

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 18 July 2012 at 17:00.

Agenda

- 1 Apologies
- 2 Minutes of the meeting of the Planning Committee held on the 23 May 2012 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests.
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Planning Committee are shown in the attachment.
- 5 08/12/0006- Change of use from (B1) office to (A1) hair and beauty salon on the first floor of the west range of the Hestercombe Gardens Visitor Centre at Hestercombe Garden, Cheddon Fitzpaine.
- 6 17/12/0006- Erection of a dwelling at land to the west of the Coach House, Church Road, Fitzhead.
- 7 38/12/0153 – Erection of two storey extension to the rear of 10 Kilve Close, Taunton.
- 8 43/11/0104 – Outline application for the demolition of agricultural barns, felling of 3 no. category R protected trees and development of land for up to 503 no. residential units with ancillary infrastructure comprising of new junction with Taunton Road, part of the Wellington relief Road, sports pitches, a changing facility with car park, a Primary School, Allotments, Children’s play area, informal open space, balancing ponds, landscape planting, diversion of Public Footpath WG17//17 and creation of new Public Footpath at land on Longforth Farm, Wellington.
- 9 E/0024/43/12- Unauthorised development at the Cleve Country Club, Mantle Street, Wellington.
- 10 E/0036/27/12 – Unauthorised use of land for the storage of non agricultural items on land to the south of Whisperfields, Oake.

- 11 E/0037/27/12 – Caravan sited in field near Hillfarrance.
- 12 E/0046/30/11 – Use of land for the siting of two caravans together with residential occupation, field in Churchstanton, Taunton.
- 13 E/0071/38/12 – Large pink sign at first floor level on principal elevation of a listed building at 5 Silver Street, Taunton.

Tonya Meers
Legal and Democratic Services Manager

07 December 2012

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

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or e-mail us at: enquiries@tauntondeane.gov.uk



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



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

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

Planning Committee Members:-

Councillor B Nottrodt (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor C Bishop
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 F Smith
Councillor P Tooze
Councillor P Watson
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor G Wren

Planning Committee – 23 May 2012

Present:- Councillors Mrs Allgrove, Bishop, Bowrah, Coles, Denington, Mrs Hill, Miss James, Morrell, Nottrodt, Mrs Reed, Mrs Smith, Tooze, Ms Webber, A Wedderkopp, D Wedderkopp and Wren

Officers:- Mr B Kitching (Development Management Lead), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager), Miss M Casey (Planning and Litigation Solicitor) and Mrs T Meadows (Corporate Support Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee; Councillor Stone in connection with application No 51/12/0004

(The meeting commenced at 5.00 pm)

60. Appointment of Chairman

Resolved that Councillor Nottrodt be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

61. Appointment of Vice-Chairman

Resolved that Councillor Coles be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

62. Apologies/Substitutions

Apologies: Councillors Govier, C Hill, Mrs Messenger and Watson

Substitutions: Councillor Mrs Reed for Councillor C Hill and Councillor Ms Webber for Councillor Watson

63. Minutes

The minutes of the meeting of the Planning Committee held on 18 April 2012 were taken as read and were signed.

64. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. 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 Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Mrs Reed declared a personal interest as her daughter works as an administrator in Development Control.

65. Applications for Planning Permission

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

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

51/12/0004

Conversion of redundant farm building to form dwelling at Sunny Farm, Stanmoor Road, Burrowbridge

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) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for barn owls and bats has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology Ltd. protected species report dated October 2010 and up to date surveys and shall include:- (i) Details of protective measures to include method statements to avoid impacts on barn owls during all stages of development; (ii) Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance; and (iii) Measures for the enhancement of places of rest for barn owls and bats. Once approved, 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 barn owl and bat roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (e) Finished floor levels of the proposed development must be set no lower than 6.5m above Ordnance Datum (AOD);
- (f) The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood-proofing measures into the proposed development has been submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; (2) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (3) Applicant was advised that surface water

run-off should be controlled as near its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge and improving water quality and amenity. The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles; (4) Applicant was advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provision must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected; (5) Applicant was advised that the site is within the Internal Drainage Board's area. The Somerset Drainage Board Consortium should be consulted as the site may be prone to problems of high water table and possible flooding, or exacerbate the Board's flooding problems elsewhere due to additional runoff; (6) Applicant was advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of the River Parrett designated a 'main river'. The need for Flood Defence Consent is over and above the need for planning permission).

Reason for granting planning permission:-

Notwithstanding Policy DM2 of the Core Strategy, Members considered the property looked like a house and was a suitable use adjacent to other residential properties.

Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-

Members considered that the property looked like a house and was in a suitable location adjacent to other residential properties.

38/12/0095

Erection of single storey extension to rear and first floor extension to side at 49 Shoreditch Road, 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;

Reason for granting planning permission:-

The proposed extensions have been designed to be in keeping with the existing style of the property and were not considered to be excessively dominating to its appearance or that of the street scene. The extensions, by virtue of their positioning, were not considered to result in an unacceptable loss of light or overbearing impact to the adjacent dwellings and were not therefore considered to result in material harm to the residential amenities of the occupiers of those properties. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) of the Emerging Taunton Deane Core Strategy 2011 – 2028.

30/12/0010

Change of use of land from paddock to parking area, relocation of stable buildings and alterations to gate at Red Lane Cottages, Poundisford (retention of works already undertaken)

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) (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;
- (d) The area allocated for parking on the submitted plan shall be used for the parking of ambulances, private vehicles or event trailers used by the occupier of 1 Red Lane Cottages only and for no other purpose.

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) and Policy DM1 of the proposed Core Strategy.

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

52/12/0006

Outline application for the erection of dwelling and garage and formation of vehicular access to the rear of 24 Comeytrowe Lane, Taunton

Reasons

- (1) The proposed development represents an undesirable form of backland development which, due to its siting and means of access from an un-metalled service road and no frontage to the public realm, was at odds with the prevailing development pattern and character of the area. It was therefore contrary to Policies S1 and S2 of the Taunton Deane Local Plan, Policy DM1 of the emerging Taunton Deane Core Strategy and paragraph 58 of the National Planning Policy Framework;
- (2) The development was proposed to be accessed by a private track from the public highway that does not have sufficient width to accommodate two-way vehicular movements. There was, therefore, likely to be a conflict of vehicle movements on the track to the inconvenience of all users of that private way, contrary to Policy S1 of the Taunton Deane Local Plan and Policy DM1 of the emerging Taunton Deane Core Strategy.

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

Members considered the proposed development to be detrimental to the character and amenities of the area, together with unsuitable access.

45/12/0005

Demolition of staff accommodation and erection of holiday chalet at Crowcombe, The Combes, West Bagborough

Reason

The National Planning Policy Framework seeks to locate developments in areas that facilitate the use of sustainable modes of transport, while development plan policies specifically direct permanently built holiday accommodation to within existing settlements, which were accessible by public transport, cycling and on foot, unless the proposal would support the vitality and viability of the rural economy in a way that cannot be sited within the defined settlement limits. The proposed holiday accommodation would not utilise an existing building but would require the erection of a new purpose-built building in a remote, rural location, distanced from adequate services and facilities, which would result in future occupiers being largely reliant upon the use of the private car. The proposal would not support the rural economy in a way that could not be achieved if located within the defined limits of a settlement, nor would it support economic diversification of existing farming or service enterprises. As such, the proposal was contrary to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies DM1 (General Requirements) and DM2 (Development in the Countryside) of the emerging Taunton Deane Borough Council Core Strategy 2011-2028, Policies S1 (General Requirements), S7 (Outside Settlements) and EC23 (Tourist Accommodation) of the Taunton Deane Local Plan and Sections 3 (Supporting a Prosperous Rural Economy) and 4 (Promoting Sustainable Transport) of the National Planning Policy Framework.

43/11/0127

Erection of 5 no dwellings and 2 no flats on land off Gay Close, Wellington

Reason

The proposed development was considered to be an excessive overdevelopment of the site which has necessitated a contrived residential layout that has resulted in a poor relationship between existing and proposed dwellings. As a consequence, the development would result in an unacceptable degree of overlooking of existing residential properties and new residential properties would unacceptably overlook each other. Elsewhere, the design has been contrived to reduce overlooking, resulting in poor external fenestration and elevation detailing. The proposal was, therefore, poorly designed contrary to Policies S1 and S2 of the Taunton Deane Local Plan, Policy DM1 of the emerging Taunton Deane Core Strategy and Section 7 of the National Planning Policy Framework. As such, the harm that this causes to residential amenity and the character and appearance of the area means that any benefits arising from the scheme cannot outweigh the loss of the informal recreation space to the detriment of the local community, contrary to Policy C3 of the Taunton Deane Local Plan.

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

Members considered the development to be detrimental to the character and amenity of the area which included the loss of a strategic green space.

66. Four Poplars and The Lodge, Hyde Lane, Taunton

Reported that it had come to the Council's attention that agricultural land adjacent to Four Poplars and The Lodge, Hyde Lane, Taunton was being used for the storage of builders materials, equipment and other associated materials without the necessary planning consent.

The owners of the site had been contacted but, to date, an application for planning permission to regularise the situation had not been received.

Resolved that:-

- 1) Enforcement action be taken to remove the unauthorised storage of builders materials and equipment from land adjacent to Four Poplars and The Lodge, Hyde Lane, Taunton;
- 2) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- 3) The time period for compliance with the enforcement notice be three months.

67. Two Trees, Meare Green, West Hatch

Reported that it had come to the Council's attention that an area of land was being used for the keeping of greyhounds, together with an exercise area and shelters

and the storage of catering trailers and mobile home at Two Trees, Meare Green, West Hatch without the necessary planning consent.

The owner of the site had been contacted and an application to regularise the situation had been submitted but this was not valid and had not been registered.

Resolved that:-

- 1) Enforcement action be taken for the cessation of the area of land for the keeping of dogs at Two Trees, Meare Green, West Hatch;
- 2) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- 3) No further action be taken regarding the alterations to the barn, various shelters on the site and the storage of catering trailers and mobile home.

68. Unauthorised works at Mambo, Mill Lane, Taunton

Reported that it had come to the Council's attention that a number of unauthorised works to the Listed Building at Mambo, Mill Lane, Taunton had taken place without the necessary planning consent.

The owner of the site had been contacted and an application to regularise the situation had been submitted but this was not valid and had not been registered.

Resolved that:-

- 1) Listed Building enforcement action be taken for the reinstatement of the railings at Mambo, Mill Lane, Taunton;
- 2) Enforcement action be taken for the removal of unauthorised timber buildings and floodlights at Mambo, Mill Lane, Taunton;
- 3) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the listed building enforcement notice and enforcement notice was not complied with; and
- 4) The time period for compliance with the listed building enforcement notice and enforcement notice be two months.

69. Building not in accordance with approved plans at Taunton Vale Sports Club, Gipsy Lane, Taunton

Reported that it had come to the Council's attention that a building at Taunton Vale Sports Club, Gipsy Lane, Taunton had not been built in accordance with the approved plans and the land had not been backfilled.

The owners of the site had been contacted but, to date, an application for planning permission to regularise the situation had not been received.

However, the Growth and Development Manager considered that, although unauthorised, the amendment to the exterior cladding was not considered to materially affect the external appearance of the building and the window to the south-west elevation did not result in any visual harm upon neighbouring amenity. It was also considered that the unauthorised regarding of the earth mound did not harm visual or residential amenity.

Resolved that no further action be taken.

70. Appeals

Reported that five new appeals had been lodged, details of which were submitted.

(The meeting ended at 9.20 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
- Director of Southwest One – Councillor Nottrodt
- Employee of Viridor – Councillor Miss James
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

08/12/0006

HESTERCOMBE GARDENS TRUST

CHANGE OF USE FROM (B1) OFFICE TO (A1) HAIR AND BEAUTY SALON ON THE FIRST FLOOR OF THE WEST RANGE OF THE HESTERCOMBE GARDENS VISITOR CENTRE AT HESTERCOMBE GARDEN, CHEDDON FITZPAINE AS AMENDED

Grid Reference: 324140.128726

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Whilst the site is remote from services and facilities, with limited public transport available, it is on the site of Hestercombe Gardens, which offers a wedding function and attracts a number of visitors. On the basis that the two salons are used largely in conjunction with the wedding function and by Hestercombe visitors, it could therefore be argued that it is reasonably sustainable in these terms. As such, the continued use of the two salons, is not considered to foster growth in the need to travel to an unacceptable level and is not therefore deemed contrary to the objectives of Government sustainable transport policy, as expressed in Part 4 of the National Planning Policy Framework and reflected in the Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) and Policy DM1 (General Requirements) of the emerging Taunton Deane Borough Council Core Strategy 2011-2028.

RECOMMENDED CONDITION(S) (if applicable)

1. The premises shall be used as a hair and beauty salon only and for no other purpose (including any other purpose in Class A1 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: The Local Planning Authority is of the opinion that other A1 uses are unlikely to be acceptable in this rural location and would be contrary to the objectives of Government sustainable transport policy, as expressed in Part 4 of the National Planning Policy Framework and reflected in the Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages).

PROPOSAL

Hestercombe Gardens are situated to the north of Taunton, between Cheddon Fitzpaine and West Monkton. The main house is a Grade II* Listed Building, whilst the formal garden, landscape garden to the north and orangery are Grade I Listed. Hestercombe Gardens and surrounding grounds are designated as a Conservation Area. This application relates to the old stable block and seeks retrospective planning permission for change of use from office use to a hair and beauty salon at first floor level above the shop. There are no alterations to the fabric of the building.

A supporting statement highlights that the hair and beauty salon is largely ancillary to and complimentary with the existing wedding and shop businesses. It indicates that 85% of the income of the salon is derived from wedding clients and members of Hestercombe, who come also to use the facilities at Hestercombe and is therefore a natural compliment to the existing facilities.

It was initially proposed to create 4 salons, but amended plans have been submitted reducing this to 2, following concerns raised by the case officer.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHEDDON FITZPAINE PARISH COUNCIL - Object – change of use applied retrospectively, not accepted or tolerated by Parish Council. Hestercombe is a trust providing a wedding business, not an industrial estate. Not accepted that hairdresser warrants a permanent salon. Providing the buildings/premises/gardens for weddings is where the service element ends in the Councillors opinion. Parish Council cannot support application.

SCC - TRANSPORT DEVELOPMENT GROUP - The site is considered unsustainable in terms of transport policy and would usually receive a recommendation of refusal from the Highway Authority as it is considered that customers will be reliant on a private car. However, the development seeks a change of use from (B1) Office to provide a (A1) Hair and Beauty Salon. The site itself is located within the grounds of Hestercombe Gardens access to the site is obtained via Volis Hill a designated classified unnumbered highway to which the National Speed Limit applies.

Given previous use of the building, vehicle movements associated to the site are considered a similar level to that of the proposed intended use. Therefore, the traffic generation associated with the site is likely to be comparable. It is also considered that vehicle trips to and from the site will be linked with the existing services that Hestercombe Gardens offer. Fundamentally, the proposal is formalising an existing use which is provided as part of the wedding service. Additionally, vehicle parking provided within the site is adequate to cope with the change of use. No objection.

