

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 9 January 2013 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 7 November and 28 November 2012 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 13/12/0008 - Change of use, alterations and conversion of building 14 from b1 (light industrial) to c3a (dwelling house) at Cothelstone Yard, Cothelstone (resubmission of application 13/12/0005).
- 6 23/12/0032 - Installation of 19,640 no. ground mounted Photovoltaic Solar panels to provide a 5mw installation with power inverter systems, transformer stations, sub-stations, security fencing and access gates in a field north of Grange Farm, Nynehead.
- 7 24/12/0039 - Development of Solar Photovoltaic farm comprising approximately 5,304 N0. panels, rated at up to 1.5mw, and covering an area of 3.9 hectares, complete with installation of associated infrastructure including mounting frames, inverter, transformer, substation, pole mounted CCTV cameras and fence at Higher Knapp Farm, Knapp (amended scheme).
- 8 31/12/0015 - Erection of two storey rear extension and detached double garage at Rosedale, Henlade, Taunton (as amended).
- 9 38/12/0265 - Erection of 7 no. detached dwellings on land to the rear of 14-28 Stoke Road, Taunton as amended.
- 10 43/12/0084 - Redevelopment to form 42 later living apartments with communal facilities and associated landscaping and parking at the former Wellington Medical Centre, Bulford, Wellington.

- 11 49/12/0073 - Erection of 2 no. single storey dwellings with associated garages, parking and access on garden land attached to Spring Gardens, Wiveliscombe (resubmission of application 49/12/0055).
- 12 53/12/0008 - Outline application for the demolition of Orchard Lodge and redevelopment of site to provide residential dwellings and associated open space at Orchard Lodge, Cotford St Luke.
- 13 E/0189/38/12 Tall fence being erected at Taunton Town Football Club, Wordsworth Drive.
- 14 Planning Appeals - the latest appeals lodged and appeal decisions received (details attached)

Tonya Meers
Legal and Democratic Services Manager

04 March 2013

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.

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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

Planning Committee – 7 November 2012

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, A Govier, C Hill,
Mrs Hill, Miss James, Morrell, Mrs Smith, Tooze, Watson,
A Wedderkopp, D Wedderkopp and Wren.

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Matthew Bale (West Area Co-ordinator), Tim Burton (Growth and Development Manager), Judith Jackson, (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor), and Tracey Meadows (Corporate Support Officer)

Also present: Councillor Mrs Reed and Mrs Stock-Williams in connection with application no 43/12/0084 and Councillor Ross in connection with application no 49/12/0052

(The meeting commenced at 5.00 pm)

128. Apology

Councillor Mrs Messenger

129. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office and Councillor Wren declared a personal interest as an employee of Natural England. Councillors A Govier and Bowrah declared personal interests in respect of application No 43/12/0084. They declared that the application was discussed at the Wellington Town Council meeting, however they did not feel that they fettered their discretion.

130. Applications for Planning Permission

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

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

38/12/0380

Erection of two storey side extension and re-alignment of boundary wall at 27 Buckland Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A4) DrNo 1612-04 Site Plan
 - (A4) DrNo 1612-03 Location Plan
 - (A2) DrNo 1612-02 Existing and Proposed Elevations
 - (A1) DrNo 1612-01 Existing and Proposed Floor Plans.
- (c) Notwithstanding the provisions of the Town Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the window to be installed in the east elevation of the extension shall be obscure glazed. The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason for granting planning permission:-

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

38/12/0365

Change of use from private dwelling (C3) to 6 bedroom residential care home (C2) for adults with learning disabilities, demolition of rear extensions, erection of replacement rear extension and the raising of roof pitch for the creation of rooms in roof with alterations to driveway and parking at 75 Bridgwater Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A1) DrNo 3415/01 Existing Plans and Elevations
 - (A1) DrNo 3415/02 Rev A Proposed Plans and Elevations
 - (A1) DrNo 3415/03 Rev A Proposed Location and Roof Plans
 - (A2) DrNo 3415/04 Rev A Proposed Block Plan.
- (c) Before the development hereby approved is occupied, the area allocated for the storage of cycles, as shown on the submitted site plan shall be made available for this purpose, in accordance with details that shall have been submitted and approved by the Local Planning Authority, and shall thereafter remain available and not be used for any

purpose, other than for the storage of refuse and cycles in connection with the development hereby permitted. The cycle storage shall be fully lockable.

- (d) The area allocated for parking and turning on the submitted plan, drawing number 3415/04 Rev A, shall be made available prior to the development hereby permitted being brought into use and shall be kept clear of obstruction and not used other than for parking and turning of vehicles in connection with the development hereby permitted.
- (e) All recommendations made in the Harcombe Environmental Services protected species report, dated September 2012, shall be undertaken by the applicant. 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.

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

(i) Badgers are protected by UK law under the protection of Badgers Act 1992; and 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.)

Reason for granting planning permission:-

The proposed care home was considered to be in an appropriate location, where sustainable transport methods were available and would not result in detriment to highway safety. The resulting building had been designed to reflect the style and design of the existing and nearby properties along Bridgwater Road and would not result in harm to the character of the street scene. Although the proposal would change the nature of the site, it was not deemed to result in material detriment to the residential amenities of the occupiers of nearby properties or to wildlife. As such, the proposal was in accordance with Taunton Deane Core Strategy Policy DM1 (General Requirements) and SP1 (Sustainable Development Locations).

36/12/0011

Erection of a fodder and machinery storage building at Matchams Farm, Stoke St Gregory

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
 - (A3) DrNo 3170-03B Rev B Building B elevations
 - (A4) DrNo 3170-04B landscaping plan
 - (A4) DrNo 3170-01B location plan
 - (A4) DrNo 3170-02B site plan
 - (A4) Drainage plan
 - (A4) Holding Tank.

- (b) The building, hereby approved, shall not be used to house livestock.
- (c) The first 5m of the access to the west, as measured from the edge of the adjoining carriageway, shall be properly consolidated and hard surfaced (not loose stone or gravel) in material to be agreed in writing by the Local Planning Authority and thereafter carried out within three months of the date of the permission hereby granted.

(Note to applicant: - Applicant was advised that Land Drainage Consent will be required to be concluded for any connection to, or any modification of, any water course other than the Main River. Those details must be submitted and approved by the Parrett Internal Drainage Board.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly did not conflict with Taunton Deane Core Strategy Policies DM1 and CP8.

36/12/0010

Erection of a general purpose agricultural building and alteration to access arrangements at Matchams Farm, Stoke St Gregory

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A4) DrNo 3170-06A proposed floor plan
 - (A3) DrNo 3170-03A Rev B building A elevations
 - (A4) DrNo 3170-04A landscaping plan
 - (A4) DrNo 3170-02A site plan
 - (A4) DrNo 3170-01A location plan
 - (A4) Drainage Plan
 - (A4) Holding Tank
- (b) Only up to one third of the building, as indicated on the plan hereby approved, may be used to house livestock.
- (c) The first 5M of the access to the west, as measured from the edge of the adjoining carriageway, shall be properly consolidated hard surfaced and (not loose stone or gravel) in material to be agreed in writing by, the Local Planning Authority and thereafter carried out within three months of the date of the permission hereby granted.

