

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 5 September 2012 at 17:00.

Agenda

- 1 Apologies.
- 2 Public Question Time.
- 3 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Planning Committee are set out in the attachment.
- 4 42/12/0013 - Outline application for a residential development at Amberd Lane, Trull.
- 5 06/12/0034 - Erection of 34,320 ground mounted solar photovoltaic panels generating up to 8.24mw of energy at Halse Farm, Halse.
- 6 13/12/0006/LB - Conversion and alteration of Building 14 to form a dwelling house and demolition of attached outhouse at Cothelstone Yard, Cothelstone (amended description).
- 7 38/12/0234 - Erection of 58 no. dwellings with formation of access, removal of a section of listed wall and demolition of the gymnasium at Kings College, South Road, Taunton.
- 8 38/12/0249/LB - Alterations to boundary wall to form access surrounding the playing fields, south of former Convent at Kings College, South Road, Taunton.
- 9 38/12/0265 - Erection of 7 no. detached dwellings on land to the rear of 14-28 Stoke Road, Taunton.
- 10 E/0134/07/12 - Non compliance with planning approval at Gardeners Hall Farm, Lower Stoford Lane, Bradford on Tone.
- 11 Planning Appeals - The latest appeals lodged and an appeal decision received (details attached).

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

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



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

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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

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

OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT AT AMBERD LANE, TRULL

Grid Reference: 321452.121721

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the applicants entering into an appropriate legal agreement to secure:

Affordable Housing

- 10 units of affordable housing to be delivered on site in a distributed manner in accordance with the requirements of local housing need.

Community Facilities

- Contributions of £80,640 towards a Neighbourhood Equipped Area for Play (NEAP) to be located on the existing recreation field to the north.
- Contribution of £43,620 towards Active Outdoor Recreation.
- Contribution of £33,340 towards Community Hall Facilities.
- Contribution of £5,820 towards Allotment Provision.

As an alternative to the contribution towards the NEAP, Active Outdoor Recreation and Community Hall Facilities above (totalling £157,600), the provision of:

- Land to the south of the existing playing field (as shown on the deposited plans) to form an extension of that playing field, including the levelling, cultivation and seeding of the field;
- Provision of the NEAP;
- Provision of a Pavilion and Store Building of gross floor area not less than 200 square metres.

Public Art

- A contribution towards the provision of public art and public realm enhancements in accordance with the Council's Public Art Policy.

Landscaping

- The provision and subsequent maintenance of the landscaped belt proposed on the field to the east of the site prior to works commencing on site.

Education

- Contribution of £73,530 towards Primary School Facilities.

Highways

- The design and construction of a footpath/cycletrack within the site and the widening and surfacing of the existing footpath between the northern end of the site and the south western corner of the existing recreation field to 2.5m.
- The design and construction of a new traffic island at the junction of Amberd Lane and Honiton Road.
- A minimum sum of £10,000 for Travel Planning requirements, including travel vouchers upon first occupation and production of information leaflets. This 'minimum' should be considered against the provision of a full Travel Plan Statement, and any additional elements arising from the Statement.

Reason for Granting

The proposed development of 30 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the open character of the Vivary green wedge or lead to the coalescence of settlements. As such the proposal is not contrary to policy EN13 of the adopted Local Plan and is in accordance with the provisions of policy SP1 of the Core Strategy. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole and therefore the proposal is approved as advised in paragraph 14 of the NPPF.

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge unless otherwise agreed in writing by the local planning authority.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to

Taunton Deane Local Plan Policy EN6.

3. The development shall provide for covered and secure storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 1 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with policy S1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

4.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

5. No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted and approved by the Local Planning Authority, all as set out in the submitted Flood Risk Assessment by Three Counties dated 30 March 2012.

The scheme shall include full details of proposed on site storage where run off rates have been limited to those from a 1 in 1 year storm on the green field site. Calculations are to be provided showing this attenuation provided for all storms up to and including the 1 in 100 year plus climate change event. The details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. Details of exceedance flow paths and depths of flow shall be mapped and shown to be safe.

Reason - To ensure that the site is adequately drained without having an adverse impact on water flows or flooding elsewhere in accordance with the

NPPF.

6.

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's Ecological impact assessment submitted report, dated March 2012 and up to date surveys and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented

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

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

Reason - In the interests of highway safety in accordance with the provisions of the NPPF

8. Before the dwellings hereby permitted are first occupied, a 1.8m wide footway shall be constructed over the frontage of the site between the western edge and the vehicle access in accordance with a specification to be approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety in accordance with the provisions of the NPPF

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

Reason - In the interests of highway safety in accordance with the provisions of the NPPF

10. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason - In the interests of highway safety in accordance with the provisions of the NPPF

Notes for compliance

1. The condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for species that are affected by this development proposal.
2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
4. Dormice are known to be present on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. NE requires that the Local Planning Authority must be satisfied that a derogation from the Habitats Directive is justified prior to issuing such a licence.
5. The applicant should be advised that at least seven days before access works commence the Highway Service Manager: Taunton Deane Area Highways, Burton Place, Taunton, Somerset TA1 4HE (Tel: 0845 345 9155) must be consulted.
6. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of the 1st dwelling, and thereafter maintained until the use of

the site discontinues.

PROPOSAL

This is an outline application for the erection of 30 houses on the eastern side of Trull. The site would be accessed off Amberd Lane and an indicative layout has been submitted which shows a cul-de-sac type development of 20 large detached houses and 10 terraced and semi-detached houses.

As part of the proposal, the applicant has offered the following.

- 10 affordable houses to be delivered on-site,
- Contributions towards a Neighbourhood Equipped Area for Play (NEAP) to be located on the existing recreation field to the north,
- Contribution towards Active Outdoor Recreation,
- Contribution towards Community Hall Facility,
- Contribution towards Allotment Provision,
- Public Art contributions to be included through integrated public art on any community/sports building,
- Education contributions at a level set by the TBDC interim Community Infrastructure Levy (CIL),
- Incorporated cycleway provision within the site to link to the public footpath at the north west of the site,
- Resurfacing and widening to 2.5m of the existing publicly owned footway T21/72 between the site and the existing village recreation field.
- Construction of a new traffic island at the junction of Amberd Lane Honiton Road to improve visibility,
- Provision of a 'virtual footway' along Amberd Lane to link the site with existing footways on Honiton Road,
- Provision of landscaped belt along eastern site boundary within the adjoining field, and
- Transfer of ownership of the field to the east of the site to Parish of Trull (at no cost).

As an alternative to making contributions towards Play and Active Recreation, the NEAP, Active Outdoor Recreation and Community Hall Facilities the applicant/developer would prefer to meet the obligations by an undertaking secured through a Section 106 agreement which would include:

- (i) The submission and successful determination of a planning application for change of use to community and recreation on the land to the south of the existing field (as shown on the deposited plans) to be contiguous with the existing facility.
- (ii) Levelling, cultivation and seeding of the field
- (i) Provision of the NEAP
- (ii) Provision of a Pavilion and Store Building of gross floor area not less than 200 square metres maybe similar in design and layout to that which was provided by the applicant in similar circumstances at North Curry
- (iii) The cumulative cost and value of the foregoing will far exceed the contributions sought, but in the event that for reasons outside the developer's control any element has to be omitted then a capital contribution to address any shortfall between that provided and the stated requirement will be made

in the normal manner

SITE DESCRIPTION AND HISTORY

The site is located on the northern side of Amberd Lane to the east of Patrick's Way. It comprises a single field that slopes down from west to east with a strong hedgerow boundary. Slightly raised up from the western boundary is a public footpath (T21/72) which links Amberd Lane with Church Road to the north. Some of the houses in Patrick's Way have rear pedestrian access onto the footpath.

To the north of the site are The Bell House and The Bell Cottage. These have quite large grounds that extend along the entire northern boundary of the field and include a tennis court. The northern boundary can therefore be described as domestic rather than agricultural.

The eastern boundary is agricultural and there is a second field, approximately 80 metres wide, and this adjoins the Sherford Stream. This is the field which has been offered for public ownership.

The site is almost 2 hectares in size but specifically excludes the north east corner of the field which adjoins The Bell Cottage.

The site is outside of the defined settlement limits contained in the Local Plan and Core Strategy and is also within the Vivary Green Wedge. There is no relevant planning history.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TRULL PARISH COUNCIL – support:

The Parish Council has on numerous occasions approached the landowner of the field between Bell House and the King George V Playing Field with a view to purchasing or renting it to extend the play area. To date this has always been unsuccessful. This landowner is also owner of the field which is the site of the proposed development. If the development goes ahead the developer and landowners propose to gift two areas of land to the Parish, the meadow next to the weir, between the proposed development site and Sherford Stream, and the field between King George V Playing Field and the Bell House thereby extending the play area. Restrictive covenants will be attached to both areas to prevent their future development. Trull is vulnerable to the encroachment of extended development westward from Killams which threatens the identity of Trull as a village separate from Taunton. The protected open green space attached to this development would help protect the boundaries of Trull and provide leisure space for the benefit of the entire community.

Trull will inevitably grow in the future. This development is small scale and low density. Affordable housing is still very much needed for local people who otherwise would not be able to afford to buy property in Trull. Landowners are unwilling to release land solely for such housing but, by supporting the building of market value housing on this site, Trull will not only gain the affordable housing it needs but will also gain green leisure space that will be protected.

By supporting this application the Parish Council feels that they have more say in how the site is developed and, at the same time, gain additional facilities for the whole village.

SCC - TRANSPORT DEVELOPMENT GROUP – no objection

Bearing in mind the response provided above and in the event of the LPA granting permission, I have no objections to the proposed development subject to a Section 106 Agreement to secure the following:

1. The design and construction of a footpath/cycletrack, as far as reasonable within the Applicants control, linking Amberd Lane and Church Road. Where this is not achievable, then a contribution for these works should be provided.
2. The design and construction of a new traffic island at the junction of Amberd Lane Honiton Road. The design of this has yet to be agreed.
3. A minimum sum of £10K for Travel Planning requirements, including travel vouchers upon first occupation and production of information leaflets. This 'minimum' should be considered against the provision of a full Travel Plan Statement, and any additional elements arising from the Statement.

[the full 8 page County Highway Authority response is contained at the end of this report as an appendix]

SCC - RIGHTS OF WAY – I can confirm that there are two public right of ways (PROW) recorded on the Definitive Map, one within the proposed village field and one to the west of the site abutting the boundary.

T 21/72 that abuts the western boundary has been considered as a potential cycle route to the Primary School and beyond into Taunton. The transport statement makes a mistaken assumption about how willing people will be to cycle from the site on carriageway. Due to the nature of the carriageway and the volume of traffic on the road many people will be put off. If land cannot be secured as part of this development to widen the footpath between the site and the primary school then the opportunity to offer a safe and attractive alternative to Honiton Road for cyclists will be lost forever.

Given the future growth in this area, we request that a strip of land is dedicated for cyclists alongside the footpath, as the footpath width is currently too narrow to accommodate cycle use. We would also request that it is surfaced to a standard to be agreed with Area Highways. Where pinch points might remain in terms of a link to Church Road, 'Cyclists Dismount' signs could be erected until a solution is agreed.

LANDSCAPE LEAD – My main concerns are:

- The significant visual impact of the proposal on the open riverside character of the area.
- Impact on the character and function of the Green Wedge.
- Impact of the Highway requirements on the important southern boundary hedgerow to meet visibility splay standards.

Further comments in response to amended plans

Further to the Swan Paul revised landscape scheme which involves parkland tree and woodland edge planting I would like to revise my comments.

My assessment is that the current proposals will help to reduce the impacts of the proposed development on the open riverine character of the area to the east which is planned for wider public access. It will take time for the landscaping to mature sufficiently but within 10 years, subject to detailed proposals and maintenance, it should be possible to establish a useful woodland edge character to the area and reduce significantly visual impacts.

In terms of Green Wedge functions the proposals will have no impact on coalescence as the distances and topography are such that there should be no inter visibility between Killams to the eastern side of the Green Wedge and this site. In terms of the other functions there will be an impact on 'bringing the countryside into the town' but otherwise the impacts should be limited.

Subject to hedgerow relocation and replacement it should be possible to reduce the impact of the hedgerow loss but the rural character of the area will be largely lost to be replaced with a more residential/suburban character.

BIODIVERSITY OFFICER – This is an outline application for the construction of 30 dwellings on pasture land to the north of Amberd Lane, Staplehay, Taunton. The proposal is to develop the western field backing on to existing development and to retain the eastern field adjacent to Sherford stream as open space. The application also involves the widening of Amberd Lane by translocating part of the existing species rich roadside hedge. The site is enclosed by species rich and species poor hedgerows and the Sherford stream corridor. There are several mature trees located in the vicinity of the site.

JH ecology carried out surveys of the site from November 2011 — March 20 12. An Ecological Impact assessment was produced in March 2012. In addition, the mammal ecologist Dr Paul Chanin produced a report on a dormice survey, which forms an appendix to the main report. Findings were as follows

Dormice - The surveyor has made the assumption that dormice are present on site based on an assessment of the habitat; which contains a range of food plant species for dormice, local knowledge and on checking local records and SCC's Econet. Dr Paul Chanin also suggests that a nest tube survey, in this case, would not further inform the report. For the reasons stated, I tend to agree and also assume presence of dormice on site. I support mitigation proposed and agree that as dormice will be disturbed by this development an EPS licence will be required.

Badgers - The surveyor found evidence of badger activity on site. A badger sett has been recorded within 30 m of the site boundary in the bank of the woodland stream corridor. The hedgerows on site and adjacent woodland provide potential sett building habitat and the grassland and woodland provides potential opportunities for foraging. As badgers are mobile animals further monitoring will be necessary.

Bats - The nearby mature trees and the Sherford stream corridor provide potential

habitat for roosting, foraging and commuting bats. I agree with the surveyor that, should public realm lighting be a requirement on site, then bat surveys will be required. I support the proposed mitigation proposals

Otters - The stream corridor and associated woodland and scrub habitats are used by otter as confirmed by records of droppings.

Water Vole - No evidence of water vole was found. Although there are historical records of water vole from the Sherford stream corridor, the stream banks are now heavily shaded and lack potential foraging habitat and opportunities for cover.

Birds - Several bird species were noted on site. Kingfisher has been recorded along the Sherford stream. I agree that removal of vegetation should take place outside of the bird nesting season. I support the mitigation proposals.

Reptiles - Hedgerows, woodland edge and the stream corridor provide potential habitat opportunities for reptiles. I support the proposed measures to protect reptiles during the construction process.

If planning permission is granted a condition should require a strategy to protect wildlife

NATURAL ENGLAND – recommend using standing advice.

ENVIRONMENT AGENCY – no comments received

SOMERSET WILDLIFE TRUST – support the recommendations contained in the submitted wildlife report

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

The policy in the Local Plan is for 20 square metres of play per every family size (2 bed+) dwelling. On a development proposal of 30 family size dwellings 600 square metres of children's play should be provided, by way of at least one LEAP, centrally located and overlooked by the dwellings. The location of the proposed play trail is not acceptable as it next to the main entrance to the site.

A contribution of £1,454.00 for each dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution of £194.00 per dwelling should be sought for allotment provision along with a contribution of £1,118.00 per dwelling towards local community hall facilities.

Contributions should be index linked.

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 value of 1 % of the development costs.

DRAINAGE ENGINEER – I have no objection to this proposal subject to conditions regarding a surface water drainage scheme which restricts surface water run off rates.

TDBC STRATEGY – comment:

The application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted and emerging development plans (Local Plan policy S7, Core Strategy policies CP8, SP1, DM2). Despite being in the open countryside, the application site is considered sustainable as it has good levels of access to a reasonable level of services and facilities including; primary school, shop, post office and pub.

The site lies within designated green wedge and as such should be considered against policy EN13 of the Local Plan. It is not considered that this proposal will prejudice the open character of the green wedge or lead to the coalescence of settlements.

The wider area to the west of Trull has been identified within the Core Strategy as a Broad Location for up to 2,000 net additional dwellings over the period up to 2028. It is intended, however, that this should compromise a masterplanned urban extension and such the scheme can be considered outside of this requirement.

Trull Parish Council is in the early stages of producing a Neighbourhood Plan, Given that such a plan would be subject to referendum prior to adoption and that this scheme has attracted significant objection and involves an element of planning gain, it would seem preferable to see this proposal advanced through a Neighbourhood Plan.

It is not logical to exclude the north western corner from the application site without evidence that this land is not within the ownership or control of the applicants. Without this there is no justification to exclude this parcel and the scheme could be seen to fail to make effective and efficient use of land, contrary to the NPPF and Core Strategy Policy CP4.

POLICE ARCHITECTURAL LIAISON OFFICER – has made detailed comments on the submitted indicative layout which should be taken into account as part of any reserved matters application (subject to outline planning permission being granted).

BRITISH TELECOM – no comments received

SCC - CHIEF EDUCATION OFFICER – no comments received

WESTERN POWER DISTRIBUTION – no comments received

WESSEX WATER – recommends that the applicant contact Wessex Water regarding new connections and protecting existing assets.

HOUSING ENABLING LEAD – My comments for this application are based on housing need and the comments do not reflect the suitability of the site in terms of planning.

The affordable housing requirement for this scheme is 25% of the total number of units. The tenure split is 50% social rented, 50% intermediate housing. The requirement is for houses rather than flats. The houses should be predominately 2 and 3 bedrooms.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, or meet any subsequent standard at the commencement of development.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

Representations

Cllr Mark Edwards

Highways - Amberd Lane is inadequate for this level of development and increase in traffic with the road and junction already struggling to cope with the present levels. I also have huge concerns with regards the suggestion of a virtual footpath, not only will this look dreadful, in what is presently a very picturesque lane, but I also understand it is an experiment and this leads me to question its validity as a solution.

The junction on to Honiton Road is already difficult to execute and increased traffic movements can only create more problems. The proposed traffic island will be a minor improvement but I do not believe it will make sufficient difference for the increase in traffic this development will create.

Trull School - The school is clearly at capacity and the development being considered with the type and scale of development will mean an increase in children eligible to go to school and as there is no space will have to be likely driven to a different school which is unsustainable or will put immense pressure on the school. The Neighbourhood Plan would be able to better assess this issue and any proposals will then be able to better reflect what happens in the future, I will return to this point later in my response.

Green Wedge - This site is not allocated in the development plan or the core strategy and is completely developer led with the only community involvement and support being the Parish Council who I believe are missing out on a major opportunity to consult and work with the whole community through the Neighbourhood Plan.

The Green Wedge is afforded protection through the Core Strategy and whilst I

appreciate that is not absolute in planning terms it should be given serious weight especially in view of the large number of negative comments on this application this is clearly an example where Localism can play its part and I believe that the community should be afforded that opportunity.