Representations

None

PLANNING POLICIES

EN20 - TDBCLP - Parks & Gardens of Special Historic Interest,
EN2 - TDBCLP - Sites of Special Scientific Interest,
EN14 - TDBCLP - Conservation Areas,
EN12 - TDBCLP - Landscape Character Areas,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

A hairdressing and beauty salon, being an A1 use, would normally be expected to be located within a more sustainable area. However, it is acknowledged that Hestercombe offers a wedding service and hair and beauty are a fundamental part of the wedding day. It is questionable as to whether the wedding service is operating to the extent that it would warrant a hair and beauty salon permanently on the site, rather than mobile hair stylists and beauty therapists coming to site as and when required. However, it is also acknowledged that Hestercombe attracts a significant number of visitors to the gardens each week and it is plausible that visitors would combine a visit to the gardens or meeting friends in the café with a trip to the hair or beauty salon.

The acceptability of this site for a hair and beauty salon is however strongly dictated by the level of use that is ancillary to the weddings and visitors to the gardens. At present, two salons are being used, accommodating one hair stylist and one beauty therapist. It is considered that this current level of service being offered could be regarded as commensurate to the level of weddings taking place and the visitors that would also seek hair or beauty services, whilst visiting the site.

However this is not a site to which we would wish to see traffic movement increase solely to utilise the salon. On this basis, concerns were raised regarding the initial proposal to create 4 salons as this would be considered to take the use of the salons outside of what could reasonably be regarded as ancillary to the weddings and garden visitors, hence encouraging clients to travel to a salon in an unsustainable location. In that situation, due to the remote countryside location, where there is very limited public transport available, it is highly likely that clients would depend on the use of the private car for most journeys to access the salon, fostering growth in the need to travel, contrary to the objectives of Government sustainable transport policy, as expressed in Part 4 of the National Planning Policy Framework and reflected in the Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 and STR6.

On balance, whilst this is not considered an ideal location for a hair and beauty salon, the continued use of 2 salons is not considered to result in unacceptable growth in the need to travel, to the detriment of the Government's sustainable transport policy.

There are no alterations to the fabric of the buildings and therefore no concerns

regarding the impact upon the Listed Building or the Hestercombe Conservation Area.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

**ERECTION OF A DWELLING AT LAND TO THE WEST OF THE COACH HOUSE,
CHURCH ROAD, FITZHEAD**

Grid Reference: 311917.128322

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed development by reason of its design, form, layout and appearance is considered to intrude visually within an attractive area of the village; consequently the proposals are considered to have a detrimental impact upon the visual amenity, character and appearance of the area. The application site is considered to be of insufficient size and of an awkward layout as to satisfactorily accommodate a dwelling house. The development, if allowed, would result in a cramped form of development with insufficient private amenity space, detrimental to the visual amenities of the area and the amenity of any future occupant. By extension the proposals will detract from the positive contribution that is made by the Coach House to the setting of Fitzhead Conservation Area to the detriment of the heritage asset. The proposals are therefore considered to conflict with Taunton Deane Local Plan Policies S1 (D), S2 (A) and EN14, Policy DM1 of the emerging Taunton Deane Core Strategy and guidance contained within the National Planning Policy Framework.
- 2 The proposed development will result in a dwelling house being located close to the boundary of the plot and neighbouring properties to the East and West. By virtue of its siting, scale and design the proposals would result in the significant loss of privacy and outlook to neighbouring properties, detrimental to their amenity. The proposals are therefore considered to conflict with Taunton Deane Local Plan Policy S1 (E) and Policy DM1 of the emerging Taunton Deane Core Strategy.
- 3 The proposed development will interfere with the Definitive Line of Public Right of Way number WG 5/9. It is considered that the proposed route does not constitute a suitable alternative route virtue of its insufficient width and the enclosed corridor effect that would result where the path runs between the side of the proposed dwelling and the existing boundary wall to the East. The proposals would make the use of the Public Right of Way less convenient for its users whilst also detracting from the enjoyment that the footpath provides for the members of the public. The proposals are therefore considered to be contrary to Taunton Deane Local Plan Policy S1 (E) and Policy DM1 of the emerging Taunton Deane Core Strategy.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

The application seeks planning permission for the erection of a two storey detached dwelling house on land between the Coach House and no's 1-4 Church Road, Fitzhead. The proposed dwelling will provide for open plan kitchen, dining and living space together with a hall way and WC at ground floor level. Above at first floor level there will be three bedrooms (one en suite), a family bath room and storage space off a landing area.

In terms of scale, the dwelling will measure approximately 8.7m x 5.6m and have a height to eaves and ridge level of 5.1m and 7.5m respectively. Externally, the dwelling will be finished in natural sandstone up to ground floor window head height and roughcast render above, the roof will be of a natural slate and fenestration will be of timber throughout. A small canopy porch is proposed to the north elevation of the dwelling over the main principle doorway into the property. The boundaries will retain existing chain link fencing to the West, stone wall and new timber fencing to the East and a hedgerow and fencing to the south. A small section of timber fence and a gate will be erected adjacent to the new parking spaces.

The proposals will make use of the existing vehicular access to the north off the highway; new gates are proposed across the northern boundary access. A drive way will be formed leading to two parking spaces and a turning head. Private amenity space is proposed to the rear of the dwelling and will measure 2.0m in depth with a width of 8.0 metres (approx) across the breadth of the application site. Access along the PROW through the site is proposed to the East of the new dwelling house.

SITE DESCRIPTION AND HISTORY

The application site is an agricultural access track off the highway to the north, leading to a small timber frame and steel sheet covered building, together with fields to the south. It is also understood that an informal agreement allows neighbouring residents to use the track in order to access the rear of some properties along Church Road. In terms of scale the site varies in width between 3.2m across the access point to the north, to 8.6m across the southern boundary that adjoins open fields. At present there is a timber field gate with post and rail fencing across the northern boundary.

The site sits between existing residential properties, with the Coach House and Clere to the East and 1 to 4 Church Road to the West. The site is bound by a stone wall to the East and chain link fencing with a small element of stone wall and informal planting to the West. In general the site is level although there is a gentle gradient that descends towards the highway to the North. The stone wall to the East forms the boundary line of the Fitzhead Conservation Area.

A Public Right of Way, footpath number WG 5/9 runs through the application site along a north-south axis. At present the Definitive Line of the footpath is blocked by an oil tank and the existing storage building within the site. An informal route is available to users of the PROW along a central line along the access track, to the West of the storage building.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

FITZHEAD PARISH COUNCIL - Object to the proposals for the following reasons:

- The area is not appropriate for infill; the dwelling would be overbearing on other properties and subsequent building density would be more akin to a townscape rather than a rural village layout.
- The garden size is more in line with an urban layout.
- Restrictive measures have been used in the past to prevent flooding of the footpath; the dwelling is likely to increase the risk of flooding from surface water.
- The access would no longer allow access to the side of two houses on Church Road.
- The field access would be lost. The two other access points are off narrow lanes with poor visibility.
- The footpath and open space between buildings is an important sight line in both directions and forms an integral aspect of the landscape character captured within the Conservation Area report. The development would lose this important feature and spoil the visual aspect from adjacent properties.
- The footpath is popular; its width will be reduced to 1.2m; recommended width is 1.8m. The definitive line of the path has been unusable for 30 years.
- The site abuts the conservation area and will add risk to structural failure of the stone wall; access for maintenance will be limited.
- Boundary line requires clarification with regard to the access.
- The 'consultation' of neighbours was misleading. A significant number of neighbours attended a parish meeting to voice their dissatisfaction.
- The bus service in Fitzhead is very limited, is not a daily service, runs from morning to lunchtime and would not suit full time workers.
- There would be a detrimental impact upon outlook of neighbouring properties.

SCC - TRANSPORT DEVELOPMENT GROUP - No objection subject to surface water drainage being secured to prevent discharge onto highway; provision of three cycle spaces (1 per bedroom) and provision of a third space.

WESSEX WATER - No objection. Standard advisory notes provided.

HERITAGE - Does not support the application. The site directly abuts Fitzhead Conservation Area; it would have an impact upon the Coach House which is identified within the Conservation Area Appraisal as making a positive contribution to the Conservation Area. The proposed dwelling would have an adverse impact on the Coach House and by extension the setting of the Conservation Area.

LANDSCAPE - Concerned about impact upon setting of the conservation area and amenity of the public footpath.

SCC - RIGHTS OF WAY - No objection subject to the developer not obstructing the PROW. If development obstructs the PROW a diversion will be necessary. The line of the footpath is currently obstructed by an oil tank and we are aware of this.

Advice provided over the requirements for temporary closure orders.

Representations

10 letters of objection from neighbouring residents raising the following planning related matters:

- The new dwelling will detrimentally affect the wall that borders my property;
- Loss of privacy from first floor windows that will look into garden/house of neighbouring properties;
- A dwelling of this size will be out of character [with the area];
- Loss of privacy to the Coach House; Direct view from the new first floor will be formed into the bedroom window of the Coach House;
- People walk up the centre of the track and not along the footpath as shown, which has an oil tank on it;
- Loss of access to rear gardens having used the track for years;
- Loss of light to the south end of the Coach House;
- Environmental disturbance to the Coach House with the access route being too close to its rear;
- The infilling of the plot would be harmful to the character of Fitzhead;
- Impact upon neighbouring amenity from additional noise nuisance - from vehicles and tenants;
- The addition of a further house to a crowded site would further damage the character of what is an area of elegant Victorian and pre-Victorian architecture;
- Loss of light to the front of neighbouring property, being only 12-14 metres from the front;
- The dwelling would look out of character with existing houses;
- The development will block pleasant rural views looking south from the PROW and will destroy the open and natural feel to this part of the village. This is particularly important as the area has become the cultural heart of the village with the pub having closed;
- The proposal will significantly compromise the enjoyment of the path forcing people up against the high stone wall;
- The footpath would not be the recommended width;
- There will be the loss of pleasant views from the lynch gate and church tower;
- A house here will look squeezed into the plot and will be overlooked by neighbouring properties;
- If permitted an application to extend to the south by applying for a change of use of agricultural land will follow;
- Is the footpath to be gated? Can see a diversion being sought in the future due to occupiers suffering from nuisances from users;
- The access should remain available as the field to the south may be favoured for

- car parking in the future in order to serve events at the Church and Tithe Barn;
- The charm of Fitzhead is around its centre, the Tithe Barn, Church, Rectory and Coach House; there are vistas in every direction and the development would close one vista, impinge on neighbouring properties and make the corner at the Tithe Barn more congested and noisy;

5 letters of support from outside the village of Fitzhead, raising the following planning related matters:

- In a time of need for new homes it makes sense to build on brown field sites, with all the necessary services in place;
- With growing pressure on rural services increasing the villages clientele can only strengthen its future;
- The proposal would not harm residential amenity or result in unreasonable amounts of overlooking;
- The proposals would not be detrimental to the neighbourhood or environment and built in a sympathetic manner;
- Living locally I consider some building developments to be advantageous to the community;
- The dwelling is sympathetic and small;
- Rural villages are in need of new homes and brown field seems the best option; more young families and people are needed to stop rural closures leaving villages isolated.

The agent has submitted additional information in relation to the issues raised through the public consultation process. In relation to the footpath they state that there is no minimal width for footpaths; the width will be 1.35m where diverted around the oil tank and new dwelling which is acceptable and will not affect amenity of footpath users. The agent also states that the red line includes the access as required by the Council's validation requirements. The agent contests that there is no pattern for development within Fitzhead; that the dwelling has been designed to account for the appearance of neighbouring dwellings particularly those within the Conservation Area. It is finally states that the dwelling will not affect neighbouring amenity with regard to there being (or not) an overbearing impact and loss of light. Privacy is also unaffected, it is argued, as there is no loss of privacy where non-habitable rooms overlook habitable rooms - this relates to the two proposed side windows serving bathrooms, of which obscure glazing could be conditioned.

PLANNING POLICIES

M4 - TDBCLP - Residential Parking Provision,
 ROW - Rights of Way,
 EN14 - TDBCLP - Conservation Areas,
 EN12 - TDBCLP - Landscape Character Areas,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 CP4 - TD CORE STRATEGY - HOUSING,
 STR1 - Sustainable Development,
 STR3 - Rural Centres and Villages,
 STR5 - Development in Rural Centres and Villages,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1359
Somerset County Council (Upper Tier Authority)	£340

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£8154
Somerset County Council (Upper Tier Authority)	£2039

DETERMINING ISSUES AND CONSIDERATIONS

The site is located within the defined settlement limit of Fitzhead where the general principle of new housing is acceptable subject to all other material considerations being satisfied. The pertinent issues that require consideration are thought to be the impact of the development upon neighbouring amenity, visual amenity and the character and appearance of the area, the setting of the adjacent conservation area, the provision of parking and turning in relation to highway safety and public access to the Public Right of Way (PROW) that runs through the site.

It should be noted that Policies S5 and H2 of Local Plan Policies referred to within the applicants Planning, Design and Access Statement have not been saved; they therefore carry very limited weight although it is recognised that other policy guidance documents within the framework may allude to the former policy directions.

Neighbouring amenity

The proposed dwelling will be sited approximately 8 metres to the East of 1 Church Road and 15 metres to the South of the Coach House. The new building, with its ridge height of 7.5 metres will be set forward of the principle elevation of 1 Church Road; it will range above the existing garage within the neighbouring property and dominate the outlook from the front of the property, enclosing the current open aspect that is currently enjoyed by the neighbouring property.

I am also concerned that the proposed development will result in a loss of privacy to neighbouring properties, in particular the Coach House and Clere; two properties to the East of the site. It is proposed to incorporate two first floor windows to the front and rear elevations of the new dwelling. The windows to the front will face north; the Coach House has one window at first floor window within its south facing gable end which objectors have suggested serves a master bedroom. Window to window views will be formed by the erection of the new dwelling with only 14 metres between the existing and proposed dwellings. In addition to window to window views, overlooking will also be formed into the garden area of the Coach House to the north and also

into the garden of Clere to the South from rear first floor windows.

The views into neighbouring gardens and windows as described will be at a slight angle due to the orientation of the proposed dwelling to the neighbouring properties however there is thought to be sufficient loss of privacy as described in order to justify the refusal of planning permission.

Visual amenity, character and appearance of the area

The area surrounding the development site is characterised by terraced dwellings to the West along Church Road and detached properties within large open plots to the North and East. These properties vary in scale, design and finished appearance but plots are generally uniform and similar in their area and layout, albeit the larger properties to the East have more significant grounds than the properties to the East.

In terms of design I am concerned that the proposed dwelling has a top heavy appearance to it, virtue of the break between stone and render being at a low level within the elevation. The use of bell casts over windows are also inappropriate and the use of stone lintels would be more appropriate. The design proposes a canopy porch to the front, which introduces an alien feature into the north elevation that is attempting to blend in with the blank gable end of the Coach House. The scale of the amenity space to the rear is also inappropriate for a dwelling of this scale.