(Note to applicant: - Applicant was advised that Land Drainage Consent would be required to be concluded for any connection to, or any modification of, any water course other than the Main River. Those details must be submitted and approved by the Parrett Internal Drainage Board.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and accordingly did not conflict with Taunton Deane Core Strategy Policies DM1 and CP8.

(2) That **planning permission be deferred:-**

43/12/0084

Redevelopment to form 42 later living apartments with communal facilities and associated landscaping and parking at the former Wellington Medical Centre, Bulford, Wellington

131. Erection of 20 No. dwellings on land to the north of Style Road, Wiveliscombe (49/12/0052)

Reported this application.

Resolved that subject to:-

(a) The views of the Wessex Water regarding the potential for odour nuisance and agreement of any odour mitigation strategy (if required)

(b) The expiration of a further consultation period with No.53 and channa in Style Road and 9 Spring Gardens regarding amendments to plot; and

(c)The applicant entering into a Section 106 Agreement to secure the Following:-

(i) Affordable Housing – Provision of 5 units (2 bed dwellings) including 3 units for Social Rent.

(ii) Education – Payment of £51,720 to expand pupil capacity at Kingsmead School.

(iii) Public Open Space – Provision for ongoing maintenance/transfer to TDBC/Parish Council of public open space, play facilities and SUDS sustainable drainage scheme.

(iv) Style Flats Parking Area – Transfer of Provision for ongoing maintenance/transfer to TDBC/Parish Council of parking facilities for Style Flats.

(v) Payment of £1,118 per dwelling towards improving community hall facilities in Wiveliscombe.

(vi)Travel Plan - The submission and implementation of a Travel Plan.

(vii)Payment of 1% of development costs towards public art;

The Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - A3) DrNo 4195/12 - Location Plan
 - (A2) DrNo 13000/5001 B - Materials Layout
 - A2) DrNo 13093/5000 E - Planning Layout Phase 1
 - (A3) DrNo 13093/6000.3 P341 WD5 - Plot 11 Floor Plans & Elevations
 - (A3) DrNo 13093/6000.4 P341 WD5 - Plot 12 Floor Plans & Elevations
 - (A3) DrNo 13093/6001.2A H433 – Plot 6 Floor Plans and Elevations
 - (A3) DrNo 13093/6003 B H469 - Plots 1,4,5,10, 13 &15 Floor Plans & Elevations
 - (A3) DrNo 13093/6003.1A H469 - Plots 2 & 3 Floor Plans & Elevations
 - (A3) DrNo 13093/6004.1A H536 - Plots 7 & 14 Elevations
 - (A3) DrNo 13093/6004.2 H536 - Plots 7, 8, 9 & 14 Floor Plans
 - (A3) DrNo 13093/6004.3 H536 - Plots 8 & 9 Elevations
 - (A3) DrNo 13093/6006 C SH17 - Plots 16 to 20 Floor Plans & Elevations
 - (A3) DrNo 13093/6040 - Garages Floor Plans & Elevations
 - (A3) DrNo 13093/6050 B - Street Scenes
 - (A3) DrNo 13093/6055 - Boundary Treatments
 - (A1) DrNo 3695-100C - Preliminary Engineering Layout
 - (A1) DrNo 3695-101C - Preliminary Engineering Layout - Phase 1.
- (c) Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, together with a timetable for its implementation and details of how the scheme shall be maintained and managed after completion shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and agreed timetable.
- (d) 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 submitted report dated July 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;
- Confirmation of the appointment of a suitably qualified Ecological Clerk of Works; and
- A Landscape and Ecological Management Plan.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses 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 tubes, accesses and boxes; and bird boxes and related accesses has been implemented.

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

(i) Site Characterisation

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all likely pollutant linkages. If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

(i) Submission of Remediation Scheme

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

(ii) Implementation of Approved Remediation Scheme

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

(iii) Reporting of Unexpected Contamination

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

(v) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works. A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage(ii) above).

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

(vi) Long Term Monitoring and Maintenance

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

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

- (g) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such in

- accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.
- (h) (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted and retention (and protection measures) of the existing boundary trees and hedges (except the southern boundary to Style Road) 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.
 - (i) Prior to the occupation of the 15th dwelling hereby permitted, the public open space indicated on drawing 19093/5000 rev D, including the Local Equipped Area for Play, allotments and access roads/footpaths, shall be constructed in accordance with full details that shall have been submitted to, and approved in writing by, the Local Planning Authority beforehand.
 - (j) The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The agreed details shall be implemented such that each dwelling shall be accessed by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.
 - (k) Details of any external lighting, including street lighting and lighting within the Public Open Space shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation. Such lighting shall be designed in accordance with the wildlife mitigation strategy approved pursuant to condition (a) above.

Reason for granting planning permission, if granted:-

The proposed development would form part of a wider residential development on land allocated for such purposes. The development would provide affordable housing and public open space in accordance with the requirements of Policy WV1 (Land North of Style Road) of the Taunton Deane Local Plan and Policy CP4 of the Taunton Deane Core Strategy. Whilst the highway improvements to Style Road and the junction of Burges Lane and Ford Road required by policy WV1 would not be delivered by the current application, a development of the scale hereby permitted can be accommodated within the existing highway network and would not cause harm to highway safety. The proposed development was acceptably designed and does not impact

unreasonably upon any other nearby property. It did not give rise to flooding and did cause harm to wildlife. It was therefore, considered to be acceptable in accordance with Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Local Plan, Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in the National Planning Policy Framework.

132. Appeals

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

(The meeting ended at 8.15 pm)

Planning Committee – 28 November 2012

Present: - Councillor Coles (Vice - Chairman)(In the chair)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, A Govier,
Mrs Hill, Miss James, Mrs Smith, Tooze, Watson,
D Wedderkopp and Wren.

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Tim Burton (Growth and Development Manager), Judith Jackson (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor), and Andrew Randell (Corporate Support Officer)

(The meeting commenced at 5.00 pm)

133. Apologies

Apologies: Councillors C Hill, Mrs Messenger, Nottrodt and A Wedderkopp

134. Minutes

The minutes of the meeting of the Planning Committee held on the 5 September 2012 and 17 October 2012 were taken as read and were signed.

135. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office and Councillor Wren declared a personal interest as an employee of Natural England. Councillor Coles declared that he had received a number of letters regarding application No 38/12/0389 from the architect. These had been submitted to the Legal Services Manager for information.

136. Applications for Planning Permission

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

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

14/12/0028

Change of use and conversion of agricultural barn to form a residential dwelling at Bedruthan, Bull Street, Creech St Michael

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (A2) DrNo 5811/3 Rev A Location- Site Plan
 - (A3) DrNo 5811/1 Rev A Floor and Elevations Plans as Existing
 - (A3) DrNo 5811/2 Rev B Floor and Elevation Plans as Proposed
- (c) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the window to be installed in the West elevation shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained.
- (e) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.
- (f) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- (g) Finished floor levels of the development shall be set no lower than 9.14m AOD.
- (h) No development shall commence until details of flood resilient design techniques in the construction of the development have been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- (i) The development hereby permitted shall not be commenced until details of a strategy to protect bats and breeding birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be

based on the advice of ACE Consulting's submitted report, dated October 2011 and include details of protective measures to include method statements to avoid impacts on protected species during all stages of development. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance shall be submitted. 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. 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.