Neighbourhood Plan - The Parish Council with my assistance bid for funding to take part in the Neighbourhood Plan with Trull as a national front-runner in this process and as you are aware secured the funding to progress this from central Government.

The basis of that submission agreed by the Parish Council was:

With the area known as Comeytrove being put forward as a broad location for growth in the recently proposed Taunton Deane Core Strategy with up to 2000 houses earmarked, Trull is likely to see a level of development on its doorstep that will likely impinge on the settlement. In addition due to its proximity to the town centre other smaller developments are potentially being put forward in the locality as well which need consideration as to how the all interact with each other.

It is therefore important therefore that a cohesive plan for Trull and Staplehay and one that that brings the overall benefits without the risk of a lack of consideration or in making sure there is a reference point to each development taking place. .

I have highlighted the key points in the submission in particular the understanding there was developments coming forward and the Neighbourhood Plan was the perfect vehicle for these to be given consideration. This was accepted by the Parish Council so why this questionable decision to support? Why did they not suggest it went forward to the Neighbourhood Plan?

I am extremely disappointed that the Neighbourhood Plan has not been given any consideration by the Parish Council in their consideration of this application. I highlighted quite clearly my concerns with regards this issue and suggested the Parish Council take the opportunity to use the Neighbourhood plan to engage with the community with this development fitting perfectly with the criteria. I am concerned at the actions of the Parish Council firstly as the District Councillor where sadly I am not satisfied that the vast majority of the community were listened to, as the discussion they had at the Parish Council meeting when the debate was conveyed under standing orders the Parish Council was lacking in any detail regards the actual application, with concerns over what might happen to this land being paramount in their minds if they did not accept the proposals. Clearly this is not the basis for a planning decision.

I also find myself as the Executive Councillor for Planning and Transport wondering if the Parish Council has any grasp of the basis of the Neighbourhood Plan and what it can deliver. I had attended the Parish Council in advance of this application so I could highlight the vehicle that they had secured significant funding for but again it was not given any consideration as part of this application.

The Neighbourhood Plan has the ability to designate land that can be protected and that which could be developed so the main concern of the Parish Council that a national developer is going to suddenly swoop on this land is frankly ridiculous and if the PC wants to protect it for the future the Neighbourhood Plan is actually by far the best vehicle.

The Neighbourhood Plan is central in planning terms to complete community engagement and taking forward plans that will ultimately have support of the whole community and it is a huge disappointment that this has been ignored and more importantly I am not sure how easy it will be for the Parish Council to engage in the future after clearly completely ignoring the vast majority of the community.

I can confirm from the huge number of discussions I have had in my ward and from the communications I have seen sent to you directly that the vast majority of the residents of Trull would wish to see this potential development being given consideration as part of the Neighbourhood Plan, it is a perfect fit in what it wishes to deliver to the community.

This application is premature to that process and as its sits within the Green Wedge and is clearly not being considered as part of a future plan I would ask for the support of TDBC in achieving this more pragmatic and community led approach by refusing the application on the basis that it will be able to be submitted as part of the Neighbourhood Plan process for better consideration of its implications and how it can better achieve more for the whole community.

189 Letters of OBJECTION have been received which raise the following issues:

Green Wedge

- The development would not protect or preserve the green wedge.
- It is contrary to the Core Strategy
- Once it has gone, it can't be replaced.
- Development would set a precedent.
- Development should be on brownfield sites first.
- The green wedge is valued by walkers.
- The green wedge has a positive effect on mental and physical health.
- Residential development would be out of character with the rural area.
- If the development at Killams proceeds then the green wedge will be narrowed on both sides.
- The green wedge helps to combat pollution.
- Development will result in the loss of the riverside character.

Local opinion

- The proposal is contrary to local views.
- The Parish Council views do not reflect those of the local community.
- The proposal is premature against the Neighbourhood Plan.
- A Neighbourhood Plan would have to go through a local referendum.
- 85% of households are against development in the green wedge.
- The government supports local views influencing planning.
- The developers argument that if he doesn't develop, someone else will is flawed.
- The public consultation event drew significant objection to the proposal.

Highways

- Amberd Lane is a narrow minor road with blind spots.

- The virtual footpath will restrict on-street parking.
- The virtual footpath will be dangerous for pedestrians.
- Increase in traffic.
- Increase in congestion.
- The proposed traffic island will not provide the necessary visibility splays on Honiton Road.
- More traffic using the junction leading to congestion.
- Knock on impact on Church Road traffic (dangerous around the school).
- The character of the country lane would be lost.
- Adverse impact on driveways to properties in Amberd Lane.
- Cars parked in Amberd Lane make it difficult for cars to pass.
- The Patricks Way junction will be more difficult to use.
- The Spearcey Lane Way junction has blind spots and increase in traffic would be dangerous.
- Large houses are likely to have two or more cars.
- The sewerage system will not be able to cope.
- Noise and disturbance from construction traffic.
- The bridge over Sherford Stream would not be able to cope with extra traffic.
- Amberd Lane is used as a 'ratrun' and therefore is very busy.

Wildlife

- Housing will have an adverse impact on wildlife.
- Greater use of the adjoining field will disturb wildlife.
- Loss of hedgerow.

Layout

- Poor and chaotic layout shown on the submitted plans.
- It looks like the affordable housing is being squeezed into a corner and not distributed throughout the site.
- Why is there a rectangle of land that is not being developed?

Other issues

- The local school could not cope with an increase in numbers.
- There is no need for additional local facilities.
- The development is unsustainable and site is in an unsustainable location.
- It would change the nature of the village.
- Footpaths would get busier resulting in a loss of amenity to houses that adjoin them.
- Risk from flooding.
- Development in this area should not be piecemeal and should be properly planned.
- Loss of agricultural land..
- Noise from additional traffic.
- No need for more houses in the village.
- Health services are already over-stretched.
- Loss of identity.
- Street Lighting will cause light pollution.
- Existing drainage problems in field
- There are no good reasons to grant planning permission.

10 letters of SUPPORT have been received which raise the following issues:

- Government advocates the building of new housing and affordable housing for local people
- There will be a number of community benefits.
- Affordable housing will allow people who grew up in the village to stay and access affordable homes
- The village has a history of providing small cul-de-sac developments.
- Adjacent fields will be saved from development.
- Development is inevitable so small scale is better than large scale.
- Traffic and congestion problems are no different to anywhere else.

In response to the applicants confirmation of the package of contributions that would be secured as part of the development proposal, a further round of public consultation took place which resulted in a further 86 letters of objection (27 of which raised no new issues to those above) and 6 letters of support being submitted

OBJECTION letters raise the following additional issues:

- The proposals go beyond the site and affect the whole village,
- The proposals are vague and lack detail,
- Where would the proposed pavilion be built and how would it be accessed?
- The off-site works have no relevance to the planning application,
- The community does not need another public building to maintain,
- The offer appears to be a bribe to get/buy planning permission,
- The foot/cycle path to the village is not deliverable,
- The foot/cycle path would not be wide enough,
- Any lighting of the foot/cycle path would harm wildlife, change the character of the area and harm residential amenity,
- Residents along the foot/cycle path would not be able to safely exit their rear gates.
- Widening the footpath will result in a loss of habitat.
- The school is at capacity and in a location where it can not expand,
- Trull already has a cricket pitch and pavilion,
- The off-site contributions should not be considered as part of this planning application and should be subject to a separate application.
- Comments challenging the County Highways Authority consultation response.

SUPPORT letters raise the following additional issues:

- Some people in the community support the proposals and objectors do not represent the whole community.
- Support for more play space and a new pavilion

PLANNING POLICIES

S7 - TDBCLP - Outside Settlement,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

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) | £35,172 |
| Somerset County Council (Upper Tier Authority) | £8,793 |

6 Year Payment

| | |
|--|----------|
| Taunton Deane Borough Council (Lower Tier Authority) | £211,032 |
| Somerset County Council (Upper Tier Authority) | £52,758 |

DETERMINING ISSUES AND CONSIDERATIONS

Policy

The Planning Policy team have commented that the application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted and emerging development plans (Local Plan policy S7, Core Strategy policies CP8, SP1, DM2). Despite being in the open countryside, the application site is considered sustainable as it has good levels of access to a reasonable level of services and facilities including; primary school, shop, post office and pub.

The site has been previously identified in the 2010 and 2011 Strategic Housing Land Availability Assessment (SHLAA) and on both occasions has been shown to be 'developable'.

Developable status means that in the broad terms in which the SHLAA considers suitability as well as availability and achievability, the Panel felt on balance the site meets the basic tests. However, the SHLAA conclusion does not prejudice or prejudice the outcome of any planning application nor indicate that the site will ultimately be allocated through a future development plan document. From an allocation point of view, the site would need to be considered as part of an Allocation Document which will follow the adoption of the Core Strategy. Although many would consider that a plan-led route would be most appropriate way for this site to be assessed, the application has been submitted and must be considered now and on its own merits.

In the absence of a Site Allocations Document the application must be considered against paragraph 14 of the NPPF which states that for the purpose of decision taking (where the development plan is absent, silent or relevant policies are out of date) local planning authorities should grant planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken

- as a whole; or
- specific policies in the NPPF indicate development should be restricted.

The following sections consider the impacts of the proposed development.

Sustainable Development and Accessibility

The site is outside of the defined development limits of Taunton. However, in this case it is not remote from local facilities and services. The primary school and village community hall are approximately 520m (walking distance) and the post office, shops and pub are 720m (walking distance) from the centre of the site. These distances increase if these journeys are made by road (either on foot or by car) and it can be reasonably assumed that people are less likely to walk along the footpaths in inclement weather or in the dark. However, even when the distances are increased, the facilities remain accessible in the context of the local area.

Access by foot along the existing public footpath network can be improved and the County Council Rights of Way Team have suggested the widening and upgrading of the existing footpath on the western side of the site. However, this will require the removal of an existing hedge and it is considered that it would be more appropriate to ensure that the site has a cycle/pedestrian through-route that links to the footpath at the north west corner. It is also considered essential that the remainder of the footpath which extends to the playing fields and on to Church Road (Primary School) is upgraded as far as reasonably possible to ensure that it is of a width and surface which will encourage greater use. These are both achievable and the applicant has submitted plans to show that the required land is under his control.

The nearest bus stop is within 300m of the site at the Crown Inn. This is served by two routes which provide an hourly service to the town centre. Given the scale of development and distance to the town centre, this is considered appropriate. The town centre is also accessible by foot along an existing public footpath network, although this is a journey which would probably only be undertaken by the most committed walkers. These footpaths are not considered to be suitable for cycling. It is possible to cycle to the town centre without having to remain solely on the main road (Honiton Road/Trull Road) as there are cycle routes which link Sherford with Vivary Park.

The County Council consider that a Travel Plan Statement to be more appropriate than the submitted Measures Only Travel Plan. This will require a contribution towards travel vouchers upon first occupation and production of information leaflets. It is considered that this will encourage occupiers to use alternative means of transport other than the private car.

Green Wedge

The site lies within designated green wedge and as such should be considered against policy EN13 of the Local Plan which is proposed to be replaced with policy CP8 of the Core Strategy.

In respect of the green wedge, policy EN13 states “development which would harm the open character of green wedges will not be permitted”. Policy CP8 allows development outside of settlement boundaries where it will “protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and

open breaks between settlements” (alongside other criteria). The policy therefore controls development in the green wedge rather than place an absolute restriction on all development in the green wedge. The appropriate consideration must be one of harm and it is necessary to consider the harm that would be caused to the character, appearance and functionality of the green wedge.

As the Vivary Green Wedge runs south it generally becomes wider and more open. At the application site, the distance to Killams (the other side of the green wedge) is 2km and Cotlake Hill separates the two developed areas. I agree with the Landscape Lead’s view that the proposals will have no impact on coalescence and will not significantly erode the open break between settlements. Therefore the function of the green wedge to prevent coalescence is not lost and the proposal does not result in any harm in this regard..

To the south of the site is residential development which currently forms a 100m projection out towards the wedge and the dwellings and garden to the north of the site have a domestic character which protrude into the wedge by a similar distance. This results in the site forming a small ‘green projection’ into the fringe of the developed area. The Sherford Stream provides a significant visual barrier (with it’s tree lined edges) and when combined with the proposed planting in the field between the site and the stream, will result in limited impact on the character and appearance of the green wedge. The strengthening the eastern boundary of the site by additional landscaping would also result in a much better screen between the built development and green wedge than at present.

Due to the above factors it is considered that this proposal will not prejudice the open character of the green wedge or lead to the coalescence of settlements. Therefore the proposal is not considered to significantly harm the green wedge and there is not sufficient reason to withhold planning permission on these grounds.

Highways

The County Highway Authority have carefully considered the submitted Transport Statement and response made by LGPS Resources Traffic Consultations who have been commissioned by a group of local residents. This has resulted in an 8 page response which is contained at the end of this report. After considering all of the information, the County Highways Authority raise no objection.

The main traffic considerations are increased traffic on Amberd Lane, the proposed alterations to the Junction between Amberd Lane and Honiton Road, and the proposed virtual footway for pedestrians using Amberd Lane.

With regard to the capacity of Amberd Lane, the Highway Authority consider that the total predicted vehicle flows are well below the 300 vehicles per hour, which can normally be expected to be accommodated by a rural lane with passing places. They do not consider that there will be a significant traffic impact on Amberd Lane, or the Amberd Lane / Honiton Road junction.

The proposed alterations to the Honiton Road junction include the introduction of a traffic island to displace vehicles to the left, which then provides additional visibility in line with Manual for Streets. This is desirable and would improve an existing situation. The LGPS report highlights an area of detailed design for the island that will need addressing. The County Highways Authority consider that amendments

can be provided as there is sufficient space available at the existing junction. They also consider that the additional 20 movements per peak hour period will mean a slight increase in delay on Amberd Lane, and some impact on junctions towards Taunton. However, they do not consider that there will be a significant traffic impact on the Amberd Lane / Honiton Road junction

In order to address an area of concern regarding the lack of any pavements/footways on Amberd Lane, it has been suggested that a 'virtual footway' be provided and this would encourage pedestrians to walk down one side of the road and vehicles to use the other side. This could comprise a solid white line and pedestrian symbols marked on the road. It could also include an appropriately coloured surface. This would extend approximately 200m from the Amberd Lane / Honiton Road junction and the site.

This has resulted in much debate as it is not possible to construct a formal standard footway due to lack of available road width. The Highways Authority conclude that here is little supportive evidence of the success, or not, of these virtual footways both locally and nationally. In the absence of this evidence, the Highway Authority will not consider the provision of the virtual footway as part of this application. With that consideration, they do not raise any objection to the potential result of more people walking in Amberd Lane.

Access into the site can be provided but will require the removal/translocation of a part of the existing hedgerow so that visibility splays and a footway can be provided. It is considered that a formal footway would be appropriate at the front of the site between the existing public footpath opposite Spearcey Lane (where there is a short section of footway) and the site entrance. It is not considered appropriate to require the removal of the remainder of the hedge to the east of the access in order to provide a continued footway to the edge of the site.

Community Benefits

Under existing Council policies, any residential development should make appropriate provision for children's play, outdoor recreation, community facilities, allotments etc. This would normally be provided on-site for large developments, or on smaller developments (where provision is best suited off-site) an appropriate financial contribution is secured. The Community Development Team have requested contributions amounting to £82,980 in addition to an on-site Local Equipped Area for Play (LEAP) of 600 sq metres. If children's play were to be provided off-site, then an additional contribution of £80,640 would normally be required. This results in a total contribution of £163,620 to provide the required facilities off site.

In respect of the outdoor recreation, children's play and community hall requirements, the applicant has offered to provide:

- Land to the south of the existing playing field (as shown on the deposited plans) to form an extension of that playing field, including the levelling, cultivation and seeding of the field;
- Provision of the Neighbourhood Equipped Area for Play (NEAP)
- Provision of a Pavilion and Store Building of gross floor area not less than 200 square metres (maybe similar in design and layout to that which was provided by the applicant in at North Curry)

The applicant suggests that the cumulative cost and value of the foregoing will exceed the contributions sought, but in the event that for reasons outside the developer's control any element has to be omitted then a capital contribution to address any shortfall between that provided and the stated requirement will be made in the normal manner.

In addition to this, as stated in the 'proposal' section of the report, the applicant has also confirmed that they would make appropriate contributions towards allotments, transfer the land to the east of the site to the Parish of Trull, and make financial contributions towards primary education facilities in line with the Council's Interim CIL. Education contributions would amount to £2451 per dwelling, resulting in a total contribution of £73,530 towards primary school facilities in the area.

It is considered that these are benefits which are over and above what would be required from a development of 30 houses in terms of the securing and laying out of land for outdoor recreation. However, it must be noted that many of the contributions are those which are normally required for any residential development whether it be on an allocated site or not.

Neighbourhood Planning

The Planning Policy team has commented that Trull Parish Council is in the early stages of producing a Neighbourhood Plan and that given that such a plan would be subject to referendum prior to adoption (and that this scheme has attracted significant objection and involves an element of planning gain) it would seem preferable to see this proposal advanced through a Neighbourhood Plan. This view is re-iterated by many of the objectors and local Ward Member, although not by the Parish Council who support the application.

However, an application has been submitted and it is necessary for it to be determined in light of current policy and guidance. In the absence of a Neighbourhood Plan guidance in paragraph 14 of the NPPF states that where a plan is absent, the local planning authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is therefore considered that application could not be refused simply on the grounds of prematurity.

Other Issues

Wildlife has been raised as an issue and the Council Biodiversity Officer has considered the submitted ecological reports. It is concluded that it is possible to grant planning permission with appropriate conditions to protect and preserve wildlife in the local area.

The submitted layout is indicative only. However it is agreed that it would be wrong to build a new development with all the affordable homes 'cramped' into one corner. It would be possible to build 30 houses on the site with an appropriate layout which addresses the road and did not have such a clear distinction between the affordable and open market houses.

The receipt of the New Homes Bonus is noted, however, your officer's consider that this matter carries limited weight in this case.

Conclusion

The NPPF contains 12 core planning principles that underpin decision taking and the proposal has been considered against these. The application is not genuinely plan led in that it pre-dates the small sites allocations document or Neighbourhood Plan. However, it would deliver homes in a sustainable way and provide community benefits.

It is considered that one of the most important considerations is whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits. I believe that the harm does not outweigh the benefits and therefore planning permission should be granted.