The site is narrow and the proposed dwelling will have a cramped and awkward appearance locally. The dwelling will be served by an inappropriate amenity space to the rear that will measure approximately 2 metres by 8 metres; this amenity space is not considered to be appropriate for a three bedroom dwelling and it fails to reflect the general layout and scale of adjoining properties. At such a scale it is also likely that pressure would be placed upon the Local Authority in the future to allow an extension of the residential curtilage of the property over adjoining farm land. Such would be contrary to planning policy which aims to protect the landscape character of the area.

The site forms a small infill plot situated between traditional buildings to the East and former Local Authority terraced housing to the west. The narrow nature of the site naturally restricts the ability to provide a development that would wholly reflect the character and appearance of the site's surroundings and the layout of the development site is not thought to reflect the grain of the built form within this section of the village.

At present the site provides for local views over the surrounding farm land from a prominent corner along the public highway to the North and also from along the Public Right of Way that runs across the site. This view, whilst not within the Conservation Area is considered to be important locally and its loss through the erection of the dwelling and associated amenity areas would significantly erode the visual amenity and character of the area. In addition to this matter, the site abuts Fitzhead Conservation Area, the boundary of which runs along the stone wall to the East of the application site. The Council's Conservation Officer has alluded to the positive contribution that is made by the Coach House to the setting of the Conservation Area; the same can also be said for the Tithe Barn which is located adjacent to the site and is within the Conservation Area. When viewed from the north, the infilling of the access track with a development of this scale, design, form

and layout will detract from the setting of the Coach House and, inter alia, the positive contribution that the property makes to the setting of the Conservation Area.

Virtue of these matters the plot is not considered to be of a scale that is capable of accommodating the proposed development. The loss of the open aspect currently provided by the access track and the detriment to the setting of the adjacent Conservation Area are considered to be of sufficient harm so as to warrant refusal of planning permission.

Parking, turning and highway safety

The proposed dwelling will be accessed from the north at a point where the highway bends sharply to the north; visibility in both directions is considered to be acceptable, particularly given the low speed at which vehicles travel within the 30 mph zone. On site, two vehicle parking spaces are provided together with a turning head. The Somerset County Parking Strategy requires 3 parking spaces to be provided per new dwelling within this area. The proposals fails to provide this level of parking, either formally or informally, largely due to the restricted nature of the site. Notwithstanding the insufficient provision of parking, the Highway Authority have advised that they would not, on this occasion, object to the proposals. For these reasons the site is considered to provide for a safe means of access together with appropriate parking and turning space.

Public Right of Way

Public Footpath WG 5/9 runs through the site however it is thought that the Definitive Line of the footpath is currently obstructed by the storage building. It has been stated by local residents that the Definitive Line has not been available for an extensive period of time, possibly as long as thirty years. The footpath is well used and is provided at present by an informal alternative route along the middle part of the access track and to the West of the existing storage building. The application contests that the diverted route would be sufficiently wide and would not harm amenity of the footpath.

Notwithstanding that the Definitive Line is currently unpassable, the proposals would result in the removal of the storage building and the erection of a new dwelling, the footprint of which is also considered to encroach over the Definitive Line of the PROW. Therefore, in order to allow development to take place, it would be necessary to apply for a diversion order in order that members of the public are able to continue the use of the footpath in a favourable manner.

The presence of a Right of Way is a material consideration in determining a planning application, therefore if a development intends to interfere with the Definitive Line of a footpath developer must ensure that a suitable alternative route is available and can be provided . If no suitable alternative route can be provided then planning permission can be refused. It is noted that the Rights of Way Officer does not object to the proposed development however I am concerned at the proposed route set out within the submission.

The proposed route crosses through the amenity space to the front of the proposed dwelling and such will impact upon the privacy of occupants of the new dwelling with

members of the public having clear views into ground floor windows. However my principle concern involves the alternative route proposed and its suitability. The new line of the PROW would be positioned between the East elevation of the dwelling house and the existing stone boundary wall; it would have a width of 1.2 metres (approx) at this point and such a width is not considered to be acceptable. The Rights of Way Officer has verbally informed me that County guidance is for footpaths to have a minimum width of 1.8 metres so that two people can pass along the footpath and to allow access to wheelchair users, push chairs and the like. The proposal would result in a significant narrowing of the footpath between the dwelling and the boundary wall. As a result of being bound on both sides by tall structures the footpath would be significantly enclosed.

The proposed alternative route, virtue of the reduced width and enclosed nature of a section of the proposed route is considered to result in the footpath being substantially less convenient to the public. In addition, the proposed route would be detrimental to the enjoyment of its users and it is therefore not considered to represent a suitable alternative route.

Conclusions

Having regard to the issues outlined above, the provision of an additional dwelling within Fitzhead is not considered to outweigh the harm that would result upon visual and residential amenity, the character and appearance of this attractive part of the settlement and upon the setting of the adjoining Conservation Area. The development would make a Public Right of Way less convenient for users and therefore the proposed diverted route is not considered to be acceptable. The receipt of New Homes Bonus is noted, however I consider that this matter carries very limited weight in this case.

For the reasons outlined above it is recommended that planning permission be refused.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

38/12/0153

MISS S GREEN

**ERECTION OF TWO STOREY EXTENSION TO THE REAR OF 10 KILVE CLOSE,
TAUNTON**

Grid Reference: 322784.126179

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed extension has been designed to be subservient and in keeping with the existing style of the property and will not cause harm to its character. The extension is not considered to result in an unacceptable loss of light or overbearing impact and is not therefore considered to cause material detriment to the residential amenities of the occupiers of neighbouring properties. As such, the proposal is in accordance with Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) of the emerging Taunton Deane Borough Council Core Strategy 2011-2028.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A4) DrNo J08/03A location plan
(A3) DrNo J08/02A proposed drawing

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

Notes for compliance

PROPOSAL

10 Kilve Close is a prefabricated stone and tile mid terraced dwelling set within a cul-de-sac of similar style properties. It is accessed off of Wellsprings Road and to the rear are properties fronting Enmore Road

The adjacent property, no.11 was granted planning permission for a two-storey rear extension in 1991, which has since been erected. This application seeks permission for a two-storey extension of the same dimensions. The extension would provide a new kitchen with an additional bedroom above and would be the full width of the dwelling.

The application is before committee as the agent is related to a member of staff.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations

WESSEX WATER - No comments received at the time of writing

Representations

Letter received from the occupier of 53 Parkfield Road, relating to 9 Kilve Close:

- After carefully reviewing application, no objection in principle.
- Would not be acceptable if proposed extension overhangs our boundary at no.9. Insufficient detail provided on architect's plan as to exact position of soffits and guttering in relation to party wall.
- Drainage to these 4 houses runs along back of buildings. Have been previous blockages, would not want extension to further compound these drainage issues. Suggest survey from Wessex Water as to whether extension would be built over existing drains. Concerns that proposal may limit access.

PLANNING POLICIES

T1 - TDBCLP - Extent of Taunton,
STR2 - Towns,
STR4 - Development in Towns,

DETERMINING ISSUES AND CONSIDERATIONS

The proposed extension is of a roof design and fenestration to match the existing property and therefore appears in keeping with it. It is set on a lower ridge line, resulting in the extension appearing subservient and not dominating to the existing property. The extension reflects the size and design of the former extension at no.11 and therefore relates well to the adjacent property. Being to the rear, there would be no impact on the street scene.

The extension would lie adjacent to the former extension at no.11 and would therefore have no increased impact on the residential amenities of the occupiers of that property. It is also a significant distance from properties to the rear. Over the

boundary at no. 9, the ground floor window appears to serve the kitchen and an obscurely glazed window above is assumed to be the bathroom. Whilst it is acknowledged that the two storey extension would have some impact on light to the kitchen window, it is also important to note that this extension is located to the north-west of no.9. In view of the fact that the sun rises in the east and sets in the west, the proposal is not considered to have a material impact on light to this window or to the garden area. The extension would abut the boundary with no.9, but would only protrude for 2.7m, whilst the depth of the garden at no.9 is 9.5m. The proposed extension is not therefore deemed to result in an overbearing impact on the garden area. It should also be noted that the owners of no.9 raise no objection regarding the impact upon the residential amenities of this property.

The agent has confirmed that no part of the extension will project beyond the boundary with the adjacent property. As such, there would be no encroachment onto land belonging to no.9.

A query has been raised as to whether the extension would be built over existing drains. Whilst Wessex Water have been consulted on the application, at the time of writing, no response has been received. However, if a drain is present under the site, this would not prevent an extension being built as such. The matter would be taken into account at Building Regulation stage and would need to be constructed accordingly.

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

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

BLOOR HOMES LIMITED

OUTLINE APPLICATION FOR THE DEMOLITION OF AGRICULTURAL BARNs, FELLING OF 3 NO. CATEGORY R PROTECTED TREES AND DEVELOPMENT OF LAND FOR UP TO 503 NO. RESIDENTIAL UNITS WITH ANCILLARY INFRASTRUCTURE COMPRISING OF NEW JUNCTION WITH TAUNTON ROAD, PART OF THE WELLINGTON RELIEF ROAD, SPORTS PITCHES, A CHANGING FACILITY WITH CAR PARK, A PRIMARY SCHOOL, ALLOTMENTS, CHILDREN'S PLAY AREA, INFORMAL OPEN SPACE, BALANCING PONDS, LANDSCAPE PLANTING, DIVERSION OF PUBLIC FOOTPATH WG17/17 AND CREATION OF NEW PUBLIC FOOTPATH AT LAND ON LONGFORTH FARM, WELLINGTON

Grid Reference: 313776.121498

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Subject to the applicant entering into a Section 106 agreement (or other mechanism) to secure the following:

Highways

- The design, construction, and funding of the roundabout, its approaches and the distributor road, which was subject to the Full Application (43/11/0105);
- The construction of a distributor road through the development site to link the B3187 to the existing employment development to the west (Relyon);
- A contribution of £100k for Travel Planning and cycle improvements;
- A toucan crossing to be constructed on the distributor road in accordance with a location to be agreed with the Local Planning Authority. Such provision shall be shown as part of the Reserved Matters application.

On site open space and maintenance

- Provision of 2 LEAPs and 1 NEAP;
 - Transfer of 0.66 ha of serviced land for dedicated use as allotments;
 - Retained and enhanced orchard (approximately 1 ha);
 - Provision of 1.419 hectares of serviced land (to include water supply and electricity to serve a potential future pavilion and car park) as shown on the master plan for future use as sports pitches;
 - 2.26 ha of incidental open space;
 - 3.16 ha of proposed buffer / ecological planting;
 - SUDS
- Provision of a commuted sum for the future maintenance of the above, or to be maintained by a separate management company.

Education

- 1.2 ha of serviced land for use as a primary school;

- The applicant to tender for the highway works costed. Any cost savings derived from the lowest tender against those costed in the viability report shall be directed as contributions towards the capital cost of constructing the primary school;

Affordable Housing

- 10% Affordable Housing provision which shall accord with the requirements of the Housing Enabling Officer;

Footpath Diversion

- The applicant shall use all reasonable endeavours to seek the diversion of footpath WG/17 (in accordance with the master plan) prior to the occupation of the 150th dwelling.

* The detail and triggers for delivering the above will be subject to further negotiation with the developer. Final authorisation on such matters shall be agreed by the Head of Planning and Chair of Planning Committee prior to the issue of the decision notice.

Conditional Approval be granted for the following reason:

The application will deliver 503 residential dwellings and the first phase of the Northern Relief Road. The site is allocated in the emerging Core Strategy and accords with the Spatial Vision for Wellington. The site is well linked and integrated with the existing built form of Wellington and will encourage travel within the town by modes other than the private car. Any impact on wildlife will be adequately mitigated and the favourable conservation status of European Protected Species will be maintained. Having regard to Policy CP7 and the viability of the scheme submitted the community benefits and infrastructure secured are considered acceptable in the planning balance. The proposal is considered to result in a sustainable urban extension to Wellington, contributing to maintaining a five year supply of deliverable housing sites. The proposal would therefore be in compliance with Policy SP3 and SS3 of Taunton Deane emerging Core Strategy which due to its advanced stage is given significant weight in the decision-making process and having regard to the policy guidance contained within the National Planning Policy Framework.

RECOMMENDED CONDITION(S) (if applicable)

It is anticipated that conditions will be imposed to secure the following:

Time Limit; Phasing; Design Codes; Site Levels; Landscaping; Tree Strategy; Boundary Treatments; Details/Samples of External Surfaces; Estate Roads; Lighting Strategy; Surface and Foul Water Strategy (including maintenance); Ecological Conservation Management Plan; Archaeology; Contamination; Noise Mitigation; Highway Conditions (as considered reasonable and necessary); Cycle and Footway Linkages.

Notes for compliance

PROPOSAL

Outline planning permission is sought for residential development of up to 503 dwellings. All matters are reserved for subsequent consideration. The scheme includes balancing ponds, informal and formal open space and play, landscaping, ecological mitigation and allotments. The master plan also identifies land for a primary school and public playing fields with changing facilities. The Design and Access Statement (DAS) states that the master plan includes:

- 13.7 hectares of residential development
- 1.27 hectare school site
- 0.66 hectare allotment site
- 2.2 hectares of playing fields
- 3.16 hectares of native planting
- 1 hectare retaining and enhancement of existing orchard

The building heights strategy has been designed with regard to the importance of the distributor road through the site. For the most part, buildings would be two storeys high, with a maximum ridge height of 8.7m. Two and a half storey buildings, with a maximum ridge height of 9.0m are proposed along the distributor road. A small number of three storey buildings, with a maximum ridge height of 9.6m are proposed adjacent to the orchard. The site will be developed at a range of densities, from 26-31 dwellings per hectare adjacent to the retained farmland in the east to 42-46 dwellings per hectare in the north.

The scheme would deliver the first phase of the Wellington relief road from the B3187 to the manufacturing facilities at Relyon. The final phase would be dependant upon the relocation of both Relyon and Swallowfield to land to the east. The Core Strategy allocation provides for that situation. Whilst access is a reserved matter the application identifies a new junction with Taunton Road (B3187) to the south. Full planning permission has been granted for a roundabout and the first part of the Northern Relief Road up to the proposed built form, under decision notice 43/11/0105. This enabled the applicant to secure the necessary ecological licenses necessary prior to the construction of the highway infrastructure.

There are two existing footways which run across the site from south to north. The master plan identifies two diversions. The first is a minor deviation to the alignment of the route to Nynehead to take into account the proposed built form. Secondly, in order to avoid additional pedestrian traffic using the unmanned crossing over the railway a diversion is proposed. The proposed alignment would travel west prior to the crossing and users would be directed to use the existing old road bridge across the railway. The route would then run east parallel to the railway line before rejoining its original line north towards Nynehead.

Surface water run-off from the areas of proposed built development and highway will drain via a series of ditches and swales to a balancing pond located adjacent to the railway line.

Revisions to master plan

The master plan has been revised to relocate the play area to the west of the site further north to allow natural surveillance from the residential areas. The revised

master plan also shows the 2.0m wide buffer areas from Network Rail land together with the proposed footpath diversion route.