- (j) The conversion works shall not commence until details of the works for the disposal of foul drainage and surface water sewage have been provided and agreed in writing by the Local Planning Authority and the agreed works to serve the development shall be carried out in accordance with details agreed prior to the occupation.

(Notes to applicant: - Applicant was advised that the condition relating to wildlife requires the submission of information to protect species and the Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process.

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 of Natural Habitats and Species (Amendment) Regulations 2012, 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.)

Reason for granting planning permission:-

The site was in a sustainable location within the village and comprised the conversion of an existing building. The proposal was considered not to have a detrimental impact upon visual or residential amenity or flood risk and would enhance/maintain the character and appearance of the area and, therefore did not conflict with retained Taunton Deane Local Plan Policy M4 (Residential Parking Provision) and Policy DM1 of Taunton Deane Core Strategy.

38/12/0391

Erection of a single storey extension to the front elevation of 77 Lyngford Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo 05 Proposed Ground Floor Plan and Elevations
- (A3) DrNo 03 Existing Ground Floor Plan and Elevations
- (A4) DrNo 02 Block Plan
- (A4) DrNo 01 Location Plan

(Note to Applicant: - Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.)

Reason for granting planning permission:-

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal was in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

38/12/0398

Erection of dwelling with associated garage and parking provisions within the garden of Hawksworth House and land to the north at 1 Holway Avenue, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A1) DrNo 13 Rev Proposed Plans, Elevations and Section A-A Sketch Scheme 06
- (A1) DrNo 12 Rev A Proposed Site Layout Sketch Scheme 06
- (A1) DrNo 03 Rev C Existing Site Layout Plan
- (A3) DrNo SPP.1743.1A Tree Appraisal
- (A4) DrNo 11 Rev B Proposed Block Plan-SK05
- (A4) DrNo 02 Block Plan
- (A4) DrNo 01 Location Plan
- (A1) DrNo 12A Proposed Site Layout Sketch Scheme 06 Design Drawing.

- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by,

the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

- (d) 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 is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.
- (e) The windows in the first floor side elevations (south west and north east) shall be glazed with obscure glass and be fixed or 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 planning permission.
- (f) The dwelling shall not be occupied until turning and parking spaces shown on drawing 12A are provided and the parking spaces shall be retained and only used in connection with the development hereby permitted.
- (g) A method statement to avoid construction work impact on tree roots and branches and details of the foundation design shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site.
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A and B of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.
- (i) The development hereby permitted shall not be commenced until details of a strategy to protect badgers during construction has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include method statements to avoid impacts on protected species during all stages of development and details of the timing of the works. 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.

(Notes to Applicant: -

Applicant was advised to take the following matters into account:-

- (i) The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any

such development proposals that may affect its apparatus. It is recommended that the applicant contacts Wessex Water Sewer Protection Team.

(ii) The developer must agree a point of connection to the water and foul sewage network with Wessex Water.)

Reason for granting planning permission:-

The proposal, for residential development, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory, adequate parking and turning was provided and the development would not have a detrimental impact on the amenity of surrounding residential properties and the proposal was considered in accordance with Policies CP4, CP6, CP8 and DM1 of the Taunton Deane Core Strategy and retained Policies STR4 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and retained policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

137. E/0106/44/12 – Dog breeding business allegedly not in accordance with planning permission at Beacon Lane Farm, Wellington

Reported that it had come to the attention of the Council that a breach of Development Control had occurred regarding the use of an agricultural field for the keeping of dogs and associated kennel structures and dog runs at Beacon Lane Farm, Foxmoor Road, Wellington.

Planning permission had been granted in January 2012 for the change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space. Work was progressing on the conversion of the living unit and the dog breeding element was partially being used. Due to an increase in the number of breeding bitches being born at the business premises it had become necessary to find additional accommodation to house the dogs until the dog breeding element was fully functional.

The site currently comprises a large area of compacted stone laid to form a parking and access track to the site. On site were a number of timber kennels holding the dogs each fitted with a wire netted run. Dogs were not confined to within the kennels and were free to use the spacious runs.

There were six structures currently on the site housing about forty dogs. Although only a small portion of the field had been taken up by the development leaving the majority of the field left to be used for agricultural use, it comprised an unauthorised change of use and associated erection of buildings/structures.

Whilst the Council looked to support economic development within rural areas, the current arrangements being provided on the site were considered to harm the character and appearance of the area by degrading the visual landscape quality of this part of the Blackdowns Area of Outstanding Beauty

(ANOB). In addition, it is was considered that the noise generated by the use of the site, due to its open and uncontrolled nature results in significant audible disturbance to the peace and tranquillity of this area of the AONB to its detriment.

It was therefore deemed reasonable to proceed with Enforcement Action seeking a cessation in the use of the site and the removal of the buildings, runs and hardstanding.

Noted that the previously approved conversion of buildings at Beacon Lane Farm was justified on the basis that dog breeding would be undertaken indoors thereby reducing the noise and disturbance to the surrounding area. The main site was still in the middle on conversion and the owner had been advised to make the business floor space available as soon as possible. In order to allow the owner a reasonable time period to develop a feasible and acceptable plan to relocate these dogs from the outside pens, it was felt that a longer period of compliance with the Enforcement Notice would be reasonable and proportionate.

Resolved that:-

- (1) Enforcement action be authorised requiring :-
 - (a) The cessation of keeping dogs on the agricultural field south of Beacon Lane Farm, Wellington; and
- (2) Any enforcement notice served should have a six month compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.
 - (b) The removal from the field of all buildings and structures in connection with (a) above;

138. Proposed withdrawal of an Enforcement Notice 1 and 3 on land to the west of Bishop's Hull Road, Taunton

Reference Minute No. 87/2012, reported that the Committee had previously resolved that the prosecutions in respect of plats 1 and 3 should not proceed as it was not in the public interest to do so.

That resolution however meant that the enforcement notice in respect of plots 1 and 3 (now numbers 1 and 5 Quarty Drive) remained in force. Whilst the Council had resolved not to prosecute for the failure to comply with the notice and had not resolved to do the works in default, there were nevertheless likely to be difficulties when the current owners came to sell.

They had therefore approached the Council with a request that the notices be formally withdrawn, on the basis that the works could now be carried out under Permitted Development Rights and it was inequitable that the house owners should be penalised when the Council had resolved that it was not in the public interest to take action against the developer.

It was considered that no purpose was now served by the retention of the notices.

Resolved that: - the enforcement notice served on the 8 August 2011 in respect of plot 1 and plot 3 on land to the west of Bishop's Hull Road, Bishop's Hull be withdrawn.

