be provided before the tourism and museum land applications are brought into use. The current scheme reduces a reduction in parking for both the WSR and the tourist facilities from 51 spaces, including 4 disabled spaces, to 8 spaces, including 2 disabled. The Secretary for the WSR has confirmed that they do not require additional parking in the position previously identified at this stage, but parking is part of an ongoing review.

It is noted that in terms of viability the market has dropped since the original submission and there needs to be a balance regarding bringing forward residential development, on the basis of that proposed, to secure the main planning gain i.e. the transfer of land, affordable housing and tourist information centre. At the same time, it is fundamental that the WSR and are not prejudiced in their ability to bring forward tourism development on the remainder of the development site. The Highway Authority does not raise any comments on the loss of parking. The developer has been requested to submit an assessment of parking provision.

The other main revision is the exclusion of play area from the residential scheme. This play area was previously sited in close proximity to the WSR proposals and included a large picnic area. The developer now proposes that either off-site contributions will be provided (in which case the existing Council owned play area is being assessed to see if it can be upgraded) or an alternative play area will be provided within the local vicinity. This will be secured by S106 agreement. Discussions are ongoing.

Design and Layout

This scheme seeks to modify the previous layout and also the design and appearance of the dwellings. This site is important in terms of its rural setting and development should play a positive role and respect its environs, drawing upon local distinctiveness. This site will be highly visible to the public and tourists using the railway. In terms of guiding principles, the scheme now incorporates slate as a roofing material (50% of the development), the remainder being tile. The elevations have been amended to provide a traditional and simple vernacular with either brick or render external finishes. There have also been revisions (agreed in principle - awaiting revised plans) to the position of fenestration to provide a more balanced façade. The developer has been supportive of the changes sought. The development provides a mix of house types and designs. It is considered that the development will have no greater impact on the wider landscape or setting of the Listed Buildings than the extant scheme. The proposed dwellings are considered to be more sympathetic and draw upon local materials and design.

There are a number of properties that are served by garaging to provide off street parking; however, there are some areas of parking to the front of properties. The

developer has introduced an element of landscaping to break up the areas of hardstanding where this occurs. The boundary treatment to the front of properties features railings on dwarf walls. Overall the layout and design and appearance of the dwellings are considered to be acceptable. The provision of new structural planting along the boundaries of the site will help to assimilate the development into the wider environs.

Highways

The County Highway Authority does not raise any objection to the development. However, the officer does raise several points for consideration. The main concern relates to the level of traffic that will use Station Road and its junction with the A358 and the necessary alterations to the Railway Bridge and junction of Station Road with the A358. To overcome highway safety concerns in terms of both vehicular and pedestrian safety it is recommended that traffic signals should be provided on the railway bridge to restrict traffic flow to single-way working. This will allow sufficient width for a new footway and prevent parking of vehicles on the bridge.

The Highway Authority confirms that there is no capacity issue at the junction of Station Road and the A358. However, improvements are required on the basis of the existing accident problem at the junction. The agreed solution is for a roundabout.

The Highway Authority have requested that both the roundabout and signal works are secured by S106 and all details for such works to be agreed by the Local Planning Authority prior to commencement of development. It was previously agreed with the Highway Authority that such works would be secured by Grampian condition. It is therefore unreasonable to seek a S106 agreement at this time. In respect of the timing of the submission of plans, it is considered that as the trigger for providing such works is 'no more than 50% of the open market housing' that it would be unreasonable to require such detailed technical drawings before development commences. The developer is keen to undertake the ecological mitigation strategy this year and any further unnecessary delays will impact on the timing of the land being offered to WSR. It is considered the proposed Grampian condition will secure the required off-site highway works at the required timing of works. In terms of the S278 agreement the developer will be required to enter into such an agreement in order to carry out the required off-site highway works. It is not therefore necessary to condition that the developer enters into such an obligation.

Ecology

An ecological survey has indicated that the proposed development will impact upon wildlife. Importantly, the European Protected Species of the dormouse will be directly impacted upon by the proposal, and as such requires specific consideration.

The ecological survey indicated that dormice currently live in the hedges on the application site. The works involved in the development will see new breaks formed in the hedgerows. In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of this protected habitat, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority is a 'competent authority' must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its

Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The proposed development is considered to be in the public interest in terms of providing an enabling development to support the tourism and economic benefits of the West Somerset Railway and the Borough economy. The proposed would also provide additional housing. It is considered to be in the public interest to release the site for development.

(ii) That there is no satisfactory alternative

This development is only coming forward on the basis that it is enabling development in connection with the West Somerset Railway. Policy EC22 supports part of the site for tourist related facilities. However, in order to provide the transfer of the land to the railway and provide the off-site highway works further enabling residential development is required.

(iii) That the Favourable Conservation Status FCS can be maintained

It is considered that the impact on wildlife can be adequately mitigated and that the draft principles of an ecological management plan that have been submitted are acceptable for this purpose. Subject to the imposition of conditions, the impact on wildlife is considered to be acceptable.

Other Matters

In respect of surface water drainage both the Drainage Officer and Environment Agency are satisfied with the proposal subject to the imposition of appropriate conditions.

Conclusion

The revised scheme would bring forward the development and enable the transfer of land for tourism uses to the WSR. The previous scheme was supported to enable tourist related development to come forward on a viable basis. Those benefits will be secured by S106 agreement and conditions.

The final make up of the tourist facilities on what is referred to as the 'tourism and museum land' on the transfer of ownership to WSR is still to be finalised. WSR will make their own submissions upon the transfer of land at which point they can

undertake to raise funding for the development. Such enabling schemes require careful consideration in the balance of providing public benefit, in this case supporting the Borough's economic and heritage tourism asset, and allowing the minimum residential development to secure those benefits in this location. The principle and policy considerations have previously been accepted and concurrent permissions have been consented within the last month. The revisions to the design, layout and landscaping are considered to be acceptable set against the context of the existing consent. The proposal is therefore supported subject to the requirements set out in the recommendation.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) LTD

**ERECTION OF A DWELLING AT LAND ADJACENT TO BRADFORD COURT,
BRADFORD ON TONE, AS AMENDED**

Grid Reference: 317463.122994

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity, the setting of the listed building, character and appearance of the conservation area or highway safety and is therefore considered to be in accordance with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas); Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 (The Built Historic Environment) and 49 (Transport Requirements of New Developments); Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice contained in Planning Policy Statement 5. Despite being located within an unsustainable location in transport terms the site is, largely, within the identified settlement limit for Bradford on Tone and, given the proposed energy performance and renewable energy credentials of the dwelling, the proposal is considered to be acceptable.

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 4116/10 (as received 24.08.2011) site and location plans
(A2) DrNo SPP/1652/2A Planting Proposals
(A1) DrNo 4117/11 floor plans and elevations

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

3. Prior to the commencement of the development hereby permitted, details of a

strategy to protect wildlife and enhance the site for wildlife shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's submitted report, dated June 2011 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 wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses has been fully implemented.

Reason: To protect wildlife and their habitats from damage in accordance with Policy EN3 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 9.

4. Prior to their installation, samples and/or details of the materials to be used in the construction of the external surfaces and the private drive of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and a sample panel of the proposed external facing material measuring at least 1m x 1m shall have been built on the site for the inspection of 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: In the interests of preserving the setting of the listed building and the character and appearance of the Conservation Area in accordance with Policies S2 and EN14 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to their installation, full details, including sections, profiles mouldings and external finishes of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such agreed details shall be implemented prior to the occupation of the dwelling hereby permitted and shall, thereafter, be retained as such.

Reason: In the interests of preserving the setting of the listed building and the character and appearance of the Conservation Area in accordance with Policies S2 and EN14 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the

duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. (i) The landscaping/planting scheme shown on the submitted plan SPP/1652/2A hereby permitted 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 and in the interests of preserving the setting of the listed building and the character and appearance of the Conservation Area in accordance with Policies S2 and EN14 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Prior to the occupation of the dwelling hereby permitted visibility shall be improved at the junction with the public highway to ensure that there is no obstruction to visibility in excess of 900mm above the carriageway level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over a distance of 70m to the west of the access point. Such visibility shall thereafter be maintained at all times.

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

8. Prior to the occupation of the dwelling hereby permitted, the renewable energy equipment and apparatus detailed in Appendix 1 of the 'Renewable Energy Systems for Proposed Dwelling to the South of Bradford Court' document dated August 2011, as amended 15.09.2011 and submitted with the application shall be completely installed and operational, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The acceptability of this proposal is finely balanced and is only considered acceptable given the energy performance and renewable energy credentials of the building hereby permitted.

9. The dwelling hereby permitted shall not be occupied until it has been verified by a qualified assessor and submitted in writing to the Local Planning Authority

that a standard of energy efficiency for the dwelling has been achieved that is at least 65% better than that Part L of the Building Regulations 2006 as defined in column 2 of the table on page 7 of the BREAM Code for Sustainable Homes dated December 2006.

Reason: The acceptability of this proposal is finely balanced and is only considered acceptable given the energy performance and renewable energy credentials of the building hereby permitted.

10. 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 extensions or alterations shall be carried out to the dwelling, no outbuildings shall be erected and no fences, gates, walls or other means of enclosure shall be erected other than those expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: In the interests of preserving the setting of the listed building and the character and appearance of the Conservation Area in accordance with Policies S2 and EN14 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes for compliance

PROPOSAL

This application seeks full planning permission for the erection of a dwelling. The dwelling would be accessed from the drive to Bradford Court and across an existing grassed area. It would utilise an existing field gate in the drive, close to the main Bradford Court building.

The proposed dwelling would be of two-storey design in an 'L' shape plan, with a further projecting gable on the south elevation. The agent has agreed that the dwelling be constructed from brick under a slate roof. It would have an attached double garage. The dwelling would have solar panels (photovoltaic and thermal) on the southern roof slope. A ground source heat pump would be installed in the grounds. The boundary to the curtilage would be formed with a steel post and barn fence, 1m high, to match that along the existing boundary of the drive.

A landscaping scheme of 'parkland' individual tree planting is proposed, together with additional hedging to the northwest corner and northern boundary, adjacent to the boundaries with Ostlers Barn and Ostlers House, and Bradford Court.

SITE DESCRIPTION AND HISTORY

The site lies in the grounds of Bradford Court at the edge of the village of Bradford on Tone. It is part of a large field, which slopes gently up to the southern face of Bradford Court. The field is surrounded by mature trees and hedgerow planting,

especially on the southern and western boundaries, although the tree screen between the site and Bradford Court is weaker, and it is generally open to the drive on the eastern side.