For clarity purposes it should be noted that (i) the listed farm house and its curtilage (as shown on the submitted plan), (ii) land immediately to the east where there is a maternity bat roost, and (iii) land to the south of the proposed sports pitches are specifically excluded from the application site.

SITE DESCRIPTION AND HISTORY

Longforth Farm was de-allocated from the Taunton Deane Local Plan 2004 on two main grounds (a) the scale of development at Wellington was excessive and likely to lead to commuting from the town (b) the benefits accrued were insufficient to outweigh the loss of best and most versatile land, particularly when alternative sites could be developed. Cades Farm was therefore allocated in the Local Plan. The strategic and local policy context has now changed. The Core Strategy identifies that Wellington has a high level of self containment. Longforth Farm is now a Strategic allocation in the Core Strategy, which seeks to deliver around 2,500 dwellings to Wellington as the secondary focus for growth in the Borough over the period up to 2028.

The north boundary is delineated by the mainline railway. There are two existing crossings over or across the railway line. The first is at the point of the old road bridge in the north west corner of the site. The second is an unmanned pedestrian crossing further to the east. Both footways intersect with the east-west long distance footpath 8/19A which follows the line of the former Grand Western Canal. Further north is the grade II* parkland at Nynehead Court.

To the east of the site is agricultural land reserved for the relocation of the employment uses of Swallowfield and Relyon as provided for by Policy SS3 of the Core Strategy. The application proposal specifically omits a parcel of land from the developable area as an ecological buffer to an existing bat roost. This land will remain as agricultural land. Further east is Nynehead Road which connects the village of Nynehead to the B3187 and Wellington.

To the south the site abounds the B3187. St John the Baptist Church is located to south west and beyond this the town centre of Wellington. The site is located approximately 750m from the town centre. Further south east is the residential development at Cades Farm. The town centre of Wellington is located to the south west

To the west is residential development at Parklands Road. To the north west is employment uses associated with Relyon and Swallowfield.

Full planning permission was granted (reference 43/11/0105) for highway works comprising a roundabout and first part of the relief road. The application also included landscape mitigation and drainage works.

CONSULTATION AND REPRESENTATION RESPONSES

WELLINGTON TOWN COUNCIL – Recommend that the proposal be granted. The proposal complies with the emerging Core Strategy and was proposed to be on land identified for development. Due to these reasons we have no objections to the

proposal.

NYNEHEAD PARISH COUNCIL – Object to the proposal for the following reasons:

The proposed 'relief road is not adequate because it would not provide a by-pass of the town centre for traffic from the Milverton direction wishing to go towards Chelston, nor for Swallowfield traffic, and would not take traffic away from lanes through Nynehead. Because of this long-term objective is not achieved by this scheme it would be wrong to develop on high agricultural land merely to provide more housing.

It was also agreed to make two additional comments:

- That if the scheme should go ahead the industrial land at the Nynehead/Poole junction should be served by a road from the new roundabout and;
- That a footbridge over the railway should be provided rather than a long diversion over the Longforth Farm bridge. The footpath from Wellington to Nynehead, the medieval route, is well-used as a 'utility' path as well as for recreation purposes.

Several representatives of the Parish Council visited the exhibition at the URC hall and commented favourably on the quality of the displays and the useful discussions they had with the applicants' consultants.

Revised Comments – 03.07.12

The Parish Council continues to object to the closure of the public right of way between Wellington and Nynehead where it crosses the railway line. The closure and its replacement with a long diversion would be a serious inconvenience to the many users of the path which has been in use since medieval times. The safety issue on the railway crossing is recognised and the council would therefore press for the provision of a footbridge. It is noted that while the applicants state that this would be too expensive no details are given of the cost of the bridge itself nor of how these relate to the cost of the total scheme. If the crossing is to be closed it is essential that the diversion is provided before this is done and the path brought up to a good standard before any houses are built. It was also noted that a formal diversion order will be required and the Parish Council ask that it be notified of its publication.

The Parish Council still considers the proposed relief road to be inadequate.

PLANNING POLICY – response to 43/11/0104 and 43/11/0105 as follows;

These applications will provide for development of the first phase of the Longforth strategic site allocated in Policy SS3 of Taunton Deane Core Strategy 2011 – 2028 published plan. The plan was submitted to the Secretary of State in mid November 2011. There were only six responses to the Regulations 27 public consultation in July and August 2011. Five of these considered the policy sound and raised only matters of detail. The only objection was from DW Alder on behalf of landowners elsewhere, including Fox's Meadow, to the north of Wellington. The Core Strategy will be examined during the second week of February 2012, but the draft programme does not propose to hold a public hearing on the Longforth site. Therefore the Core

Strategy has reached an advanced stage and is a material consideration. In view of the lack of objection to policy SS3 in particular, it would be appropriate to attach significant weight to it.

The proposals accord with Core Strategy Spatial Policy SP3 Realising the vision for Wellington. This includes strategic sites and new green wedges at Longforth and Cades/Jurston, provides for the relocation of Relyon and Swallowfield, a Northern Relief Road for Wellington and sustainable transport measures including a town bus service, re-opening of the railway station and a network of cycle and walking routes.

Core Strategy Policy SS3 allocates Longforth and sets out in more detail the elements of the development and infrastructure required. The site is in a highly sustainable location within easy walking distance of the town centre services and facilities. For three decades Wellington has supported the development of Longforth and provision of the Northern Relief Road to remove HGVs from the town centre.

The current proposals have evolved through many meetings over recent years with Terence O'Rourke and Bloor Homes, including meetings with Wellington Town Council, Urban Initiatives, Somerset County Council, Natural England, and Somerset Wildlife Trust.

The applications provide for the first phase of the Core Strategy proposals. The development includes 503 homes, of which 25% are affordable, primary school, a green wedge with football and cricket pitches, pavilion and car parking, allotments, and landscape buffers to mitigate wildlife impacts, together with the first stage of the Northern Relief Road and sustainable transport measures.

The applications are supported.

HIGHWAY AUTHORITY – The access junction and first part of the Relief Road were granted consent subject to conditions and a legal agreement to secure a suitable design and implementation of the Roundabout and Relief Road.

The site is allocated for residential development in the Taunton Deane Core Strategy under Policy SS3.

The applicants have submitted a full Transport Assessment and Travel Plan to support the application. Both have been carefully scrutinised. The Transport Assessment shows that the proposed site access junction is suitable in terms of both capacity and geometry and this had a full consent granted.

The Transport Assessment shows that the development will have a negative impact on the Chelston Roundabout and the Wellington Town Centre traffic signal junctions of Longforth Road and North Street and South Street. Mitigating of these junctions is therefore required.

In terms of the Chelston Roundabout the Highway Authority is requiring contributions from this development to add those required from nearby development to secure improvements to the Chelston Roundabout to increase capacity. A sum of 500k at a rate of 1k per dwelling is sought.

There is very little physically that can be done to overcome the issues in Wellington

town centre. It is the Highway Authorities view that the installation of a MOVA, a device for maximising the capacity of congested junctions, will improve the situation. A contribution of 50k therefore is required to deliver this.

Travel planning and the ability of the site to be sustainable from a transport viewpoint is essential. The submitted Travel Plan is not yet satisfactory and my colleagues are working with the developer in order to overcome this. It is the Highway Authority's view that Travel Plan measures including Residential Travel Vouchers, a Travel Plan co-ordinator, local Travel Plan initiatives, cycle infrastructure and cycle parking together with a Travel Plan Management Fund are required. A contribution of £330,000 is required to secure the above.

Although the application is in Outline, an illustrative Master Plan and draft Housing layout have been submitted. These plans are from the Highway Authority's perspective generally acceptable. I would however expect discussions to take place prior to the submission of Reserved Matters so that a development that is suitable in all respects can be delivered. To this end conditions securing the Housing Estate Road details will be required.

In conclusion I have no objections to the proposed development subject to a S106 Agreement to secure the following: -

1. The design, construction, and funding of the roundabout, its approaches and the distributor road which was subject to the Full Application.
2. A contribution of £500k being £1k per dwelling towards improvements to Chelston roundabout.
3. The sum of £300k for Travel Planning and cycle improvements.
4. The sum of £50k to install MOVA at both the Longforth Road and the North Street/South Street Traffic Signal junctions.
5. A Toucan Crossing to be constructed on the section of Relief Road subject to Reserved Matters. The location of this has yet to be agreed.
6. The construction of a Distributor road linking with that provided in (1) above running through the development site to link with the existing commercial development to the West.

Conditions sought to cover: estate layout; roads/footways/turning constructed to ensure each dwelling is served by a properly consolidated and surfaced footway and carriageway to at least base course level; development not brought into use until service road constructed; no gradient steeper than 1: 10; no dwelling to be occupied until a network of cycle way and footpath connections have been constructed and including links to the adjacent highway network; street light specifications to be agreed prior to occupation; siting of Toucan crossing.

HIGHWAYS AGENCY – The proposals will not have an adversely impact on the Strategic Road Network.

LANDSCAPE OFFICER – Generally the Environmental Statement and master plan proposals are well considered and acceptable. My two main concerns are:

- 1) The landscape impacts from V8 do not consider railway passengers as visual receptors. Given the elevated position of the carriages and embankment the impacts

will be very significant. This impact has been considered to some extent travelling from east to west other than when adjacent to the proposed housing. The housing has no proposed mitigation and this will have a significant impact both for residents and rail users.

2) Trees within the street scene as part of the main boulevard are very close to proposed housing. This is generally not acceptable to the highway authority and may cause longer term shading and rooting problems if not fully considered.

The arboricultural and landscape assessments are fine.

HERITAGE LEAD OFFICER

I am relatively comfortable with the curtilage left for Longforth Farmhouse, as shown on the Plan. The curtilage however is less clear on the Indicative Housing Layout Plan. The latter would also appear to show a main access to Relyon immediately to the south of the farmhouse which is not shown on other plans. Clarification required. It would also be helpful to have a more detailed plan, showing the farmhouse and the intention for its immediate environs. In respect of the latter, I would expect landscaping for the farmhouse to be outside its curtilage.

Revised Comments – 05.07.12. I note the response to my formal comments and welcome the confirmation of the proposed position of the access road to Relyon.

ENGLISH HERITAGE

The development does not have a direct physical impact on any of the designations for English Heritage has a responsibility. However, PPS5 *Planning for the Historic Environment* makes clear that authorities and statutory consultees like English Heritage should have regard not just to direct impacts on the historic environment but to indirect impacts on the historic environment but to indirect impacts like *changes* to setting. The setting of numerous heritage assets – including listed buildings, a conservation area and a registered park and garden – could be affected by this development. We have taken a view that the greatest impact is likely to arise in relation to the park and garden at Nynehead Court, which lies just to the north of the proposed development site and it is on this heritage asset that this consultation response concentrates.

The landscape of Nynehead Court is included at grade II* on our Register of Parks and Gardens. This means that it falls within the top 40% of parks and gardens in England. PPS5 describes registered parks and gardens as a heritage asset, placing them on the same footing as listed buildings, scheduled monuments and other heritage designations. In development control they are what is known as a *material consideration* in the determination of the planning application. PPS5 also English Heritage's own guidance, *The Setting of Heritage Assets, 2011* (disappointingly this appears not have informed the ES), emphasises that 'it is important...that the extended and remote elements of design are taken into account when the setting of a designated landscape is being evaluated'. One of the key findings of recent historic studies is that the designed (registered) landscape at Nynehead Court has a strong relationship with the wider landscape, and most of the key designed views are focussed south over the park towards Wellington and the Blackdown Hills beyond. It

is difficult to rank views, especially as many such views in designed landscapes are kinetic (depending on movement for effect) but the studies indicate that many of the most important views are to be enjoyed from the higher ground in the north park and from the pleasure gardens close to Nynehead Court itself. Possibly the most significant view is the one looking south from the Three Arch Bridge to the Wellington Monument (this view is actually on the same alignment as the view from the pleasure grounds). Despite being kilometres apart, the axial relationship of the bridge to the monument is precise, the design is by the same architect and the owner of Nynehead coincidentally was a leading promoter of the Wellington Monument In garden society terms, the connection between near and far objects is known as 'borrowed landscape', in other words landscape that is appropriated to given an exaggerated impression of the extent of an estate. Of a similar level of significance to the view from the Three Arch Bridge are views from the Grand Western Canal and the Deane Way within the registered landscape. The canal is physically much closer to the proposed development and the impacts likely to be more direct.

The Cultural Heritage and Landscape and Visual chapters in the Environmental Statement rightly identify the view from the Three Arch Bridge as significant. It is also of public amenity, coinciding at this point with a public footpath. The ES accepts there will be some change to this view arising from edge of the town moving closer to the park, but contends that at this distance it will be difficult to distinguish the new from the existing urban edge.

Our response to this is informed by *The Setting of Heritage Assets* which accepts that the 'protection of the setting of heritage assets need not prevent change. Most places within the setting of a heritage asset are subject to some degree of change over time'. The townscape of Wellington has always occupied the middle ground in views from the high ground of the north park and our judgement is that the change to the view arising from the proposed development is a matter of degree only. If the ES concludes that the more distant views from the core of the registered park will not be significantly affected by the proposed development, it does accept that there will be a significant impact from the Grand Western Canal and Deane Way, views 5 & 6 (still within the registered park). The Non-Technical Summary states: 'the greatest change will be to views and the character of the park boundary along the Grand Western Canal, as a result of increased development on the park's margins'. In attempting to place a magnitude on this change, the Non-Technical Summary says that 'in the context of the park as a whole, this will be a small adverse change. As a result of the park's high importance, the effect will be moderate or significant.

Our own judgement does not differ markedly from the assessment in the ES. Using the terminology of PPS5, we have concluded that any harm to the setting of Nynehead Park is 'less than substantial' and therefore we do not have an objection in principle to the proposed development. (*Underlining Planning Officer emphasis*)

However, as our setting guidance makes clear, this isn't the end of the process. In section 4.2 of *The Setting of Heritage Assets*, five sequential steps are set out. Step Four requires developers to explore ways 'of maximising enhancement and avoiding or minimising harm'. This should identify opportunities for changes in the setting to enhance or better reveal the significance of a heritage asset.

It is in relation to Step Four that we consider more work remains to be done. As we have said, the principal views from the park are from the pleasure grounds of Nynehead Court, from the Three Arch Bridge and from the Grand Western Canal.

To take the view from the pleasure grounds/Three Arch Bridge first. This important view corridor crosses directly over areas proposed for residential development in the masterplan. Other plans indicate a maximum ridge height of between 8.7 and 9.0m, depending on building type, and to this must be added the effect of rising ground. – the development has a fall of more than 20 metres. In our consultation response to the scoping opinion we stated that ‘we would expect to agree a number of photomontage viewpoints to enable the visual impact to be fully and transparently assessed’. Unfortunately this information has not been provided in the ES. The reason given is that ‘there are currently no detailed proposals’. This is disingenuous. If there are no detailed proposals then how is it possible to reach a conclusion, as the Non-Technical Summary/Cultural Heritage chapter of the ES does, that ‘in the context of the park as a whole, there will be a small adverse change’?