(The meeting ended at 7.35pm)

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 UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

CHANGE OF USE, ALTERATIONS AND CONVERSION OF BUILDING 14 FROM B1 (LIGHT INDUSTRIAL) TO C3A (DWELLING HOUSE) AT COTHELSTONE YARD, COTHELSTONE (RESUBMISSION OF APPLICATION 13/12/0005)

Grid Reference: 318238.131718

Full Planning Permission

RECOMMENDATION AND REASON(S)

Refusal subject to no new evidence being received before 28 December 2012

- 1 The application fails to demonstrate that a suitable business or other appropriate re-use cannot be attracted to Building 14. The building has been used previously for business purposes and an extant permission provides a suitable alternative economic re-use for the building. The justification, in terms of requiring security at the site, submitted in support of the application does not carry sufficient weight so as to warrant permitting the residential re-use of the rural building contrary to planning policy which is heavily weighted towards finding other suitable employment and community orientated uses for such buildings. The proposals are therefore contrary to Policy DM2 (7.b) of the Taunton Deane Core Strategy.
- 2 The site is located outside of any defined settlement limits, (as set out in the Taunton Deane Local Plan) where Development Plan policy provides that development should be strictly controlled and provided for where consistent with the policies and proposals set out in the Plan. Notwithstanding the business floorspace approved within the extant planning permission for Cothelstone Yard, the proposed conversion results in a permanent residential dwelling remote from adequate services, employment, education and other services and facilities generally required for day to day living. Such a proposal would be likely to generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative sustainable modes of transport. The proposal is therefore considered to be an unsustainable form of development contrary to Policies STR1 and STR6 of the 2000 Somerset and Exmoor National Park Joint Structure Plan Review and Policies SP1, CP4, CP8, DM1 and DM2 of the Taunton Deane Core Strategy. The proposals also conflict with guidance contained within the National Planning Policy Framework.
- 3 The application fails to provide adequate information, in the form of an up to date wildlife and protected species survey and therefore the Council cannot be satisfied that the proposed development will not result in the deliberate disturbance of a protected species or habitat within Building 14. As a result the proposals fail to satisfy the derogation tests necessary for the Local Authority to discharge its duty set out within Regulation 9(5) of the Habitat and Species Regulations (2010). The proposals are therefore contrary to Policies CP8 and DM1 of the emerging Taunton Deane Core Strategy and guidance contained within the National Planning Policy Framework.

- 4 The proposed development will result in a conflict in land use between the residential property and adjoining buildings that are subject to future redevelopment for economic purposes, the permission for which includes community, retail, business and light industrial uses. Nuisance and disturbance generated by the re-use of adjoining buildings will be detrimental to the amenity of future occupants of the proposed dwelling. The proposals are therefore considered to conflict with Policy DM1 of the Taunton Deane Core Strategy.

RECOMMENDED CONDITION(S) (if applicable)

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

PROPOSAL

The application seeks planning permission for the change of use of Building 14 to a single storey dwelling house with associated parking and curtilage at Cothelstone Yard, Cothelstone.

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. Two parking spaces are to be provided to the South of the building and outdoor amenity space is provided to the North of the building. The dwelling will be accessed via the main site entrance to the East; here the stone boundary wall has recently been demolished and rebuilt backward of the highway in accordance with details approved by an extant planning permission and listed building consent.

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

SITE DESCRIPTION AND HISTORY

Building 14 is a single storey linear barn located within the main complex of traditional agricultural buildings at Cothelstone Yard. The building is Listed grade II

virtue of its curtilage status and historic association with Cothelstone Manor.

Building 14 is 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. The site is accessed from the East off the public highway through a recently repositioned stone wall and gateway; this leads onto an enclosed concrete yard area.

The application states that the building is currently permitted for B1 (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.

Application for Listed Building Consent has been approved for the works, under LPA reference 13/12/0006LB. Planning permission was refused under delegated powers, planning reference 13/12/0005, for the conversion of the building to a dwelling house, for the following reasons:

- Failure to demonstrate that an alternative business re-use cannot be found for the building;
- Unsustainable location for residential development distant from services thereby fostering the need to travel by private motor vehicle;
- Failure to satisfy derogation tests set out within the Habitat and Species Regulations (2010) with regard to wildlife within the building;
- Lack of amenity space and conflict in land use between residential use and approved uses for surrounding buildings that would result in unsatisfactory nuisance and disturbance of potential occupants of the proposed dwelling.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOP LYDEARD & COTHELSTONE PARISH COUNCIL - Support the proposals and has no further comments.

SCC - TRANSPORT DEVELOPMENT GROUP - No comments received at time of writing. Previously commented on sustainability of the site and proposed use and recommended that conditions be applied as per previous permission for works to improve the existing access.

HERITAGE - This building occupies a very sensitive site. It appears to be an element of the 1860s farm complex, part of which, immediately to the east, is listed. It is also very close to the manor house, gates and gatehouse which are listed at Grade I and II*.

I note that Listed Building Consent has already been granted for the conversion. The actual conversion scheme looks fairly benign with little impact on the front (roadside) elevation and the reinstatement of a slate roof is a positive change. I am, nevertheless, uneasy about a dwelling being in this position. Further down the line it is very often the case that other domestic accoutrements appear, such as gardens, washing lines, bin storage, boundary fences etc. that would have the potential to have a detrimental affect on the buildings setting. Although some of these are

addressed on the block plan, I am not convinced this is a fully realised scheme and enough information has been provided for me to make a fully informed assessment.

I fully support the beneficial reuse of this building and others on the site that appear to be in poor condition. My concern is that the domestic reuse of this building could potentially have a negative impact on the setting of the nearby listed buildings and wider conservation area. If approval is granted it should be subject to conditions to prevent this occurring.

LANDSCAPE - No comments.

BIODIVERSITY - Previous comments apply:

As the building has been used until recently for light industry a wildlife survey has not been submitted. Note the demolition of the shed and re-roofing of the building. There is always the possibility that birds and bats may be impacted upon, therefore informative notes suggested.

ENVIRONMENTAL HEALTH - Due to the commercial use of the site and the proposed residential use, condition recommended requiring investigation of historical contamination.

Representations

Ward Councillor - Supports the proposals and requests that the application be determined by Planning Committee, for the following reasons:

- Firstly, there is no additional intrusion on the existing area - it is already a building in it's own right.
- Secondly, it readily provides accommodation for a small family.
- Finally, the presence of occupants in this area would hopefully alleviate the spate of robberies that have recently occurred in this area.

1 letter from local resident with NO OBJECTIONS to the conversion of the building, feel that it will enhance the look of the property and neighbourhood.

3 letters of SUPPORT raising the following planning related matters;

- Surprised to see the previous application refused;
- It is a shame to stand by and watch buildings fall into a state of disrepair;
- It would provide extra security for the Manor Yard as there have been a few break in's over the last few years;
- The yard has always been susceptible to break in's as there are no dwellings overlooking it;
- Break in's and attempted thefts have been experienced when keeping horses within the site;
- The yard is an easy target; a dwelling near the entrance will act as a deterrent to opportunist thefts;
- The proposal could benefit the local community;
- Acknowledge the Councils sequential test but feel the proposals should be considered talking into account specific circumstance of the site and the wider context of the building's situation;
- This building is included in the existing permission for employment use of the buildings;
- The current economic climate is not supportive of business premises especially

for rural locations.

- There is a wide range of business accommodation on the market but as the climate improves over the coming years there will be further demand for business units;
- Sites exposed to risk of theft and vandalism are unlikely to attract long term tenants; this is likely to cause an issue for the sustainability of the business use of the yard as whole;
- Ensuring on site presence during non-business hours will likely strengthen security of the site and so it seems sensible to introduce a residential use close to the entrance of the site;
- Allowing the removal of the building from the employment use will have minimal impact upon future employment use of the site as a whole;
- Given security issues a residential use will compliment the occupation of larger buildings therefore ensuring future sustainability of the site.