The main highway into Bradford on Tone runs past the southern site boundary, separated from the site by dense tree planting, which almost entirely screens the site from public view. On the western side of the site are a number of dwellings, including a detached modern house at the southern end of the boundary and Ostlers Barn/Ostlers House at the northern end. The field is currently open to Ostlers House and its private garden off the northwest corner of the site.

There is no planning history for this site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BRADFORD ON TONE PARISH COUNCIL – Support the granting of permission, making the following comments:

1. The proposed garage of the house is outside the settlement limit.
2. Concerns that the hedge of leylandii fronting the village road may be removed which would expose the new house. If the hedge were to be removed, it should be replaced.
3. This is the only house that West of England propose building. Councillors state there should be no further development within the blue boundary line on the application plans.
4. Access to the proposed property from the Taunton end is on a blind corner.

In respect of the AMENDED PLANS – still support the application but would prefer the dwelling to be of stone with a tiled roof rather than rendered with a slate roof.

SCC - TRANSPORT DEVELOPMENT GROUP - The site is located along Lower Stoford Lane, a classified unnumbered section of highway to which a 30mph speed limit applies. Visibility for vehicles emerging from the sites access, which will be retained, is acceptable in an easterly direction. The visibility in a westerly direction has been compromised by overhanging vegetation and is restricted in nature.

The proposed development site lies partly outside the Development Boundary Limits for Bradford on Tone and is therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 (Adopted: April 2000), and Policy S7 of the Taunton Deane Local Plan. Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

Recommend a condition to secure visibility at the access.

HERITAGE – The application documents make no mention of the Listed Bradford Court. Design statement needs to address the proposals, in the context of the latter and the Conservation Area, in accordance with PPS5. As such, I do not intend to make comment on the principle, at this stage.

In design terms, slate is the predominant roof material for the area but plain clay tiles specified; proposed materials for walls eclectic and too many i.e. brick/stone/render/slate hanging; use of recon ham stone for exposed lintols, plinth band and cills plus brick quoins and slate hanging, not considered characteristic of the area; where is the proposed stone to be sourced? (It is likely that recon stone as illustrated on dwg 4117/11, is proposed. If so, such is not considered appropriate). The precise areas proposed for the different wall materials, is not clear - clarification required.

LANDSCAPE – My main concerns are:

- Impact on the character of the conservation area (EN14);
- Impact on tree roots of trees '7' and '6' whose 'root protection areas' are 10.8m and 15m respectively. Given the level changes for the proposed access driveway, the damage to roots is likely to be detrimental and significant.

In respect of the AMENDED PLANS – The revised landscape plans are much better from a landscape point of view, subject to details of planting etc. Now content with the proposal.

BIODIVERSITY - The site lies approximately 150 m to the south of the River Tone, a Local wildlife site. It comprises of a species poor grassland field (recently cut at the time of survey) with scattered mature trees associated with Bradford court. A row of leylandii trees border the site to the south. JH Ecology carried out an ecological assessment of the application site in June 2011. Findings were as follows:

Bats - The semi mature trees within and bordering the site have potential to support roosting bats. The trees and hedgerows provide potential commuting habitat for bats and the grassland provides potential foraging opportunities for bats. SERC records several bat species (brown long eared, pipistrelle, noctule, whiskered, serotine and brandt's bats) close to the site.

I support the mitigation measures (bat roosting features within the structure of the new dwelling, sensitive lighting,) proposed by the surveyor to minimise any impact on bats

Badgers – The grassland provides potential foraging habitat for badgers whilst the hedgerows and leylandii provide limited sett building opportunities.

I support the surveyor's recommendation that any excavations should be covered at night or should include a ramp or another means of escape.

Otters – are known to occur along the River Tone. I agree however with the surveyor that it is unlikely that otters will be affected by the development.

Birds – Trees and hedgerows along the fringes of the site provide bird nesting opportunities. Any removal of vegetation should take place outside of the bird nesting season.

Reptiles – The site generally provides poor habitat for reptiles. Slow worms, however may use adjacent gardens. The earth covered pile of stones on site may provide opportunities for reptiles and should be retained. If this feature is to be removed it should be undertaken by hand outside of the hibernation period (November – February). The River Tone to the north provides a potential commuting corridor for grass snakes.

Amphibians – There is no open water on site but there may be garden ponds in the local area. Hedgerows on site provide some shelter and hibernation habitat as does the rock pile, partially covered with earth.

Representations

4 letters of objection have been received raising the following issues:

- The site is within a special landscape feature and conservation area and should be retained in its present state.
- The access is very dangerous, particularly for vehicles turning right into Bradford Court. Any increase in use of this access should therefore be avoided.
- If one property is allowed, how many more would there be.
- A previous application for a similar development (07/2000/014) was refused and dismissed at appeal. There have been no changes in circumstance to warrant a different decision – indeed, the increased traffic over recent years exacerbates the circumstance.
- When Courtland House was built in 1987, I believe that there was a clause which stated there would never be any further development on land belonging to Bradford Court. If this development is permitted, there must be a clause for no further properties to be built on the site. Permitting this development would make it difficult to resist future development, making a complete mockery of the whole meaning and purpose of the conservation area.
- It appears that the site is partly within the settlement area.
- The dwelling would be in line with Courtland House and very close to the boundary.

Two letters of comment have been received raising the following points:

- There is a northwest edge of the site the access to the driveway of Ostlers House and Ostlers Barn should be barred with appropriate fencing and hedging.
- A more natural boundary would continue the western hedge in a straight line to the northern boundary.
- Query whether the statement that there would be no further development within the blue line also applies to extensions to the proposed dwelling.

- The proposed access has significant safety issues due to the 90 degree blind bend.
- Part of the residential accommodation and the entire garage are outside the settlement limit.
- Stringent controls over the materials and overall appearance should be applied to the proposed building, given its location in the curtilage of a listed building. The design and building materials are not sympathetic with the setting.
- No outbuildings associated with the grazing of the surrounding land should be allowed.
- The position of the proposed driveway is well situated and does not affect the privacy of adjacent properties.

In respect of the AMENDED PLANS, 1 letter has been received raising the following points:

- Cannot understand the relocation of the driveway as this destroys the parkland aspect and privacy of Ostlers House and has several other adverse consequences. The occupiers will have a direct view of Ostlers House master bedroom from the drive. At night headlights will shine directly into the main living accommodation and the master bedroom.
- The proposed alteration of the driveway may be more conducive to landscaping but now may be very hazardous to the occupants of Bradford Court as the visibility to the left on exiting the proposed driveway is very poor and could cause an accident. The previous proposal allowed adequate visibility both to the left and right.
- The new line of the drive would take it under two telephone lines which would be at risk from high-sided vehicles.

5 letters of SUPPORT (one from Bradford on Tone, the remainder from Taunton and Wellington) raising the following issues:

- The proposal would have little or no impact on the area.
- It would provide a lovely house set in the trees and park, within the village.
- It would provide a wonderful spacious home and can only benefit the village.
- The concept of a house with minimal energy use is fascinating.
- The site is extremely convenient for the nearby motorway network.
- It would be good to have the opportunity to purchase a state of the art dwelling in such a wonderful setting, rather than in an urban setting overlooked on all sides.
- The ability to work from home with a spacious office would reduce travelling costs.
- The builder should be encouraged and applauded in making what will undoubtedly be a considerable investment in the systems he proposes.
- Too many modern dwellings are squeezed onto small plots on large developments or crammed into infill plots which would not have been allowed a few years ago.
- Installing boilers seems completely wrong when we should be reducing the need and dependence on oil and gas and, as far as possible, electricity. This proposal would raise awareness of the range of products and systems which are available.
- The space available to this house enables ground source heat collection

which is highly efficient

PLANNING POLICIES

EN14 - TDBCPLP - Conservation Areas,
EN12 - TDBCPLP - Landscape Character Areas,
STR1 - Sustainable Development,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S&ENPP9 - S&ENP - The Built Historic Environment,
S1 - TDBCPLP - General Requirements,
S2 - TDBCPLP - Design,
EN3 - TDBCPLP - Local Wildlife and Geological Interests,
PPS 5 - PPS5 Planning for the Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the impact on the setting of the listed building and conservation area, the impact on neighbouring property and highway safety.

Principle

The site is partly within and partly outside the settlement limit of Bradford on Tone. The house has been sited such that all but a sliver of the residential living accommodation is within the settlement limit, although the garage and some of the gardens are outside. The access to the site is entirely outside the settlement limit.

In the past, the location of a site within the settlement limit has been taken to give a presumption in favour of development; outside the limit has been taken to give a presumption against. Your officers initially expressed concern that the inability to site the entire development within the settlement limit was indication that the site was not large enough to accommodate it. However, the applicant has subsequently suggested that he could easily delete the garage in order to provide a 'policy compliant' development. Such an approach, however, is considered somewhat pointless and unnecessary, because the provision or not of a garage would not alter the acceptability or not of the site in principle.

The recently published Taunton Deane Core Strategy sets out spatial development principles for new development. It indicates that no housing allocations will be made in villages such as Bradford on Tone, because residents in these locations tend to be highly dependent on their private cars for access to services. Indeed, Bradford on Tone does not benefit from a school or any significant employment opportunities and has poor public transport links. It is, therefore, generally considered to be an unsustainable location for new development. Although the Core Strategy proposes to retain settlement limits in the villages, this is with the aim of allowing small-scale infilling. The proposed development cannot be considered 'infilling' as it is located at the very edge of the settlement. However, it is considered that the Core Strategy also gives a clear steer that development in this location is unsustainable, and on that basis, your officers consider that there should be a general presumption against the development, in principle.

The applicant has stated that it is his intention that this development is extremely

energy efficient both in terms of the low energy consumption of the building and its ability to generate most of the energy that it will consume on site. His agent has submitted a detailed schedule of equipment that he intends to install. This includes rain water harvesting, solar water heating, solar photovoltaic and ground source heat pump. It is stated that technologies such as ground source heat pumps are not possible on constrained urban sites, so it is only possible to install such features where there is a large, undevelopable area available to the development – such is the case here where the applicant has the large ‘paddock’ area at his disposal. In terms of the energy performance of the building, it is intended that the building would far exceed the current Building Regulations. The actual performance of the technology proposed is still relatively unknown, so the agent has not been prepared to commit to reaching Code for Sustainable Homes level 5. However, he is confident that the energy performance element of Code level 4 would be far exceeded, with at least a 65% improvement over the 2006 Building Regulations (Code level 4 requires a 44% improvement, level 5 a 100% improvement).