We suggest that there is sufficient information in the public domain to allow photomontages to be prepared: there is a master plan, there are proposed ridge heights, there is a road layout and there are indicative landscape proposals. We regularly comment on visualisations based on no greater level of detail than this. We need to see visualisations of the proposed development from all the key viewpoints in the registered park including from the Grand Western Canal if we are to contribute meaningfully to the design process. Without such real engagement it is unlikely we will be in a position to consider favourably any reserved matters or to support a subsequent, full application.

The street layout, the orientation of housing, the nature of house types, the palette of materials and colours used in external elevations, street lighting, the provision of renewable energy (photovoltaics, wind power, biomass) and the location of green space and landscaped corridors within the development all have the potential to affect the setting of Nynehead Park. Intelligent design allows ways of ‘maximising enhancement and avoiding or minimising harm’, as set out in Step Four.

In conclusion, we reiterate that we are not opposed to the principle of development at Longforth Farm. However, we need the applicant to engage meaningfully with us and to provide a greater level of detail, which is necessary to our final assessment. If necessary, they should be prepared to modify their proposals. The illustrative material we have already requested will assist in this process.

Further comments 08.07.12

Our specialist staff has considered the information received and we do not wish to offer any comments.

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

COUNTY RIGHTS OF WAY - Comments as follows

This application directly affects public footpath WG 17/16 & WG 17/17. At this stage it would appear that the route of WG 17/16 is taken into account, however WG 17/17 will require a diversion under the Town & Country Planning Act. The application for this should be made to Taunton Deane Borough Council. The proposed alternative route would appear to be acceptable at this stage; however the applicant should

ensure there are plenty of links from the residential areas to WG 17/17.

The development is more than likely going to result in the increased use of both footpaths, which means the existing level crossing on WG 17/17 will have a higher frequency of use. This issue was raised at the EIA Scoping Opinion consultation with a request for a footbridge to replace the level crossing. I understand that a bridge could be prohibitive in terms of expense as well as having a landscape impact, therefore if a bridge is not possible the applicant needs to seek written assurance from Network Rail that they would be happy with the increased use on this level crossing. Any physical improvements that can be made to the crossing should be implemented.

Whilst the proposed footpath link on the north side of the railway is welcomed (as it creates a shorter community circuit), it is not a route that the County Council Rights of Way would wish to become a definitive footpath. It could be a non-definitive path as part of the open space and managed by the Management Company or by the Borough Council.

Footpath WG 17/16 connects the Longforth Farm site to an area of proposed new housing (43/11/0080). This footpath could be upgraded and serve as a useful cycle track link from the Tonedale area to employment and services on the northern and eastern sides of Wellington and Chelston. I did not refer to this opportunity in my response to 43/11/0080, but they could be asked to contribute to such a scheme.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC 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.

Revised comments – 29.06.12

The proposed diversion (the concurrent stopping up and creation of public ways) of footpath WG17/17 is in the interests of public safety given the proximity of the development to the level crossing and therefore the stopped up section will need to include the level crossing itself and any existing path up to the proposed new path so that no cul-de-sacs are left. The master plan should be amended to reflect this.

Section 119a Highways Act is the preferred legislation, however Network Rail would need to be the applicant and agree to defray costs incurred in the diversion process. Therefore, Network Rail and the developer may need to come to an agreement as to how this would work.

Section 257 TCPA 1980 could be used and applied for by the developer. However, this legislation is used to 'enable development to take place' and is not directly relevant to the safety of the level crossing. This could have consequences if the Order was objected to and referred to the Secretary of State for determination.

Whichever legislation is used, we would require a risk assessment from Network Rail to back up their initial objection to the development on the level crossing safety

grounds.

The attached map indicates the section of WG 17/16 that I request is improved to an all-weather sealed surface and rights for cyclists secured between points A and B. This would provide a valuable off-road link for walkers and cyclists between the two developments and act as part of the wider network of sustainable access to jobs and services within Wellington and Chelston. Further assessment is required as to what works this would necessitate.

ECONOMIC DEVELOPMENT MANAGER – Comments as follows:

My concern relates solely to the provision of road infrastructure.

Wellington needs a relief road to remove traffic generated by Swallowfield and Relyon from the town centre. In the same token Swallowfield and Relyon require improved and more direct access to the M5; if that is not forthcoming in the next few years either could relocate out of Wellington.

Whilst this application meets Relyon's needs and should enable that company to access the motorway better, in so doing it may compound the difficulties for Swallowfield, particularly due to the residual value left in that company's site. I would therefore prefer to see a proper Relief Road, not the cul-de-sac proposed, which serves Relyon and Swallowfield as well as the numerous other businesses and investors located in the north west of the town, including at Tone mills.

A development that includes both of those large employers would enable the relocation of both businesses to sites elsewhere in the town funded by a comprehensive redevelopment of both sites together.

HOUSING ENABLING OFFICER

The Housing Enabling Lead supports this application based on need and the comments do not reflect the suitability of the site in terms of planning.

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

503 residential units should provide 3 hectares of public open space of which 0.925 hectares should be play and 2.075 hectares for outdoor recreation. Children's play area shown on the outline map behind the school should therefore be moved north to be overlooked by the dwellings. The Parks Department should be asked to comment on the actual design and content of the play grounds.

I note from the Design & Access Statement that 0.66 hectares has been set aside for allotments. 15.4 square metres per dwelling of allotment land should be provided on-site, 503 dwellings should therefore provide 0.77 hectares for allotments.

A contribution of £1,118.00 towards local community hall facilities should be sought or a community hall incorporated within the proposed changing provision.

The Parks Department should be asked to comment on the location, size and layout

of the proposed football and cricket pitches.

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 to the value of 1% of the development cost.

COUNTY EDUCATION OFFICER – Comments as follows:

The contributions sought are:

Primary School Provision: 30 places per 150 dwellings.

503 dwellings: $503/150 \times 30 = 100$ places @ £12,257 per place = £1,225,700.

Secondary School Provision: 30 places per 210 dwellings:

$503/210 \times 30 = 72$ places @ £18,469 per place = £1,329,768.

Pre-School Provision: 3 places per 100 dwellings

$503/100 \times 3 = 15$ places @ £12,257 per place = £183,855

If the development is unable to deliver a new primary school and contributions for a pre-school and the secondary tier, it would be unsustainable and unacceptable. If the contributions are not secured, it is highly possible that children living in the new development would not find a school locally. The development should not therefore be permitted to proceed, possibly in order to achieve other objectives, if the fundamental requirement for school places cannot be achieved.

NETWORK RAIL - After consultation with our Level Crossings Risk Control Co-ordinator, Network Rail object to this application for 2 reasons as currently proposed.

Objection No.1.

The proposed development will significantly increase the use of the pedestrian level crossing in this area which may have safety implications due to the envisaged increase in the usage. The increased use of the crossings cannot be looked upon favourably by Network Rail and some form of mitigation may be justified to reduce any safety concerns. Should the Applicant/Council wish to discuss the matter of the level crossing further with regard to minimising potential safety issues, please contact the Level Crossing Risk Control Co-ordinator, Rob Aston at Rob.Aston@networkrail.co.uk to agree potential improvements to the level crossing and to minimise the risk of accidents from the envisaged increased use that will result from this proposal.

Network Rail are disappointed that the application has been submitted without a new footbridge to replace the level crossing. Network Rail had previously discussed the need for this infrastructure with the agent of the proposal. This requirement should therefore be no surprise to the applicant and note that the application site includes land on both sides of the railway which would give them control to construct the required footbridge.

Objection No.2.

The proximity of the buildings adjacent to the railway boundary gives us serious concern for the safety of the railway and the stability of the embankment. When developing adjacent to the railway boundary, Network Rail suggests that all structures are located at least 2 metres from the boundary fence to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure and also the maintenance of the adjacent site.

Network Rail is likely to withdraw any objection if an acceptable solution can be found on the issues outlined above to this proposed development which would include:-

- The potential safety issues associated with the increased use of the level crossing would potentially include an alternative means of access i.e. a caged footbridge which would be funded by the applicant/developer to mitigate the safety concerns as a result of the increase in the use of the level crossings, although a further safety appraisal of the level crossings would need to be completed before concluding a footbridge is required.
- The development is located 2 metres away from the rail boundary to allow for future works and maintenance.

The only other alternative to relocating the building would be for the developer to enter into an asset protection agreement with Network Rail, contact Richard Selwood at AssetProtectionWestern@networkrail.co.uk to submit structural and safety evidence to demonstrate there will be no structural impact upon the railway infrastructure and that it could be built and maintained without entering our land.

Revised comments – 24.06.12

Further to our comments supplied on 3rd November 2011 objecting on two counts, after further consultation with our Level Crossing Co-ordinator, Network Rail supports Bloor Homes proposal to divert public footpath WG17/17 to enable the footpath to be closed.

Notwithstanding the above, in the event of the diversion order not being confirmed, then Network Rail's objection to this scheme will remain.

The revised plan does not show the housing layout to the boundary, therefore we are unable to confirm that the buildings are shown with a 2 metre gap between the proposed build and Network Rail's boundary.

All other requirements previously set out for the safe operation of the railway remain.

NATURE CONSERVATION OFFICER – Comments as follows:

The scheme includes the planting of a 3 ha of native species 20 m wide landscape planting belts, 902 m of new hedging, a community orchard and the creation of balancing ponds with areas of marsh and swamp vegetation. The development is

expected to take ten years to complete and so this allows phasing of proposed ecological mitigation.

The following species are present on site

Bats - Seven species of bats were recorded using the site. (Common pipistrelle, soprano pipistrelle, noctule, natters, barbastelle, brown long eared and lesser horseshoe bat). The main area of activity was found in the southern section of the site around the mature trees near Drakes place and to the north of the site in the vicinity of the Grand western canal.

The most significant find of surveys was the location of a barbastelle bat roost. Monitoring of this roost in 2010/2011 confirmed the roost as a maternity roost and the surveyor noted that the bats appeared to forage off site to the north. I support the proposal to maintain a 125 m buffer zone of no development around the roost and for woodland planting and fencing to provide a barrier. There should be no public access to the roost and so the buffer zone should remain as agricultural land. I also support the planting of wildflowers to attract moths. I note that construction works within 200m of the site roost will be confined to winter months only.

The new road will cut through one established hedgerow that is known to be used as a feeding and commuting route used by bats. The development of the roundabout will require works close to a tree known to be used as a roost by common pipistrelles. The creation of the sports pitches could affect another tree where common pipistrelles have been recorded.

Development will increase the amount of lighting in a previously unlit countryside and so must be sensitively designed. The buildings to be demolished do not contain any bat roosts. Pipistrelle bats were found in the main roof void of the farm house. This building is to be retained but if refurbishment is undertaken then I agree that further emergence surveys should be undertaken.

Dormice - Surveys carried out in 2008 confirmed the presence of dormice on site, particularly on the eastern part of the site in the vicinity of the new roundabout. This roundabout will isolate the southern and northern section of the site and so limit movement of dormice. Loss of hedgerows may also result in killing or injuring of dormice and so an EPS licence is required.

Great Crested Newts - GCN were found on site in 2003. A repeat survey undertaken in 2011 recorded breeding GCN in two ponds on the site. The other four ponds on site were dry at the time of survey. The proposal, if unmitigated, will result in a loss of a significant area of habitat that may be used by GCN for foraging and shelter. I agree that an EPS licence is required.

I support the proposal to retain and enhance the ponds on site as well as the proposal to construct two new attenuation ponds. The road tunnels and additional landscaping will aid movement of GCN around the site.

Reptiles - A population of slow worms were recorded along the railway embankment near to the area where the new balancing ponds are proposed. Another population of reptiles on the eastern side of the site where a cutting enters the site from Taunton road will be affected by the proposal

Badgers - The site appears to be used by three badger clans. The southern clan close to Drakes place in the south of the site will be most affected by the development by the loss of foraging habitat disruption of foraging routes and potential road traffic mortality. The initial phase of the development will include the construction of the road and housing close to this clan's main sett. Proposed mitigation includes the construction of three tunnels under the first road phase to enable the badgers within the white sett to continue to access their foraging territory to the north of the road. A badger chicane to allow and contain badger movement along the edges of the sports pitch is also proposed and a planted earth bund to the north of the proposed sports pitches. A further underpass is proposed to the north of the site.

I support the proposal to carry out a bait marking survey in spring 2012.

Birds - The vegetation on site supports a variety of birds. Birds will be affected by the development in the short term but in the long term the proposed landscaping will increase available habitat for birds.

Any removal of vegetation should be carried out outside of the bird nesting season.

General Comments - There has been a lot of pre application meetings undertaken with this application which I consider has resulted in a much improved masterplan.

The developer appears to have addressed ecological issues and recommended satisfactory overview mitigation.

I support the updates made in the second Addendum to the Environmental statement June 12 and the proposed additional mitigation measures.

I am very disappointed however to see that highways require a roundabout to access the site. If this decision can be rethought it would improve the situation for dormice considerably

To conclude I consider the mitigation proposed for species affected by the development to be generally sound. To develop the site however the developer will need to apply for EPS licences for dormice, great crested newts and possibly bats. Further detail and up to date surveys, will be required at the detailed planning stage.

In accordance with the NPPF I would like to see wildlife protected and accommodated in this development. As the development is planned to take place over a ten year period changes to the use of the site by wildlife may occur. I agree that further surveys and monitoring will be required to ensure that any agreed proposed mitigation is adequate.

Condition recommended for details of a strategy to protect and enhance the development for wildlife and habitats; updated wildlife surveys if commencement of development exceeds 12 months; ecological monitoring for a period of ten years after development has commenced. Informative note re: method statement relating to condition; protection afforded to species irrespective to grant of planning consent.

NATURAL ENGLAND – Following comprehensive species surveys the detailed reports confirm that the site is used by many protected species including dormice,

bats and great crested newts. All three species have European Protection and Natural England has been working closely with the ecological consultants and developer, the County Council, Borough Council, and Somerset Wildlife Trust aimed at reducing the impacts upon the species as much and wherever possible. However, there still is an impact on them and a European Protected Species license is needed from Natural England before the development can proceed. This application if approved will allow some of the mitigation to be put in place ahead of the construction phase.

The hazel dormouse has been found in habitat in this part of Wellington on Cades Farm phases 1 and 2, proposed Jurston Farm, and Chelston developments. The species range over a large area and are known from recent research to cross some roads such with widths as the B3187. In this case they are impacted upon more than we had first envisaged because of the requirement by SCC Highways for the developer to construct a roundabout. The impacts upon their habitat both sides of the road is high, and will limit their movements within the site and beyond. The habitat links will be severed and habitat connectivity broken. Natural England supports an alternative option?