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

CONTACT OFFICER: Mr B Kitching Tel: 01823 358695

Appendix 1 – Full transcript of County Highway Authority response received on 8th June 2012

I refer to the above-mentioned planning application received on 19th April 2011, and after carrying out a site visit on 15th May 2012 have the following observations on the highway and transportation aspects of this proposal. I apologise for the delay in responding.

The proposed development site lies outside the Development Boundary Limits for Trull and Taunton and is therefore classified as distant from adequate services and facilities, such as education, health, employment, retail and leisure. As a consequence, it is considered that occupiers of the new development are likely to be dependant on their private vehicles. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000), and Policy 7 of the Taunton Deane Local Plan adopted November 2004, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However, the application draws attention to the close proximity of local services and facilities. Walking distances can be measures at: Trull Primary School (520m approx), the Post Office & Shops (740m approx) and the Village Community Hall (520m approx) and the pub (720m approx), with distances being measured using the public highway and from the centre of the proposed development. However, it is likely that during the winter months there may be an increase in the number of trips by private vehicles due to inclement weather and the limited or non-existent street lighting provision serving the pedestrian routes quoted.

Driving distances can be measured at: Trull Primary School (1100m approx), the Post Office & Shops (930m approx) and the Village Community Hall (1100m approx) and the pub (1320m approx), with distances being measured using the public highway and from the centre of the proposed development.

This information must be considered in conjunction with other policies as set out in National, Regional, County and Local policies, and will be discussed in more detail from a highways perspective through this response. However, it is a matter for the Local Planning Authority to decide whether the proximity of these services and facilities are considered adequate.

Existing Highway Conditions

Amberd Lane is an unclassified rural road, and is subject to a 30mph speed limit. The width of the road varies, and is generally between 4.5m to 5.5m in width. There are also small lengths of Amberd Lane that are above and below these dimensions, but they are limited in length and do not adversely affect the functioning of the highway.

Amberd Lane, from Honiton Road to the application site, can be divided into two sections.

The first section of lane, from Honiton Road to Spearcey Lane (approx 120m), appears visually narrow due to the boundary walls fronting the road. There is no footway along this section and there are parked vehicles serving the neighbouring properties. The second section of lane, from Spearcey Lane to the application site (approx 80m), appears visually wider due to the adjacent properties being set back from the road. Again, there is no footway although there are passing places due to the width of the road.

Due to the lack of dedicated footway, the Highway Authority has erected 'Pedestrian in road ahead' warning signs (DoT No: 544.1).

During several site visits throughout the application period, it was observed that both sections of the lane mentioned above are well used by pedestrians, cyclists and dog walkers as well as motorised vehicles.

The lane currently serves a total of approximately 80 dwellings and residents currently use the sections of highway discussed above to access the local facilities by walking, cycling and car. There has been no reported Personal Injury Accidents (PIA's) over the last five years on the above areas of highway.

Public Footpaths

There is a public footpath (T21/72), from Amberd Lane (adjacent to the application site) through to Church Road (adjacent to the Village Hall). The footpath is surfaced and restricted in width to approx. 1m for the majority of its length, with limited passing places for pushchairs and wheelchairs. Despite the restricted width of the footway, it was noted during site visits that both cyclists and families with pushchairs use this footpath.

This footpath crosses/links to another footpath (T21/75), from Honiton Road (through Wyatts Lane) to Church Road (opposite the Winchester Arms) and it is my understanding that the footpaths are well used by pedestrians, cyclists and dog

walkers.

Residents Feedback

Following a review of TDBC Planning website, many concerns have been expressed by local residents regarding this application. The highway comments have been extracted and are summarised below:

- Increased traffic/pedestrian conflict in Amberd Lane
- Lack of footways along Amberd Lane for safe pedestrian access
- Amberd Lane used as a rat-run, from the Corfe side of Taunton
- The new traffic island on Amberd Lane would serve no purpose
- The 'virtual pavement' is considered unsafe
- Hedgerow removal from the countryside, including the impact on nesting birds
- Overflow parking from the site being placed onto Amberd Lane
- Poor visibility from the site entrance onto Amberd Lane

All of these concerns have been considered by the Highway Authority, and it is considered that these views have been considered through the technical detail set out in this response.

Virtual Footway along Amberd Lane

It would not be possible to construct a formal standard footway due to the limited road width. This has been recognised by the applicant, who has included a 'virtual footway' to assist pedestrians through this area.

The proposal of a virtual footway has caused much debate with Engineers at the Highway Authority. There is little supportive evidence of the success, or not, of these virtual footways both locally and nationally. In the absence of this evidence, the Highway Authority will not consider the provision of the virtual footway as part of this application.

The remainder of the response assumes, as existing, that there will be no virtual footway provision between Honiton Road and Spearcey Lane provided by the application.

Sustainable Urban Drainage Systems (SUDS)

The application includes a brief Flood Risk Assessment, which is considered adequate at the Outline Planning stage. However, some concern is raised by the Highway Authority in reference to the surface water management strategy.

Reference has been made to achieving attenuation at 'Greenfield run-off rates' through the implementation of SUDS using either a sealed or filtration system under roads and parking areas. It is often the case that the highway is seen as a large area where SUDS storage can be obtained, but without adequately considering the long-term implications placed upon the adopting Highway Authority in terms of maintenance / costs.

It would appear from the application, that there is scope to provide a suitable SUDS solution that does not entail using the highway. The Highway Authority draws attention to this detail at the Outline stage, for the Applicants further consideration should the application be permitted.

Cycling

It is recognised that there is no dedicated cycle route from the application site, through to the local facilities or further into Taunton (apart from a small length when entering Taunton).

In terms of sustainability issues mentioned previously, it is recommended that such a cycle track should be provided by the Development and within the land controlled by the Applicant. Sufficient land can be provided along the site's western boundary, so that the existing footpath can be widened, upgraded and converted into a shared footpath/cycletrack with a suggested width of 3.5 metre.

Whilst this is the preferred desire line, to serve both the existing and proposed housing areas, it is recognised that this will impact on the environment with a substantial length of hedgerow being removed. Therefore, the LPA may consider it more appropriate that this facility should be provided within the confines of the application site to minimise the impacts on the environment and landscape. If this is the case, then an appropriate link should be made to the existing footpath at the north-western end of the site.

Any hedgerow removal will require appropriate timing, to ensure the impact of the environment (such as nesting birds, etc) is minimised.

In either case, this will only provide a partial upgrade of the footpath from Amberd Lane to Church Road. It is understood that further land may be available along this footpath, and within the applicant's control and it is recommended that the remainder of the existing footpath should be upgraded as far as practicable to provide a continuous footpath/cycle track with a suggested width of 3.5m.

Where the existing footpath cannot be upgraded for any reason, then a contribution should be sought to allow the Highway Authority to pursue this facility at a later date (including design, land, construction, signage costs, etc). With this in mind, any accesses from the development onto the footpath should be designed to accommodate cyclists with a view to the footpath being upgraded to enable cycling.

With regard to cycle parking, sufficient parking should be provided to meet the standards as set out in Manual for Travel Plans and levels set out in the County Parking Strategy. If cycle parking is to be provided within garages then additional space must be allowed specifically for this purpose.

Street Lighting will need to be considered for all footpath and cycle path links, to ensure year round use (including during the winter months) as well as providing enhanced pedestrian/cycle safety.

Travel Plan

The current application for 30 dwellings sits on the boundary between a Measures Only Travel Plan (less than 30 Dwellings) and a Travel Plan Statement (between 30 & 50 dwellings).

The application contains a Measures Only Travel Plan, and whilst the content is considered reasonable, given the site lies outside the Development Boundary Limits, the Highway Authority would consider a Travel Plan Statement more appropriate. This can be the subject of a suitable planning condition.

Traffic Impact

The Design and Access Statement, together with the Transport Statement provided by LvW Highways has been considered by the Highway Authority's Traffic Modelling Team.

In capacity terms, the Transport Statement is considered acceptable and the traffic impact of this proposal is estimated at around 20 new vehicle movements per peak hour period. The total predicted traffic flows are well below the 300 vehicles per hour, which can normally be expected to be accommodated by a rural lane with passing places (DfT TAL 2/04). The additional traffic generated by the application will mean a slight increase in delay on Amberd Lane, and some impact on junctions towards Taunton.

The Accident Database, which the Highway Authority holds, records Personal Injury Accidents (PIAs) that have been reported to and recorded by the Police. The Accident Database shows two accidents, just outside of the area in question.

These accidents have taken place near, but outside, of the area of concern. These are located along Honiton Road (not related to the Amberd Lane junction) and near "Amberd Barton" on Amberd Lane past the bridge.

There are no accidents recorded at the Honiton Road/Amberd Lane junction, or between this junction and the application site.

In summary, it is not considered that there will be a significant traffic impact on either Amberd Lane, or the Amberd Lane / Honiton Road junction.

However, it is accepted that there will be an increase in both pedestrian and vehicular activity along the sections of Amberd Lane where there is no footway facility. This should be considered by the LPA against the existing pedestrian and vehicular use by existing residents, as well as the fact that there have been no recorded Personal Injury Accidents within the last five years.

LGPS Resources - Technical Note

LGPS Resources have been commissioned by a group of local residents, to assess the accuracy and appropriateness of the Transport Case made by LvW Highways, which forms part of the planning application.

The following response is made in relation to the highway aspects of their report, rather than the planning issues, which should be considered by the Local Planning Authority. In general, the LGPS Resources report is considered acceptable and represents a reasoned argument. However, whilst there are a few points of minor detail which require clarification these are not considered sufficient by the Highway Authority to warrant further investigation at this time.

The speed survey along Honiton Road, provided by LvW Highways is considered acceptable by the Highway Authority, and it is recommended that the visibility splay is calculated using Manual for Streets. The Highway Authority has recommended 2.4m x 59m, which is slightly higher than required by the speed survey results, but will increase the visibility and safety at this junction.

The introduction of the traffic island displaces vehicles to the left, which in turn provides additional visibility which is likely to meet the required visibility requirements above.

The vehicle tracking plots (using the proposed traffic island) provided by LPGS is considered useful and highlights an area requiring detailed design. However, it is considered that a suitable traffic island can be provided in this case as sufficient space is available at the existing junction.

The main issue within the LPGS report appears to highlight their view that Amberd Lane has a capacity as low as 135 vehicles per hour. Whilst the first section of Amberd Lane appears visually narrow, as it is bordered by walls, there are suitable passing places along this stretch and the Highway Authority considers that 250 – 300 vehicles per hour (at the upper end of the 300 vehicles quoted in DfT TAL 2/04) provides a more realistic assessment. It is therefore considered that Amberd Lane has sufficient capacity for the development.

Bearing these points in mind, the Highway Authority considers the original LvW Highways Transport Statement sufficiently robust to support the application.

Internal Layout – Technical Comments

The following technical comments are provided in relation to the submitted indicative Masterplan.

The application site is located within a 30mph speed limit. The submitted drawing indicates proposed visibility splays of 2.4m x 70m in both directions which is acceptable. However, consideration can be given to lowering the 70m distance in accordance with Manual for Streets, to minimise the impact of the access.

There shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above adjoining carriageway level and the full extent of the splays will be adopted by Somerset County Council.

The proposed junction should incorporate 6.0m radii. The gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Amberd Lane.

Where the tie into the existing carriageway is made, allowances shall be made to resurface the full width of Amberd Lane where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm.

Due to the proposed horizontal alignment of the internal estate road(s) and the length of them, it would be beneficial for pedestrian movement/safety if 2.0m wide footways were provided. The submitted plan shows a lack of footways. It may be acceptable to only provide a footway on one side with a 1.0m wide margin on the other, in order to try and soften the overall appearance of the site.

A minimum carriageway width of 5.0m should be provided in lieu of the 4.8m currently being proposed.

Forward visibility splays based on anticipated vehicle speeds of 20mph should be provided across the inside of bends outside plots 14, 15, 17 and 21. There shall be no obstruction to visibility within these splays that exceeds a height greater than 600mm above adjoining carriageway level and the full extent of the splays will be adopted by Somerset County Council.

In terms of parking, the indicative Masterplan provides parking significantly above the recommended SCC Parking Standards. It is recommended that the parking provision be altered to accord with the SCC Parking Standards, however the LPA may wish to consider the overprovision against the concerns raised regarding 'overspill' parking onto Amberd Lane.

The private parking bays behind plots 1-5 should be a minimum of 5.5m in length to prevent any possible vehicle overhang of the footpath. An unobstructed 6.0m aisle should still be maintained in front of the bays.

Minimum 6.0m long drives will be required between access gates when opened and garage doors. Where access gates are not provided, 6.0m long drives will be required between the back edge of the highway and garage doors.

The Highway Authority would not wish to be responsible for all of the grass margins/verges within the development site. The applicant should confirm who will be responsible, will they be offered to Taunton Deane Borough Council as Public Open Space?

Any proposed planting within adoptable areas will require payment by the developer of a commuted sum. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by Somerset County Council will be required for all trees that are to be planted adjacent to the back edge of the prospective publicly maintained highway to prevent future structural damage to the highway. A planting schedule will need to be submitted to Somerset County Council for approval purposes for any trees/shrubs that are either to be planted within the highway or immediately behind it.

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

A condition survey of the existing public highway will need to be carried out jointly between the developer and the Highway Authority and agreed prior to any works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority before occupation of the development.

It is therefore recommended that contact be made with the Highway Service Manager - Taunton Area (0845 345 9155) to make arrangements for such a survey to be undertaken. No doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (wall mounted), steps etc.

The provision of a new footway within Amberd Lane and fronting plots 1-5, will require the possible relocation of an existing telegraph pole together with adjustments to existing carriageway gullies.

Bearing in mind the response provided above and in the event of the LPA granting permission, I have no objections to the proposed development subject to a Section 106 Agreement to secure the following:

1. The design and construction of a footpath/cycletrack, as far as reasonable within the Applicants control, linking Amberd Lane and Church Road. Where this is not achievable, then a contribution for these works should be provided.
2. The design and construction of a new traffic island at the junction of Amberd Lane Honiton Road. The design of this has yet to be agreed.
3. A minimum sum of £10K for Travel Planning requirements, including travel vouchers upon first occupation and production of information leaflets. This 'minimum' should be considered against the provision of a full Travel Plan Statement, and any additional elements arising from the Statement.

The following conditions are also required:

1. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge.
2. The gradient of the proposed access shall not be steeper than 1-in-10.
3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
4. Before the dwellings hereby permitted are first occupied, a 1.8m wide footway shall be constructed over the frontage of the site between the western edge and the vehicle access in accordance with a specification to be approved in writing by the Local Planning Authority.
5. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins.
6. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
7. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
8. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
9. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10.
10. There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

I would recommend that the following notes are attached to the Planning Certificate:

- a) The applicant should be advised that at least seven days before access works commence the Highway Service Manager: Taunton Deane Area Highways, Burton Place, Taunton, Somerset TA1 4HE (Tel: 0845 345 9155) must be consulted.

b) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of the 1st dwelling, and thereafter maintained until the use of the site discontinues.

c) The applicant is informed that a Section 106 Agreement will need to be entered into with the Highway Authority.

The S106 agreement will be subject to a full technical & safety audit which may require alterations to the highway design and prior to works commencing on site. The developer should contact the Local Planning Authority in the event that any technical amendments are required in order to revise the submitted plans.

**ERECTION OF 34,320 GROUND MOUNTED SOLAR PHOTOVOLTAIC PANELS
GENERATING UP TO 8.24MW OF ENERGY AT HALSE FARM, HALSE**

Grid Reference: 315581.128441

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development will generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There will be some significant short term harm to the visual amenities of the area, but the long term harm is considered to be limited. The benefits are, therefore, considered to outweigh the limited harm and the proposal is acceptable in accordance with Policy C12 (Renewable Energy) of the Taunton Deane Local Plan, Policies CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy. The development will not cause harm to wildlife interests, the amenities of neighbouring property or the highway safety, nor will it lead to an increase in off-site flooding. It is, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), EN3 (Local Wildlife and Geological Interests) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan, Policy DM1 (General Requirements) and guidance contained in the National Planning Policy Framework.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo HAL1-LP02-120503-01 Location Plan

(A1) DrNo HAL1-MP02-120813-r08 Modules Layout Plan

(A1) DrNo HAL1-ECO01-120813-r00 Landscape and Ecological Management Plan

(A1) DrNo OWL-TD01SIEMENS-120601-r01 Table Design

(A4) DrNo OWL2-INVERTER-120601-r02 Inverter Station 1000 kW

(A3) DrNo SH01-12022615-r00 Substation Building

(A3) Fence Drawing

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

3. Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.

Reason: To ensure that the site is adequately restored following the decommissioning of the site in the interests of the visual amenities of the area, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. The site operator shall inform the Local Planning Authority within 5 days of being brought into use that the site is operational and producing electricity.

Reason: To allow the Local Planning Authority to keep a firm record of the date of operation, to allow effective future monitoring of the development.

5. Prior to the commencement of the development, details of a strategy to protect wildlife shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Nicolas Pearson Associates' Extended phase 1 habitats survey dated May 2012 and aee's Draft Landscape and Ecological Management plan dated June 2012 and include:

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

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

Reason: To protect wildlife and their habitats from damage in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Statement.

6. (i) Before any part of the development hereby permitted is commenced, a

landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

7. Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. The Environmental Management Plan and Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase.

Reason: To ensure that the site is managed in an acceptable way to protect visual amenity and ecological interests on the site, in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

8. Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within 6 months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the access roads are returned to their former condition in the interests of highway safety and the visual amenities of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The perimeter fencing hereby permitted shall be erected prior to the commencement of any other works on site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect boundary trees, hedges and wildlife interests during the construction phase, in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

10. The development hereby permitted by this planning application shall only be undertaken in accordance with the approved Flood Risk Assessment (Ref: J-3999.2-FM dated May 2012 and prepared by H20K) specifically including the following measures detailed within the FRA:

- All access routes shall be permeable surfaces constructed of either mown grass or unbound stones; and
- The drainage strategy is implemented in full prior to any new buildings or arrays being installed at the site.

Reason: To ensure that flood risk is not increased, and where possible reduced, in accordance with NPPF paragraph 102.

11. Construction Traffic shall be routed and managed as described in Sections 2.3, 2.4, and 2.7 to 2.10 of the Construction Traffic Management Plan and additional signage as suggested in Section 2.6 that shall have been previously agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted shall be erected in the agreed locations prior to the commencement of the development and maintained for the duration of the construction phase.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network in accordance with Policy DM1 of the Taunton Deane Core Strategy.

12. The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction phase.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

13. The compound area at the site access shall be removed and the ground restored to its former condition within 1 month of the completion of the construction phase unless otherwise agreed in writing by the Local Planning

Authority.

Reason: In the interests of preserving the visual amenities of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.
This is a unique Reason

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission.