The above presents convincing arguments for and against the acceptability of the proposal in principle. On the one hand, Bradford on Tone cannot be considered to be a sustainable location for new development. There is no doubt that a new dwelling in this location would foster an increase in the need to travel by private car, with future occupiers of the site being dependent on the private car for most of their daily needs. The emerging Core Strategy makes this clear in stating that no further allocations are proposed in this location. However, the emerging Core Strategy also indicates that the settlement limit for the village will be retained with the purpose of allowing infill. This is a material consideration and reinforces the presence of the existing settlement limit as defined by the Local Plan. The development, as proposed, cannot be accommodated entirely within the identified settlement limit and this suggests that the development is unacceptable. Again, on the other hand, the applicant has suggested that the garage could be removed so that it did. This, however, would still make no difference to the sustainability of the proposal in transport or location terms.

The energy performance of the dwelling is to be applauded, and the measures proposed are likely to lead to a very energy efficient house indeed. Your officers consider that this could not be given sufficient weight in order to override an general objection in principle, or location outside a defined settlement. To follow such an approach would set a clear precedent that location of development was unimportant provided that a good energy performance was achieved. However, given all of these factors noted above, it is considered that the assessment of the proposal is genuinely balanced. In this case, your officers consider that the high energy performance of the building (which could be secured by appropriate conditions) should tip the balance in favour of the granting of permission. It is, therefore, considered that the proposal is acceptable in principle.

Design, visual amenities and conservation issues

The dwelling sits within the historic curtilage of Bradford Court, within the formal parkland setting of the Court, albeit that there is a line of trees dividing the site from the main Court building. Various revisions have been made to the design since the application was originally submitted, such as the use of brick and slate for external finishes, and the removal of various decorative features so that the proposed dwelling would sit comfortably as a stand alone building and does not try to compete with the Listed Court beyond. Subject to final details over the finished materials, the

design is now considered to be appropriate.

Although the specific design is considered to be acceptable, the main issue is the impact on the setting of the listed building of providing a dwelling within the historic parkland. Certainly, in the evolution of the historic building, it is unlikely that buildings, let alone stand alone dwellings, would ever have existed in this location. The siting of a dwelling in the proposed location has the potential to compromise the setting of the listed building due to the erosion of the open parkland setting and a reduction in the prominence of the Court within its grounds.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to ensure that the setting of the listed building is preserved when deciding whether to grant planning permission. In this instance, the proposed dwelling is situated at the edge of the Bradford Court parkland and it is separated from the Court by the mature line of trees. Certainly, this area of the parkland is visually separate from the Court, and on approach to the Court the drive provides emphasis of the Court rather than the field to the side. The proposed dwelling would be tucked in the far southwest corner as far away from the drive and well separated from the Court. The approach drive would be close to the Court, but the majority of the length would be surfaced with a 'geocell' system, allowing the drive to retain the appearance of a grass track. Further tree planting is proposed within the field that would reinforce the formal parkland setting and further disassociate the new dwelling from the Court. On this basis, it is considered that the setting of the listed building would be preserved.

The site is within the conservation area, which encompasses the historic part of the village and Bradford Court and its grounds. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Special Regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area when deciding whether to grant planning permission. Due to the heavy tree line along the road frontage, it is well hidden from public view and therefore has a very limited impact on the appearance of the conservation area. Given the conclusions reached in respect of the setting of the listed building, it is considered that the overall character of the conservation area is also preserved in this case.

Neighbouring residents

The closest neighbour is Courtland House, off the western site boundary. The proposed dwelling is roughly in line with this neighbour and does not propose any windows facing towards it. On this basis, it is not considered that the dwelling would have any unacceptable impacts on its amenity. The next nearest neighbours are Ostlers House and Ostlers barn off the northwest side, and Bradford Court itself off the northern side. Due to the angles between the properties and the distances involved, these properties would not be overlooked by the dwelling itself.

Concern has been raised by the neighbours at Ostlers House and Barn about the potential for disturbance from cars using the drive. Indeed, the revised plans indicate the drive in a more northerly position than that previously proposed and this has caused concern for the neighbours as they consider it to be more damaging to their amenities than the proposal as originally submitted. The revision to the access siting was made following comments by the Landscape Officer that it would be preferable to use the existing field gate and a route more distant from existing trees.

However, it is true that vehicles using the drive would be facing towards those neighbouring properties for a short length and the concern that headlights could shine into the living and bedroom windows is accepted. This same concern could be true of Bradford Court. As mitigation, the applicant proposes dense evergreen planting in the northwest corner of the site, adjacent to Ostlers House and Barn and reinforcement to the northern boundary with Bradford Court. It is considered that this mitigation goes a long way to addressing the concerns of the neighbouring residents and makes the re-sited access route (which is less damaging on the trees) an acceptable one.

Highways

The Local Highway Authority has raised no objection to the proposal, provided that enhanced visibility can be provided at the access. The proposed access is via the existing Bradford Court drive onto the outside of a corner on the main road into the eastern side of Bradford on Tone. Due to the alignment of the access, visibility is unobstructed in an easterly direction, although slight improvements are required to the west. The Highway Authority require that a splay is provided 2.4m back from the carriageway edge over a distance of 70m and it would appear that this can be provided merely by trimming back the boundary hedge. A condition should, therefore, be imposed to address this concern.

Some neighbouring residents have raised concern over the proximity of the access to Bradford Court on the basis that visibility between the two private drives would be limited. However, this is a private driveway where speeds will be low and it is not considered that the situation is so unsafe, or detrimental to public highway safety as to warrant refusal of the application.

Conclusions

The consideration of this application is finely balanced in terms of the principle of the development and the impact on the setting of the listed building. In the case of the listed building, it is considered that the separation, detail of the access arrangements and additional proposed planting will mitigate the slightly uncomfortable siting in relation to the listed building. In terms of the principle, part of the site is outside the settlement limit. It is also considered to be an unsustainable location in transport terms, contrary to Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and the strategic spatial policies of the emerging Core Strategy. However, the fact that a smaller dwelling (or indeed the same dwelling on the same siting but without the garage) could be accommodated within the settlement limit weighs in favour of the application. That the energy performance credentials would far exceed the current building regulations could never be given sufficient weight by itself to outweigh a conflict with the development plan and the fact that the location is unsustainable in transport terms; however in this particular case, given the whole range of conflicting considerations, it is considered to tip the balance in favour of permission.

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

ERECTION OF SINGLE STOREY EXTENSION (SCHEME A) TO EAST ELEVATION AT BUTTLES LODGE, VILLAGE ROAD, HATCH BEAUCHAMP, (AS AMENDED) AND AS CLARIFIED BY E-MAIL RECEIVED 2 SEPTEMBER 2011.

Grid Reference: 329997.120039

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The extension, by reason of its size, location, design and form, would detract from the modest, compact scale, elegant simple form, harmonious, balanced composition, self contained appearance and distinctiveness of the host building. and result in an incoherent addition. As such, the proposal is deemed not to preserve the character of the Listed Building and hence is contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.
- 2 Buttles Lodge is a largely unaltered example of a former lodge/estate workers dwelling. The extension, by reason of its size, form and location, would detract from the essential qualities of the host building's existing balanced composition, debase the ready perception of its former use and existing spacious setting. In addition, it is considered that no evidence has been submitted to suggest that, if an extension was not allowed, the building would fall into disrepair or become unused. As such, the proposal is not considered to preserve the character of the Listed Building or its setting and hence contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

- . You are advised that a separate application for planning permission is required.

PROPOSAL

Erection of a single storey, fully attached, lead flat roofed, extension. Paired casements to reflect the host building are proposed, as is Bath stone cladding.

This is one of two applications, for a single storey extension in the same location, which were submitted at the same time. The other application (19/11/0002/LB), was refused under delegated powers on 30 August 2011.

SITE DESCRIPTION AND HISTORY

Grade 2 Listed, Mid C19 detached lodge/ estate workers dwelling, located to the south of the parkland which formerly served Hatch Park. (The latter was destroyed by fire in 1940). Palladian style, slate roof, Bath stone ashlar facing, loggia to principal facade on west, facing up the drive.

Planning History:

Applications 19/02/0027 and 0028/LB. "Erection of single storey extension towards the road, at Buttles Lodge, Hatch Beauchamp". REFUSED under delegated powers, 3/2/2003. Appeals dismissed 25/11/2003.

Application 19/09/0003/LB. "Erection of single storey extension to the east elevation" (as now proposed and towards the road, as per the appealed applications above) "at Buttles Lodge, Village Road, Hatch Beauchamp". REFUSED under delegated powers 7/5/2009.

Application 19/09/0007/LB. "Erection of single storey extension to west elevation, at Buttles Lodge, Village Road, Hatch Beauchamp". REFUSED by the Planning Committee. Certificate dated 19/11/2009.

Application 19/11/0002/LB. "Erection of single storey extension (scheme B), to east elevation of Buttles lodge, Village Road, Hatch Beauchamp, (as amended). REFUSED under delegated powers 30/8/2011.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

HATCH BEAUCHAMP PARISH COUNCIL - supports - "prefers the traditional approach".

GEORGIAN GROUP - Thank you for consulting the Georgian Group on the application to add an extension to the above building. This is the sixth time in eight years, and the second time in four weeks, that the Group has commented on an application to extend this building.

Buttles Lodge dates from c1835 and was built as a lodge to Hatch Park. It is listed Grade II. The building is built on a T-plan, the main elevation facing west up the drive towards Hatch Park, with a small rear wing to the rear. All the elevations are pedimented, and the cornice and stringcourse are continued around the whole building. The overall impression is one of formal symmetry, although this is not exact to the north and south. The classical design and the high quality materials and detailing all reflect the status of the former landowner. The Lodge appears to have survived in its original form without any significant alteration.

While the Group notes that an alternative design has been submitted, together with a

slightly revised statement of significance, we must still object to this application.

The chief part of the historical character and significance of Buttles Lodge lies in the formal treatment of all of its facades, a common feature of lodge buildings, which were often treated as architectural 'specimens'. The proposed extension would damage this aspect of the building's character by undermining the coherence of the historical facades. It would also involve altering the historical fenestration to the East elevation, including the removal of original masonry. There will always be some historical buildings to which any extension would be damaging and the Group advises that this is such a building.