Taunton Deane Borough Council, as the planning authority, has to have due regard to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 9 (5) of the 2010 Habitats Regulations. In determining the application, the authority must be satisfied that the proposed development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'. In addition the authority must be satisfied that, (a) that there is no satisfactory alternative and (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

ARCHAEOLOGY

We consider there is enough information on European protected species for your Authority to undertake the above assessment and to decide if Natural England would issue a license. It should be noted that this advice given by the Land Use Operations Team is nit a guarantee that NE's licensing team will be able to issue a license, since this will depend on the specific detail of the scheme submitted to them as part of the license application. They will require a mitigation scheme that ensures no net loss of habitat, maintains habitat links and secures the long-term management of the site for the benefit of dormice.

The method of data collection to assess the heritage issues on this site has been agreed with this office throughout the application process. The combination of desk based assessment and field evaluation has produced sufficient results to afully assess the significance of all heritage assets on the site. These represent assets of local importance and so the appropriate response would be to ensure full investigation and recording of assets. The Written Schemes of Investigations put forward in the Cultural Heritage section as mitigation represent reasonable approach to dealing with the archaeological issues on this site.

For this reason I recommend that the developer be required to archaeologically

excavate the heritage asset and provide a report on any discoveries made, as laid out in PPS5 (Policy HE12.3). This should be secured by the use of model condition 55 attached to any permission granted.

COUNTY ECOLOGIST – Comments as follows:

I have attended several meetings with regard to wildlife issues on this site and assume the agreed mitigation has been carried forward into this application. My views echo those of the Nature Conservation of the Borough Council and that of Natural England. I would like to be assured that public access to fields through the woodland buffer planting would not be possible – currently the cross section in 43/11/0105 shows only badger proof fencing and as I understood it a meeting there would be fencing to prevent access.

I would also emphasise the need for sensitively designed lighting scheme. Lighting schemes for developments are usually designed by SCCs street lighting section and the developer will need to stress the requirement for this due to the effects on European protected species. It is also stressed that the complete buffer planting scheme should be commenced as soon as possible.

ENVIRONMENTAL HEALTH OFFICER – Comments as follows:

Noise - The submitted noise report assesses the impact of road traffic noise generated as a result of the proposed development. It concludes that there will be a negligible impact on the surrounding area.

I note that the Land Use Plan shows areas of residential use, however, the northern side of the development is adjacent to the railway line, and the western part of the site is also adjacent to industrial premises. The noise from the railway is very likely to impact on any residential premises close to the line and the industrial premises could be a source of noise during both the day and the night.

The applicant should carry out a noise assessment in line with PPG 24, BS4142 and any other relevant guidance to determine whether noise from any existing sources would restrict development on certain parts of the site, or lead to noise mitigation being required.

I would recommend that this work is carried out before permission is granted for residential properties adjacent to a railway line. Note that PPG 24 states that for land in Noise Exposure Category (NEC) D “Planning permission should normally be refused” and for NEC C “Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise”;

The developer should consider noise from the railway and other noise sources in the initial design and layout of the development, and also in the design of the properties closest to the sources of any noise. It should also be noted that a section of the railway is on an embankment and so it is unlikely that acoustic barriers could be used to mitigate the noise.

Contaminated Land - The contaminated land report is a desk top study for the site. As this is a residential development covering a large area with history of commercial uses I would recommend that a risk assessment is carried out regarding contaminated land.

Air Quality - The report assesses the impact on air quality in the Wellington area. It concludes that the impact from the development on air quality will be negligible and that pollutant concentrations will remain below air quality objectives.

Conditions - It is recommended that condition be imposed to deal with: noise, and contaminated land.

ENVIRONMENT AGENCY – No objection subject to the imposition of conditions re: surface water drainage master plan; detailed drainage design; ecology (as per consultation response of Nature Conservation Officer); contaminated land. Informative notes requested to provide guidance on information required to accord with above conditions.

The maintenance of all SuDs for the development will need to be confirmed prior to the determination of this application. This includes the ponds and the underground tank.

We also note that the ditch to the north west of the site will be culverted for access and run alongside the new access roads within the development. TDBC have powers to maintain this ditch (designed as an ordinary watercourse) and we are not sure if this ditch serves any existing drainage purpose.

WESSEX WATER – Comments as follows:

Foul Drainage - The site will be served by separate on site systems of drainage. Subject to agreement of flow rates and points of connection there is adequate capacity within the foul sewerage network for foul flows from the development. Any new connection to the public sewerage system under Section 106 of the Water Industry Act 1991, cannot be made until the applicant has entered into a signed Section 104 Adoption Agreement with the Water Company.

Surface Water Drainage - Surface Water strategy will need to satisfy PPS25 with appropriate approval from the Environment Agency and Planning Authority.

Sewage Treatment - Improvements at Wellington STW will be growth dependent and subject to review. Wessex Water will work with the developer of the site to ensure the rate of development does not proceed ahead of planned investment.

Water Supply - Subject to agreement of flow rates and points of connection there is adequate capacity within the supply network to serve the proposed development.

DEVON & SOMERSET FIRE SERVICE – Comments as follows:

Means of Escape - Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2007. Detailed recommendations

concerning other fire safety matters will be made at Building Regulations Stage.

Access for Appliances - Access for fire appliances should comply with Approved Document B1, of the Building Regulations 2007. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage

Water Supplies - All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

POLICE – Comments as follows.

Design & Access Statement - The DAS at para.6.21 headed ' Safety & Security' states that there will be a clear distinction between public and private spaces i.e. public fronts/private backs. Also, those dwellings will have active frontages providing a high level of natural surveillance. Further, that there will be no 'hidden' or 'dead' areas. All of these principles I would fully support.

At para.6.22, the DAS goes on to say that ' At the detailed design stage the developer will seek to consult with the police liaison officer with a view to obtaining the Secured by Design award'. This indicates to me that the developer has taken into account potential crime and disorder or fear of crime issues that could affect this development and has attempted to demonstrate how crime prevention measures have been considered in the design of the proposal. Should planning permission be granted, I look forward to working with the developer with a view to attaining Secured by Design accreditation which should ensure minimum standards of security in respect of this development.

Layout - The perimeter block layout and avoidance of blank gable ends should ensure good natural surveillance of the streets and some of communal areas whilst vehicular and pedestrian routes appear to be open, direct and not segregated. The use of physical and psychological measures such as rumble strips, change of road surface texture/colour, pillars and similar features can help define defensible space giving the impression that the area beyond is private. A large number of the dwellings are orientated to face one another, which is also beneficial, allowing neighbours to watch over one another and create conditions which will make the potential offender feel liable to detection. If possible, rear access paths should be avoided, as this is where the majority of burglaries occur.

Communal Areas have the potential to generate crime, the fear of crime and ASB and should be designed to allow good supervision from nearby dwellings with safe routes for users to come and go. The proposed NEAP and LEAP included in the Orchard appear to be well overlooked from surrounding buildings. However, I have some concerns regarding the play area proposed adjacent to the primary school, which appears to have very limited surveillance opportunities and I would recommend that it be re-sited. Boundaries between such public and private areas must be clearly defined and features incorporated to prevent unauthorised vehicle access. Adequate mechanisms should also be put in place to ensure future management and maintenance to prevent fly tipping and other anti-social behaviour.

Dwelling Boundaries - Dwelling frontages should be kept open to view with boundary treatments a maximum height of 1m, be they walls, fences, hedges or similar, to assist resident surveillance. More vulnerable side and rear boundary treatments

should be minimum height of 1.8m.

Car Parking - A mixture of car parking is proposed including on plot garages/drives, on street and parking courts. The recommended option is on plot garages/drives; however, if parking courtyards are unavoidable, they should be in small groups, close and adjacent to owners' homes and within view from active rooms in owners' premises. Such parking courtyards are discouraged because they allow unauthorised access to the rear of premises, which can result in burglary and ASB, in addition, in private developments they are often unlit increasing the fear of crime for residents.

Planting/Landscaping - Should not impede opportunities for natural surveillance and, in general, where good visibility is needed, shrubs should have a mature growth height of no more than 1m. Mature trees should have no foliage below 2m, so allowing a 1m field of vision.

Street Lighting - For adopted highways and footpaths, private estate roads and footpaths should comply with BS 5489.

Physical Security - of the dwellings and school i.e. doorsets, windows, security lighting etc - as stated above, I look forward to working with the developer to seek to attain SBD accreditation in respect of both types of development. In this regard, I would refer the applicant to the SBD website - www.securedbydesign.com where additional comprehensive information is available.

Revised comments received 27.06.12

The majority of my previous comments remain applicable. In this regard, I note the proposed Play Area, which was to be located adjacent to the Primary School and which I expressed some concerns about, has now been relocated further north to an area with improved surveillance from adjacent dwellings which I would fully support.

I look forward to working with the developer to seek to attain Secured by Design accreditation in respect of the residential development and primary school.

HEALTH & SAFETY EXECUTIVE – does not advise, on safety grounds, against the granting of planning permission in this case.

TAUNTON DEANE RAMBLERS – We have reservations to this proposal, in particular footpath WG17/17 from the development over the railway line. New homes will produce more walkers in this area and the safety of people crossing a very busy railway line must be a priority.

Representations

8 letters confirming NO COMMENTS/OBSERVATIONS has been received and one further letter confirming NO FURTHER OBSERVATIONS to the amendments.

3 letters of SUPPORT has been received. Summary of support:

- Any relief from the large lorries passing along the Highway Street and Taunton Road is most welcome;

7 letters of OBJECTION have been received. Summary of OBJECTIONS:

Principle / Policy

- Is there a linked stage 2 plan to move Relyon & Swallowfield factories and then use brownfield land for housing? – If so this would be environmentally retrograde – making it harder for people to walk or cycle to work. In this respect it would be a backward step for Wellington.
- Is there sufficient land for the relocation of the Relyon and Swallowfield factories?
- In view of the large number of houses in the process of being built at Cades Farm and Victoria Green does the Council appreciate the impact of this development and the proposed development on the character of Wellington?
- This will mean for thousands more residents for the community to absorb; This in turn will attract the chain stores who will push out the local traders;
- Where are all these new residents going to find employment? – many will use the congested A38;
- What evidence is there to support the need for this housing in the first place;
- Cannot see the two main employers relocating – not commercially viable;
- Not allocated in Local Plan and specifically removed from the draft Local Plan Inspector in view of its unsuitability. *'I am not persuaded that the advantages of the road would be sufficient to outweigh the loss of such a large area of best and most versatile agricultural land 'and' a scale of development is not appropriate to Wellington'*;
- Proposal conflicts with and is contrary to Para 69 of PPS3: Housing in that it is not environmentally sustainable;
- The site contains a number of protected species – bats, great crested newts, dormice, badgers, slow worms, grass snake, adder and breeding birds. Mitigation measures necessary to protect these species means that a larger part of the site has to be kept free from built development. The development will deliver the housing target of 900 dwellings which is part of the justification of the site as a *Strategic Site*.
- Conflicts with and is contrary to emerging Government Policy as set out in the draft NPPF in that it would fail to protect and enhance the natural resource.
- The Council's draft Core Strategy has not been the subject of an Examination and has not been tested. Therefore little weight should be afforded.
- Proposal does not comply with Policy SP3 in that it fails to 'Provide a Northern Relief Road (NRR); as an integral part of the development and as part of its initial phases. The NRR is reliant upon the relocation of Swallowfield and Relyon which is unlikely due to economic reasons. The provision of the NRR is a key justification for the identification of the site and bringing forward only part of the NRR would be contrary to Policy SS3.
- The Core Strategy identifies elements of infrastructure that should be provided. These include:
 - A Local Centre
 - G.P Surgey
 - Community Hall
 - Places of Worship

- Local Convenience Shopping
- Bus loop linking the site to the Town Centre and Railway Station
- 11 ha of employment land

These elements have not been provided for and there is no guarantee that they will be provided in the future.

Highways

- A 'Relief Road' is an 'A' road that takes heavy vehicles and through-traffic away from housing and built up areas, with reasonable speed i.e. 40-70mph.
- This proposal is intentionally routing heavy vehicles and, eventually through-traffic, through a housing estate along a residential sized road lined with *trees*, at a speed of 20-30mph; How is this environmentally or child friendly?
- How long before new residents object to heavy vehicles trundling past their front doors? What else is possible?
- Inadequate provision for dropping off and picking-up children by car at the primary school, assuming this new school will also provide for children from the Cades Estate.
- Any benefit of replacing HGV's from the site will be countered by the cars from 500 new homes;
- Authority should source the money for the relief road from the governments infrastructure plan and save this land;
- The site is poorly served by public transport and will not encourage travel by sustainable modes;
- It is not possible for buses to serve the site until the NRR is completed;
- Walking distances would therefore exceed the 400m (5 minute) walk distance if bus stops on Taunton Road and Station Road, with some in excess of 1km.

Ecology

- The site supports a number of European Protected Species (EPS). It will be necessary to obtain the requisite licenses from Natural England. The Authority are required to consider the derogation tests under Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010, in determining a planning application. The application fails two of the three tests 'imperative reasons of public interest' and 'no satisfactory alternative' to the development.

Heritage

- Proposed 'potential industrial area' too close to Nynehead Park Grade 2 Listed historic features of fates, lodge, railway bridge, aqueduct, canal, lift and carriageway and open parkland;

Character and appearance of the landscape

- Detrimental to the character of the landscape;
- Shouldn't this type of development be sited on a designated industrial/business park?
- Proposed development would adversely affect the character of the Farmed and Settle Low Vale Landscape (Policy EN12), and the landscape setting and

character of the approach route into Wellington on Taunton Road (Policy W14). In addition the proposals will have a visual effect on the Nynehead Court registered park and garden (Policy EC20).

Flooding / Drainage

- Flooding and pollution concerns re runoff to tributaries of the River Tone – impact on water quality reduce by run off of urban area;
- Increased pressure of Tonedale STW from more dwellings;
- This STW discharges to River Tone directly above our farm;

Other matters

- Hope various conditions will be enforced e.g. playing field proposals state no flood lights (as already light pollution from Cades Farm).
- The proposed development will significantly increase the use of the existing pedestrian level crossing which would be detrimental to the safety of users. Network rail has objected.
- The proximity of buildings adjacent to the railway boundary gives rise to problems relating to the safety and stability of the embankment.
- Loss of ancient footpath that runs from the Parish Church to Nynehead.
- Sports pitch dimensions are not adequate for all three pitches;
- The proximity of the buildings to the railway line will result in an unacceptable impact in relation to noise and vibration. This was a determining factor in land to the east of Longforth Farm (26/08/0011). To permit this scheme would be inconsistent with that decision.

PLANNING POLICIES

CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
ROW - Rights of Way,
EN12 - TDBCLP - Landscape Character Areas,
NPPF - National Planning Policy Framework,
CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP3 - TD CORE STRATEGY REALISING THE VISION FOR WELLINGTON,
SS3 - TD CORE STRATEGY WELLINGTON LONGFORTH,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM4 - TD CORE STRATEGY - DESIGN,

DETERMINING ISSUES AND CONSIDERATIONS

Policy

The Core Strategy is now at an advanced stage. The Planning Inspector has submitted his final report on the examination of the Core Strategy to the Council. The Inspector finds the Plan to be sound, subject to the proposed *main modifications*. The Core Strategy should therefore be afforded significant weight in the decision-making process. The Inspector addressed alternatives for the expansion of Wellington and commented as follows:

Realistic alternatives for the development of Wellington are more limited than for Taunton. Ten possible small sites were considered through the SA at the issues and options stage. Those chosen as strategic sites have been shown to be the most sustainable with a longer term option (Longforth North-East of railway) not required during this plan period. The approach taken is sound.