Reason: To protect wildlife interests and the visual amenities of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

15. No external artificial lighting shall be installed on the site.

Reason: To protect wildlife interests and the visual amenities of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

Notes for compliance

1. The Local Highway Authority advise that:
 - Where works are to be undertaken on or adjoining the publicly maintained highway, a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Mrs Maureen Atwell, Transport Development Group, Environment Dept, County Hall Taunton TA1 4DY, or by telephoning him on (01823 355645). Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.
 - The applicant should be advised that at least seven days before access works commence the Highway Service Manager Taunton Deane Area Highways Office, Burton Place, Taunton must be consulted.
 - Under Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.
2. Wessex Water advise that there is 150mm PVC water distribution main crossing the site. The main must be protected which must include consideration of the following:

- The location of the main needs to be confirmed exactly on site and marked accurately on all drawings.
- No panels or other structures will be permitted within the existing easement area (statutory minimum 3m either side of centred over the main).
- Construction traffic over the route of the main will also need to be confined to no more than normal agricultural type vehicles.
- Failure of the main due to damage or other reasons could effect considerably damage and stop operation of the planned solar farm for some time.
- Any resultant repair works to the main will be rechargeable and likely at considerable cost.
- Immediate unfettered access is required around the clock to this main for essential maintenance or repair (to meet this requirement, subject to agreement, the access point could be modified with the use of a joint multi-pad lockable vehicular gate system).

The applicant should contact the development engineer Peter George (01823 225225) to agree arrangements.

PROPOSAL

This application seeks full planning permission for the erection of an 8.24MW solar installation. The application indicates that 34,320 solar PV panels would be positioned on the 18.6ha site, across the 3 fields described below.

The arrays are proposed to be laid out on tables 4 landscape panels high, with an overall height of around 2.78m from the ground level (slight variations may occur due to undulating ground level), with the front of the panels around 0.8m from the ground level. The frames would be fixed to the ground using stakes or ground screws.

The submitted landscape masterplan indicates that the hedgerow along the northern site boundary would be thickened with native species on its southern boundary and the eastern hedgerow would be allowed to grow up to screen views from the northeast. Gaps in the hedgerow along the green lane that passes through the site would be filled in with native species and a new hedgerow would be planted along the northern edge of the public footpath to the south. A 1.9m security fence would be provided around the perimeter of each of the 3 fields.

The application originally proposed that construction traffic would access the site via Tithill Lane, with construction traffic exiting via the Halse to Heathfield road. Following concerns raised by local residents, a new construction traffic management plan has been submitted. This revises these arrangements to route all construction traffic via the Halse to Heathfield road and then via existing farm tracks to join Tithill Lane at the end of the green lane.

SITE DESCRIPTION AND HISTORY

The site comprises three agricultural fields immediately to the south of Ash Priors Common, a designated County Wildlife Site. From the south of the Common,

running to the east of the northern part of the site and through the centre of the southern part is a sunken green lane which connects with the northern end of Tithill Lane and then on to Dene Road between Bishops Lydeard and Cotford St Luke.

The green lane is bound on both sides by mature hedge planting which screen views into the site along the majority of its length, although there are small gaps in places. As the lane rises to the south of the site, views are available of part of the site, framed by the hedges either side of the lane.

At the southern end of the green lane and the northern limit of the metalled part of Tithill Lane, a public footpath runs east towards Hopkins Farm. This path is elevated above the site and offers the most expansive public view across the application site.

The northern edge of the site at its boundary with Ash Priors Common comprises a mature hedgebank and mature trees at the edge of the wooded Common. The western and south western boundaries have mature hedgerows, whilst the east and south eastern hedge boundaries have more gaps and individual trees.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL – The Council objects to the proposal on the following grounds:

- Tithill Lane is unsuitable for construction traffic as it is narrow, the surface is in poor condition and part of the road is a restricted byeway. Increased traffic along the road would pose a danger to pedestrians using the route.
- The development would spoil views both within the immediate area and from the Quantock Hills.

Should the application be approved, the Council would like to propose that a bond be put in place by the developers before construction work commences. This would cover any damage caused to Tithill Lane and associated Public Rights of Way. In addition it is requested that the connection with the National Grid network be constructed underground.

SCC - TRANSPORT DEVELOPMENT GROUP – Somerset County Council is generally supportive of alternative energy development and as such there is no objection in principle to the proposal.

The proposed development is situated on agricultural land in proximity to Ash Priors Common for the development of a 34,320 solar photovoltaic panel park. Having made a site visit and studied the documentation supporting the application it is clear that the proposal is in an adequate location for this type of development.

Notes that Tithill Lane would not be suitable for access to the site and that a revised Construction Management Plan proposes access via Oxlear Barton Lane (the Heathfield to Halse Road).

Oxlear Barton Lane is a designated unclassified highway to which the National Speed Limit applies. It was observed from my most recent site (13th August 2012) visit that vehicle speeds travelling along Oxlear Barton Lane are significantly reduced due its narrow and sinuous nature.

The proposal will make use of this existing access and carry out improvements to benefit the type of vehicles that will be associated with the site. In terms of visibility, drawing No. 12375/T03 shows that the access can provide 2.4metres x 25metres, with no obstruction over 900millimetres in either direction. I am satisfied that suitable visibility can be achieved.

It is shown on Drawing No. 12375/T03 that the first 15metres of the access is hard surfaced, which is to prevent any loose debris from being carried onto the public highway. Also, the applicant will need to provide a wheel wash facility to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway.

It is noted that the Construction Traffic Management Plan seeks to minimise the likelihood of HGV/large vehicles meeting along Oxlear Barton Lane by using a staggered ('call on') in/out, one way arrangement, where vehicle operators will need to clarify, through radio, with the Site Manager there intention to use the proposed route, to avoid large vehicles meeting along Oxlear Barton Lane. By making use of the existing public lay-by adjacent to Oakfield Farm along the B3227, vehicles will be able to safely notify the Site Manager. The public lay-by is approximately 3km from the site access.

Also the Traffic Consultant has highlighted that as part of the development appropriate signage in proximity to the site (see 2.6 Signage - Construction Traffic Management Plan) during the construction phase will be erected to notify all highway users of the potential hazard that will be associated with the development.

The Transport Consultant has provided satisfactory swept path analysis diagrams, detailing that the vehicles associated with the construction of the development are able to navigate Oxlear Barton Lane, causing minimal disruption to the highway network.

I would wish to see a highway condition survey imposed, this should be carried out to ensure that any damage that occurs to the public highway and rights of way, can be directly attributed to construction vehicles associated with the construction of the photovoltaic park. In the event of any damage to the public highway, repair costs would need to be met by the applicant.

The Local Highway Authority, therefore, raise no objection and recommend conditions that a condition survey of the local highway network be carried out and wheel washing facilities are placed on the site.

LANDSCAPE LEAD – The Landscape & Visual Impact Assessment is thorough and I generally agree with the findings and the proposed mitigation measures. Subject to details of the proposed mitigation I consider that it should be possible to significantly reduce any landscape impacts after a short period of time.

BIODIVERSITY – Nicholas Pearson Associates carried out an extended phase 1 habitat survey of the site in May 2012. In addition a draft Landscape and Ecological Management Plan dated June 2012 was submitted in support of the application. Findings of the report were as follows:

- No evidence of bats and badgers on site. However, badgers are mobile animals, so I support the recommendation of a pre-construction check of the site one month prior to the commencement of works
- Ponds in adjacent woodland considered sub-optimal for Great Crested Newts, but presence can't be ruled out
- Hedgerow network and adjacent woodland offer foraging habitat for breeding birds, dormice and reptiles.

The three breaks in the hedgerow proposed to install the earth copper ring could impact on birds, dormice, Great Crested Newts and reptiles. I support the mitigation proposed to minimise impacts.

Additional mitigation for the scheme consists of new planting, sensitive management of existing hedges, sowing of herb rich grassland seed mix, the management of ponds and the erection of bird and bat boxes.

A condition is recommended for the protection and accommodation of wildlife.

STRATEGY AND COMMUNICATIONS – No comments received.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – No comments received.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – No comments received.

ENVIRONMENT AGENCY – The EA has no objection to the application subject to a couple of conditions with regard to access road surface, drainage and potential water pollution being imposed upon any permission granted.

HALSE PARISH COUNCIL – No response received.

ASH PRIORS PARISH COUNCIL – No response received.

COTFORD ST LUKE – The Council objects to the proposal on following grounds of:

- Tithill Lane being too narrow for the construction traffic and surface of road being in a poor condition already
- Part of the one-way-system being along to public footpaths for which no public footpath diversion is in place
- No measures being in place to protect walkers and horse riders from the increased traffic
- Difficulties caused by construction traffic for residents to access / egress their properties. This comment also applies to emergency services, refuse and

- recycle collections etc
- Concerns about structural integrity of Tithill Lane bridge. Also, no indication that the contractor will make good any damage potentially caused to the bridge.
- Visual impact on aeroplanes from reflective glare of panels – site is on the flight path for Bristol, Exeter and other airports located in the South West, and for military aircraft at Norton Manor Camp.
- There will be a visual impact from the reflective glare and power lines for Cotford St Luke and surrounding country side
- The panels will be audible when in use. No audiology impact assessment undertaken yet.
- Adverse impact on wildlife and their habitat caused by the construction and maintenance of the panels

Should consent be granted, Parish Council requests a sufficient bond to be deposited with SCC Highways to make good any damage to Tithill Lane and Tithill Lane bridge.

QUANTOCK HILLS AONB SERVICE – Although beyond the boundary of the Quantock Hill AONB Authority is concerned that the proposal may be visible from the Quantock Hills. They ask for due consideration is given to any potential adverse visual impacts on the protected landscape, in particular with regard to the purpose of conserving and enhancing the natural beauty of the AONB in line with Section 85 of the Countryside and Rights of Way Act 2000.

WESSEX WATER – a water distribution main that crosses the site must be protected.

Representations

County Councillor John Wilkins – “I object to this application on the following grounds. This is a large scale development of hard landscaping within open countryside and close to a conservation village and the Quantock Hills Area of Outstanding Natural Beauty. There will be an adverse affect on both adjacent and distant views. The development is immediately adjacent to Ash Priors Common. All of these factors will detract from the general enjoyment of this attractive rural location”.

29 Letters of OBJECTION have been received, making the following comments:

Principle of development:

- No planning gain arises out of the proposal. 41 acres of good agricultural land will be lost and any local employment will be minimal and for the construction period only.
- Forty-acres of good farmland will produce far more energy (food) than that which could be produced by the solar farm. Proposal might help with increasing energy security, but also increases dependency on food imports by loosing 40 acres of arable land for 25 years. Food imports will also increase carbon emissions.

- With the likelihood of a new reactor (Hinkley C) being built at Hinkley Point, this huge solar panel installation will soon be superfluous.

Scale of development and landscape impact:

- Potential glare and reflection of sunlight from 34,200 panels not acceptable.
- Development out of scale with the surrounding area and access point.
- Scale of development considerable and will have an adverse impact on those who currently enjoy the countryside from the footpaths.
- Statement in the proposal that the site is surrounded by thick woodland is incorrect: Only the northern boundary is.
- Proposal would detract from views of Bishops Lydeard and in particular the heritage railway station when viewed from public right of way T4/19 at Hopkins Farm.
- Proposed solar farm would also stand out significantly when viewed from the Quantock Hills AONB.
- Proposal is a large scale development of hard landscaping within open country side and close to a conservation village and the Quantock Hills AONB. There will be an adverse affect on both adjacent and distant views.
- The development is immediately adjacent to Ash Priors Common and will detract from the general enjoyment of this attractive rural location.
- Development more acceptable if moved one field further west using access from Ash Common to Halse Road that would be of better standard and size

Neighbouring property

- Site can be viewed from Templars. Occupants want to be assured that anti-glare will be applied to panels and will be properly maintained
- Local farmer objects potential upgrade of powerlines (bigger pylons) on his land.
- Residents feel that property value could be reduced because of the scheme.

Traffic/access

- Numerous concerns were raised about the use of Tithill Lane to acces the site by construction traffic. This was in terms of the width and alignment of the lane, the potential erosion to banks, the disruption to the free flow of traffic on the lane and the conflict with agricultural activities. Concerns were also raised over the suitability of Dene Bridge, over the West Somerset Railway. [Given the now amended access proposals, these concerns are considered to have been overcome].
- The amended access route is much better, although a better route would be via the Ash Common - Halse Road.
- Hedgebanks as well as the road surface must be repaired.
- The unsurfaced bridleway beyond Stallenge Farm will be totally incapable to withstand weights of heavy traffic and will become unusable for walkers and riders

Other Matters

- Proposed deer fencing will prevent deer from crossing the site and force them to go round. Harm could be caused to pedestrians or riders using the bridleways when meeting deer during rutting time.
- Detrimental impact from lorry traffic to animals living in hedgerows and grass banks along Tithill Lane.
- Public bridleway that runs through site is regularly used by horses and riders to access the woods at Ash Common. Glare from panels could scare horses

thus putting riders at risk.

- Glare from panels could also cause issues to civil aviation. Query whether Civil Aviation Authority has been consulted about this.
- Scant information regarding the increase or upgrade of overhead power lines needed to support the electricity generated and the decommissioning of the solar farm at the end of its useful lifespan.
- Potential upgrade of the local overhead powerlines to cope with 8.4MW of power would create additional traffic along Tithill Lane
- Query whether new power lines will go from the development and whether they would be placed underground to preserve the rural nature of the locality
- Lack of notification (site notices) in area
- Method of notification to some people directly affected by this proposal has been somewhat erratic and ineffective
- Query whether a bond has been considered / declared to make good anything affected by the works
- The suggestion that sheep could graze under the these ground mounted photovoltaic cells has already been shown in other installations to be impractical as the sheep rub against the cells causing damage and are then removed
- Is there a plan and finance to restore the site to its former state in case that investors go bankrupt (as happened at Sandhill Park solar farm)?

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
EN28 - TDBCLP - Development and Flood Risk,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
S1 - TDBCLP - General Requirements,
EN3 - TDBCLP - Local Wildlife and Geological Interests,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the landscape impact and the impact on the highway network. Ecology and flood risk must also be considered.

Principle

The National Planning Policy Framework (NPPF) states that the purpose of planning is to contribute to the achievement of sustainable development. This should be with a social, economic and environmental role. In terms of its environmental role, planning should contribute “to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”. As part of the 12 principles of planning, the NPPF states that in moving to a low carbon economy, Local Planning Authorities should encourage the use of renewable resources (for example, by the development of renewable energy).

Paragraph 79 specifically states: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”, going on to add that local policies “should maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”. As in previous planning policy, the NPPF indicates that the ‘need’ for the development should not be considered by the Local Planning Authority.

In terms of local plan policy, the proposal is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purpose or accord with other specific development plan policies. Policy C12 relates to renewable energy development and also states that such proposal will be permitted where relevant policies are met. In this context, those policies are considered to be the ones relating to the other considerations detailed in the remainder of the report.

The emerging Taunton Deane Core Strategy states at Strategic Objective 1 (Climate Change) that “Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects”. Policy CP1 (Climate Change) states that ‘proposals for the development of renewable and low carbon sources of energy, including large-scale freestanding installations will be favourably considered provided that...[they] can be satisfactorily assimilated into the landscape ... and would not harm the appearance of these areas; [and that their] impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal”.

Some concern has been raised about the loss of high quality agricultural land and that the reduction in carbon emissions would be off-set by an increase from food importation. Neither local nor national planning policy makes any meaningful reference to the quality of agricultural land and whilst its loss is regrettable, the permission is sought for a 25 year period after which the land could be returned to agriculture. As such, it is not considered that this matter carries sufficient weight to warrant refusal of the application.

With regard to the foregoing, it is considered that the proposal is acceptable in principle, provided that it has an acceptable impact on the landscape, ecology, highway network and other surrounding land uses.

Landscape impact

In general terms the site is not widely visible in the surrounding landscape. Whilst it adjoins the publically accessible area of Ash Priors Common to the north, the mature hedgerows, mainly on top a bank and trees along this boundary general prevent views into the site, unless one stands on top of the banks at the site boundary. In addition, where there are gaps, it is proposed to enhance the boundary with further planting.

Views are also available from the railway station platform at Bishops Lydeard Station, although this is at some distance. The landscape is generally level between this point and the site and, as such there is not a wide open view of the site. The applicant proposes to allow the eastern boundary hedge to grow up in order to

screen views from this direction and this is likely to fully mitigate the impact from this location in a relatively short period of time.

The most significant view of the site is from the public footpath between Hopkins Farm and Tithill lane to the southwest of the site. This footpath is elevated above the site and views would be available at close range down on top of the installation. Being from the south, the full effect of the main faces of the panels would be visible and the full form of the installation would be discernable.

Enhanced planting along the south western site boundaries cannot mitigate this view due to the elevation of the path above the site. The applicant, therefore, proposes to mitigate the view through the planting of a hedge along the northern side of the footpath. Such would have the effect of screening the panels from view, but the downside would be the simultaneous loss of outlook in this direction towards the Quantock Hills. Given the height and close proximity of the hills, it is unlikely that they would be totally obliterated from view, but they would not longer be seen in the context of the flat and gently rising vale in the foreground. However, this loss of outlook from this relatively short length of footpath is not considered to be significantly harmful given the ongoing connections to the wider footpath network.

The second most significant viewpoint is from the northern end of Tithill Lane walking north onto the green lane to Ash Priors common. From here, the green lane descends steeply towards the site offering views of the site between its hedgerows. Since the path is heading straight towards the site at this point it is impossible to screen the installation from view. There would, therefore, be some significant harm to this viewpoint for the duration of the development, albeit that it would only affect approximately 100m of path. Such harm will need to be weighed against any benefits that the proposal may bring.

In addition to the initial descent towards the site, the green lane then continues through the middle of the installation. It is bound on both sides by high hedges that would totally screen views to the site by walkers. Representations received claim that this is a popular horse riding route and it is not clear whether horse riders will be able to see the installation over the top of the hedges. If they can, then there would be further harm to this substantial length of path.

In terms of wider views from the Quantock Hills, it is considered that the site will not have a significant impact on the natural beauty of the area. It is some 5km distant from Cothelstone Hill, the closest major viewpoint on the hills, and given the surrounding woodland landform features in the area, it seems unlikely that the development would be overly prominent from within the AONB.

Highways and site access

Following substantial local concern about the use of Tithill Lane for construction access, the proposals have been amended to provide access from the Heathfield to Halse Road, referred to by the Local Highway Authority as Oxlear Barton Lane.