The creation of a dining room is not essential to the continuation of the listed building as a dwelling, and it is difficult to envisage an extension which would not damage the character and significance of the listed building to at least some degree. While more space may be desired by the present occupants the Group must advise that the comparative intactness of the historical character of the building cannot be damaged for the sake of present wishes. Buttles Lodge is perfectly viable as a residential building as it stands and therefore the harm that the proposed extension would cause to the building's significance is not acceptable.

Therefore the Group advises that this proposal would harm the significance of the listed building to an unacceptable degree and that the application should be refused consent.

Representations

8 letters of support have been received which raise the following issues:

- extension fits very well with the existing gatehouse;
- design in keeping / will not detract from the house's character;
- carefully thought through (design) so as to be sympathetic to the surrounding environment;
- extension will no doubt enhance the property;
- sympathetically designed to blend with original house.

PLANNING POLICIES

S&ENPP9 - S&ENP - The Built Historic Environment,
PPS 5 - PPS5 Planning for the Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, when considering applications for Listed Building consent, special regard is paid to the desirability of preserving the building, its setting and any features of architectural or historic interest it possesses.

As the siting of the extension, is the same as that Appealed and Dismissed under applications 19/02/0027 and 0028/LB, the Inspectors reasons for dismissal are clearly of relevance, as are the differences between the proposals.

The Appealed scheme, provided for a single storey extension with a pitched slate

roof, set off from the host building by a flat roofed link and a new flat roofed, essentially glazed entrance lobby. Other than a Bath stone plinth, rendered walls were specified. The overall design can be described as pseudo traditional i.e. reflective of the design of the principal building.

The current proposal provides for a fully attached single storey flat roofed extension, faced with Bath stone. Rolled lead is specified for the roof. Paired casements to reflect those of the host building are proposed.

Relevant extracts from the Inspectors decision letter are as follows:

Para 7 "However the building" (Buttles Lodge) "is carefully detailed on all faces and appears as a harmonious and well balanced composition from all aspects. Its compact form and classical composition, together with its modest scale, gives the building a distinctive and self contained appearance. In my view it is immediately recognisable as a largely unaltered former lodge.

Para 8 Whilst accepting that the single storey extension would be modest and constructed of traditional materials - "In my view it would harm the balanced composition of the listed building and would make it a sprawling, incoherent built form.

Para 9 Acknowledging that the design and detailing of the extension took cues from the listed building - "To my mind the extension would appear as an incongruous addition that would undermine the buildings elegant, simple form and would harm its distinctive compact appearance which is characteristic of its original use as a lodge. In addition I consider that the construction of an extension between the listed and its boundary with the road would create a sense of clutter which would harm the buildings spacious setting".

Para 10 (Note PPG15 has been replaced by PPS5) "PPG15 advises that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. However it also draws attention to the sensitivity to alteration or extension of humble and once common building types that are relatively unaltered examples of a particular building type. I consider Buttles Lodge to be such a building and the fact that it has been altered so little over the years has added weight to my conclusions on the main issue. I recognise that the lodge provides only limited accommodation ". "However no detailed evidence has been submitted to indicate that if the lodge were not extended it would be at risk of becoming unused or falling into a state of disrepair. On this basis I am not persuaded that there is such an overriding need for additional accommodation that it outweighs the harmful effect that the proposal would have on the listed building and its setting".

As noted at Para 10 above and in common with the current application, no detailed evidence has been submitted to suggest that the building would become unused or at risk, if an extension was not allowed. Whilst the applicants desire for a separate dining room is noted and the existing accommodation modest, the latter is not considered inadequate as it comprises: two bedrooms and a bathroom at first floor, with a hall, wc, kitchen and lounge on the ground floor. As the kitchen is small, dining takes place in the living room. This said, such is not an uncommon arrangement.

The proposed extension, is in the same position as the Appealed and Dismissed

scheme. Apart from a flat, rather than a pitched roof, deletion of the glazed lobby and different fenestration, both schemes are in essence, very similar.

Whilst the applicants are clearly devoted to managing the associated woodland and have maintained the building in an appropriate manner, in the absence of evidence to suggest there has been a significant change in circumstances, the desire for a dining room, is not considered to outweigh the detrimental impact on the host building or to warrant a different view from the Appeal Inspector.

Therefore the application is recommended for refusal

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

CONTACT OFFICER: Ms D Hartnell Tel: 01823 356492

MISS J WALLWORK-GUSH

CHANGE OF USE OF LAND FOR SITING OF TWO MOBILE HOMES FOR TRAVELLING FAMILY AT CARRIERS GATE ORCHARD, HIGHER POLESHILL FARM, LANGFORD BUDVILLE (RETENTION)

Grid Reference: 309139.123381

Full Planning Permission

RECOMMENDATION AND REASON(S)

(A) Subject to any further consultations responses received from Natural England and Somerset Wildlife Trust, in respect of the impact of the development on ecology, the application be refused for the following reasons.

Recommended Decision: Refusal

- 1 The proposal is contrary to Policies S1, S2, S7, EN2 and EN12 of Taunton Deane Local Plan and Policies 1, 5, STR1 and STR6 of the Somerset & Exmoor National Park Structure Plan, and guidance contained with PPS1, PPS7, PPS9 and PPG13 for the following reasons:

(i) The site is in an unsustainable location, outside of any defined settlement limit, poorly served by public transport, with no lit pedestrian footways, and is remote from services and amenities, and would therefore increase reliance on the private motorcar and foster growth in the need to travel.

(ii) The development by reason of its design and appearance is out of character with its rural setting and adversely affects the visual amenities of the area;

(iii) No overriding evidence has been submitted to demonstrate that the applicants' accord with the definition of a 'traveller' as defined, for planning purposes, in Circular 01/2006 - Planning for Gypsy and Traveller Caravan Sites. Therefore Policy H14 of the Local Plan is not applicable in the balance of planning considerations.

(B) Enforcement action be taken to cease the use of the land for residential purposes, remove the caravans from site and reinstate the land to its former condition within a compliance period of 3 months from the date of the planning decision notice.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

Planning permission is sought for the change of use of land to site two caravans (in the form of a camper van and touring van) for a traveller family. The application also identifies areas of parking and the location of a w.c facility. Access is derived from Carriers Lane.

Additional information

As a result of the publicity period and responses received the applicant has submitted a detailed response. The main planning points to note are:

- Mr Ridgeway is now running the farm following a stroke to the farmer, Mr Ridler, (with some assistance). A statement from West of Somerset Stroke Rehabilitation Unit has been submitted as verification of Mr Ridler's medical status. The enterprise includes 80 cattle and hay making duties. There is a requirement to oversee the welfare of the livestock. Mr Ridler has written in support of the requirement for an onsite presence in relation to ensuring animal welfare.
- The intention is to settle on this site. The applicant's son has returned to the site to complete his college education. Somerset County Council considered the son to be a traveller for his secondary education and received support from the Traveller Education and Welfare department on this basis.
- There is a vehicular right of way to access the site.
- To reduce impact on the local bat population solar power is used for electricity and kept to a minimum. 12 volt LED lights and the total number of lumens is less than 100w bulb in total.
- We are seeking a personal permission – we do not wish to see any increase in the number of people residing on this site.

An ecological survey and assessment has been submitted which at the time of writing is being considered by Somerset Wildlife Trust and Natural England.

SITE DESCRIPTION AND HISTORY

The site is located approximately one mile to the north west of the village of Langford Budville. The site comprises agricultural land and is accessed via a field gate from an unclassified road to the north. A public footpath runs parallel along the eastern boundary of the site (on the other side of the hedgerow). The site adjoins the Langford Heathfield Site of Special Scientific Interest.

There are sporadic residential dwellings to the north. Higher Poleshill (where one of the applicants undertakes seasonal farming work and is now overseeing farming duties) is located to the south west of the site.

Planning permission, reference 21/09/0021, was refused for the change of use of the land for the stationing of a caravan and mobile homes for an agricultural worker on 15 January 2010.

Permission was refused for two reasons:

- 1. The site is located in the open countryside where there is a strong presumption against residential development unless an agricultural or forestry need is proven. The Local Planning Authority considers that the functional need for an agricultural worker has not been proven. In addition no financial justification has been provided to demonstrate that the enterprise has been planned on a sound financial basis. Therefore the application fails to comply with Policies H13 of Taunton Deane Local Plan and national guidance contained within Planning Policy Statement 7: Sustainable Development in Rural Areas. Furthermore, as the proposed would fail to meet the tests set out for the provision of a temporary agricultural workers dwelling, the caravan and mobile home would represent an inappropriate and unsustainable form of development in the countryside which would adversely harm the visual amenities of the area. The proposal would therefore conflict with the provisions of Exmoor National Park Joint Structure Plan Review, Policies 1, 5, 49, STR1 and STR6, and Taunton Deane Local Plan Policies S1, S2, S7, EN2, EN6, and EN12, together with advice contained in Planning Policy Statements 1 and 7.*
- 2. No wildlife report has been submitted to ascertain the effect of the development on the Langford Heathfield Site of Special Scientific Interest (SSSI) and on any species and habitats protected by law under the Conservation (Natural Habitats, &c.) Regulations 1994 and the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000. In the absence of such a report the Local Planning Authority is unable to determine whether the proposal will have a detrimental impact on local wildlife and habitat contrary to Somerset & Exmoor Joint Structure Plan Review 1991-2011 Policy 1 and Taunton Deane Local Plan Policies S1, S2, S7, EN2 and EN6 and guidance contained within Planning Policy Statement 9.*

Members agreed to take enforcement action to cease the use of the land for residential occupation and to remove the mobile home and touring caravan from the land and reinstate the land to its former condition. The notice was served on 22 March 2010 with a 3 month time period with compliance. The applicant appealed the enforcement notice. The Inspector varied the enforcement notice to allow a 6 month period for compliance (decision issued 17 January 2011) .

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL – Object to the proposal. In addition the following comments should be noted.

- Is Mr Ridler still farming?
- Has the Environment Agency been consulted in reference to the composting lavatory facility;
- Are they genuine travellers? The applicants letter reference 21/10/0006 INV appears to contradict this assertion.

LANDSCAPE OFFICER – The proposals are out of character with the local landscape and contrary to EN12.