PLANNING POLICIES

DM2 - TD CORE STRATEGY - DEV,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP2 - TD CORE STRATEGY - ECONOMY,
CP4 - TD CORE STRATEGY - HOUSING,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S&ENPP9 - S&ENP - The Built Historic Environment,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
NPPF - National Planning Policy Framework,

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) £1079

Somerset County Council (Upper Tier Authority) £270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £6474

Somerset County Council (Upper Tier Authority) £1619

DETERMINING ISSUES AND CONSIDERATIONS

Since the previous refusal of planning permission for the conversion of the building to residential, Listed Building Consent has been approved for the proposed works. The impact of the development upon the heritage asset is therefore considered to be acceptable in light of this approval. With regard to the physical proposals, the only notable amendment to the previous scheme is the provision of a curtilage area to the

rear (North) of the building.

The pertinent issues to consider in determining the proposed development is the principle of the development having regard to the development plan policies for the area; the impact of the proposals upon wildlife and protected species and whether the proposed residential use is acceptable in this location having regard to the extant permission for the re-use of the remainder of the site at Cothelstone Yard.

Policy principles:

The planning policy in relation to conversion of rural buildings comes from guidance contained within the National Planning Policy Framework together with Policies DM1 and DM2 of the adopted Taunton Deane Core Strategy. Since the previous refusal, the Councils Core Strategy document has been adopted thereby replacing policy H7 of the former Local Plan.

Core Strategy Policy DM2 sets out the councils policy stance for development within the open countryside. The policy adopts a sequential approach for the conversion of rural buildings to alternative uses. Core Strategy Policy DM2 (7.b) makes it clear that only in exceptional circumstances will the re-use of an rural building be permitted for solely residential purposes.

The building has been vacant since 2011. Building 14 also has an approved use as part of the wider development of the buildings at Cothelstone Yard. The most recent planning permission (13/05/0007) approved the use of Building 14 for retail and occupation by Quantock Pottery (Use Class A1).

These matters, together with the fact that the building has until recently been used for economic and business purposes, demonstrates that uses alternative to residential are available and potentially viable at the site. The application is without any form of justification necessary to demonstrate why preferred uses laid out within Policy DM2 (7) are not feasible and other than for reasons of security for the historic buildings and materials at present, during the construction phase and during the commercially active use of the site in a few years time. The application suggests that the economic loss of the building would not affect the extant permission for the site as the building is the smallest and least significant at the yard, accounting for only 5% of the approved economic/business floor space. No other justification as to why it is essential to provide full residential use at the site has been submitted.

Providing additional security at the site through an on-site residential presence is not considered to be of sufficient weight so as to outweigh the Council's planning policies that seek to provide business, commercial or other uses beneficial to rural economies or communities through the re-use of rural buildings. The application suggests that the application is worthy of individual consideration rather than decision by regulation; whilst it is acknowledged that discretion should be used in determining each application on its own merits, decisions must be taken in accordance with the development plan for the area.

In planning policy terms, the site is located within an isolated rural area outside of a defined settlement. The area is not well served by public transport, and is beyond any reasonable distance in which services could be accessed via foot or bicycle. Any occupier of the dwelling would be highly dependent upon the private motor vehicle in order to access daily services required for day to day living. Such fostering of growth

is contrary to planning policy and would result in an unsustainable development with regard to transport policy. With the extant business use, the economic benefit of the proposals outweighs the unsustainable location of the site due to the benefits associated with the heritage assets and rural economy. The same is not considered to be true of the proposed residential use.

The proposals are considered to conflict with Policy DM2 (7.b) of the Taunton Deane Core Strategy. In addition, the National Planning Policy Framework is supportive of reusing rural buildings for economic purposes. The benefit of providing security for the complex of listed buildings is noted but it is a well established principle that security alone can rarely justify allowing a residential use where planning policy would normally resist such a proposal. Despite the historic interest of the buildings the case of security is considered to carry limited weight and does not outweigh the conflict with planning policies set out above.

As consistent with the previous refusal and in light of there being no additional justification presented that outweighs the previous reason for refusal, the proposed residential conversion scheme is considered to constitute an unsustainable and inappropriate re-use of the building and is contrary to planning policy.

Wildlife

As with the previously refused planning application, the submitted amended application has failed to submit an ecological survey of wildlife within Building 14 or the wider site. It has been suggested that wildlife will not be harmed and that a survey can be made a condition of any approval where there is a reasonably probability of protected species and wildlife being present and potentially affected within a site, Regulations require the LPA to make a judgement prior to the determination of the application and a wildlife survey should be commissioned and submitted in support of applications.

The survey submitted in support of planning application 13/05/0007 found evidence of a Little Owl at barn 14. Adjacent buildings were also used by bats, owls and barn swallows. It should be noted that bats are a European Protected Species and their habitat both within the barns and around the yard and associated buildings would be impacted upon as a result of the proposals which includes the partial demolition of a small shed and the re-roofing of the building.

Since the undertaking of a wildlife survey in August 2005, there is a high possibly of the building having been used by protected species; despite the building having been in use until 2011, there is a more than a reasonable probability that Building 14 may be used by bats and other protected species. As a result of the above, the proposed development may result in the deliberate disturbance of a protected habitat as described within the Habitat and Species Regulations (2010), such is an offence unless a license is obtained for the works from Natural England.

Notwithstanding the comments of the Councils Biodiversity Officer, the absence of an up to date Wildlife survey means that the Council cannot be satisfied the proposals will not have a detrimental impact upon protected species at Cothelstone Yard and Building 14 in particular. Therefore it is not possible to assess all considerations that are material to the proposals. It is must be recognised, therefore, that the Council cannot discharge its duty to Regulation 9(5) of the Habitat and Species Regulations (2010). The proposals fail to demonstrate that no harm would

occur to protected species and their habitats and therefore permission cannot be granted on this basis.

Land uses and amenity

The amended scheme has included a new outdoor amenity area to the North of the proposed dwelling; whilst this area is limited in space it is nonetheless seen to be a positive amendment to the previous scheme.

One reason for the previous refusal of planning permission was the perceived conflict between a residential dwelling and the use of the adjoining yard and buildings for a range of uses inclusive of commercial, retail and light industrial. This latest application has not provided any comment on how the amended scheme overcomes this previous reason for refusal. The rural location of the site and its surroundings is acknowledged however it remains that a residential unit located within close proximity of an economic development such as that permitted by approval 13/05/0007 will likely result in an unacceptable degree of disturbance and nuisance to any potential occupier, even if the site is not run on a 9am to 5pm basis as has been suggested.

For this reason the proposed development remains unacceptable due to conflict between land and building uses within the site.

Other matters

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

The building is of limited architectural and historic importance, with the larger buildings within the site being those that contain the major historic importance. A low impact economic re-use of the building would be preferred to a residential scheme and whilst it is positive to find an alternative use for the building as part of its group value, the proposal does not carry sufficient weight as to outweigh the aforementioned issues.