Oxlear Barton Lane is a narrow single lane highway and part of the network that links Halse to the wider strategic road network. It is, however, lightly trafficked and does have some passing places. The applicant's Highway Consultant has tracked the lane for the type of vehicles that would be used to transport construction materials to

the site and, with some slight modifications to the access, this shows that the lane can be used by the traffic that would need to be attracted to the site.

However, with some 180 HGV movements proposed over the 10 week construction period, there is potential for conflict on the lane should one HGV entering the site meet another exiting. There are very limited opportunities for two such vehicles to pass on this stretch of highway. The applicant's consultant therefore proposes to implement a construction traffic management plan whereby a vehicle about to enter the site would pull over in a layby on the B3227 and call ahead to check that the lane was clear. The site manager would, then, be responsible for ensuring that he did not release another vehicle from the site. The Local Highway Authority considers that, with appropriate signage also in place, this system would be an acceptable mechanism for avoiding disruption to the local highway network during the construction phase.

Once operational the site would be visited approximately once per month by a maintenance van. It is not considered that this traffic generation is significant and, therefore, there is no need to control how such access would occur.

From the public highway, traffic accessing the site would make use of an existing farm track, also a public right of way, to the northern section of Tithill Lane then onwards to the green lane and the site beyond. Again, there is potential for a conflict with pedestrians using these rights of way, but it would be for a short period of time. The use of the right of way for vehicular access will require special agreement with the County Council under separate legislation.

With regard to the above, the impact on the local highway network is considered to be acceptable.

Ecology

The submitted ecological survey identifies limited ecological potential for the main parts of the site, although notes that the hedgerows and surrounding trees do have wildlife potential, including providing habitat for some protected species.

It is proposed that the development is set off the hedgerows by at least 10m and the prior erection of the perimeter fencing will ensure that construction activities do not affect the habitat. Where the hedgerows have to be breached for construction and installation purposes, this will be for a limited length and the Biodiversity Officer is satisfied that the impact on potential habitat can be adequately controlled by condition.

Flood Risk

The Environment Agency considers that the increase in impermeable area is small. They do not consider that the panels themselves should be considered as impermeable area since they drain immediately onto the ground between the panels as in the existing situation. However, as the water would fall entirely into one area as it runs off the panels, there is potential for surface water run-off to be slightly faster. In order to mitigate this, scrapes and swales are proposed across the site to intercept flows and slow it to Greenfield rates prior to them leaving the site. The EA

considers the proposed designs to be acceptable and, therefore, do not believe that the site would give rise to any increase in off-site flooding.

One objector to the proposal has commented that construction activities will compact the soils and will, therefore, alter the ground's ability to absorb water. Such, he argues, will lead to increased run-off rates that should be attenuated by larger swales on the site. The EA have been asked to specifically consider this matter and they have responded, saying "whilst the occurrence of compaction is a theoretical possibility, it is unlikely to have a significant impact in this area because of the loamy clay soil type (which has limited infiltration) and the fairly gentle gradient of the site".

They also consider that it would be very difficult for the applicant to rigorously model such an impact and provide an accurate assessment. As such, they consider that such impacts need not be considered as part of this application.

Other matters

There is a scattering of isolated dwellings in the vicinity of the site. However, it is not considered that they would be adversely affected by glint or glare from the panels. Residents of Templars, who have made specific reference to this point are located to the east-northeast of the site and are, therefore, unlikely to suffer from glare as the faces of the panels would face away from them. Whilst no comments have been received from Environmental Health, it has been accepted in terms of other installations that it is unlikely that a significant amount of noise would result from the development.

It has been suggested that the civil aviation authority may have an interest in the application due to potential glare from the panels. However, they are not a statutory consultee on the application and, therefore, do not need to be consulted in this instance.

The applicant has confirmed that connection to the grid will be made to at the north east corner of the site, to an existing 33kV overland line. 3 additional poles will be required to make the connection.

Conclusions

It has been shown above that, with the exception of landscape impact the other impacts detailed above can be adequately mitigated and controlled by condition. It is accepted that there will be some permanent (for the life of the permission at least) harm to some views along a short stretch of the green lane and it is possible that horse riders will have a full view of the panels along the duration of the lane. However, this must be balanced against the wider carbon reduction that would occur nationally from the increased uptake of renewable energy. A development of this scale would produce a substantial amount of electricity and, as such, it is considered that the benefits are significant and, in this case, outweigh the identified, limited, harm. With regard to these matters, it is recommended that planning permission is granted.

In preparing this report the Planning Officer has considered fully the

implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

CONVERSION AND ALTERATION OF BUILDING 14 TO FORM A DWELLING HOUSE AND DEMOLITION OF ATTACHED OUTHOUSE AT COTHELSTONE YARD, COTHELSTONE (AMENDED DESCRIPTION)

Grid Reference: 318238.131718

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed works will preserve and enhance the character and historic interests of the listed building and the setting of the buildings at Cothelstone Yard. The proposals are therefore considered to accord with policies S1 and S2 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained within the National Planning Policy Framework. Further, the listed building, its setting and any features of special architectural or historic interest will be preserved in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo 12-CB14P Proposed Elevation and Floor Plan
(A4) DrNo 12-CB14L Location Plan
(A4) DrNo 12-CB14B1 Block Plan

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

3. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Section 16 of the Planning

(listed Buildings and Conservation Areas) Act 1990, Policy CP8 of the emerging Taunton Deane Core Strategy and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in National Planning Policy Framework.

4. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: new external windows and doors; flue; venting of roof and enclosed bathroom/ensuite; finished treatment for all joinery; guttering and downpipes; ridge/hip treatment; cills and lintels; timber cladding; render.

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

Notes for compliance

1. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

The application seeks Listed Building Consent for works associated with the

conversion of a B1 light industrial building to a self contained two bedroom dwelling house at Cothelstone Yard, Bishops Lydeard. The application also proposes the demolition of an attached and derelict outhouse to the North elevation.

Internally, the proposals include works to erect partition walls subdividing the floor space into two bedrooms, two bathrooms, a kitchen and living area. Externally the building will be re-roofed with natural Spanish slates; three conservation roof lights will be inserted within the Western roof elevation. The North elevation will be rendered with Wellington red sand. With regard to openings, it is proposed to re-use all existing openings and to reopen two blocked up openings to form windows; one new opening is proposed to the West elevation. The new doors will be of timber and a stable design; windows will be as existing - a combination of timber and metal.

The application is supported by a brief historical synopsis of the Cothelstone Estate together with a Design and Access Statement.

The application description has been amended to better reflect the proposals.

SITE DESCRIPTION AND HISTORY

The building subject of the application is described as Building 14; it is single storey in scale and of stone walls, timber doors, a combination of timber and metal windows and grey box profile sheets to the roof. The building has attached outbuilding structures to the North and West and is set within the main yard complex that comprises traditional agricultural buildings. The application states that the building is currently permitted for B8 (storage) and B1c (light industrial) use.

Planning Permission and Listed Building Consent were most recently approved for the conversion of buildings at Cothelstone Yard to a mixed range of uses under LPA reference 13/05/0007 and 0008LB. Notwithstanding its extant use, Building 14 was approved for use as a retail unit.

Planning permission for the conversion of the building to a dwelling, reference 13/12/0005, has been refused under delegated authority dated 17 August 2012,

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOP LYDEARD & COTHELSTONE PARISH COUNCIL - Supports the proposal but would be sorry for any further loss of local employment should similar applications be received in the future.

SCC - TRANSPORT DEVELOPMENT GROUP - Due to location occupants are likely to be dependent upon private motor vehicles for most daily needs. Such fostering of growth is contrary to policy. The access has been reviewed and granted previously. The same conditions equally apply to this application.

CONSERVATION OFFICER - Building of limited/no historic merit and proposed alterations, can reasonably be argued to be an improvement. Dedicated amenity space for the proposed dwelling, not clear.

Representations

None received.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
S&ENPP9 - S&ENP - The Built Historic Environment,
NPPF - National Planning Policy Framework,
CP8 - TD CORE STRATEGY- ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration are the impacts of the proposed works upon the listed building. Applications for listed building consent must be determined in accordance with 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”.

In its current condition and given its general appearance, Building 14 is considered to have limited merit as a heritage asset. The building is listed virtue of its curtilage status and not based upon its own historic or architectural interest. As noted by the Council's Conservation Officer, the building is of limited merit and it does not contain any significant features of architectural or historic merit to my knowledge. In terms of impact upon the building, the existing extant use and the retail use permitted under LPA reference 13/05/0007 would require less intervention into the fabric of the building than residential, however given the limited interest of building 14, the residential use proposed under the corresponding planning application (13/12/0005) is not thought to represent significant harm to the listed building.

The proposed works are considered to result in a modest improvement to the buildings external appearance although there do remain features such as the casement window design that do not wholly reflect the historic character of the building. Internally the new layout will not result in any detriment to historic features, as in this instance the building is not thought contain any. The materials that have been proposed are acceptable and will not detract from the rural character of the building, reflecting instead the general appearance of buildings as a group. Notwithstanding this matter, given the heritage value of the building, when considered as part of the wider yard setting, it is considered that the new windows should be of timber only in order to ensure that they make a satisfactory contribution to the character and appearance of the building. The submission refers to existing windows to be matched but with this including metal frames, it is thought to be necessary to condition the window details.

Having regard to the above, the proposed conversion will preserve the character and appearance of the listed building; the works and alterations will not damage any features of special architectural or historic merit. It is therefore recommended that Listed Building Consent be approved subject to conditions.

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

ERECTION OF 58 NO. DWELLINGS WITH FORMATION OF ACCESS, REMOVAL OF A SECTION OF LISTED WALL AND DEMOLITION OF THE GYMNASIUM AT KINGS COLLEGE, SOUTH ROAD, TAUNTON

Grid Reference: 323526.123908

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the view of Wessex Water and subject to a S106 to secure

- 25% affordable housing on site,
- Education contributions for primary of £147,084 and secondary provision of £147,752,
- a management plan for future maintenance of the boundary walls around the site,
- a management plan for the open space, play space and on site surface water attenuation or commuted sums for their upkeep if transferred to the Council,
- a community use agreement be entered into for the tennis courts, sports hall and playing pitch to be retained on the Nursery Field,
- a community hall contribution and an allotment contribution,
- a travel plan and a trip off-setting scheme.

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties or adversely affect the setting of the listed building or character of the conservation area and is considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4, 9 and 49, Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential Parking Provision), C4 (Recreational Provision) and EN14 (Conservation Areas) and Core Strategy 2011-2028 Policies CP4 (Housing), CP8 (Environment) and DM1 (General Requirements).

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo 00 Site Location Plan
(A1) DrNo 01 Existing Site Plan
(A1) DrNo 02 Rev D Proposed Site Plan
(A1) DrNo 03 Rev A Section & Elevations
(A1) DrNo 04 Wall Elevations
(A1) DrNo 05 Units A & B
(A1) DrNo 06 Units C & D
(A2) DrNo 07 Units Elevations
(A3) DrNo 08 The Square
(A3) DrNo 09 South Terrace
(A3) DrNo 10 View from South Road

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

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

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

4. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

5. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of outfall arrangements, wayleaves and consent to discharge as well as details of maintenance and management after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with NPPF paragraphs 102 and 109 and Taunton Deane Core Strategy Policy CP8.

6. Detail of the public art element to be designed into the public realm of the site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of any dwelling.

Reason: To ensure public art is designed into the scheme in accordance with policy DM4.

7. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority and also any external lighting on buildings or fences shall be agreed prior to installation and shall thereafter be carried out as agreed.

Reason: In order to control the means of lighting to prevent light pollution and harm to wildlife.

8. The existing access gate in the northern boundary shall be retained for emergency access only and not as a public right of way.

Reason: In the interests of highway safety and to protect the amenity of neighbouring properties.

9. Details of the surface treatment finish to the access roads into the site from South Road and any parking areas shall be submitted to and approved in writing by the Local Planning Authority prior to their construction being completed and shall thereafter be carried out and maintained as agreed.

Reason: In the interests of the character of the area in accordance with policy S2 of the Taunton Deane Local Plan.

10. Prior to commencement of development details of the proposed layout and specification for the replacement tennis courts along with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning

Authority.

Reason: To ensure that a satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use to accord with Sport England and policy C3 of the Taunton Deane Local Plan.

11. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

Reason: In the interests of highway safety.

12. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times..

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

13. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of jh Ecology's Ecological Impact Assessment report dated May 2012 and include:

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

Once approved the works shall be implemented in accordance with the approved details and 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 bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate wildlife.

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

Authority.

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

15. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.

Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.

16. Before any part of the development hereby permitted is commenced a plan showing:
 - (a) the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2005); and
 - (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.

Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.

Notes for compliance

1. 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 to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

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

2. The alteration of the access and/or minor works will involve construction works within the existing highway limits requiring a Section 184 Permit. These works must be agreed in advance with the Highway Service Manager for the Taunton Area at Burton Place, Taunton, TA1 4DY. Tel No 0845 345 9155, He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980. Application for such a permit should be made at least four weeks before access works are intended to commence.
3. Whilst we have accepted the drainage strategy in the updated FRA (dated July 2012), we note the surface water attenuation area is assumed to be “trapezoidal”. We would expect any facility to be designed to offer biodiversity and amenity benefits so this may need to be altered at the detailed design stage.
4. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to development commencing , and thereafter maintained until the use of the site discontinues.
5. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

PROPOSAL

The proposal is to erect 58 houses on the site at Nun's Field south of the former Convent on South Road, with the formation of access and road to serve the site. The dwellings include 40 x 4 bedroom units, 6 x 3 bedroom units and 12 x 1 bedroom units. The works will involve the removal of a section of around 15m of wall to the South Road frontage, a section of 6m of listed wall within the site and the removal of the gymnasium. The site consists of 2.7ha and is a mix of playing fields, sports hall and informal open space. There are a number of large trees to the north east corner of the site and a listed wall running east to west, subdividing the Nun's Field to the north from the Nursery Field and its grass pitch to the south. The walled area extends around the northern part of the site acting as a partial screen to the residential development proposed.

A Design and Access Statement, Heritage Assessment, Ecological Assessment, Flood Risk Assessment, Transport Statement, Planning Statement and Arboricultural Method Statement were all submitted as part of the application.

SITE DESCRIPTION AND HISTORY

The application site consists of two fields within the same ownership subdivided by a listed wall and historically part of the former listed convent building complex to the north. The fields have more recently been utilised by Kings College for sports facilities with the provision of a synthetic pitch, tennis courts, gymnasium and grass playing pitch.

An application for 81 dwellings on this land off South Road was submitted in March 2008 (38/08/0131) and subsequently withdrawn in October 2008. An outline application for 76 dwellings on the same site was submitted in December 2010 (38/10/0435) and was withdrawn in March 2011.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - I have the following observations on the highway and transportation aspects of this proposal:-

Access - The design of the proposed access is considered to be acceptable. The proposed visibility splays accord with the guidance contained within 'Manual for Streets'

It is noted that the existing access point to the north of the site is to be retained for use as an emergency access. This is acceptable subject to agreeing how the use of this access would be controlled.

Internal layout - The internal layout is considered to be generally acceptable, however there are a number of minor concerns.

An appropriately dimensioned visibility splay is required across the entrance to the football pitch parking area. Adoptable 20m forward visibility splays are required across the bends within the proposed cycleway.

Adoptable 17m forward visibility splays are required across all carriageway bends.

An adoptable flat 600mm wide margin will be required between the cycle path and the proposed sloping bank to the west of the football pitch. The embankments should have a maximum slope of 1:2, and cuttings 1:1.5.

The tie in of the proposed cyclepath and existing path that runs along the western site boundary should be formed at 90 degrees. Appropriate visibility splays are also required.

Footways with a minimum width of 1.5m should be provided at the tie-in between the shared surface and proposed carriageway, between the gap in the wall.

The proposed shared surface should have a minimum width of 5m with adoptable 500mm margins to both sides. The longitudinal gradient of the block paved carriageway should be no less than 1:80 to aid the dispersal of surface water.

It has been assumed that the footpaths which surround the development together with the soft landscaped area in the middle of the site would either be adopted by TDBC or a management company. Please advise if this assumption is incorrect.

The proposed use of low light pollution lighting would need to be approved by the Taunton Area lighting manager prior to installation. This is something that could be addressed via planning condition.

All street furniture, including the lighting columns, shall be located no closer than 450mm to the carriageway edge. The parallel parking bays should have a minimum length of 6m, not including the splays.

Motorists using the parallel parking bay immediately prior to the road narrowing when leaving the site, will have difficulties manoeuvring due to the proximity of the narrowing. This issue could be addressed by relocating the parking bays further away from the narrowing. The parking bays which have bollards placed in them should have a minimum length of 5.5m.

Flood Risk Assessment - All permeable paving areas should be designed with levels to fall away from the public highway. To minimise the effect upon the structure of the adjacent highway the first 1m of these paved areas shall not be permeable. The proposal to drain the main access roads via a system of edge filter strips is noted, but for any road to be considered for adoption, collection of the run-off should be achieved via gullies or kerb drainage units discharging to a carrier drain. The full perimeter of all carriageways would need to be kerbed, therefore 'over the edge' drainage would not be acceptable.

The options for the location of the geocellular storage tanks are noted and it would be the highway authority's preference for such tanks to be located under the central landscaped area. The Applicant should note that these tanks cannot be located under prospective public highway areas. Furthermore, the tanks should be wrapped in impermeable geomembrane with welded joints and the system tested to ensure that it is water tight.

Additionally, the tanks should be located a suitable distance from the edge of the highway in order to ensure that maintenance/construction operations in the highway do not compromise the integrity of the tanks or the membrane. It is suggested that a 2m buffer is provided between the highway and the edge of the excavation for the tanks; however, it is imperative that the Applicant seeks advice from the manufacturer of the system in this regard.

It should also be noted that Wessex Water has historically been reluctant to accept proposals for public sewers located beneath a permeable paved area, and it is recommended that this issue is raised with Wessex Water directly.

Summary and Recommendations - It should be noted that the B3170 South Road is a County Route. As such, any development which takes access from a County Route would generally be recommended for refusal, as it is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review. However, it would be up to the Planning Officer to weigh up the merits of the proposals against this policy objection.

The Transport Statement should be amended to address the concerns outlined within this response.

Ideally the comments provided regarding the proposed layout and FRA should be addressed prior to approval, however, these issues could potentially be addressed by condition, if required.

Additional comments received on 17/09/2012

Further to our previous comments, and amended plan (drawing number 02 D) has now been received. The amended layout has been amended to reflect our previous comments.

Adoptable 20m forward visibility splays have now been shown for the cycle areas. It is recommended that these, and the detailed design of the cycleway, are secured by appropriate planning condition.