HIGHWAY AUTHORITY – The proposed development site lies outside of any Development Boundary Limits and is therefore distant from services and facilities. As a consequence, occupiers of the proposed development are likely to be dependant on their private vehicles. Such fostering of growth in the need to travel would be contrary to advice given in PPG13 and RPG10, and to the provisions of STR1 and STR6 of the Somerset and Exmoor National Park joint Structure Plan Review (adopted: April 2000).

Policy 36 of the Somerset and Exmoor National Park joint Structure Plan Review adopted: April 2000), relates to the provision of sites for Gypsies and other travelling people and that they should be made where the site is within reasonable distance of a settlement.

The site is located on Carriers Lane, Higher Poleshill, which is an unclassified/unnumbered highway and is subject to the national speed limit of 60mph although it is accepted that speeds will be lower than this due to the rural nature and alignment of the road. The access onto Carriers Lane is located on a bend and is considered sub-standard in terms of its construction (loose gravelled surface). However, visibility from the access is considered adequate due to the low approach speeds to negotiate the bend.

The access roads leading to the site are narrow, with very few passing places. There are no pedestrian footways or street lighting in the vicinity of the site, or for the journey from the site along Carriers Lane to Langford Budville until you arrive at the village itself.

The route from the site, along the highway to Langford Budville has been measured at 2.6km and RPG10 identifies maximum walking distances as 1km.

The facilities at Langford Budville are limited, due to its nature as a rural village. It has a public house, a primary school and a post box. However, it does not appear to have any local shopping facilities.

Given the above comments, the Highway Authority would recommend refusal based upon:

- The site is located outside the confines of any major settlement, and in an area that has very limited services and facilities. The development will increase the reliance on the private motorcar and foster a growth in the need to travel, contrary to advice given in PPG13 RPG10 and Policy 36 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted April 2000), and S1 and S7 of the Taunton Deane Local Plan.
- The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 (Adopted April 2000) since the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the highway.

NATURAL ENGLAND – Comments as follows:

Protected Species

The proposed location of the mobile homes lies immediately adjacent to Langford Heathfield SSSI. The SSSI comprises of a variety of semi-natural habitats which include natural marshy grassland and ancient woodland which is owned and managed by Somerset Wildlife Trust. We understand the only access to the mobile homes is via a track which runs from the north of the site through the SSSI. In order to avoid unnecessary disturbance within the SSSI, this track should ideally be used occasionally for farm access or SSSI management activities, there is concern that a permanent access will generate more traffic and parking of cars on the SSSI.

Biodiversity

The SSSI has a rich and diverse fauna. Many species of resident breeding butterfly have been recorded on the site including Marsh Fritillary, High Brown Fritillary, Wood White and Brown Hairstreak. There is a range of invertebrates of interest including the very local Beetles: *Mordellistena abdominalis* and *Ischnomera caerulea*, and the Hornet *Vespa crabo*. Four species of reptile of present: Adder, Grass Snake, Slow-Worm and Common Lizard. Palmate Newts and common frogs occur in the ponds. The SSSI is an ideal habitat for bats and they will forage on the invertebrates as they commute along the vegetation corridors. Bats, are a European protected species, and some species of bat are very sensitive to light spill.

No impact assessment or ecological survey has been submitted. This was previously raised with regards to application 21/09/0021 because of the lack of information on how this development will impact upon protected species like bats or on the SSSI. Until this information is available Natural England maintains its objection to the siting of two mobile homes adjacent to Langford Heathfield SSSI. This application contains insufficient information to satisfy us that there would be no adverse effects on the features of interest for which the SSSI is notified.

SOMERSET WILDLIFE TRUST – Somerset Wildlife Trust owns and manages Langford Heathfield Site of Special Scientific Interest (SSSI) – 91 hectares, to achieve favourable conservation status of the mosaic ancient woodland and neutral marshy grassland. The site is of national importance for biodiversity, and is particularly notable for the assemblages of butterflies and nationally scarce beetles.

The potential impact for the proposed development to impact indirectly upon the SSSI is of concern, and SWT is unclear why, given comments in relation to preceding applications, this particular area of land has once more been selected for the siting of the mobile homes. The landowner commands an extensive holding and there are certainly other areas on the farm away from the boundary of the SSSI which be less ecologically sensitive.

No ecological surveys have been submitted to inform the planning process. There is a high likelihood that this site lies on the foraging flight path of bat species commuting to and from Langford Heathfield, and therefore it is important that impacts from lighting are given consideration. The applicant states that a bat survey will be undertaken in June, this must be made available to officers' to give due consideration to the potential impacts to protected species. The local planning authority also has a duty to give consideration to the conservation of biodiversity,

and so thought needs to be given as to whether or not sufficient information has been made available to facilitate this.

At present there is no survey data to demonstrate potential impacts to the SSSI and protected species, or to identify potential enhancements to biodiversity that this development could generate, and therefore SWT is unable to present detailed comments at this stage.

Vehicular parking has now been addressed, and the 2 spaces are noted. SWT wishes to state clearly that although the site is accessed via a public right of way through the SSSI, this right of access certainly does not confer permission to park: parking on the right of way is strictly prohibited, and the parking of vehicles along the verge, on the SSSI, would equally be illegal.

If subsequently the Planning Authority is minded to permit this application, the Trust would strongly request the usage of the site be limited to the named applicants for the period of one year in order to allow their son to complete his formal education uninterrupted. Setting a precedent for permanent development for long-term occupation of this site has implications for the successful conservation of the SSSI. Conditions relating to the maintenance of the integrity of the SSSI should also be set. The Trust's sole concern is the avoidance of direct and indirect impacts to the county's rich biodiversity and special wildlife places.

NATURE CONSERVATION OFFICER - A baseline ecological assessment report by Ecologic, dated July 2011, has now been submitted in support of the application. However, I do not consider it provides adequate data.

The report contains no protected species surveys but rather the surveyor's assessment of the impact of the development on local biodiversity based on his site visit in December 2010 (not an ideal time of year for wildlife surveying).

I expected the report to contain bat activity surveys, but the surveyor explains why these were not carried out. I agree his justification to a certain extent, as the development has been in place for some time and so it is difficult to determine a baseline ecological state for the site. I consider however that bat surveys would have informed the application more fully. We do not know how significantly bats have already been impacted on by the development.

The proposal does not appear to offer any biodiversity gain in accordance with PPS9.

To conclude the report is lacking in survey data.

On balance I consider, however that this small scale development is unlikely to have a significant impact on the adjoining reserve if the restrictions (on outside lighting, ownership of pets and the use of the vehicular track) in the ecological report are strictly adhered to.

DRAINAGE OFFICER - Details of the compost lavatory should be agreed with TDBC Environmental Health Division.

Representations

19 letters of OBJECTION have been received. Summary of objections:

- Repeat application – previously refused;
- It makes no difference whether they are farm workers or travellers;
- Applicants are not travellers – they have just decided they would like to live there (for past three years);
- in respect of educational requirements the applicant's child is not resident;
- Site is located outside any development area; - reliance on the use of the motorcar;
- Proximity and impact on SSSI (flora and fauna) from vehicles, noise, pets, light pollution;
- No proper access, water supply or drainage;
- As they help the local farm it is logical that they should be located closer to the farmhouse; (or an established traveller site e.g. Altona Park at Hillfarrance).
- Application is intended to further delay removal from the site;
- Out of character and adverse impact on the natural beauty of the area – cars parked in field, unattractive and untidy caravans, home made toilet, outdoor bathtub etc;
- Work on the farm has been undertaken by somebody else;
- Impact on the access track – already boggy;
- Emotive representations need to be balanced against the impacts of development;
- Discrepancies in the application form – i.e. trees and hedgerows surround the site;
- Precedent of further greenfield sites been used for travellers sites;
- Impact on the residential amenity of nearby dwellings;
- No refuse collection is undertaken by the local authority.
- Local highway network is unsuitable;
- Ecological Report carried out at wrong time of year and includes inaccuracies;
- No supporting evidence for 'potential bat flight routes'.

3 letters of SUPPORT have been received, including a character reference from the Herb Trading Co, which endorses the applicant's sustainable, low impact lifestyle. The other two letters make the following points:

- If the Authority moves the applicants on will they find them an alternative plot to stay on permanently? Or offer them a Council house close to their work and Poleshill Farm;
- Applicant's are unable to move into the farm house as it is still the farmers home;
- If they relocate to another part of the farm will they be left in peace?;
- Applicants are not parking on a SSSI; it is dog walkers;
- Applicants use very low power solar lighting to reduce impact on bats. They omit less light than neighbours property, which also joins the SSSI;
- Applicants' are being penalised because of their way of life; does this contravene their human rights to live their own life the way they please or should we be telling people how to live their lives?;
- Does anybody understand what a travellers' life is all about? It is living as environmentally as possible and being self-sufficient. Not always travelling the country;
- Work on the farm is 24/7 when you have cows in calf;

- Tidy site;
- Applicants are respectful of the land and wildlife;
- Self sufficient – use solar energy for power;
- Site is not easily visible from the road or nearby paths;

One letter of comment has been submitted, which whilst acknowledging the tidiness of the site puts forward the request for the site to be limited for a certain time period and personal to the occupants. It also questions that it would be more logical to re-site closer to the farm complex as this would be less intrusive for nearby occupants and the SSSI.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 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&ENPP36 - S&ENP - Sites for Gypsies and Travelling People,
 S&ENPP39 - S&ENP - Transport and Development,
 S&ENPP42 - S&ENP - Walking,
 S&ENPP44 - S&ENP - Cycling,
 S&ENPP48 - S&ENP - Access and Parking,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 S7 - TDBCLP - Outside Settlement,
 H14 - TDBCLP - Gypsy and Traveller Sites,
 EN2 - TDBCLP - Sites of Special Scientific Interest,
 EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
 EN12 - TDBCLP - Landscape Character Areas,
 M4 - TDBCLP - Residential Parking Provision,
 M5 - TDBCLP - Cycling,

DETERMINING ISSUES AND CONSIDERATIONS

It is considered that the main planning considerations are:

- (i) Assessment of the impact of the development on wildlife and the adjacent SSSI designation;
- (ii) Sustainability;
- (iii) Policy & Traveller Status

Ecology

The site is located adjacent to Langford Heathfield Site of Special Interest (SSSI). Natural England has formally objected to the development on the grounds of insufficient information in order to assess the impact of the development on the ecology of the SSSI, including bats which are a European Protected Species. The

Council's Nature Conservation Officer and Somerset Wildlife Trust concur with Natural England. The Planning Authority has a statutory requirement to have regard to the impact on protected species and their habitat when determining planning applications.