Conclusions

The application has made no significant attempt to overcome the previous four reasons for refusal of planning application 13/12/0005. There remains an 'in principle' objection to the proposed residential conversion due to the conflict with Core Strategy Policy DM2, which has not been satisfied, and it should be noted that no attempt been made by the application to justify the proposals in accordance with Policy DM2 (7.b).

The proposals will result in an unsustainable use of the building where there is no overriding justification to accept a departure from the development plan policies for the area. The application does not provide sufficient information to allow the LPA to discharge its duty within Regulation 9(5) of the Habitat and Species Regulations (2010) and the proposal would result in a conflict in land uses between the residential unit and adjoining business/economic use of the remainder of the yard and buildings therein. Whilst the proposals would provide an alternative use for the listed building, there remains an extant business re-use that can be implemented.

Further, a residential conversion scheme would arguably be more damaging to the heritage asset than this extant use. The benefits of the proposals to the listed building are therefore limited and do not outweigh the conflict with planning policy and other material considerations.

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

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

LUMICITY LTD

INSTALLATION OF 19,640 NO. GROUND MOUNTED PHOTOVOLTAIC SOLAR PANELS TO PROVIDE A 5MW INSTALLATION WITH POWER INVERTER SYSTEMS, TRANSFORMER STATIONS, SUB-STATIONS, SECURITY FENCING AND ACCESS GATES IN A FIELD NORTH OF GRANGE FARM, NYNEHEAD

Grid Reference: 314384.124135

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 slight, localised harm to the visual amenities of the area, however, the benefits are considered to outweigh the limited harm and the proposal is acceptable in accordance with 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 nearby property nor highway safety, nor will it lead to an increase in off-site flooding.

It is, therefore, considered to be acceptable in accordance with 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:

(A2) DrNo BRS.4133.006 rev A Planting Plan

(A3) DrNo BRS.4133_08-1a Point of Connection Plan

(A0) DrNo BS8120866_01 rev P3 Solar compound site layout

(A0) DrNo BS8120866_02 rev P3 Solar compound site fencing

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 Michael Woods Associates ecological survey dated September 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 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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 7. Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include 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 Environmental Management Plan 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. No development shall commence until a scheme to limit surface water flows from the development during the construction and operational phases has

been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented and maintained in accordance with the details of the approved scheme.

Reason: To ensure that flood risk is not increased in accordance with NPPF paragraph 103 and Taunton Deane Core Strategy Policy CP8.

11. No development shall take place within 6m of the top of bank of any river or ditch at any time during the development.

Reason: To ensure that flood risk is not increased and to protect the biodiversity value of the watercourses in accordance with NPPF paragraphs 102 and 109 and Taunton Deane Core Strategy Policy CP8.

12. Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to an approved in writing by the Local Planning Authority. The plan shall include the size of vehicles to be used for deliveries and the routes to be used. The developer shall ensure that any contract for deliveries to the site shall stipulate the vehicles sizes and routes approved in the management plan.

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.

13. 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.

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. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

This application seeks full planning permission for the erection of a c.5MW solar photovoltaic installation comprising 19,640 solar panels on agricultural land, contained within a single field. The panels would be surrounded by a 2m high security fence and new hedgerows would be planted between existing public footpaths that cross the site and the security fence.

The application indicates that panels would be arranged two panels high in a portrait orientation, such that the rear (high) edge of the panels was around 2.2m from the ground (although this may vary slightly depending on ground levels. They would be fixed to the ground using screws or stakes. Rows of panels would be 8m apart.

Access to the site would be provided from the south via the existing entrance to Grange Farm on the Nynehead to Milverton Road (Luckham Bridge Road).

SITE DESCRIPTION AND HISTORY

The site comprises a broadly flat area of agricultural land, within Milverton Parish, but close to Nynehead. Luckham Bridge Road between these two settlements lies to the southeast and east of the site, and is lined with mature hedgerows, such that the site is not readily visible from this public highway. To the north, the land rises before falling to the road between Milverton (Houndsmoor) and Oake.

The site is currently surrounded by mature hedgerows on all boundaries, although two public footpaths pass through the site. One footpath crosses at the northwest corner, before passing out of the site a short distance along the northern site boundary into the adjoining field. A second path runs along most of the eastern side of the site, passing out in the southeast corner. To the north of the site, the land rises, and the footpath reaches a summit. Walking south on this path, the whole expanse of the site is visible from the summit, against a backdrop of the Blackdown Hills.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

MILVERTON PARISH COUNCIL – Councillors expressed Support for ‘green energy’. However they also expressed dissatisfaction about the applicants lack of engagement with local people and poor understanding of local roads and transport issues. There was also concern about the potential loss of Grade 2 farmland.

NYNEHEAD PARISH COUNCIL – Object for the following reasons:

1. The roads leading to the site are unsuitable for ht traffic that would be needed for the construction of the facility:
 - a. The roads could not take the heavy loads involved.
 - b. The site is a long way from suitable main road.
 - c. There are restrictions, legal and otherwise on many of the approach roads, such as Poole Railway Bridge, Ash Lane and Bradford-on-Tone.
 - d. The site would have to be reached through the village of Higher Nynehead where the road has no footways but is well used by people on foot.
2. The site is visible from Higher Nynehead and from public footpaths that adjoin the site (WG7/45 and WG7/1) and which are well used by Nynehead residents. The planning application is, therefore, incorrect where it states that the site cannot be seen from a public road, public footpath, public bridleway or other public land.
3. The proposal would lead to the loss of agricultural land. The council is not convinced that the land when developed could be used productively for farming and in the light of world population growth and pressure on world food supplies there is a long term need to protect farmland and not tie-up land for other uses for 25 years.

SCC - TRANSPORT DEVELOPMENT GROUP – Formal Comments awaited. The Highway Authority do not currently accept the applicant’s proposed construction traffic routing, although they do consider that an alternative may be acceptable.

LANDSCAPE – My main concerns are:

- Visual impacts from the closest two public footpaths and;
- Surrounding properties
- Impact on the landscape character of the proposed site;
- Impact of barrier/security fencing.

The views from the PROW are classed as being of ‘moderate’ sensitivity but the visual impacts are locally high and therefore the visual impacts are high. These can be overcome to some extent by hedgerow management, but where the public footpaths go through the site this will not be easily mitigated other than by hedgerow planting on the field side of the N/S public footpath and south side of the E/W public footpath.

The proposed mitigation will, subject to details, help reduce visual impacts from

surrounding properties.

I do not agree that the landscape character impacts are moderate. My assessment is that even with retention of existing hedgerows, the agricultural landscape of the site itself will be compromised.

I recommend grey or black fencing rather than green to reduce visual impacts.

ENVIRONMENT AGENCY – No objection, subject to a condition that drainage works proposed in the submitted Flood Risk Assessment are implemented.

DRAINAGE ENGINEER – Whilst having no major concerns over this application I have requested more information regarding construction of the proposed swales and the results of porosity tests. To date this information has not been forthcoming and therefore at this stage I have to OBJECT to the application.

SCC - FLOOD RISK MANAGER – The Flood Risk Assessment makes no reference to the impact of flooding to the site access. Will there be safe access to and from the site during a flood on the ordinary watercourses that the access crosses.

The applicant should be advised that all new crossings and modifications to existing crossings of ordinary watercourses will require the consent of SCC under the Land Drainage Act.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – There is another solar farm within the district and Environmental Health has not received any noise complaints relating to transformers on this site.