It is noted that the internal shared surface arrangement is to remain private; therefore some of our previous comments relating to this area are not applicable. However, it is noted that the width of the carriageway has been widened to 5m, which is considered to be acceptable.

It is understood that the level of car parking and deviation from the recommended Somerset County Council parking Strategy guidelines has already been agreed with the Local Planning Authority. However, it is unclear how the level of cycle parking has been fully agreed, given that the Travel Plan has not yet been agreed.

Notwithstanding the above, amendments to the Travel Plan are required. Given the tight timescales it is unrealistic to request an amended Travel Plan at this stage; therefore, it is recommended that the Travel Plan is secured within the S106 agreement.

The main outstanding issue is with regard to the traffic impact. However given the Highway Consultants response we are satisfied that this can be resolved.

It is acknowledged that congestion is currently an issue on South Road, due to the proximity of the town centre. It is also agreed that it would be difficult to provide any highway improvements in order to offset the impact of the development proposals.

Given the willingness of the Highways Consultant to consider measures to offset development trips, it would ideally be up to the developer to propose a detailed and agreed package of measures. A suggestion would be to provide personalised travel planning for around 550 dwellings in the area. Based on available research, this is likely to result in the offsetting of the 36-48 peak hour vehicle movements which would be generated by the proposed development.

It is therefore suggested that funds adequate to provide this be secured through a S106 agreement. If possible, wording should be such that the funds could be used for any off-site measures intended to reduce total trip generation as a result of the application site. This would allow maximum flexibility. It is strongly recommended that this should be secured prior to construction. Alternatively, of the developer

carries out the PTP, this should be started before construction of the site.

Therefore, there are no objections to the application proposals, subject to the inclusion of the above matters within the S106 agreement, and recommended conditions:

BIODIVERSITY -

The proposal is for 58 dwellings and associated works at South Road, Taunton. The proposal includes the demolition of a 1970's sports building and the felling of a row of mature Leyland cypress and up to 4 Norway maple trees. The site comprises predominantly of hard court sports pitches and amenity grassland of low ecological value. It is bordered by semi mature and mature trees and an informal woodland belt enclosed by a wall and the Stockwell stream corridor. An ecological impact assessment was carried out by JH Ecology in May 2012. A baseline assessment of the site was also undertaken by Ambios Ecology in January 2010. Findings of the latest report were as follows:

Badgers - An active badger sett was found within the woodland belt on the NE corner of the site and evidence of badger activity within the site. The proposals retain the sett and maintain an area of no works within 30m of it. I support the monitoring of the sett prior to any works commencing on site as well as the proposed mitigation measures.

Otters - Otters have been known to use streams in the area and the surveyor found no obvious holts or lying up areas adjacent to the site.

Water Voles - There are records of water voles using Stockwell Stream adjacent to the site. A search of the bank for water vole was not undertaken as the surveyor considered the habitat to be sub optimal. The installation of the proposed outfall pipe should take account of water voles and otters.

Birds - The vegetation on site provides potential nesting and foraging habitat for birds. Site clearance should take place outside of bird nesting season.

Bats - The surveyor identified features potentially suitable for bats within soffits of the sports hall and so an emergence survey was undertaken. The survey did not identify any bats using the sports hall but recorded 3 species (pipistrelle, soprano pipistrelle and noctule bats) using the site for foraging and commuting. As would be expected the area most used by bats was along the tree belt and stream corridor. I support the proposals to provide bat boxes and the sensitive design of public realm lighting on site. I agree that if the sports hall is not demolished within 12 months then a further survey would be needed.

Dormice - The surveyor considered the site to lack suitable habitat for dormice.

Reptiles - The site provides little habitat for basking or foraging reptiles. This is generally restricted to the small woodland belt. A series of piles of grass cuttings, leaf litter and brash along the boundary wall may provide potential opportunities for refuge.

Amphibians - No suitable breeding habitats for amphibians occurs within the site, although the surveyor thought it likely that ponds are present in gardens adjacent to the site. The surveyor considered the site to have sub optimal terrestrial habitat for amphibians.

I suggest a condition for protected species

SOMERSET WILDLIFE TRUST- We agree with the comments of your Biodiversity Officer and fully support her recommendation that if permission is granted there should be specific conditions requiring a strategy to protect and enhance wildlife approved by the Local Authority before any works start on site. We would also support the recommendations in respect of protective measures to be put in place during the construction phase and also the recommended enhancements to the scheme, especially the proposed planting scheme, the additional buffer strip to protect the badger sett, the proposals in respect of external lighting and also the proposals for bat and bird boxes and roost areas. We believe these proposals would provide welcome enhancements to the scheme which would be of potential significant benefits to wildlife in the area.

HOUSING ENABLING LEAD - 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. The affordable housing requirement for this scheme is 25% of the total number of housing units. The tenure split is 60% social rented, 40% intermediate housing in the form of shared ownership and low cost market housing (at 70% of the Open Market Value in perpetuity). The requirement is for houses rather than flats.

The affordable housing must meet the Homes and Communities Agency Design and Quality Standards 2007, or meet any subsequent standard at the commencement of development. The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

DRAINAGE ENGINEER - Initially objected as insufficient information, contrasting statements were made in the Flood Risk Assessment however is now satisfied that concerns have been addressed and agree that a suitably worded condition be attached to any planning permission given.

LANDSCAPE LEAD - Overall the scheme respects the built and tree features of the site within the conservation area setting. Subject to landscaping details the proposals are acceptable.

HERITAGE LEAD - The current proposals have appropriately addressed concerns expressed by a variety of interested parties, resulting in a scheme which is much improved in terms of layout. Whilst I would have favoured a contemporary design approach (as originally advanced), I can understand why the views of local people have influenced the more traditional approach.

From a heritage asset perspective, a particular improvement is the fact that the Listed boundary wall will be wholly in the public realm, with its appropriate repair and maintenance, being the responsibility of a management company. In this way, the potential for ad hoc repairs of varying quality, by individual owners will be negated and the integrity/ original purpose of the wall ie the enclosure of Nun's Field will be maintained.

Whilst clearly the development will change the character of Nun's Field, in the context of the character of the Conservation Area as a whole, I consider it reasonable to judge the impact as modest/neutral.

Whilst the setting of the former Convent and the setting of the Listed boundary wall will change, existing important public views of the main building will be retained and as noted above, the integrity of the boundary will be maintained and its former purpose, readily perceived.

On balance, I therefore support both applications.

ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND) - We do not wish to comment in detail but would offer the following general observations.

We have maintained that the principle of development on this site might be acceptable subject to more consideration of the context of the conservation area and the impact on the setting of the Grade II* Convent and views from South Road of its clock tower. In particular we were concerned about the development on the open land known as Nursery Field. In our opinion this important open space, historically associated with the Convent, should be preserved as a significant amenity and recreational space within the context of the Conservation Area and setting to the Convent. We therefore welcome this latest proposal to retain and preserve the Nursery Field as recreational space.

Another positive aspect of this proposal is the demolition of the sports hall that has had a detrimental impact on the setting of the Convent for some time. Its replacement with a well considered low-key development of this form, working within the space created by the walled garden and respecting the character of the site, should be an enhancement to the heritage assets in the vicinity.

There have been some significant improvements in the scheme that we noted in the pre-application submission. As a result the major change we can now positively support is the retention of the Nursery Field for recreational activity by restricting the residential development to the walled garden area of the site. However there are still some issues that in our opinion need to be reconsidered.

We previously indicated that we were unhappy about the access off South Road and the impact of the opening in the wall at this point. We understand that there is little alternative but to create an access road through the wall off South Road, through Nursery Field and through part of the listed wall into Nun's Field. Wessex Archaeology's Heritage Assessment report has assessed the varying degrees of significance of the walls within the site and highlighted where previous alterations have been made in order to inform where the proposed opening should be located to reduce destruction of historic fabric to a minimum. We would however ask that

more consideration is given to the reduction in height of this boundary wall running along the east of Nursery Field. Whilst we understand the height reduction will allow greater surveillance the loss in height is, in our opinion, contrary to the character of the conservation area and therefore harmful to its character and appearance. We would advocate its retention at the same height as existing but would suggest the introduction of slots within the wall fabric for the public to view the space in use.

Care needs to be taken over the choice of surface treatments to the entrance way and road in order to soften the impact of this new feature within the conservation area and control the potential suburban character that could be introduced if an inappropriate choice of material is made. The introduction of a formal area for a car park in the field is regrettable. Again the choice of surface treatments could help mitigate the impact of this area.

We would also wish to see a robust conservation management plan for the walls drawn up to ensure that they are appropriately repaired and maintained into the future for the benefit of all residents and the setting to the Convent and other heritage assets.

Finally we were previously concerned to ensure the design of the residential units reflected the typical characteristics associated with this conservation area. We also believe that more care and attention has been made to the quality of the scale and design of the residential units that are proposed especially in terms of the roofscape that will be visible within the conservation area. We would however advocate the use of conditions to control materials and construction details to ensure that the quality of the design is maintained in the implementation of the scheme.

Recommendation - We would urge you to address the above issues and recommend that the application be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - The housing scheme in South Road, I am happy that the Heritage Assessment submitted by the applicant is correct and that the site has low potential for buried archaeological remains, so I have no objection to this proposal.

SCC - CHIEF EDUCATION OFFICER - I refer to the above planning application for a residential development of 58 new dwellings and am writing to express concerns that the local catchment primary schools would not have sufficient capacity to accommodate additional pupils from households moving into the scheme. I am therefore requesting that any grant of permission is conditional upon a planning obligation being entered into in respect of financial contributions towards education provision.

On the County Council's normal expectation that there will be demand for 30 additional primary school places from each 150 new dwellings, the development would be likely to generate the need for 12 primary school places. The site straddles the catchment areas of Holway Park and Archbishop Cranmer Primary Schools and both of these are forecast to have rolls significantly exceeding their capacity in a few years, without accounting for additional pupil places being required to serve new

development. If educational contributions are not secured through planning agreements with developers, the County Council has few capital resources to draw upon to mitigate this pressure itself.

The DfE Basic Need Cost Multiplier for each primary school place is £12,257, so in this case, a financial contribution of £147,084 should be required from the developer.

Work that has been undertaken in the context of the Borough Council's Infrastructure Delivery Plan and based on the expected housing trajectory also shows that, across Taunton as a whole, the number of secondary school aged pupils is likely to start exceeding the number of available places from about 2015 and this trend is forecast to continue to the end of the Plan period. It would therefore be appropriate for all new development to contribute to mitigating this shortfall, as is the advice in Circular 05/2005. This development would generate the need for 8 secondary school places; and the cost multiplier to be applied per place is £18,469, so a further contribution of £147,752 should be sought from the developer.

ENVIRONMENT AGENCY - Initially objected however after the receipt of further information the Environment Agency have no objection subject to a surface water drainage condition

COMMUNITY DEVELOPMENT - In accordance with policy C4 provision for play and active recreation should be made for residents of the dwellings. I note the Heads of Terms included with the application that provision of on site play space is envisaged, although this does not appear to be shown on the plan. The application includes 46 x family (2 bed+) dwellings which in line with Local Plan policy should provide 920sqm of both equipped and general play space. The equipped children's play space should be overlooked to promote natural surveillance and sited away from the main access road. The Parks department should be asked to comment on the actual design and content of the play ground.

If appropriate on site provision for outdoor recreation cannot be provided than an off-site contribution of £1454 per dwelling should be sought. Sport England should be consulted on the loss of artificial playing pitch, tennis courts and gymnasium. The loss of the playing pitch is contrary to Local Plan policy C3. Evidence of replacement facilities should be required.

A contribution of £194 per dwelling should be sought for the provision of additional allotment facilities. A contribution of £1118 per dwelling towards local community hall facilities should be sought. A public art contribution should also be requested, either by commissioning and integrating public art into the design of the buildings or public realm or by a commuted sum to the value of 1% of the development cost.

POLICE ARCHITECTURAL LIAISON OFFICER - Thank you for consulting Avon & Somerset Police in relation to the above planning application.

Having reviewed the documentation submitted in support of the application, I would comment as follows:-

- Design & Access Statement - PPS1 makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion. Design and Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in 'Safer Places, The Planning System and Crime Prevention'. The DAS submitted with this proposal does not appear to do so as there is no mention of any proposed crime prevention measures.
- Crime Statistics - reported crime for the area of this development during the period 01/06/2011-31/05/2012 (within 200 metres radius of the grid reference) is as follows:-

Burglary - 2 Offences (neither of which was a dwelling)

Theft & Handling Stolen Goods - 21 Offences (incl. 3 theft from motor vehicle and 6 theft of pedal cycles)

Violence Against the Person - 1 Offence

Total - 24 Offences

This averages 2 offences per month, which is a low level of crime. These figures do not include anti-social behaviour i.e. drunkenness, noise nuisance, litter etc.

- Layout - the layout of roads, footpaths etc appears to be visually open and direct and is likely to be well used providing natural surveillance of the street and square. The changes of road and footpath surface by colour and texture helps define the defensible space of the development and is likely to reinforce the fact that this is private space. The enclosed square nature of the development also helps from a crime prevention perspective by helping frustrate the search and escape desire of the potential criminal. Routes for pedestrians, cyclists and vehicles should not be segregated from one another, as networks of separate footpaths to unsupervised areas facilitate crime and anti-social behaviour and should be avoided e.g. the footpath running through the wooded area to the east of the development.

- Public Footpaths - public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have also been proven to generate crime. In this regard, I have concerns regarding the footpath running around the outer perimeter of this development which appears to provide access to the rear gardens of all the proposed dwellings. If this footpath is necessary, I recommend that its route be re-considered to areas with better resident surveillance. On a positive note, the footpath appears to be straight and wide but it should also be well lit, devoid of potential hiding places and overlooked by surrounding buildings and activities. Planting next to the footpath should be kept low to assist surveillance.

- Communal Areas - communal areas have the potential to generate crime, the fear of crime and anti-social behaviour. The central square is well overlooked by the surrounding dwellings and routes/boundaries appear to be clearly defined. Features should be implemented which prevent unauthorised vehicular access. No toddler Play Areas appear to be proposed either in the square or surrounding open spaces and, if any are to be implemented, they should be in areas of good visibility from surrounding dwellings. The football field, being to the rear of the row of dwellings to the south, also appears to be subject to limited surveillance. I note that the adjacent parking is reserved for sports users only and that the entrance is barrier controlled.

- Dwelling Orientation - dwellings are positioned to face one another which enables neighbours to watch over each other and creates conditions which makes the potential offender feel more vulnerable to detection.
- Dwelling Boundaries - it is important that boundaries between public and private areas are clearly defined. In this regard, I have some concerns that grassed areas or footpaths appear to immediately abut the gable ends of three of the rows of houses. This could result in crime or anti-social behaviour directly affecting these properties. I recommend that suitable 'buffer zones' be implemented at these gable ends to keep the public away from the dwelling boundaries. Dwelling frontages appear to be open to view and incorporate good defensible space. Any walls, fences, hedges etc at the front of the dwellings should be kept low, maximum height 1m, to enhance resident surveillance. The more vulnerable areas, such as side and rear gardens, require more defensive barriers by using walls or fencing to a minimum height of 1.8m. Gates to rear yards or gardens should be the same height as the fencing and lockable.
- Car Parking - appears to be a mix of in-curtilage parking at the front of dwellings, which is a recommended option, or parking spaces, some of which are adjacent to gable ends and may be subject to limited surveillance from the dwellings e.g. those to the north west of the development.
- Landscaping & Planting - planting should not impede opportunities for natural surveillance and must not create potential hiding places. In general, where visibility is needed, shrubs should have a mature growth height no higher than 1m and trees should have no foliage below 2m, so allowing a 1m clear field of vision. In this regard, I have some concerns regarding the route of the footpath to the north east of the development which goes through a wooded area with very limited natural surveillance from nearby dwellings. I recommend that the proposed route of this footpath be re-considered. Street furniture such as the proposed bench seats and cycle racks should be suitably secured to prevent their removal and of vandal-resistant construction. The cycle racks should also be in areas of good surveillance. The proposed lighting bollards around the perimeter footpath should also be of vandal-resistant construction.
- Street Lighting - all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5489-1:2003.
- Physical Security of Dwellings - the applicant is advised to formulate all physical security specifications for the dwellings i.e. doorsets, windows, security lighting, intruder alarm etc in accordance with the police approved 'Secured by Design' (SBD) award scheme, full details of which are available on the SBD website - www.securedbydesign.com

SPORT ENGLAND SOUTH WEST - The site forms part of, or constitutes a playing field as defined in The Town & Country Planning (Development management Procedure) (England) Order 2010. Sport England has therefore considered the application in light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area.

The current application seeks to address our concerns to previous applications on

site as follows:

Synthetic turf pitch - The College has in the recent past constructed two new floodlit sand based artificial grass pitches on the main college site. A condition of that approval was that the College would enter into a community use agreement to enable local clubs to access the artificial grass pitches. I understand that a community use agreement to this effect has been completed and local clubs are able to use the pitches out of college hours. I consider that the replacement artificial grass pitches (which are available for community use) are sufficient to overcome our previous concerns regarding the loss of the synthetic pitch on the Convent site.

Tennis Courts - I understand an application for 6 tennis courts at the main college site was approved in 2009. The College now intend to increase the number of tennis courts from 6 to 9. and to provide these prior to the disposal of the Convent site. I consider that subject to the securing of replacement tennis courts as part of this application this would be sufficient to overcome our previous concerns regarding the loss of the tennis courts.

Sports Hall at the Convent site - Sport England previously objected to the proposed demolition of the sports hall building as there was a lack of information in relation to the likely impact of the loss of this facility on existing users and lack of information in relation to any proposals to compensate for the loss. I note the College has indicated that community use of the sports hall is limited to Taunton Deane Blades Fencing Club and that this activity will be relocated to the sports hall on the main campus. I consider this would be sufficient to overcome our previous concerns regarding loss of the sports hall.

Grass Playing Pitch at the Convent site - The existing area of grass playing field to the south of the Convent site is subject to our Playing Field Policy. I understand that the existing grass playing field on the site is not used currently as a formal pitch (94m x 44m). Although there are goalposts, it is used mainly for recreation, practice and kick-about by Kings College pupils only – we have been informed that there is no access for community use. The proposals involve retaining this playing field area for formal and informal sport which should be open to the wider community.

Given the proposed dimensions, it is unlikely to be of sufficient area for future use as a senior football pitch.

We have consulted The FA on this application who state the site is ideal for a Club wanting to progress up the football pyramid (Taunton Town Ladies had used it last season). That raises some questions/ challenges: -

- Actual size of pitch to ensure it meets senior requirements;
- Availability and proximity of changing rooms;
- Potential for any club to gain security of tenure to allow them to apply for funding?
- Parking to use the pitch?