The applicant has now submitted a baseline ecological assessment. The report concludes that the development as proposed and as observed is not expected to have significant impacts on the biodiversity of the site or neighbouring areas. The report recommends that given the setting of the site, next to a SSSI, restrictions on the activities permitted on the site may be appropriate. This could include restrictions on the level and extent of lighting and the number of vehicles using the site.

The ecological report has now been subject to consultation and Members will be informed on the responses through the update sheet.

Sustainability

This site is located outside of any defined settlement limit as defined by the Taunton Deane Local Plan. The site is distant from local services, employment and amenities, and is poorly served by public transport. The occupiers of the site would be dependant on the private motorcar and foster growth in the need to travel. The access roads leading to the site are narrow, with very few passing places. There are no pedestrian footways or street lighting in the vicinity of the site, or for the journey from the site along Carriers Lane to Langford Budville.

Policy

Local Plan Policy H14, as an exception to the general countryside protection policies, sets out the criteria for gypsy and travellers sites outside of settlements, in appropriate locations. However, the site is considered to be unsustainable in terms of its remote location. In addition, there is concern to the impact on wildlife and the adjacent SSSI. The landscape officer has also raised an objection on the impact of the development on the visual amenities of the area.

Notwithstanding the above, it is considered that the case for 'traveller status' has not been demonstrated.

Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites), defines 'gypsy and travellers' for the purposes of planning as:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.'

To fulfil this definition, it follows that the applicant/family must have lived a nomadic way of life (for economic or employment purposes), either currently or in the past, and have only stopped due to health/education needs. This should be demonstrated through the planning application – providing travel for work patterns over a reasonable length of time i.e. the last ten years. No evidence has been submitted. The case for traveller status has not therefore been clearly demonstrated.

Alternative siting

Information has been submitted that one of the applicants is now running the farm (with some assistance) whilst the farmer recovers from illness. It would be for the applicant to submit an application for a 'temporary' permission - if it was demonstrated that there was a 'functional' requirement for an agricultural worker to reside on the farm holding and that the farm was a viable concern.

However, this would only be considered on a 'temporary' basis and the accommodation would need to be re-sited to be in close proximity to the main farm complex e.g within 'sight and sound'.

Enforcement

The proposal is considered to be unacceptable. It is therefore recommended that enforcement action be taken to cease the use of land for residential purposes, removal of the caravans, and restoring the land to its previous condition immediately before occupation. A previous enforcement notice has been served on the applicants' who previously sought permission for an agricultural worker. The notice was varied by the Inspector, at appeal, to allow a six month period for compliance. This compliance period expired on July 17 2011. Should Members agree with the Committee recommendation, a 3 month time period for compliance with the extant enforcement notice is considered reasonable.

Conclusion

The site is located outside of the defined settlement limits, poorly served by public transport, and remote from services, employment and amenities. It is not considered that the submission has demonstrated that the occupiers would accord with the definition of a 'traveller' as defined in the Circular. Therefore, the use should be considered against the general countryside protection policies.

It is concluded that the development is an inappropriate form of development for the reasons set out in this report and enforcement action be taken.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

**CHANGE OF USE FROM A1 RETAIL TO A3/A5 RESTAURANT/TAKE AWAY
AND INTERNAL ALTERATIONS AT 17 FORE STREET, WELLINGTON**

Grid Reference: 313861.120572

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed change of use would improve the marketability of the existing retail premises, increasing the likelihood that a use can be found, which would bring the empty shop back into use, to the benefit of the vitality and viability of the town centre. Any impacts on neighbouring property would be acceptable given the town centre location and the proposal would preserve the listed building and its setting and the character and appearance of the conservation area. It is, therefore, in accordance with Policies S1 (General Principles) and W7 (Primary Shopping Areas), EN14 (Conservation Areas) of the Taunton Deane Local Plan, Policy 9 (The Built Historic Environment) of the Somerset and Exmoor National Park Joint Structure Plan Review, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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:

(A3) Location Plan
(A1) DrNo 2011.03.02 Proposed Plans - Section and Elevations
(A1) DrNo 5188.1 Ground, First & Second Floor Plans
(A1) DrNo 5188.2 Front, Rear & Side Elevation
(A1) DrNo 5188.3 Section A-A, B-B & C-C
(A1) DrNo 5188.4 Layout

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

3. The premises shall only be open for trade between the hours of 08.00 and

23.00 on any given day. No food shall be served later than 22.00 on any given day.

Reason: To minimise disturbance to nearby residents from noise and smells, in accordance with Policy S1 of the Taunton Deane Local Plan.

4. No extraction equipment shall be installed at the premises without the further grant of planning permission.

Reason: To ensure that any required extraction equipment would be acceptable in terms of its impact on neighbouring property and the character and appearance of the conservation area, in accordance with Policy S1 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. The use of the premises shall be restricted to Class A1 and A3/A5 and for no other purpose (including any other purpose in Class A2 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 an over-representation of financial and professional services that would threaten the vitality and viability of the Primary Shopping Area in accordance with policies W7 and W8 of the Taunton Deane Local Plan.

Notes for compliance

1. This permission prevents the installation of any extraction equipment without the further permission of the Local Planning Authority. It is acknowledged that this may prevent some users from occupying the premises, but in the absence of any detail in the application, the Local Planning Authority cannot be certain that extraction equipment could be installed without detriment to the amenities of neighbouring residents or the character and appearance of the conservation area. There is no certainty that such an approval would be forthcoming.

PROPOSAL

This application seeks full planning permission for the change of use of the ground floor of 17 Fore Street to a restaurant/takeaway (classes A3/A5 of the Use Classes Order). No changes (except removal of the existing shop sign) are proposed to the shop front. Two new openings are proposed to be installed in the side (southwest) elevation to provide a secondary entrance/exit at the rear of the property and a new, externally accessed, refuse store.

Various internal alterations are required to provide the kitchen/WC facilities for staff and customers. These do not require planning permission, although listed building

consent is required, and that is the subject of application 43/11/0076.

SITE DESCRIPTION AND HISTORY

The site, in the centre of Wellington, is currently a large empty retail premises, being the former Woolworths store. Since the closure of Woolworths around 2 years ago, the shop is understood to have traded for a short time as 'Richleys Stewarts' but has otherwise remained empty.

The main 3 storey building at the front is grade II listed, from where further ancillary buildings stretch back through the burgage plot to the rear of the site. Most of the ancillary building is a two-storey brick building, which adjoins the principle building, with a further two-storey stone building beyond that. Access to the rear of the plot is available via a passage extending from the frontage, under part of the main building, and in addition to providing access to the rear of the plot, also gives access to a further retail premises and the Wellington Silver Band practice rooms beyond the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL – Recommend that the application be refused as insufficient information was available on which to make a decision. (At the meeting the Town Council expressed concerns that the end user was not known and that the proposal would result in the loss of a large retail unit in the town centre).

SCC - TRANSPORT DEVELOPMENT GROUP – No observations to make on this application.

HERITAGE – No objection to principle. Details for ventilation runs and terminals for WC's should be sought by condition. A note stating that the redecoration of the shop front and advertisements are likely to require Listed Building Consent should be included.

ENVIRONMENTAL HEALTH - FOOD SAFETY – Will send a letter and food premise registration form.

ENVIRONMENTAL HEALTH – NOISE AND POLLUTION - I note that the plans do not show any details of the extraction system from the kitchen.

There are buildings on the adjacent premises which could make it difficult for any cooking fumes and odours to disperse if any system vented at a low level. The amount and type of odours would depend on the catering being carried out, however, there is the potential for it to affect nearby premises.

I would recommend that the applicant looks at options for installing an extraction system from the kitchen to vent at a high level. It is normally recommended that a flue vents at least 1m above the roof eaves or nearby windows.

It would be easier to agree any proposals at an early stage, rather than have to design and install a system after the property has been converted.

ECONOMIC DEVELOPMENT – Note the concerns of Wellington Town Council and those of the Chamber of Commerce expressed verbally at the Town Council meeting; however the application would bring a long term empty unit back into use. Even in the absence of an end user, the proposal would improve the likelihood of a use being found. Therefore, support the application on the basis of job creation.

Representations

Some representations were submitted in respect of the associated listed building consent applications, but raised issues relevant to the planning application. On the basis that this may have been an error on behalf of those making comment, the following letters are taken to have been received:

3 letters of OBJECTION has been received, making the following comments:

- There will be increased traffic and noise from delivery vehicles.
- Having a change of use to a restaurant or takeaway will ultimately end in a liquor licence being sort.
- There would be a new level of antisocial behaviour. Pubwatch, other pub landlords and the police regularly campaign against such behaviour.
- If another public house came to Wellington they would have no interest in keeping the local environment safe and friendly and would further hit existing licensed premises which have already been hit by cuts, tax and VAT highs.
- The proposal is for a KFC – there will be a smell of food on the high street and a magnet for vermin. This type of deep fried food does little to encourage healthy eating; note that restaurants do not serve food in buckets.
- As a local café owner, Wellington is already over subscribed with cafes/takeaways (there are 20 in the town centre). Adding another of this size would compromise existing small businesses.

2 letters of CONCERN have been received, but stopping short of a formal objection and raising the following issues, in addition to those raised above:

- Refuse would be stored in an area where customers pass for entrance to the retail premises to the rear. This would be a health and safety issue and attract vermin, which already exist in the area.
- The access onto the alley to the side may interfere with tenants and businesses that use the alley.
- It would be useful to know the end user and the proposed opening hours.
- There should be no harm caused to the character of the conservation area by the change of use.
- Extraction will create noise and smell late into the night, causing a disturbance to local residents.
- There is insufficient parking in this location. Takeaways inevitably generate a number of traffic movements and there will be a breach of traffic regulations by customers.
- Understand that a previous owner was advised that a change of use would not be permissible as this is a prime retail area; query what has changed.

PLANNING POLICIES

EN14 - TDBCLP - Conservation Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN14 - TDBCLP - Conservation Areas,
W7 - TDBCLP - Primary Shopping Area,
S&ENPP9 - S&ENP - The Built Historic Environment,
PPS 5 - PPS5 Planning for the Historic Environment,
PPS4 - Planning for Sustainable Economic Growth,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development and the impact on neighbouring residents. The impact on the listed building and conservation area must also be considered. Local concerns regarding parking problems and traffic generation are noted, however, the breach of parking regulations is a matter for the police and the Local Highway Authority have raised no objection to the proposal.