With this application, the transformers are central to the site and it is unlikely that they will disturb residents. However to provide a more detailed comment a noise assessment would need to be provided by the applicant

SCC - RIGHTS OF WAY – No comments received.

OAKE PARISH COUNCIL – Supports the application, but consideration must be given to the best material regarding the colour to blend into the landscape. Also landscaping should be considered to screen the panels from public view.

Representations

Somerset Gardens Trust – raises the following matters:

- The site is approximately 1.2km to the North of Nynehead Court – a registered Grade II* historic park and garden.
- The highest parts of the site will be visible from parts of Nynehead Park.

When the 2.2m height of the panels is taken into account, we believe an even greater area will be visible.

- The hedge to the south of the site has been allowed to grow to a considerable height. This may need to be cut to increase winter light falling on the panels, reducing the screening effect.
- The agricultural nature of the landscape surrounding the historic park would have been considered when the park was designated. Any part of this wider view would be detrimental to the setting of the park.

Campaign to Protect Rural England – object for the following reasons:

- The proposal will result in the loss of Best and Most Versatile agricultural land. A detailed appraisal of the agricultural land category would be desirable. The arrays have not been designed so that the site can be grazed as the panels are set too low. The land will be completely out of production for at least 25 years.
- The panels will increase surface water run-off affecting areas downstream at Hillfarrance.
- Footpaths run along the eastern boundary of the site as well as across the northeast corner. Although the latter has been screened, the no attempt has been made to screen the arrays or security fencing from the eastern right of way. The supporting statement is confused as to the location of the footpath and as proposed the development will spoil a pleasant rural path.
- The grade 2* registered park and garden at Nynehead Court is within the visibility zone and no specific mitigation measures are proposed.
- If allowed, a permissive route to the carry the footpath to the eastern side of the hedge should be established and put in place throughout the development; a flood attenuation scheme should be implemented and the southern hedge boundary should be conditioned to be maintained at a minimum height of 3m.

6 letters of OBJECTION have been received raising the following issues:

- The panels will be visible from a distance from several public footpaths and other vantage points and will have a detrimental effect on the landscape character, particularly in winter. The site is at the half way point of a circular public footpath walk from Nynehead at precisely the point where some of the best views towards the Blackdown Hills can be obtained.
- If the trees/hedges to the south are cut to increase light incidence, more panels would be visible.
- The panels would seriously reduce the available good quality agricultural land at the site. The applicant's land at Cullompton should not be considered as part of Grange Farm in order to consider the percentage of farmland covered by panels.
- The access roads are narrow country lanes, with no footways. They pass through the village of Nynehead itself. As such, there would be significant safety issues to local residents from the construction traffic.
- The local roads have been subject to an increase in traffic following the conversion of barns at Blockhouse, Bickley and Houndsmoor farms.
- The view would be changed from rural to industrial.
- The panels would damage business for local bed and breakfasts and spoil the

rural atmosphere for residents.

- It seems possible that our climate and frequent heavy cloud cover might mitigate against this on a commercially viable scale.
- It is stated that the site is close to an existing sub station and a further one may not be required, but the planning application suggests otherwise. It, therefore, seems an invalid argument for using this location.
- Query whether additional power cable connections to the national grid maybe required.
- The FRA asserts that the installation would have no effect on the runoff from the site. This issue has been debated at length regarding a parallel application in Tolland and the same issues apply. The bland assumption that there would be no increase in run-off cannot be support and some increase in run-off has to be accommodated. The hydrological assessment needs revision.
- The need for security fencing is not mentioned in the Pegasus documentation. It suggests a possible risk to the health for any local inhabitants or livestock and argues against the concept of livestock grazing between the panels and for farming to consider.
- The installation would be a significant eyesore compared tot he appearance of the area at present.
- There is no indication of potential noise from the inverter systems and substations.
- If this type of energy development is commercially viable, energy companies etc. should look to establish permanent sites with appropriate access should be considered, rather than the temporary use of a country field.
- The site is in the middle of a large area of unspoilt natural wildlife, traversed regularly by badgers and including a stream to the southern boundary frequented by otters. The only access to the site is via a bridge over this stream.
- The lack of pre-application consultation is concerning.

PLANNING POLICIES

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

None.

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 97 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”.

At paragraph 93, the NPPF states that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”. It then states that “this is central to the economic, social and environmental dimensions of sustainable development”. The subsequent paragraphs refer to the need for a positive approach to renewables and the need to approve applications if its impacts are or can be made acceptable. It is true that much of this relates to the need for LPAs to plan positively and put strategies for renewable energy delivery in place. The Core Strategy does not include or propose such land allocations, rather it details a criteria based policy within which to assess such applications (Policy CP1). Therefore, each application must be considered on its own merits, largely with regard to its impacts and in accordance with Policy CP1.

In terms of local 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 purposes. Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy does not specifically permit renewable energy installations, although it does permit development for essential utilities infrastructure. This could be taken to include power generating infrastructure, especially in the context of the NPPF which, as in previous planning policy, indicates that the ‘need’ for the development should not be considered by the Local Planning Authority.

Strategic Objective 1 (Climate Change) of the Core Strategy states 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), referred to above, 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. No agricultural land classification survey has been carried out for the site, but the general agricultural land classification maps for the area indicate that the site is likely to be grade 3, or possibly grade 2. Paragraph 112 indicates that the economic and other benefits of the best and most versatile agricultural land should be taken into account and that LPAs should “seek to use areas of poorer quality land in preference to that of a higher quality”. However, much of the vale of Taunton Deane is higher grade (1-3) agricultural land, the application site being a mix of 2 and 3. In this context, if TDBC is to accept renewable energy in principle, it is likely to require the use of higher grade agricultural land. Whilst its removal from production 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

The existing boundary hedgerows and generally flat landscape mean that the site is not particularly visible in the wider landscape. Whilst parts of the site can be seen from some public roads to the south and parts of the gardens at Nynehead Court, this is not to a significant degree in the context of the wide, low lying landscape. It is not considered that these more distant views are so harmful as to warrant refusal of the application.

The most significant impacts in this case, come from the immediate locality and the views of the site from the footpaths. In terms of the short length of footpath along the western part of the northern boundary, it is considered acceptable to screen the site and security fencing through the planting of a new hedgerow. The footpath would be retained in a wide channel between the existing and proposed hedges and, in any case, views out of the site from this location are already truncated by the western site boundary hedge.

The treatment of the path along the eastern edge of the site is of greater concern. Following discussions with the applicant, the arrays have been moved further away from the field boundary to allow the footpath to run in a wider channel (approximately 16m) between the existing hedge to the east and a proposed new hedge to screen the site from the footpath. Although this will take some time to establish, it will in time prevent views of the installation from this length of footpath. The walker's experience on this length of footpath will change: Currently, one enjoys open views towards the Blackdown Hills and this will be restricted through the planting of the new hedge. The amenity of the footpath will, therefore, be reduced, but given the proposed screening, is not considered to be to such an extent that would warrant refusal of the application.