Further discussion is needed with the FA in light of their comments above to ensure good community use of this site for the development of sport in the area.

Subject to this pitch being to a performance standard for competitive matches, and that it is made available for community use by local football teams, then I consider

that this would meet with the requirements of our playing field policy.

Conclusion - In the light of the above comments, in order for Sport England not to object to the proposed development we would need to see confirmation that the following compensatory measures are secured, either by way of planning conditions or as part of a Section 106 Planning Obligation attached to any planning consent that is granted:

TAUNTON CIVIC SOCIETY - This is the second application that Mark Richmond Architects have submitted for this site on behalf of King's College. We are pleased to see that it is a great improvement over the earlier application, must surely address the legitimate concerns of several neighbours, and does less harm to the landscape setting of the South Road approach route to the town centre.

We support residential development on this site, and feel the proposed density is appropriate. However, we have several concerns.

We note that "... the full application and the significant amount of consultation undertaken so far aims to provide a somewhat prescriptive element to the layout of the site ..." but that "the site will be sold to specialist residential developers". (Transportation statement para. 9.5).

This appears to indicate that while numbers and sizes of dwellings might be held approximately the same as in this application, which appears to have a status akin to that of a masterplan, there might be significant detailed variation in layout, detailed design, sustainability features etc., and that sections of the site might be developed independently (and inconsistently) by different developers.

We do not consider this to be a satisfactory basis for taking the development of a sensitive area forward, unless TDBC can impose, and hold against legal challenge, very strong controls on any final proposals for building on the site. It would also seem to require some control over the phasing of development – it is surely very undesirable to have half the site developed and sold while another 2 quarters are not even started.

While the scope for variation implicit in the sale to specialist developers is worrying, it could also have a beneficial aspect, if strongly managed, because we believe that the layout and detailed appearance of the buildings in this application would benefit from a rethink.

The "Square" idea does help to preserve a feeling of spaciousness that is important to the Conservation Area, but ideally the houses should open directly onto the green centre, with refuse and car access at their rear. However this would entail fewer buildings, even though slightly taller buildings could be introduced into at least two of the corners of a more regular rectangle.

As it is the layout is an unsatisfactory and disjoint trapezoidal construct with weak corners. Does the position of the entrance from St Joseph's Field justify offsetting the western terrace so that a rectangular form is lost?

The clusters of four type C dwellings for older people seem mean, possibly rather dark, and very lacking in amenities, with two of their three windows looking directly

into their neighbour's home about 11 feet away across an enclosed yard. Front-to-front seems inferior to back-to-back – and that idea is not now thought to be uplifting. These shed-like clusters are one reason why two of the corners are weak.

Some articulation of the roofline with full three-storey dwellings would be beneficial.

The rear access to the gardens may give rise to security problems, while being inconvenient for those in the middle of the terraces. We would recommend front to back pathways (perhaps under an arch with accommodation above) in the middle of the northern, western and southern terraces – and the strangely wide gap in the southern terrace could then be closed.

While the main house designs (A, B, & D) hold a truly remarkable resemblance to those of the HABOAKUS development at the Triangle, Swindon (associated with Kevin McCloud) that won a RIBA award for sustainability, and offer a similar and very welcome low-carbon footprint, the design of the site as a whole does not display the same verve and quality.

Given the interior road and parking layout the usefulness of the central open space is doubtful.

The Design & Access statements notes the closeness of play areas in Vivary Park, but these are out of sight and the route is exposed to traffic in Mount Street (which may shortly become busier), so we recommend that a condition be imposed requiring a play area for young children within the site.

We would also like to see measures to discourage driving at more than 15mph within the site, and the emergency access from St Joseph's Field should be closed to any pedestrian or vehicle that does not carry a key.

The Design & Access statement (page 18) says "Colour to the render will add variety and individualise each of the homes".

There is a danger that the effect will be gaudy or at odds with the surrounding area. We are not reassured by the pink and yellow shades we see on 'Dr No. 03

Rev A Section & Elevations', which do not appear to correspond to the Victorian terrace across South Road, and the buildings of the former Convent and St Joseph's Field.

Subtle changes of colour, within a restrained palette chosen to fit well with the surrounding buildings, are what is required. (Again, the similar buildings at the Triangle in Swindon show how it can be done.)

We would suggest that Development Management should take steps to ensure that the results will be entirely sympathetic to the Conservation Area.

Representations

Cllr Mrs Herbert- As Ward Councillor for Killams and Mountfields which abuts this

site I strongly object to the proposal to develop the site. A number of issues are pertinent here firstly the detrimental affect on local wildlife and the risks of run-off adversely affecting the Stockwell Stream. The existing traffic difficulties experienced on South Road during peak times, which the extra houses will only add to as no matter how close to town you live a car is still essential for families in Somerset. The increased car movements will impact on the whole of South Road and surrounding area with tailbacks becoming worse and worse. Other proposed developments in the Killams and Mountfield area will also compound this already difficult traffic issue. The access road is also far too close to the Holway road junction, an already dangerous junction which has lots of near misses for road users and pedestrians. As a mother walking back and forth to Trinity School for many years I have first hand experience of the gauntlet you have to run to cross Holway Avenue. To add a fourth road into the junction will make crossing the road almost impossible and even more dangerous. The listed status of the wall should afford it protection on its own, but as it is within a conservation area and has the old convent so close then its importance and protection becomes even more relevant. The design of the homes does not seem to relate to or be particularly sympathetic to the locality, being quite imposing and being terraces make it a large bulk. It also concerns me that the level of parking provision is limited and the areas of green space will be very high maintenance whilst the gardens of the homes are relatively small for the size of properties. For the existing local residents there is also the impact on the on street parking in South Road. The existing terrace on South Road does not have off street parking and is not included in the Holway Avenue parking scheme. These residents should not have their only parking provision removed by a development within a conservation area.

1 letter of no objection subject to securing retention of Nursery Field as green space through conditions and obligations

42 letters of objection on grounds of

- A material increase in traffic onto South Road
- Decrease in air quality
- New road junction will increase danger to pedestrians and traffic with staggered crossroads and create an accident blackspot
- The development will create another junction for children to cross.
- The Transport Statement is misleading and incorrect and there is traffic queuing almost every day.
- Photos of traffic are misleading and do not represent peak traffic density
- Increase traffic tailbacks and congestion at peak times and more than an extra 500 traffic movements per day would be generated.
- Increase risk to cyclists
- The development may affect parking on South Road
- Public transport is limited and well used and this would make matters worse
- The site was rejected under the SHLAA - it affects listed buildings, is recreational open space, in a conservation area and is a County Archaeological site.
- The site is of historic and archaeological importance and very close to the listed building and part of the town's heritage would be ruined by building houses here.
- The density conflicts with the development at the former convent
- The housing will be visible from South Road

- The design is not in keeping with South Road/Holway Avenue
- The NPPF has not been taken into account in terms of conservation areas and listed buildings.
- Diregard for the 'conservation' designation and proposal render term 'listed' meaningless.
- It will not preserve or enhance the conservation area.
- Unattractive terraced houses afford little additional parking
- The proposed development is not considered to makes any positive contribution to the character and distinctiveness of the area.
- Not appropriate or desirable to demolish the wall to facilitate a road junction
- Retaining and maintaining the listed wall should be paramount.
- Overdevelopment - too many dwellings
- No need for new dwellings.
- Room size too small
- Loss of open 'green' space adjacent to the town centre.
- Loss of sporting facilities without suitable replacements against Sport England guidelines.
- Sports facilities for the local community should be provided
- Negative impact on local community of uncharacteristic dwellings
- The development should be considered in context of development at Killams and 25 Mount Street
- A committee site visit should be made
- Use of central green is flawed and will not be used
- Loss of privacy
- Increase in noise levels in surrounding areas.
- Loss of view with high buildings.
- Noise and pollution from construction.
- The Stockwell Stream may not be able to cope with additional surface water from the development
- Concern over treatment of boundary with St Joseph's Field and use of existing gates.
- The emergency access through the gate to St Joseph's Field is unnecessary and put pressure on a private road system.
- Access to private site should not be used by pedestrians
- The existing wooden boundary fence should be replaced by a brick wall.
- Strain on local resources such as schools and medical centres
- Damage to wildlife habitat
- This dense housing does not do this prime historic site justice

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 STR2 - Towns,
 STR4 - Development in Towns,
 S&ENPP1 - S&ENP - Nature Conservation,
 S&ENPP33 - S&ENP - Provision for Housing,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 H9 - TDBCLP - Affordable Housing within General Market Housing,
 C1 - TDBCLP - Education Provision for New Housing,
 C3 - TDBCLP - Protection of Recreational Open Space,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,
EN14 - TDBCLP - Conservation Areas,
EN15 - TDBCLP - Demolition Affecting Conservation Areas,
EN21 - TDBCLP - Nationally Important Archaeological Remains,
EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,
EN28 - TDBCLP - Development and Flood Risk,
CP4 - TD CORE STRATEGY - HOUSING,
CP5 - TD CORE STRATEGY INCLUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

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) | £62,586 |
| Somerset County Council (Upper Tier Authority) | £15,646 |

6 Year Payment

| | |
|--|----------|
| Taunton Deane Borough Council (Lower Tier Authority) | £375,516 |
| Somerset County Council (Upper Tier Authority) | £93,879 |

DETERMINING ISSUES AND CONSIDERATIONS

There are a number of main considerations in determining the above proposal including impact on the character and appearance of the area, amenity impact, the loss of sports facilities, wildlife, drainage, access and highway safety.

Character of the Area

In determining application for planning permission affecting a listed building or its setting and a conservation area the Local Authority must determine the proposal in accordance with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Respectively this requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses" and Section 72 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

This revised scheme has been submitted following a full heritage assessment of the site. This has resulted in the area of the residential part of the scheme being reduced

and relocated to part of the Nun's Field with the removal of the gymnasium and the retention of existing grass playing pitch identified as protected open space. English Heritage support these revisions as they improve the setting of the former convent with the removal of the gymnasium and the retention of the Nursery Field which retains important open space within the Conservation Area.

The access to the site is provided off South Road and results in the removal of a section of 15m of unlisted wall. Clearly this impacts on the character of the area, however the heritage statement has assessed the elements of wall and there is a previously blocked opening in this wall. An opening as proposed will leave the existing listed wall along the road frontage intact and allows the open character of the field to be viewed from the public domain. Consequently while this is an impact on the character of the area it is considered to be one that is justified and does not harm the character of the area. A condition in respect of surfacing materials and one concerning retention of wall height remaining are considered appropriate in line with the comments of English Heritage to protect the character of the area.

The internal wall that runs east west across the site is listed and the proposal creates a 6m gap in this wall to allow for both vehicular and pedestrian traffic. Part of the proposal is also to close up the existing pedestrian access in this wall. The proposed works are considered to be acceptable in light of the views of the Conservation Officer and English Heritage and are not considered to adversely affect the character of the area or the setting of the listed building.

Amenity

The new dwellings proposed are sited within the existing walled garden area and are set at varying distances from existing properties to the north, south and east. To the east the properties are also screened by the tall listed boundary wall and so there is no adverse impact in terms of these properties on any existing properties across the road. To the south the existing properties are over 60m away across the playing field and the boundary walls of the site and there is not considered to be any adverse amenity impact on the three dwellings to the south. To the north there are existing properties in Anncy Court and St Joseph's Field which are the development of the former convent site. The rear of the new dwellings are approximately between 15m and 18m from the ends of properties in the converted complex of buildings. The gable on the former convent building has three windows in set above ground level. These windows currently look at the rear of the gymnasium building and are set 18.5m away from the rear of the new terrace and 5m from the proposed boundary fence. Tree planting is proposed at the end of the new dwellings and this will provide screening when established between the new properties and the existing windows to prevent any significant loss of privacy.

Sports Facilities

The proposal involves the development of an area of land that has been utilised by the Kings College for a variety of different sports uses with a gymnasium, tennis courts and synthetic hockey pitch on the site. Such uses are private and not open to public use. A previous application sought to rationalise the sporting needs of the college onto their main campus site in 2008. The application 38/08/0349 included provision of two floodlit all weather pitches, a warm-up area, a third generation 5-a-side football pitch, tennis courts and cricket net surrounds. This was granted in January 2009 with a condition to secure a community use of on site facilities. The

current use of the application site is therefore considered surplus to requirements and discussion have previously occurred with Sport England to satisfy their requirements. The Sport England response to the current application has identified a limited loss of facilities in relation to the site and their recommendation is that further compensatory measures should be secured through a Section 106 obligation or planning condition to secure community use of the retained playing pitch, proposed tennis courts and sports hall and to ensure that all the replacement tennis courts are provided. Given that the certain facilities that are to be included in the community use agreement are off site it is considered that a Section 106 be used to secure this rather than the condition suggested. A condition is considered appropriate to ensure that adequate facilities for those lost from the site are provided by the applicants.

Wildlife

An Ecological Impact Assessment has been carried out as part of the application. The main on site findings related to badgers and a number of mitigation measures are proposed as part of the scheme, including only alteration to fencing to the northern boundary rather than a brick wall as has been suggested and a buffer zone to any new built development. The Biodiversity Officer recommends a condition to address suitable mitigation and this is considered appropriate and necessary in light of the NPPF. This proposal is also supported by the Somerset Wildlife Trust. A condition to control external lighting is also suggested and considered necessary to limit any wildlife impact. A landscaping plan to ensure replacement trees for those removed as part of the development is proposed and will need to be conditioned.

Drainage

The surface water drainage for the site is proposed to be dealt with through on site attenuation with storage in an underground tank and a swale with limited flow outfall to the Stockwell Stream. A drainage strategy has been put forward to satisfy the Environment Agency and Drainage Officer to overcome their initial objections and subject to a suitable condition the address the surface water drainage issue the development is considered to be acceptable. The foul flows from the site will be dealt with by new drains linked to the existing Wessex Water systems and the connections will need to be agreed with Wessex Water.

Access and Highway Safety

In order to provide housing at the site a new access has to be constructed from South Road. This access is sited to provide adequate visibility in both directions and to avoid breaching the section of listed wall. The Highway Authority has raised no objection to the proposal and considers the access visibility to South Road to be acceptable.

The proposed scheme allows for 115 parking spaces for 58 dwellings and this level of parking at this site close to the town centre is considered to be acceptable. There is considered to be more than adequate storage space for bicycles within the properties and it is not considered necessary to condition cycle storage.

The main issue identified by the County Highway Authority is the traffic impact of the proposal. Congestion is an issue on South Road due to the proximity of the town centre and it is difficult to provide any highway improvements. It is recognised however that this issue can be addressed through the proposed travel plan and trip

offsetting measures. The latter would include travel planning for local residents to offset peak hour vehicle movements which might be generated by the development. The provision of such personal travel planning is proposed to be secured by the Section 106 agreement.

Conditions are also suggested in respect of a number of issues and gradients, surface water and street lighting are considered appropriate and necessary to condition. The condition of a construction management plan is not considered appropriate as it is not possible to enforce construction vehicle movements, routes and numbers per day.

Other Issues

The proposal incorporates a children's play area on site and this is to be conditioned as part of any approval. The area will be located in the square and will be overlooked by the proposed houses. The area is self-contained and will have links to the existing footpath and cycleway network. The proposal has been designed with crime prevention in mind. The rear of properties will have clear defensible space and the provision of a footpath to the rear has been designed not only to give rear access but to provide a circular route to historically reflect the walk the nuns would have had. Consequently the argument for such a provision is considered to outweigh the concern of the Police Architectural Liaison Officer.

Conclusion

In summary the site has been carefully assessed in terms of its heritage assets and areas of development that protect the character of the area and setting of the listed building have been determined. This assessment together with the protection of the open space of the Nursery Field and retention of its recreational use are considered to address the concerns of previous development schemes and the reasons why the site was not identified for development in the SHLAA. The access onto South Road is considered to be suitable and safe by the Highway Authority and the traffic generation issue is to be addressed through a travel plan and trip offsetting through a Section 106 Agreement. The Section 106 will also secure affordable housing and the necessary education and maintenance contributions in respect of the site and subject to the requirements set out in the recommendation the proposal for residential of this sustainable urban site is supported.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

ALTERATIONS TO BOUNDARY WALL TO FORM ACCESS SURROUNDING THE PLAYING FIELDS, SOUTH OF FORMER CONVENT AT KINGS COLLEGE, SOUTH ROAD, TAUNTON

Grid Reference: 323526.123908

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

It is considered that the proposal is in line with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

711954-00 Site Location Plan
711954-01 Existing Site Plan
711954-02C Proposed Site Plan
711954-04 Wall Elevations

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

3. No wall demolition shall commence until a contract had been let for the construction of the residential development to the north.

Reason: To ensure the retention of the listed wall and ensure no loss without the necessary justification.

4. The existing pedestrian opening in the central boundary wall shall be closed

up in stone to match as indicated on the submitted plan prior to occupation of any dwelling.

Reason: In order to ensure details appropriate to the character of the listed building in accordance with policy S2 of the Taunton Deane Local Plan.

Notes for compliance

1. You are advised that a separate application for planning permission is required before any works commence.

PROPOSAL

The proposal is to remove a 6m section of wall within the site at the former convent site at Kings College to allow for vehicular access to a proposed housing site. An existing pedestrian access point 1m wide would be closed.

SITE DESCRIPTION AND HISTORY

The application site lies to the west of South Road and consists of land to the south of the former convent site, a Grade II* listed building. The site lies within the conservation area and consists of two fields, the Nun's Field and the Nursery Field. These are separated by a listed stone wall varying in height from 4m at the eastern end to 2.5m at the western end.

A previous application for Formation of and alterations to openings in stonewall around grounds of playing fields, Kings College, South Road, Taunton was submitted in December 2010 reference 38/10/0436LB and was withdrawn in March 2011.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - This application has been submitted in relation to application number 38/12/0234. In particular, this application appears to be for listed building consent for the removal of part of the wall in order to gain access to the application site.

The proposed point of access is considered to be acceptable in terms of visibility onto South Road. On this basis there is no objection from the Highway Authority, however the Applicant should note the following:

The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Area at Burton Place, Taunton, TA1 4DY. Tel No 0845 345 9155, He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

HERITAGE LEAD - The current proposals have appropriately addressed concerns

expressed by a variety of interested parties, resulting in a scheme which is much improved in terms of layout. Whilst I would have favoured a contemporary design approach (as originally advanced), I can understand why the views of local people have influenced the more traditional approach.