Principle

The site is in the centre of Wellington and within the primary shopping area. Policy W7 of the Taunton Deane Local Plan applies and is the most relevant to the proposal. It states that within the primary shopping area the change of use of retail premises to non-retail uses would not be permitted unless the proposal would contribute to sustaining the vitality and viability of the primary shopping area, amongst other considerations.

Policy W7, therefore, provides a general presumption against the proposed change of use. In general, the introduction of non-retail uses into the town centre is considered to reduce the vitality and viability of the area, because the diversity of the retail offer is reduced. It is clear from the representations that Wellington already has a significant number of takeaways and cafes, although the number of restaurants appears to be less.

In this case, the shop (one of the larger units in Wellington) has been empty for a substantial period of time. At this stage, there is no known proposed end user, with the applicant hoping to increase the attractiveness of the property in order to find a use. This has raised significant concern amongst local residents and the Town Council, who consider that they cannot make an objective judgement without knowledge of the final user. However, it must be remembered that any planning permission would not be restricted to any particular user, so, even if the first user were known this could not be guaranteed into the future. The application must, therefore, be determined on its own merits on the basis of the use applied for.

The site is located towards the western extent of the primary shopping area, and, therefore, with the right use, has the potential to 'anchor' this end of the town, drawing trade along Fore Street. In this context, the loss of the property to a non-retail use is regrettable but this must be balanced against the fact that the

property has been empty for almost two years. The absence of any use does not contribute to the vitality and viability of the town centre at all, and there are uncertain prospects for any use to be found in the near future. If a change of use to A3/A5 were permitted, planning permission would not be required to return the property to A1 (retail) should this be required in the future. In this context, it is considered that, on balance, allowing the change of use would improve the likelihood of a new use being found for the premises and that would improve the viability and vitality of the town centre from the current situation.

As it is also permitted development to change from an A3/A5 to and A2 (financial and professional services) and this may have an impact on the viability and vitality of the town centre, it is recommended that a planning condition restrict the permitted development rights to change to class A2.

Neighbouring residents

The site is surrounded by neighbouring residential property. Residents are, understandably, concerned that a restaurant/takeaway use could lead to additional disturbance by noise, smells and litter. The Environmental Health Officer has commented that in order to prevent disturbance from smell, a flue would likely need to discharge above eaves level. No proposals for extraction equipment have been submitted and, at the time of writing, the applicant's agent has been asked to provide his proposals. However, some catering establishments may not require extraction equipment and it is considered that, in the event that no proposals are forthcoming, planning permission could be granted with a condition that no extraction equipment should be installed without a further grant of permission.

In terms of noise and disturbance, no proposed opening hours have been submitted. Given the proximity of nearby residents, and the general absence of other late trading premises in this part of the town centre, it is considered reasonable to require that no food is served after 10.00pm. This would prevent the late night disturbance that local residents fear, however, it would be unreasonable for a restaurant to be completely vacated by this time, so any permission should be couched in these terms.

Listed building and conservation area

In deciding whether to grant planning permission, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the listed building, its setting and any features of special architectural or historic interest are preserved. Section 72 of the same Act requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

The proposals do not propose any physical changes to the shop front and main front elevation. Given the conclusions reached in respect of the associated application for listed building consent, it is considered that the listed building would be preserved. It is also considered that the proposal would not harm the character and appearance of the conservation area, due to the limited external changes required.

Conclusions

The proposed change of use would improve the marketability of the existing retail premises, increasing the likelihood that a use can be found, which would bring the

empty shop back into use, to the benefit of the vitality and viability of the town centre. It is considered that sufficient control can be imposed to make the impact on neighbouring residents acceptable and, therefore, 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 1998.

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

**CHANGE OF USE FROM A1 RETAIL TO A3/A5 RESTAURANT/TAKE AWAY
AND INTERNAL ALTERATIONS AT 17 FORE STREET, WELLINGTON**

Grid Reference: 313861.120572

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

It is considered that the proposal is in line with PPS5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings. Therefore, it is considered that the listed building, its setting and any features of historic or architectural interest will be preserved, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

2. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: Ventilation runs and terminals for WC's, suspended ceilings, lighting regime.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Guidance note 15.

Notes for compliance

1. This consent does not approve any extraction details for the kitchen and preparation areas, which will need the further approval of the Local Planning

Authority. No guarantee can be given as to the outcome of such an application.

2. The redecoration of the shop front and new signs are likely to require Listed Building Consent in addition to advertisement consent.

PROPOSAL

This application seeks listed building consent for the works associated with the change of use of the ground floor of 17 Fore Street to a restaurant/takeaway. No changes (except removal of the existing shop sign) are proposed to the shop front. Two new openings are proposed to be installed in the side (southwest) elevation to provide a secondary entrance/exit at the rear of the property and a new, externally accessed, refuse store. Various internal alterations are required to provide the kitchen/WC facilities for staff and customers.

SITE DESCRIPTION AND HISTORY

The site, in the centre of Wellington, is currently a large empty retail premises, being the former Woolworths store. Since the closure of Woolworths around 2 years ago, the shop is understood to have traded for a short time as 'Richleys Stewarts' but has otherwise remained empty.

The main 3 storey building at the front is grade II listed, from where further ancillary buildings stretch back through the burgage plot to the rear of the site. Most of the ancillary building is a two-storey brick building, which adjoins the principle building, with a further two-storey stone building beyond that. Access to the rear of the plot is available via a passage extending from the frontage, under part of the main building, and in addition to providing access to the rear of the plot, also gives access to a further retail premises and the Wellington Silver Band practice rooms beyond the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL – Recommend that the application be refused as insufficient information was available on which to make a decision. (At the meeting the Town Council expressed concerns that the end user was not known and that the proposal would result in the loss of a large retail unit in the town centre).

SCC - TRANSPORT DEVELOPMENT GROUP – No observations to make on this application.

HERITAGE – No objection to principle. Details for ventilation runs and terminals for WC's should be sought by condition. A note stating that the redecoration of the shop front and advertisements are likely to require Listed Building Consent should be included.

Representations

6 letters have been submitted in respect of this and the associated planning application. These have been detailed in the report for the planning application (43/11/0075), but none have raised any comments relevant to this application for listed building consent.

PLANNING POLICIES

PPS 5 - PPS5 Planning for the Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty within which the Local Planning Authority must consider applications for listed building consent. It requires that in deciding whether to grant consent, the LPA must ensure that the listed building, its setting and any features of historic or architectural interest which it possesses are preserved. Additional guidance is available in Planning Policy Statement 5.

The proposals do not propose any physical changes to the shop front and main front elevation, with the exception of the removal of the existing signage. Internally, more changes are proposed, with the rear of the shop being reconfigured to provide toilets and kitchen facilities. However, this is not considered to result in the loss of any significant historic fabric, with the changes only affecting more modern divisions. It is possible that the installation of toilet facilities will require extraction equipment and the installation of drainage runs. The Conservation Officer is happy that the final details of these aspects be sought by condition.

With regard to the above, it is considered that the proposals would not harm the historic fabric of the listed building or any features of architectural importance. It is, therefore, recommended that Listed Building Consent be approved.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

25/06/0020

**BREACH OF CONDITIONS AND UNILATERAL UNDERTAKING (S106) AT
THE OLD CIDER FACTORY, NORTON FITZWARREN**

OCCUPIER/DEVELOPER: BARRATT HOMES, BELLWAY HOMES,
STRONGVOX

OWNER: BARRATT HOMES, BELLWAY HOMES, STRONGVOX

PURPOSE OF REPORT

To consider whether it is expedient to take enforcement action to remedy the ongoing breaches of conditions and likely imminent breach of the unilateral undertaking (S106) at the above development site, granted planning permission on 23rd August 2007 under reference 25/06/0020.

RECOMMENDATIONS

In the event that either:

A: a timetable for the delivery of works agreed between the developer and your officers is not adhered to; or

B: in the event that no agreement over an acceptable timetable for the outstanding works is reached by 14th October 2011:

1. That the Solicitor to the Council be authorised to serve an Enforcement Notice(s) and take prosecution action in the event that it is not complied with in respect of the following outstanding works:
 - a. The raising of the B3227 to reduce the risk of flooding (required by condition 40);
 - b. The provision of a pedestrian crossing over the B3227 (required by condition 52).
2. That the Solicitor to the Council be authorised to institute injunction proceedings over failure to deliver the local centre in the event that 50% occupations are reached.
3. That the Growth and Development Manager uses his delegated authority to serve Breach of Condition Notices in respect of conditions 12, 32, 34, 38 and 50.
4. That no action be taken at the present time in respect of conditions 36 and 54.
5. That no further action be taken in respect of conditions 26 or 53.

SITE DESCRIPTION

The site is a residential development site in the centre of Norton Fitzwarren. Permission was granted in 2007 for the redevelopment of the former cider factory to provide 389 dwellings, a village centre, part of the Norton Fitzwarren relief road and employment buildings. To date, two of the developers, Barratt and Bellway are believed to have constructed 192 dwellings, with 171 understood to be occupied.

BACKGROUND

In 2008, following the commencement of development, various breach of condition notices were served in respect of the development. Those relevant conditions have since been complied with, insofar as the relevant required information has been submitted.

Over the last few years, your officers have worked closely with the developers in order to seek to secure delivery of the remaining outstanding matters, in particular:

- Delivery of the Local Centre
- Provision of a formalised junction for the estate with the B3227
- Provision of a pedestrian crossing over the B3227
- Various on and off site flood works.

To date, these matters are currently outstanding. It is true that there have been various delays in the developer agreeing the required highway works with Somerset County Council as part of a Section 278 (Highways) agreement. For some time, each party blamed the other for the lack of progress and given that the delay appeared to be partly with the County Council, your officers felt that it was inappropriate to formally push the developers for compliance when they could not legally implement the works. It does now, however, appear that agreement between the developers and the County Council has been reached and the current delay is with technical legal matters.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

At the present time, there is a breach of the following conditions:

12 – Provision of children's play facilities.

26 – Details of the design and appearance of bridge abutments.

32 & 34 – Agreement of design and implementation of on-site flood management works.

36 – Submission of a flood management manual.

38 – Agreement of details and provision of a flood wall to existing properties on Station Road.

40 – Raising of the B3227 (off-site) to reduce the risk of flooding.

50 – Submission of an ecological management plan.

52 – Provision of a pedestrian crossing over the B3227.