Longforth Farm is an allocated site within the Core Strategy. Policy SP3 of the Core Strategy sets out the vision for Wellington, as the secondary focus for growth within the Borough. The Spatial Vision, reflected in Key Diagram 2: Wellington includes Longforth Farm as a strategic site.

Policy SS3 sets out the site specific policy for Longforth as follows:

Within the area identified at Longforth, a new compact urban extension to the north of Wellington will be delivered including:

- *Delivery of around 900 new homes at an average of 40 dwellings per hectare;*
- *A new local centre with associated social infrastructure including a single form entry primary school, GP surgery, community hall, places of worship, sheltered housing and local convenience shopping;*
- *11 hectares of employment land for general industrial (B2) and storage and distribution (B8) at the eastern edge of the allocation. This area is designated for the relocation of the two biggest employers in Wellington;*
- *Land released by the relocation of the two biggest employers to be used for mixed use development including part of the new local centre, re-opening of Wellington railway station, new homes and small business start-up units along the railway line;*
- *Developer contributions towards (a) studies to establish the engineering, operational and commercial feasibility of a railway station for Wellington and, (b) subject to approval by the rail industry, towards capital costs;*
- *Developer contributions for other infrastructure delivery in line with Policy CP7: Infrastructure;*
- *A Northern Relief Road in the initial phases of the development between Taunton Road and the existing employment area, alleviating HGV traffic in the town centre and residential areas;*
- *A local bus loop to provide public transport access to the residential areas and link with the town centre, railway station and inter-urban bus services between Wellington and Taunton; and*
- *A green wedge of 18 hectares between the residential area and the employment area.*

The development form and layout for Longforth should provide:

- *A new neighbourhood that reflects the existing landscape character and the opportunities and constraints provided by natural features to create new neighbourhoods that are distinctive and memorable places;*
- *Easy access to the town centre and a connected street network which accommodates pedestrians, cyclists and vehicles and promotes a viable public transport system;*
- *Well-designed public open spaces (including playing fields, children's play, allotments, and associated community facilities such as changing facilities) which are enclosed and overlooked by new development, create a green necklace around the town, and promote a positive relationship between new*

housing and existing communities.

Development will be further guided by a masterplan and design code to ensure a coordinated approach to the delivery of this site.

This proposal brings forward residential development of up to 503 dwellings and the first phase of the Northern Relief Road. The relocation of the two major employers, (Swallowfield and Relyon) is dependant upon the commercial viability of doing so. The Core Strategy does however provide for their relocation. The deliverability and position of the local centre is also dependant upon the relocation of Swallowfield and Relyon, as the most sustainable and viable location for its provision. This proposal would not prejudice the delivery of the Northern Relief Road. Indeed it will deliver the first phase of the relief road from the B3187 up to the existing premises of Relyon. This will deliver important highway and amenity benefits by re-directing HGV traffic from the town centre.

It is considered that the proposal is broadly policy compliant with Policy SS3.

Community Benefits and Infrastructure

As expanded upon within the ecology section of this report the master plan for Longforth has evolved significantly. Indeed the master plan has to some degree been ecology led. The siting of a maternity bat roost in the centre of the site has resulted in a requirement for a buffer around this with additional woodland planting. This area is now outside the red line and will have no public access. It will remain as agricultural land. The Core Strategy also identifies a green wedge running through the allocation. The east sector of the wider allocation is reserved for relocation of Swallowfield and Relyon.

The reduced developable area in combination with costly highway infrastructure and ecological mitigation has impacted on the scheme's viability. The Highway Authority requires the width of the road to be constructed to distributor road specifications. The Highway Authority has also requested that the junction on the B3187 to serve the site is a roundabout. Further S106 contributions have also been sought from the Highway Authority and are addressed in the highway section.

In order to inform the process an independent viability assessment was carried out on behalf of the Council. The assessment found the methodology to be sound. Officers have sought verification on the costings submitted. The applicant has identified savings of £700,000. In line with the Council's Corporate Priorities officers have prioritised those savings to increase the level of affordable housing provision from 8 to 10%. The Highway Authority has also given a strong steer that the costings attributed to the highway works are too high. The Highway Authority have indicated that they may, in the future, be able to deliver the scheme but are unable to meet the developer timescales for delivering this Core Strategy site. However, the developer has offered a solution in that they will go out to tender on the detailed design and will accept the lowest tender. Any further savings identified from this process will be directed to the capital cost of delivering the Primary School. The application currently provides a serviced site for the school. It would then be for the Education Authority to use other funds e.g. contributions from Cades Farm to deliver the school. If no further savings from the highway works are achieved from the tender process then the Education Authority, other residential development or CIL would need to fund the shortfall. At this stage, it is important that the land is secured for the provision of the

Primary School.

The proposed community benefits and infrastructure that will be delivered are set out in the 'heads of terms' at the start of this report. Officers consider that having regard to the viability of the scheme the contributions put forward are appropriately prioritised.

Agricultural land

The site was assessed in 2004 against the Agricultural Land Classification. There are 10.4 hectares of grade 1 (excellent quality), 10.4 hectares of grade 2 (very good quality), 1.1 hectares of grade 3a (good quality) and 4.7 ha of grade 3b (moderate quality) agricultural land. The site is therefore within the grades 1-3 (a) that are referred to as being the 'best and most versatile agricultural land' as set out in Annex 2: Glossary of the National Planning Policy Framework (*The Framework*).

Paragraph 112 of the *Framework* states:

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

This calls for a balanced approach in whether there is an overriding need for the development having regard to sustainability considerations and the suitability of the site for housing. It must be noted that Longforth is a Core Strategy site identified as a strategic and sustainable extension compliant with Spatial Vision for Wellington. It is therefore considered that the loss of high quality agricultural land does not outweigh the overriding requirement for sustainable housing development which is in accordance with the Core Strategy.

Landscape

This is a Core Strategy site and therefore the principle of residential development is accepted. The application is also in outline where all matters are reserved for subsequent consideration.

The Environmental Impact Assessment identified that the proposal will lead to a moderate, adverse, significant effect on the landscape character of the site. The introduction of new built development onto the site will also affect the rural qualities of the local landscape character areas. In response mitigation is proposed in the form of new dense woodland belts along the east boundary and north of the railway line. There will also be landscape planting within the site to break up the built development and mitigate potential ecological effects. Key hedgerows will be retained and development restricted to two storeys in sensitive views from Nynehead estate. The built form is set back circa 280m from the B3187.

The landscape officer considers that the overall strategy is acceptable. However, concern is raised to the visual impact from the railway line as a visual receptor. The applicant notes the concern. However, in response states that screening immediately to south of the railway line would be limited due to Network Rails requirements in terms of tree planting. The applicant highlights that any views would be transient due

to the high speed of the trains at this point. The only alternative would be to set the development further back which would impact upon the viability of the scheme further.

The application provides significant ecological and landscape mitigation in the form of 3.16 ha of native planting (6.2 ha of combined woodland planting and pond creation). It is therefore considered that the proposed mitigation measures for what is an allocated site are acceptable. The detail of which will be formally considered as part of the Reserved Matters. The proposed buffer planting and its maintenance to mitigate impacts on ecology will be secured through legal agreement.

Heritage

The proposal has the potential to impact on heritage assets in the form of a grade II listed farmhouse and the historic parkland of Nynehead Court which is designated grade II*. The Council's Conservation Officer is satisfied that the proposal would have no adverse impact on the heritage asset subject to the detailed consideration of Reserved Matters.

English Heritage specifically addresses in their consultation response the potential impact of development on the historic parkland. They do not raise any objection in *principle*. The response sets out further information that should be submitted to evaluate the impact of the development. The applicant has advised English Heritage that the points are noted and that further information will be submitted at 'Reserved Matters' stage to take account of the comments made. The response has been acknowledged by English Heritage who do not wish to make further comments.

Ecology

Longforth Farm provides habitat for number of European protected species as set out in detail by the Council's Nature Conservation Officer. The development at Longforth Farm has to a degree been ecology led due to the ecological constraints. The applicants have engaged with the Council's Natural Conservation Officer, County Ecologist and Natural England to develop a master plan that would respect ecological interests and provide appropriate mitigation and enhancement of habitat. The scheme would provide 3ha of native planting and woodland and a range of mitigation measures. There will be no public access to the field containing the maternity bat roost and substantial planting to prevent such access. The field will remain in agricultural use.

In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of protected species, 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' and 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:

- 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);
- (i) That there is no satisfactory alternative;
 - (ii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

- (iii) The proposal is considered to be in the public interest, delivering a sustainable and strategic housing development in compliance with the Spatial Vision for Wellington;
- (i) There is no satisfactory alternative. The Core Strategy Inspector notes that *realistic alternatives for the development of Wellington are more limited than for Taunton. Those chosen as strategic sites have been shown to be the most sustainable with a longer term option (Longforth North-East of railway) not required during this plan period. The approach taken is sound.* The Inspector's position confirms that Longforth Farm is a sustainable location as an urban extension which cannot be delivered anywhere else.
- (ii) It is considered that the proposed ecological mitigation strategy and measures will ensure that the FCS of protected species will be maintained.

Highways

The Highway Authority considers that the principle of the master plan and indicative layout are acceptable.

The Highway Authority response indicates no objection subject to securing contributions towards a raft of highway infrastructure requirements. As referred to previously viability is an important matter in the context of bringing forward the proposed development. The development would deliver significant highway infrastructure in the form of a new roundabout junction and first phase of the Northern Relief Road. The first phase of the Northern Relief Road would benefit the wider community by removing a significant proportion of HGV's that serve Relyon without using the town centre junctions.

The Highway Authority have requested contributions to both the town centre traffic lights and Chelston roundabout. Officers consider that in balancing and prioritising the S106 contributions any long term impact on Chelston roundabout and works to the town centre would be better directed through CIL or contributions from other developments in Wellington. This application provides important highway infrastructure that will benefit not only future residents but existing businesses and local communities through the delivery of a significant proportion of the Northern Relief Road. This will have a positive impact in re-directing large vehicles from using the town centre junctions and benefit residential amenity.

Public footpaths and the crossing of the railway

Officers have been in dialogue with the applicant over concerns to the intensification of usage of the unmanned pedestrian rail crossing. The issue has also been raised by Network Rail and the County Rights of Way Officer.

There are three options available. The first option would be to provide a new footbridge across the railway. However, this would require a contribution of circa £750,000 from the monies available for community benefits and infrastructure. The second option would be to '*do nothing*' and leave the crossing in situ. The third option would be to seek a Diversion Order to realign the footpath, prior to the crossing, to run west through the development and to cross the railway line over the existing bridge. The footpath would then run east parallel to the railway line before re-joining its original course.

The Core Strategy does not require the provision of a bridge across the line. In addition it is considered that the costs associated with providing this piece of infrastructure is prohibitive within the overall scheme. However, officers and the applicant agree that an alternative solution is preferential due to the proximity of development to the railway. Whilst the crossing is currently used by local residents they have become accustomed to its use. The proposal will introduce new housing in this location where future residents may be less so. The preferred option therefore is to divert the footpath as set out in the preceding paragraph. This will enable the public to safely cross the railway line whilst accepting it will result in a less direct route.

The applicant is therefore agreeable to seeking a diversion. Officers consider that it is reasonable that the diversion order is made prior to the occupation of the 150th dwelling. However, in the event that the application for a diversion was unsuccessful the unmanned crossing would remain in situ and development would proceed on such basis. This is because the safety merits of crossing the railway would form part of the proposed diversion application. This provision would be secured by way of legal agreement.

Noise

The applicant has submitted further information in respect of noise from both the railway and existing businesses. The response of the Environmental Health Officer is awaited and will be reported to Members.

Conclusion

It is considered that the proposed scheme is generally policy compliant having regard to the viability issues discussed. The development has been subject to viability testing and officers set out in this report the community benefits that will be delivered. The development will deliver a sustainable development within close proximity to the services and amenities of the town centre with dedicated cycle and footway links. The proposed development would bring forward residential development in line with Core Strategy Policy SS3 and in accordance with the Spatial Vision for Wellington. Officers therefore consider the proposal is acceptable subject to securing the appropriate S106 obligations.

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

E/0024/43/12

UNAUTHORISED DEVELOPMENT AT THE CLEVE COUNTRY CLUB, MANTLE STREET, WELLINGTON

OCCUPIER:

OWNER: MR CLARKE
CLEVE HOTEL AND COUNTRY CLUB, MANTLE STREET,
WELLINGTON
SOMERSET
TA21 8SN

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure compliance with the approved plans in respect of an extension approved under application number 43/09/0097.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and to take Prosecution action subject to sufficient evidence having been obtained that the notice has not been complied with.

The Enforcement Notice shall require -

- The removal of the suspended box structure erected at first floor level covering the external stair case.

Time for compliance - 1 month from the date on which the notice takes effect.

SITE DESCRIPTION

The property is a Hotel and Country Club situated in an elevated position of Mantle Street, Wellington. The Hotel is an imposing Victorian building with a number of modern extensions. The current extension is to the rear of the property and is to be used as staff accommodation.

BACKGROUND

A Planning permission was granted on 16th December 2009 for the erection of an extension at first floor level to form a Managers flat and provision of a disabled access. The design of the roof reflects the pitch and the materials of the existing building. Gables and dormers have been incorporated to match similar vernacular on the main building.

Following concerns from both neighbours and a visit from a Building Control Officer it appears that the design of the roof has been amended and differs from the approved plans.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

It was noticed that instead of the roof structure finishing with a ridge where it abuts

the main gable end of the existing building, an area of flat roof has been incorporated. Although the roof height has been reduced at this point it still aligns with other parts of the existing and proposed roof levels. Additional steel work has been provided to facilitate the change in construction.

RELEVANT PLANNING HISTORY

There have been a number of extensions added to the property over the years mainly to the front and side of the property. This current extension is at the rear but is close to existing properties. By reducing the ridge level of the extension would lessen the impact on these adjacent dwellings.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Taunton Deane Local Plan

Policies S1 and S2

Emerging Taunton Deane Core Strategy

Policy DM1

DETERMINING ISSUES AND CONSIDERATIONS

The extension permitted under LPA reference 43/09/0097 has been largely completed; the external render requires painting and some minor internal works required. The approved extension incorporated a hipped roof to the East elevation, the ridge line was off centre of the original gable end and raised above the remainder of the new extensions roof. Having visited the site it is clear that the approved scheme has not been correctly implemented; the roof as built has one ridge level which has resulted in a section of flat roof being incorporated. The roof light arrangement has also changed with two velux rooflights being installed in a different position to the three rooflights that were approved. Also constructed to the East elevation is a suspended box structure that is finished in white uPVC cladding and transparent sheets. An air conditioning unit has also been erected along the Eastern elevation.