From a heritage asset perspective, a particular improvement is the fact that the Listed boundary wall will be wholly in the public realm, with its appropriate repair and maintenance, being the responsibility of a management company. In this way, the potential for ad hoc repairs of varying quality, by individual owners will be negated and the integrity/ original purpose of the wall ie the enclosure of Nun's Field will be maintained.

Whilst clearly the development will change the character of Nun's Field, in the context of the character of the Conservation Area as a whole, I consider it reasonable to judge the impact as modest/neutral.

Whilst the setting of the former Convent and the setting of the Listed boundary wall will change, existing important public views of the main building will be retained and as noted above, the integrity of the boundary will be maintained and its former purpose, readily perceived.

On balance, I therefore support both applications.

ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND) - We do not wish to comment in detail but would offer the following general observations.

We have maintained that the principle of development on this site might be acceptable subject to more consideration of the context of the conservation area and the impact on the setting of the Grade II* Convent and views from South Road of its clock tower. In particular we were concerned about the development on the open land known as Nursery Field. In our opinion this important open space, historically associated with the Convent, should be preserved as a significant amenity and recreational space within the context of the Conservation Area and setting to the Convent. We therefore welcome this latest proposal to retain and preserve the Nursery Field as recreational space.

Another positive aspect of this proposal is the demolition of the sports hall that has had a detrimental impact on the setting of the Convent for some time. Its replacement with a well considered low-key development of this form, working within the space created by the walled garden and respecting the character of the site, should be an enhancement to the heritage assets in the vicinity.

There have been some significant improvements in the scheme that we noted in the pre-application submission. As a result the major change we can now positively support is the retention of the Nursery Field for recreational activity by restricting the residential development to the walled garden area of the site. However there are still some issues that in our opinion need to be reconsidered.

We previously indicated that we were unhappy about the access off South Road and the impact of the opening in the wall at this point. We understand that there is little alternative but to create an access road through the wall off South Road, through Nursery Field and through part of the listed wall into Nun's Field. Wessex

Archaeology's Heritage Assessment report has assessed the varying degrees of significance of the walls within the site and highlighted where previous alterations have been made in order to inform where the proposed opening should be located to reduce destruction of historic fabric to a minimum. We would however ask that more consideration is given to the reduction in height of this boundary wall running along the east of Nursery Field. Whilst we understand the height reduction will allow greater surveillance the loss in height is, in our opinion, contrary to the character of the conservation area and therefore harmful to its character and appearance. We would advocate its retention at the same height as existing but would suggest the introduction of slots within the wall fabric for the public to view the space in use.

Care needs to be taken over the choice of surface treatments to the entrance way and road in order to soften the impact of this new feature within the conservation area and control the potential suburban character that could be introduced if an inappropriate choice of material is made. The introduction of a formal area for a car park in the field is regrettable. Again the choice of surface treatments could help mitigate the impact of this area.

We would also wish to see a robust conservation management plan for the walls drawn up to ensure that they are appropriately repaired and maintained into the future for the benefit of all residents and the setting to the Convent and other heritage assets.

Finally we were previously concerned to ensure the design of the residential units reflected the typical characteristics associated with this conservation area. We also believe that more care and attention has been made to the quality of the scale and design of the residential units that are proposed especially in terms of the roofscape that will be visible within the conservation area. We would however advocate the use of conditions to control materials and construction details to ensure that the quality of the design is maintained in the implementation of the scheme.

Recommendation - We would urge you to address the above issues and recommend that the application be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Representations

1 letter of support

6 letters of objection:

- Any work creating irreversible modification requires adequate and suitable justification based on need and benefit and needs to be considered with planning application 38/12/0234 without which it is unnecessary.
- It is counter to the heritage aspects of South Road, ruins a listed feature and lead to significant road traffic safety and congestion concerns.
- The wall is listed and should remain as it is.
- No building should take place.
- Making a new entrance would create a staggered cross roads.

PLANNING POLICIES

DETERMINING ISSUES AND CONSIDERATIONS

The proposal is for alterations to the listed walls and the Authority has to consider the proposal in accordance with 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”. Access and traffic considerations are not therefore relevant.

The wall that is listed to be altered is not the frontage wall to South Road but the internal wall running east-west across the site. The proposal provides for the removal of a 6m section of wall to allow for access to the Nun's Field to the north for provision of housing and demolition of the gymnasium building. An existing 1m pedestrian access will be blocked up. The Heritage Assessment has identified the area for the access to minimise the loss of historic fabric and English Heritage has supported the approach to the development. If the proposal for residential development is granted there is considered to be sufficient justification for the removal of the small section of wall proposed and the development is therefore considered acceptable and not to cause significant harm to the listed building subject to conditions to secure closure of the existing pedestrian opening and no commencement until a signed contract for residential development is completed.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

GADD PROPERTIES LTD

**ERECTION OF 7 NO. DETACHED DWELLINGS ON LAND TO THE REAR OF
14-28 STOKE ROAD, TAUNTON AS AMENDED**

Grid Reference: 323871.123308

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to a S106 Agreement to secure affordable housing, a leisure and recreation contribution as well as allotment and community hall contributions, permission be granted

The proposal, for residential development, is located within defined settlement limits in a sustainable location where the principle of new housing is considered acceptable. The proposed access and parking would be satisfactory and the development would not have a significant detrimental impact on access and traffic or on the amenity of surrounding residential properties and is considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Recreation Provision) and M4 (Residential Parking Provision) and Core Strategy 2011-2028 policies CP4 (Housing) CP5 (Inclusive Communities) and DM1(General Requirements).

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A2) DrNo SPP/1414/1A Vegetation Survey
(A1) DrNo Vertexe SGB233 Measured Building Survi
(A3) DrNo A1202/407 House Type 12 Plans and Elevations
(A3) DrNo A1202/406 House Type 11 Plans/Elevations
(A3) DrNo A1202/405 House Type 10 Plans/Elevations
(A3) DrNo A1202/404 House Type 9 Plans/Elevations
(A3) DrNo A1202/402 Site Layout Plan
(A3) DrNo A1202/401 Site Location Plan

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

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

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

4.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

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

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

6. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ambios Ecology's submitted report, dated March 2012 and up to date bat

surveys and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for nesting birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses **have** been fully implemented

Reason: To protect and accommodate wildlife and their habitats from damage.

7. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority.

Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

8. The window(s) in the first floor side elevations of plots 1 and 7 shall be glazed with obscure glass and be limited opening to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Taunton Deane Local Plan Policy H17(A).

9. The garages hereby permitted shall be constructed in accordance with the approved plans and shall be retained as such and not be converted to additional habitable accommodation.

Reason: To ensure satisfactory parking facilities available off street in the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

10. The drives shall be hard surfaced (not loose stone or gravel) before it is brought into use. They shall be made of porous material, or alternatively

provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the properties.

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

11. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of the TPO Cherry trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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

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

Notes for compliance

1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

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

PROPOSAL

The proposal is to erect 7 detached dwellings on land to the rear of 14 -28 Stoke Road with access and parking off the north side of Harp Chase.

SITE DESCRIPTION AND HISTORY

The site consists of the end 26m of gardens of properties on Stoke Road and is a reduced scheme following a dismissed appeal for 8 houses in May 2009. This appeal on application 38/08/0459 was dismissed on the impact on TPO trees to the west of

the site and other issues were considered acceptable.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - comments awaited

LANDSCAPE LEAD - The loss of southern boundary vegetation will open up the site considerably. However subject to substantial planting on the Harp Chase boundary it may be possible to provide some useful replacement of the boundary. Details of the landscaping need to be agreed at an early stage.

BIODIVERSITY OFFICER - The application is for the erection of 7 detached dwellings on garden land to the rear of 14-28 Stoke Road, Taunton. The proposed access from Harp Chase will require the removal of a strip of hedgerow. Ambios Ecology carried out an ecological impact assessment of the site in March 2012.

Bats - None of the trees are mature enough or suitable to provide features that could be used by roosting bats. The area is possibly used by commuting and foraging bats. I support the recommendation by the surveyor to carry out bat surveys prior to the removal of any vegetation on site.

Badgers - No badger setts or evidence of badgers were found on site at the time of survey.

Reptiles - Small areas of rough grassland in some gardens may provide a suitable habitat for slow worms. I support the recommendation for the translocation of individuals but would like to be advised of the receptor site for such individuals.

Hedgehogs - The gardens appear to provide suitable habitat for hedgehogs. The area should be checked in spring or autumn to relocate individuals.

Birds - The site is likely to support nesting birds. Clearance of vegetation should take place outside the bird nesting season.

As with all developments of this nature there are opportunities for biodiversity gain. I would like to see wildlife protected and accommodated in this development and suggest a condition and note.

COMMUNITY/LEISURE DEVELOPMENT - In accordance with Local Plan policy C4, provision for play and active recreation should be made for the residents of these dwellings. A contribution of £2668 for each 2bed+ dwelling should be made towards the provision of children's play. The contribution to be spent on additional facilities for the benefit of the new residents. A contribution of £1454 for each dwelling should be made towards the provision of facilities for active outdoor recreation. The contribution should be index linked.

A contribution of £194 per dwelling should be sought for allotment provision along with a contribution of £1118 per dwelling towards local community hall facilities. The contributions should be index linked. 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 costs.

HOUSING ENABLING LEAD - 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. The affordable housing requirement for this scheme is one affordable unit for discounted open market sale (70% of the open market value). The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including Code for Sustainable Homes Level 3, or meet any subsequent standard at the commencement of development.

Details of the affordable housing unit must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council

Representations

1 letter of SUPPORT on behalf of site owners.

25 Letters of OBJECTION on grounds of:

- Impact on TPO Cherry trees
- Loss of light and privacy, particularly to the Nursing Home
- Loss of trees and hedgerow
- Impact on trees due to construction
- Impact on wildlife, habitat and loss of nature
- Density overpowering for small area
- Garden grabbing
- Overdevelopment, will spoil the character of the neighbourhood
- Intrusive and high density
- Impact on residents of Harp Chase and 30 Stoke Road
- Loss of privacy to gardens
- Loss of light and security
- Loss of view and loss of value,
- Properties will have an overbearing nature to the existing community
- Increase in vehicles with congestion, noise and pollution
- There will be only one usable off street parking space and parking is already a problem.
- Concern over safety of adults and children on Harp Chase
- Concern over construction traffic.
- The road is too narrow for vehicles to park on either side and loss of on street parking
- Cul-de-sac has parking access and service issues, problems for refuse lorries, school buses and deliveries.
- Increase risk of flooding.
- The site was previously rejected by the Council and the Planning Inspectorate and the community have spoken.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
STR2 - Towns,
STR4 - Development in Towns,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
CP4 - TD CORE STRATEGY - HOUSING,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

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) | £7,553 |
| Somerset County Council (Upper Tier Authority) | £1,888 |

6 Year Payment

| | |
|--|---------|
| Taunton Deane Borough Council (Lower Tier Authority) | £45,321 |
| Somerset County Council (Upper Tier Authority) | £11,330 |

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the design, the amenity impact of the dwellings on existing residences, the wildlife and landscape implications and access and parking.

The proposal is to erect 7 dwellings on the ends of the rear gardens of 14-28 Stoke Road with accesses out onto Harp Chase. The current properties have 50m plus long rear gardens and the proposal will still maintain rear garden lengths of over 25m for the existing properties. The new plots proposed are approximately 10m x 25m and are considered to be of an appropriate size to accommodate the dwellings proposed. The scale of two storey development and the design are also considered appropriate and in keeping with the character of the area and at a lesser density than Harp Chase. The first floor windows in the side of the end plots serve bathrooms and will be obscure glazed and restricted opening and will not give rise to any adverse overlooking issues. Similarly the distance from the new properties across the road and to the gardens to the rear is considered sufficient not to raise overlooking and privacy as issues to warrant an objection.

The proposal involves the re-use of existing garden areas and the removal of trees

and shrubs will be required to provide the development. A wildlife report has been submitted with the proposal and no loss of protected habitat has been identified. Mitigation measures have been suggested in terms of site clearance and reptile safeguarding and the conditioning of these matters together with a suitable landscaping condition to secure replanting of trees and hedges is considered necessary to secure habitat replacement in accordance with the NPPF as the submitted illustrative landscaping scheme is not considered adequate. The TPO cherry trees are to be retained and a condition to protect them during construction is considered appropriate.

The site lies within the existing built up area of the town and the site is served by an adopted highway that is considered suitable by the Highway Authority to serve as a means of access to the proposed site. The junction onto Shoreditch Road is considered suitable to cope with the traffic created and parking for 2 vehicles for each property is provided within each plot. This is more than required in the Local Plan policy M4. Whilst a considerable number of objections have been made on access and parking grounds, in light of the previous Inspector's decision and policy it is considered that the access and parking provision is acceptable and there are no grounds to object to the proposal on this basis. Conditions with regard to drive surfacing and removing rights to convert garages are considered appropriate.

The scheme provides for 7 new dwellings and a requirement for leisure and recreation provision is therefore triggered. In addition Community Leisure Services request contributions towards allotments and community halls. The provision for the necessary contributions will need to be secured through a Section 106 agreement. In addition under the new Core Strategy policy CP4 affordable housing is required on sites of 5 or more and so the provision of one affordable unit on site is required.

The previous application on this site in 2008 was refused because of the impact of Plot 1 on existing properties at 19 and 21 Harp Chase. The subsequent appeal was dismissed because of the impact on the TPO cherry trees. The current scheme in deleting a plot has addressed both of these issues and the cherry trees are retained and the Inspector on appeal considered the access and parking provision previously proposed to be acceptable. Consequently there is not considered to be any highway grounds on which to object to the proposal. The Government has previously issued a statement concerning 'garden grabbing', however this does not prevent the suitable use of land in built up areas. The existing and proposed plots created would still be bigger than existing properties in Harp Chase and the development is therefore not considered to be too high a density and out of keeping with the character of the area and the submitted proposal is therefore considered acceptable.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

E/0134/07/12

NON COMPLIANCE WITH PLANNING APPROVAL AT GARDENERS HALL FARM, LOWER STOFORD LANE, BRADFORD ON TONE

OCCUPIER:

OWNER: E-TRICITY LTD
CHISBURY, WEST HILL, WADEBRIDGE
CORNWALL
PL27 7EP

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure compliance with the approved plans by the reduction and rearrangement of the number of solar panels on site.

RECOMMENDATION

That no further action be taken over the additional 26 Solar Panels.

SITE DESCRIPTION

Gardeners Hall Farm is sited outside of Taunton within the parish of Bradford on Tone. The site adjoins the settlement boundary of the village and residential properties are close to the site on the western boundary.

There are a variety of storage buildings, agricultural buildings and residential dwellings adjoining the site. A large disused agricultural building has planning permission for a commercial use. The field is bound by hedgerows and trees. A Public Right of Way runs through the field.

BACKGROUND

Planning permission was granted on 20 January 2012 for the provision of 178 solar panels. A complaint was received on 27th July stating that more solar panels appear to have been provided than stated on the approved plans. The approved plans show three long rows of panels in double width. A site visit was made and it was found that there are six separate units of panels comprising of 34 panels each making a total of 204 panels.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The application, as submitted was for 178 Solar panels. The accompanying plans indicated that the panels would be arranged in three long rows comprising of two panels high. The panels on site are arranged in 6 separate banks of panels comprising of 34 panels and are staggered but are covering the same site area as approved. The development is therefore not in accordance with the approved plans in both layout and the number of panels.

RELEVANT PLANNING HISTORY

07/11/0024 - Planning permission granted for the installation and operation of a solar

photovoltaic array consisting of three rows with a total of 178 panels and associated equipment with a maximum array height of 2.6m and a maximum installed capacity of 50kw at Gardeners Hall Farm, Bradford on Tone.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Enforcement (Paragraph 207)

Taunton Deane Local Plan 2004

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
C12 - TDBCLP - Renewable Energy,
S&ENPP64 - S&ENP - Renewable Energy,
PPS 1 SUPP - Planning and Climate Change,
EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are impact on visual and residential amenity, and the Landscape Character of the area. In assessing the previous application, the following impacts were considered :

The solar panels are sited close to the edge of a field with a backdrop of hedgerows and agricultural and commercial buildings beyond the boundary. Locally, some residential properties may see glimpses of the panels, as would users of the Public Right of Way. To limit these views, a new hedgerow is to be planted in accordance with the approval.

Given the existing boundaries and nearby buildings, the proposed panels are not considered to harm any views from the wider area. As such, there is not considered to be any detrimental harm to character and appearance of the area.

The new dwellings nearby recently granted permission to the rear of Gardeners Hall and in particular Plot 2, are not considered to be detrimentally affected by the proposal. Plot two will have two first floor windows facing towards the field, both will serve bedrooms; the distance between the panels and the proposed dwelling is approximately 40m; the boundary of the dwelling would be closer. Though the solar panels would be visible from these rooms, the proposed fence and hedgerow would partially screen some of the panels. Given the partial screening and the distance to the panels, the proposal is not considered to have such a detrimental impact on the proposed dwelling to warrant refusal.

It is not considered that the revised layout and increase in panels alter these considerations as the overall site area remains the same. The development contributes to the provision of energy from renewable sources, in accordance with Policy C12 of the Taunton Deane Local Plan without causing any detrimental harm to visual or residential amenity and the Landscape Character of the area therefore no action should be taken.

PLANNING OFFICER: Mr M Bale
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

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

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 05 September 2012

| Proposal | Start Date | Application/Enforcement Number |
|--|-------------------|---------------------------------------|
| SECONDARY GLAZING TO WINDOWS AT 13 PARK STREET, TAUNTON | 08 AUGUST 2012 | E/0065/38/11 |
| LAND USED FOR STORAGE OF BUILDERS MATERIALS, PITMINSTER | 20 AUGUST 2012 | E/0163/30/10 |
| AREA CREATED FOR CAR PARKING TO REAR / SIDE OF HAVELOCK COTTAGE, 49 KINGSTON ROAD, TAUNTON | 23 AUGUST 2012 | E/0080/38/11 |

APPEAL DECISION FOR COMMITTEE AGENDA – 5 SEPTEMBER 2012

| APPEAL | PROPOSAL | REASON(S) FOR INITIAL DECISION | APPLICATION NUMBER | DECISION |
|------------------------|---|---------------------------------------|---------------------------|---|
| APP/D3315/C/12/2172574 | WALL DEMOLISHED AND NEW GATES ERECTED AT OLD MANOR HOUSE, COMBE FLOREY ROAD, COMBE FLOREY | N/A | E0309/11/11 | The Inspector found that the works and development undertaken were harmful to the setting of the listed building and character and appearance of its surroundings. He considered the benefits to the Appellant did not outweigh that harm and no wider public benefits have been identified which materially affect the balance to be struck. The appeal was therefore DISMISSED. |

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