54 – Provision of a trespass resistant fence adjacent to the railway.

Although at the present time, there appears to be no enforceable breach, your officers are concerned that there will soon be a breach of the Unilateral Undertaking (S106) that requires the local centre to be built prior to occupation of 50% of the dwellings.

RELEVANT PLANNING HISTORY

Planning permission was granted for the development in 2007 under reference 25/06/0020.

A new, stand alone, permission for the local centre was granted earlier this year under reference 25/10/0031. Although this is a stand alone permission, the S106 obligations on the main site are still binding over the delivery of the centre.

There have been various revisions to the layout of the site, which have reduced the total number of dwellings to be built to 367.

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control

PPS25 – Planning and Flood Risk

PPS9 – Biodiversity

Taunton Deane Local Plan 2004

S1 – General Requirements

EN3 – Local Wildlife and Geological Interests

C4 – Public Open Space provision

T4 – Norton Fitzwarren Major Site Allocation

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development

Policy 49 – Transport Requirements of New Developments

DETERMINING ISSUES AND CONSIDERATIONS

These matters are considered in respect of the 4 different 'main issues' in identified in the Background Section of this report.

Local Centre

The Parish Council and Local Ward Members have made clear that the provision of the local centre and, in particular, the doctor's surgery that is part of it is the most important element of the proposed development in terms of its wider community benefits and necessary provision for the needs of the occupiers of the new development. Its provision is a clear requirement of Policy T4.

It would appear that, at the present time, delivery of the Local Centre is held up pending delivery of the outstanding highway works to provide a junction to the B3227, together with an estate road layout that allows the manoeuvring of large vehicles around the site. Your officers have been made aware by the Parish Council (following discussions that they have had with the PCT) that the surgery must be delivered imminently in order to secure funding. This is largely hearsay and your officers have struggled verify matters as precise details of any contractual arrangements are not available for business confidentiality reasons. However, it does appear that there is now a sense of urgency to deliver the local centre, to prevent failure to deliver the doctor's surgery.

The trigger point for delivery of the local centre is enshrined within the S106 planning obligation and requires that the centre is delivered prior to the occupation of 50% of the dwellings. The latest occupancy information from developer indicates that 171 dwellings are occupied. This is only 46.6%.

At the present time, therefore, it is not possible to take formal action against this breach. However, given the urgency noted above, it is clearly expedient that action be pursued as soon as possible.

Due to the reduction in plot numbers from the original permission, there would be a breach once occupations reach 184. It is considered that this is sufficiently close for your officers to justify seeking authority to take injunctive proceedings against the developer in the event that a breach occurs. There need, then, be no delay in securing any necessary action and any requests made by your officers will carry greater weight.

Junction works and pedestrian crossing

The planning permission for the local centre requires that the junction is remodelled to accommodate the large vehicles that will service the site on a regular basis, although there is no such condition on the main application. However, there is a requirement to provide the pedestrian crossing and there is a clear breach as this should have been provided prior to any occupations.

It is true that the crossing cannot be provided until the S278 agreement has been signed with the County Council, but SCC has now confirmed that it is happy with the proposed works and it is considered that the prospect of formal enforcement action should ensure that the facility is delivered in a timely manner. It is likely that the completion of the crossing will be tied up in the provision of the remodelled junction, so taking action over the crossing should also ensure that the junction as a whole is delivered. These works should also enable the local centre to be developed.

The provision of a safe access to the site is clearly desirable in terms of highway safety and in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review. The local centre issue aside, as occupations increase, it is clearly necessary to provide improved pedestrian crossing facilities over the B3227 for occupiers of the new development, so that they may easily and safely access the primary school and other facilities.

It would be possible to serve breach of condition notices in respect of these breaches. However, this would not necessarily secure delivery. It is, therefore, recommended that an Enforcement Notice is served to require the pedestrian crossing to be delivered.

Flood works

Following a recent meeting on site with the Environment Agency, it appears that most of the on-site flood works have been completed, albeit that the conditions have not been formally discharged. This has occurred because the EA have approved flood defence consents for most of the works. Following the meeting, it appears that discharging these outstanding conditions should, largely, be a formality although the information is still required to be submitted in some respects.

In terms of the ongoing maintenance manual, required by the EA (condition 36) this cannot be agreed until 'as built' drawings have been provided. Clearly this cannot occur until the development is nearly complete. It is, therefore, considered that it is not expedient, or reasonable, to pursue compliance with that condition at this time. In terms of the bridge abutments (condition 26), these are in place for all 3 bridges and appear to be acceptable. It is, therefore, not considered to be expedient to pursue these matters at this time.

In terms of the other outstanding on-site flood related matters (conditions 32, 34, 38 and 40), most of the works appear to have been carried out. However, the EA still wish to verify that the works are acceptable in terms of the planning permission (not just the flood defence consents). It is considered that a breach of condition notice would be the most effective way of securing agreement over the final details.

Flood works are also required to be carried out to the B3227, comprising the raising of the carriageway by 200mm in order to reduce overland flow. As with the highway works, this relates to work that still needs to be done (as

opposed to the other flood-related works, which are largely complete). Therefore, it is considered that an enforcement notice would be the appropriate mechanism to secure the delivery of these works.

Other breaches

The other outstanding matters relate to the provision of a trespass resistant fence adjacent to the railway, the onsite children's play facilities, an ecological management plan and surface water disposal to prevent discharge onto the highway.

In terms of the fencing, the condition was presumably imposed at the request of Network Rail, the reason being to reduce the incidence of trespass and vandalism on the railway track. To date, Network Rail have not raised any concerns over the non-provision of this fence and the railway remains secured by the developer's own compounds. At this stage, therefore, it is not considered expedient to take this matter further, although it may need to be revisited in the future.

In terms of play facilities, in total there are 3 play areas that should be delivered when the housing surrounding those areas is occupied. The housing in area 'E' of the development surrounding one of the spaces has been complete, but provision of the related play space is still outstanding. There is not yet a breach in respect of provision of the two other areas.

It is understood that the delivery of the place spaces is imminent, the developers having recently progressed purchase of the equipment from a new supplier. It is, therefore, considered that that a breach of condition notice would be the most appropriate course of action.

In terms of the ecological management plan, this is mainly a document to guide future management of the new river channel from an ecological perspective. There is nothing that needs to be done imminently and, therefore, a breach of condition notice that would likely trigger the submission of the document is considered the most appropriate course of action.

Condition 53 requires that surface water is disposed of so as to prevent discharge onto the highway, in accordance with details that should first be submitted to and agreed with the Local Planning Authority. This condition has been imposed in addition to the requirements of condition 35 (requiring a detailed surface water drainage strategy to be approved), which has already been discharged. It is considered that sufficient surface water information has been submitted and approved and no further action should be taken in respect of this condition.

Conclusions and timings

It is clearly in the public interest to ensure that the local centre and necessary facilities for the new residents are provided. It is also clearly in the public interest to ensure that the new development is safe from flooding and has a

safe means of access to the public highway. It is, therefore, recommended that authority is given to the Solicitor to the Council to institute injunction proceedings in the event that over 50% of the dwellings become occupied. It is also recommended that the Solicitor to the Council be authorised to serve enforcement notices in respect of the outstanding highway works and that breach of conditions are served in respect of the outstanding on site flood-related conditions.

In all of these respects your officers have been given assurances that the outstanding works are imminent and will be carried out following the signing of the S278 agreement with the County Council. However, this has been the case for the last 12 months or so.

Your officers are aware of the advice in Planning Policy Guidance note 18 that enforcement action and time for compliance must be proportional to the breach. It is considered that an injunction to stop the developers occupying more houses carries with it a certain risk that all development (including the local centre) would stop on the site. However, this is ultimately the only course of action available to the Council to secure delivery and it is considered that the risk is low. It is true also, that the delivery of the highway works does still require some approvals from the County Council and, therefore, Taunton Deane Borough Council must remain reasonable in its approach.

In light of the above, it is considered that the most appropriate course of action is to secure the relevant authorities to take action and then agree a timetable for delivery of the outstanding works with the developer. Your officers should then be authorised to take the necessary action in the event that the timetable is not adhered to. At the time of writing, the first draft of a timetable is being prepared, with input from Highways Officers in respect of the highway works. This will be available at the time of Committee and it is hoped that it may be agreed with the developer by this time. Members will be updated at the meeting.

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

CONTACT OFFICER: Mr Matthew Bale.

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 28 September 2011

Proposal	Start Date	Application/Enforcement Number
WORK COMMENCED ON NEW RESIDENTIAL DEVELOPMENT IN BREACH OF CONDITION, SITE AT PLOTS 1 AND 3, LAND WEST OF BISHOPS HULL ROAD, BISHOPS HULL	02 SEPTEMBER 2011	E/0383/05/10
CONVERSION OF AGRICULTURAL BUILDINGS TO FORM THREE PERMANENT RESIDENTIAL DWELLINGS, ERECTION OF ANCILLARY GARAGING AND STORES AND FORMATION OF VEHICULAR ACCESS AT NORTHWAY FARM, HALSE (AS AMENDED)	07 SEPTEMBER 2011	18/11/0001
ERECTION OF DOUBLE GARAGE WITH STORE AND FORMATION OF VEHICULAR ACCESS AT NORTHWAY FARMHOUSE, HALSE (AS AMENDED)	12 SEPTEMBER 2011	18/11/0003

APPEAL DECISION FOR COMMITTEE AGENDA – 28 SEPTEMBER 2011

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/D/11/2155844	ERECTION OF STORAGE BUILDING TO THE FRONT OF 2 GAUNTON CLOSE, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)	By virtue of its siting, scale and materials the building is considered to represent an undesirable and alien feature within the street scene that is detrimental to the visual amenity and open plan nature of the surrounding area. The proposed development fails to preserve the local character and distinctiveness of the area and therefore conflicts with policies S1 (D) and S2 (A) of the Taunton Deane Local Plan.	52/11/0009	The Inspector considered the main issue to be the effect of the development on the character and appearance of the surrounding area. He was not convinced the store resulted in significant material harm to either local character or the distinctiveness of the street scene, taking into account the predominance of timber cladding fences as boundary treatments in Gaunton Close and that its layout results in some wooden sheds in back gardens being more prominent in the street scene than the store. The Inspector concluded the store does not breach the criteria set by Policies S1 and S2 of the adopted Taunton Deane Local Plan against which development should be judged and ALLOWED the appeal.

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