Locally the variations that have been made to the approved scheme cannot be seen other than from within the site and from the neighbouring properties to the East. The alterations are not thought to undermine neighbouring amenity beyond any effect that would have arisen through the erection of the approved scheme.

The alterations to the scale and design of the roof do not cause any significant harm to visual amenity or the character and appearance of the original building; although flat roofs are not generally viewed favourably, in this instance the section of flat roof cannot be easily made out and from the ground the roof appears similar to that with a traditional ridge. The amendment to the roof light arrangement and the addition of the air conditioning unit do not cause any material harm either.

My main concern involved the suspended box structure that has been erected at first floor level covering an external stair case and exit passage. This addition is unauthorized, of extremely poor design and finished in materials that are detrimental to the character and appearance of the building. The white PVC cladding is in

particular, at odds with the external appearance of the original building and later additions. Although not widely visible it is thought that the structure will be visible from the neighbouring flats. Privacy will be largely protected by the obscure nature of the perspex sheets. However the addition will impact upon the outlook and aspect of the neighbouring occupants virtue of its East facing aspect towards the neighbouring flats. Virtue of its poor design, unacceptable finished materials and impact upon neighbouring amenity the unauthorised structure is not considered to be acceptable in planning terms.

One potential fall back position that may result in an acceptable impact from the raised structure would be to change the external materials to a timber cladding. Such would result in a softer visual impact and reduce the detrimental impact upon neighbouring amenity.

Having regard to the above matters, it is considered expedient and in the public interest to seek Enforcement action for the removal of the suspended structure.

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

PLANNING OFFICER: Mr R Williams
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

E/0036/27/12

UNAUTHORISED USE OF LAND FOR THE STORAGE OF NON AGRICULTURAL ITEMS ON LAND TO THE SOUTH OF WHISPERFIELDS, OAKE

OCCUPIER:

OWNER: MR & MRS G W ALLEN
THE GARDEN HOUSE, LEWESTON, SHERBORNE
DORSET
DT9 6EW

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of non agricultural items from an agricultural field.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- to cease the use of the land for storage of non-agricultural items.

Time for compliance: 6 months from the date the notice comes into effect.

SITE DESCRIPTION

The site is a field accessed off the road between Pontispool and Hillfarrance and south of Whisperfields. Tall trees and hedgerows line the field to the north, east and west.

BACKGROUND

The complaint was brought to the Council's attention at the end of February 2012. A site visit was made and photographs were taken of the items stored in the corner of the field. A land registry search was carried out and contact has been made with the owner of the land. The owner is in the process of moving to the area from Sherborne and is using this land to store items until he moves into his new property he has bought in Taunton. He has confirmed that it is his intention to remove all non agricultural items by June 2013. The owner has asked to retain the two lock ups/lorry bodies and has been advised that a Planning application needs to be submitted for consideration to retain these items. According to the owner one of the aforementioned lock ups was on site and had been there for some time when he purchased the land in October 2003. No evidence of this has been submitted to date.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The use of an agricultural field for the storage of non agricultural items is a breach of Planning control and requires a change of use application. There are several

vehicles including cars, trailers and two lorry bodies which are used for secure storage. There are tractors and other farm implements also stored but these are for agricultural use and are therefore permitted to be in the field.

RELEVANT PLANNING HISTORY

There are no Planning applications for this site.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Taunton Deane Local Plan

Policies S1, S2, S7, EN12 and EN28.

Emerging Taunton Deane Core Strategy

Policies DM1 and DM2

DETERMINING ISSUES AND CONSIDERATIONS

A site visit was undertaken on land south of Whisperfields, Hillfarrance where it was observed that a range of machinery, vehicles, agricultural implements and two lorry bodies were being stored on land. The vehicles present are one tractor and one land rover in very poor condition. The site is located to the northern most corner of the field and is largely bound to the North, East and West by mature hedgerow and trees.

The principle items of concern are the two large lorry bodies that are being kept on the land for the storage. All other items are likely to fall within the agricultural use of the land. What is being stored within the two lorry bodies is not known but the owner has indicated they are being used in relation to moving house. Therefore it might be reasonable to assume that the lorry bodies contain items of domestic paraphernalia.

The site is located within flood zone 3 and therefore is at a high risk of flooding. The lorry bodies will impede flood flow and pose a risk down stream were they to be caught up in a flood event.

At this time of the year, when the boundary planting being with foliage, the bodies cannot be clearly seen within the local landscape however it is very likely than during the autumn and winter the units will be visible from the curtilage of Whisperfields to the North and from surrounding land and vantage points. Despite the inconspicuous nature of the site in its present form, I am concerned at the accumulative impact upon visual amenity within the area and the detriment to landscape character that may arise from the continued siting of the lorry bodies here. Policies S7 of the Local Plan and DM2 of the emerging Core Strategy make it clear that within the open countryside, new structures will not be permitted unless they do not harm visual amenity or landscape character and are designed and necessary for agricultural purposes.

The siting of the lorry bodies on the land is considered to be contrary to planning policy and harmful to visual amenity and the appearance and character of the surrounding landscape. There appears to be no justification to support their retention on the land given that they are not being used for agriculture and therefore it is

considered reasonable to undertake Enforcement Action to seek their removal.

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

PLANNING OFFICER: Mr R Williams

PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

E/0037/27/12

CARAVAN SITED IN FIELD NEAR HILLFARRENCE

OCCUPIER:

OWNER: MR & MRS G W ALLEN
THE GARDEN HOUSE, LEWESTON, SHERBORNE
DORSET
DT9 6EW

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a caravan sited in an agricultural field.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- the removal of the mobile home.

Time for compliance: 6 months from the date the notice comes into effect.

SITE DESCRIPTION

The site is a field accessed off the road between Allerford and Hillfarrance and south of Whisperfields. Hedgerows surround the field and significantly reduce the visual impact of the caravan.

BACKGROUND

The complaint was brought to the Council's attention at the end of February 2012. A site visit was made and photographs were taken of the caravan in the field. A land registry search was carried out and contact has been made with the owner of the land. The owner is in the process of moving to the area from Sherborne and is using this land to store his caravan until he moves into his new property he has bought in Taunton. He has confirmed that it is his intention to remove the caravan by the end of October. The caravan has already been relocated to an even more discreet location within the field.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The use of an agricultural field for the storage of a caravan is a breach of Planning control and requires a change of use application.

RELEVANT PLANNING HISTORY

There are no Planning applications for this site.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Taunton Deane Local Plan

Policies S1, S2, S7, EN12 and EN28

Emerging Taunton Deane Core Strategy

Policies CP4, SP1, DM1 and DM2.

DETERMINING ISSUES AND CONSIDERATIONS

The land concerned is located to the south of Whisperfields at Hillfarrance. The field is kept to grass keep and is bound by mature hedgerows and sections of trees. The land is level but rises to the North and East; there are watercourses around its boundaries and the site is located within flood zone 3.

The caravan is coloured off green and is currently stationed along the southern boundary of the site. Although not visible from the south glimpses are available from adjoining fields. Upon visiting the site there was evidence within the caravan of recent use, possibly for overnight accommodation.

No evidence is available to support the need for a caravan to be sited on the land and based upon the owner's statement it appears to be stored here for convenience purposes more than any other reason. However, the site is remote from services and is within open countryside where the establishment of new residential units is strongly resisted.

There is some limited evidence of the caravan being used and its presence within the field is considered to detract from the character and appearance of the surrounding landscape. Although the caravan is not visible within the wider landscape at the moment, with trees and hedgerows being with foliage, it would be more prominent during autumn and winter when there is a reduction in screening. The site is also located within flood zone 3, which further strengthens the case for seeking the caravans removal.

The caravan is considered to represent an unjustified and harmful feature within the landscape, detrimental to visual amenity and landscape character. Whilst the siting and use would not itself increase the risk of flooding it would represent a risk to any occupants at times of flood as well as the public down stream, were the caravan to be caught up in flood waters. The site is within an unsustainable location where planning policy does not support the creation of unjustified residential uses.

For these reasons it is considered to be expedient to undertake Enforcement Action in order to ensure the caravan is removed from the from the land.

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

PLANNING OFFICER: Mr R Williams
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

E/0046/30/11

USE OF LAND FOR THE SITING OF TWO CARAVANS TOGETHER WITH RESIDENTIAL OCCUPATION, FIELD IN CHURCHSTANTON, TAUNTON

OCCUPIER: MR GRAHAM WYBURN

OWNER: MR GRAHAM WYBURN
8 CHESTNUT CLOSE, WELLINGTON, TA21 8ET

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of two caravans and cease residential occupation of the site at Gypsy Platt, Blagdon Hill, Pitminster, Taunton.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an enforcement notice and take prosecution action should the notice not be complied with, to secure the removal of the two caravans and cease residential occupation of the site.

The Enforcement Notice shall require:-

- to secure the removal of the two caravans and cease residential occupation of the site.

Time for compliance: 6 months from the date the notice comes into effect.

SITE DESCRIPTION

The site is off an unnamed road between Corfe and Churchstanton. The site can be seen on the right hand side of the track leading to Burnworthy Manor. The occupier states that the land is used for pheasant rearing and the site is well screened on the northern boundary by tall trees and hedgrows.

BACKGROUND

The complaint was brought to the Council's attention in February 2011. A site visit was carried out but access to the site was unobtainable. A Land Registry search was carried out to establish the owner. Contact was made with the owner and a Planning Contravention Notice was served. It revealed that the owner had lived on the site for eight years. The owner was invited to submit a Planning application for consideration to retain the caravans for residential use. To date this application has not been received.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The siting of two caravans and residential occupation of the site on agricultural land requires planning permission.

RELEVANT PLANNING HISTORY

There is no planning history for the site.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Enforcement (Paragraph 207)

Section 11 – Conserving and enhancing the natural environment

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development

STR6 - Development outside Towns, Rural Centres and Villages

Taunton Deane Local Plan 2004

S1 – General Requirements

S7 – Outside Settlements

EN12 – Landscape Character Areas

Taunton Deane Borough Council Core Strategy 2011-2028

DM1 – General Requirements

DM2 – Development in the Countryside

DETERMINING ISSUES AND CONSIDERATIONS

The site lies in a remote location within the Blackdown Hills Area of Outstanding Natural Beauty. Policy S7 of the Taunton Deane Local Plan restricts development to that which: (a) is for the purposes of agriculture or forestry; (b) accords with a specific development plan policy or proposal; (c) is necessary to meet environmental or other legislation; or (d) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits to settlements.

No evidence has been provided to demonstrate that the development is in accordance with any element of this policy. Furthermore, paragraph 55 of the NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Again, no evidence has been submitted to demonstrate that there is a need for a rural worker to reside on this site.

The site lies outside of any development limit and is remote from any urban area, and is therefore distanced from adequate services and facilities. As a consequence, there would be a need to travel to and from the site for most of the resident's daily needs. Due to the remote location, where there is very limited public transport available, it is highly likely that the occupiers would depend on the use of the private car for most journeys to access facilities and services, fostering growth in the need to travel, contrary to the objectives of Government sustainable transport policy, as expressed in Part 4 of the NPPF and reflected in the Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6.

The two caravans are positioned alongside the field hedge in close proximity to the

country lane linking the main road to Churchstanton. Whilst an extensive line of mature trees prevent views of the caravans from the main road, they are visible from the country lane. The caravans are stark in appearance and do not blend in with the natural features of the surrounding countryside. The caravans therefore appear as incongruous features, alien to the rustic appearance of the countryside, to the detriment of the rural character of the Blackdown Hills Area of Outstanding Natural Beauty. Furthermore, their retention would set an undesirable precedent for the siting of caravans in inappropriate locations.

It is therefore considered that enforcement action should be taken to secure the removal of the two caravans and cease residential occupation of the site.

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

PLANNING OFFICER: Mrs K Walker
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

E/0071/38/12

LARGE PINK SIGN AT FIRST FLOOR LEVEL ON PRINCIPAL ELEVATION OF A LISTED BUILDING AT 5 SILVER STREET, TAUNTON

OCCUPIER: MRS C TAYLOR

OWNER: MRS C TAYLOR
5 SILVER STREET, TAUNTON, TA1 3DH

PURPOSE OF REPORT

To consider whether it is expedient to take Prosecution Action to secure the removal of the unauthorised sign at 5 Silver Street, Taunton.

RECOMMENDATION

The Solicitor to the Council be authorised to take Prosecution Action:-

To secure the removal of the unauthorised sign.

SITE DESCRIPTION

5 Silver Street is a mid 19th century, 2 storey painted brick front building under a slate roof with 3 sash windows. It has a double shop front to the left with pilasters supporting moulded cornice over and a smaller shop front to right. Silver Street is part of the main shopping centre heading out of town towards Corfe.

BACKGROUND

The sign was brought to the Council's attention in April 2012. Contact was made with the owner and a letter was sent on 24 April 2012 outlining the options the owner had. In the event the owner decided that she was not going to apply for Advert consent they were given 28 days from the date of the letter to remove the sign in order to avoid any further action being taken. After six weeks I telephoned Mrs Taylor again to ask when the sign was likely to be removed and the response was "I am dealing with it!" More than two months have now lapsed and the sign is still in situ, on a Grade II listed property.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

Under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Schedule 3, Part 1, Class 5 (5) No part of the advertisement may be higher above ground level than whichever is the lower of- (b) the bottom level of any first floor window in the wall on which the advertisement is displayed. Also Under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 any alteration or addition to a property which is Listed, requires consent.

RELEVANT PLANNING HISTORY

38/92/0379 - Change of use from shop (A1) to office use (A2) at 5 Silver Street, Taunton- Conditionally approved.

38/94/0423LB - Retention of fascia sign and roller shutter at Phone City, at 5 Silver

Street, Taunton. - Refused.

38/94/0425 - Retention of roller shutter over doorway at phone city, at 5 Silver Street, Taunton. - Refused.

38/03/0644 - Change of use of first floor from residential to A1 Hairdressing/Beauty treatment, at 5 Silver Street, Taunton- Conditionally approved.

38/04/0338/LB Erection of non-illuminated fascia sign and projecting sign at 5 Silver Street, Taunton - Refused.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Somerset & Exmoor National Park Joint Structure Plan Review

Policy 9 - The Built Historic Environment

Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements

DETERMINING ISSUES AND CONSIDERATIONS

Works to a listed building have to be considered under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant listed building consent, the Local Planning Authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Under the Advertisement Regulations the impact on visual amenity has to be considered. Unauthorised display of an advert and works to a listed building are criminal offences.

The sign displayed is above fascia level and requires both advert and listed building consent. It is of a size that reflects the windows in the upper floor, although marginally smaller and has a pink background. The size and colour is clearly discordant and out of keeping with the character of the building and is not considered to be acceptable were applications to be submitted. The sign is considered detrimental to the visual amenity of the building and to the character and appearance of the listed building and therefore prosecution action is considered appropriate.

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

PLANNING OFFICER: Mr G Clifford
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479