The greatest impact comes from the length of footpath to the north of the site. When

walking south on this path, one reaches a summit a short distance to the north of the site boundary. Whilst the summit is low in terms of the wider landscape, it is sufficiently raised to offer a wide expansive view across the vale towards Wellington and the Blackdown Hills. In the foreground, the application site is clearly visible and, given the elevation above the site, it would not be possible to fully mitigate the visual impact of the development from this area. That said, the Vale is a working landscape, containing towns and the necessary infrastructure to serve large centres of population – it is not an unspoilt landscape and this dilutes its value in terms of landscape character. Proposals to allow the hedge to grow up together with planting some heavy standard fast growing trees (Willow and Alder) will significantly reduce the impact of the development. It must be accepted, however, that there will be some long term harm to this length of footpath should the application be permitted, although it is not considered to be so significant as to warrant refusal of the application.

Highways

Following concerns expressed by Nynehead Parish Council, local residents and the Local Highway Authority, the applicant has been asked to re-examine potential routes for construction traffic.

The applicant submitted a Construction Traffic Management Plan (CTMP), which noted that all access routes to the site were constrained and proposed a variety of routes to use for different sized construction vehicles. The Highway Authority is not accepting of the submitted plan, particularly the proposal to route the largest vehicles through Milverton. They have suggested that instead smaller vehicles are used for all construction traffic and that this should be routed via Poole and Nynehead Hollow. At the time of writing, this matter is unresolved although it appears that the applicant will accept the Highway Authority's suggestion. A condition is recommended that a revised CTMP is submitted for prior approval.

It should be noted that, whilst a CTMP can be prepared and agreed, ultimately it is not possible for planning conditions to effectively enforce the use of particular construction patterns, vehicles or routes. The Local Planning Authority can go no further than requiring any contract for deliveries to stipulate the use of approved vehicles and routes, but the physical enforcement on the ground cannot be achieved.

Once operational, the site will only need to be accessed by a light maintenance van on a low frequency. It is not considered that this would have any significant impact upon the local highway network.

Flood Risk

The submitted Flood Risk Assessment details proposals for managing potential changes in the way that the site drains. This includes the provision of swales and scrapes to prevent increased overland flow towards the stream to the south. Having been provided with additional information, the Environment Agency is content with the proposals, provided that the recommended work is carried out. Conditions are, therefore, recommended to ensure that further details are provided and that the works are carried out.

Ecological impact

The Council's Biodiversity Officer has examined the submitted ecological survey. She is content that protected species that may occupy the site would not be adversely affected by the proposals as most wildlife is restricted to the hedges, which are proposed to be retained. There is potential for a bat roost within a mature oak tree in the middle of the site, and this is proposed to be retained as part of the development. It is, therefore, considered that the impact on ecology would be acceptable.

Other Matters

Whilst there is a scattering of isolated dwellings in the immediate vicinity, it is not considered that they would be adversely affected by glint or glare from the panels. In terms of potential for noise disturbance, evidence from other operational sites indicates that it is unlikely that the required inverters would generate sufficient noise to impact unreasonably upon the closest dwellings in this wide open landscape, as suggested in the comments of the Environmental Health Officer.

Conclusions

National and Local planning policy give clear, in principle, support for new renewable energy installations. There are clear, long term, environmental benefits in increasing the amount of electricity produced by renewable sources such as solar. In this case, it has been shown that, whilst most of the landscape impacts can be made acceptable through the planting of new hedgerows, it will not be possible to fully mitigate the impact on views from the public footpath to the north of the site. This visual harm must be weighed against the benefits of increasing electricity production from renewable sources. Whilst the Core Strategy is not silent on renewable energy, it is considered appropriate to make this assessment in accordance with Policy SD1 of the Core Strategy and Paragraph 12 of the NPPF – i.e. whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. In this case, given that the surrounding landscape is not covered by any particular landscape designation and the general landscape character of the Vale is already diminished by existing infrastructure, it is your officer's opinion that the benefits outweigh the harm. It is, therefore, recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

LIGHTSOURCE RENEWABLE ENERGY LTD

DEVELOPMENT OF SOLAR PHOTOVOLTAIC FARM COMPRISING APPROXIMATELY 5,304 NO. PANELS, RATED AT UP TO 1.5MW, AND COVERING AN AREA OF 3.9 HECTARES, COMPLETE WITH INSTALLATION OF ASSOCIATED INFRASTRUCTURE INCLUDING MOUNTING FRAMES, INVERTER, TRANSFORMER, SUBSTATION, POLE MOUNTED CCTV CAMERAS AND FENCE AT HIGHER KNAPP FARM, KNAPP (AMENDED SCHEME).

Grid Reference: 330246.124952

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 short term harm to the visual amenities of the area, but the long term harm is considered to be limited to users of the public footpaths at or near the site. The benefits are, therefore, considered to outweigh the limited harm and the proposal is acceptable in accordance with Policies CP1 (Climate Change) and CP8 (Environment) of Taunton Deane Core Strategy. The development will not cause harm to wildlife interests, residential amenities or highway safety, nor will it lead to an increase in off-site flooding. It is, therefore, considered to be acceptable and in accordance with Taunton Deane Core Strategy Policy DM1 (General Requirements) and CP8 (Environment) 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:

(A3) DrNo PD184 Rev C PV Layout (amended plan)

(A3) DrNo PD184 Rev C CCTV Layout (amended plan)

(A1) DrNo E739-25-01-O WDP Substation Elevations, Sections & 3D Views

(A0) DrNo (66)602 E-House Arrangement

(A3) DrNo PE10041/Figure 1 Zone of Theoretical Visibility
(A3) Deer Fencing Details- No Small Mammal Gate
(A0) DrNo (66)603 Rev C3 Typical Inverter House Arrangement
(A0) DrNo (66)603 Rev C3 Typical Inverter House Arrangement
(A1) DrNo PE11041-001 Topographical Survey 15 Aug 2012
(A3) DrNo PE10041-001 Figure 14 Planting Plan
(A3) DrNo PE10041-002 Habitat Plan
(A3) DrNo SKD184 Rev B Landscape Plan
(A1) DrNo PE10041-002 Indicative Swale Location Plan
(A3) Site and Location Plan

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 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. 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 Wardell-Armstrong LLP submitted report, dated September 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 breeding birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and

provision of the new bird boxes and related accesses have been fully implemented.

Reason: To protect 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. No development approved by this permission shall be commenced until a detailed surface water run-off limitation scheme, together with supporting calculations, has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent any increased risk of surface water flooding associated with installation of the solar farm development in accordance with Taunton Deane Core Strategy Policy CP8.

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

Reason: To ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

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. (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. This scheme shall include hazels, which

can be coppiced on rotation, on the eastern section of the field.

- (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 and in order to provide reasonable mitigation in relation to visual impact in accordance with Taunton Deane Core Strategy Policy CP8.

10. 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.

11. 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.

12. The development hereby permitted by this planning application shall only be undertaken in accordance with the submitted Flood Risk Assessment specifically including the following measures:

- 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.

13. 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.

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. All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Core Strategy Policy DM1.

16. 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.

17. No service trenches shall be dug within the canopy of any existing tree within the application site without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Core Strategy Policy CP 8.

18. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the location of the protective fencing, and shall specify the type of protective fencing, all in

accordance with BS5837:2005. Such fencing shall be erected prior to 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 figure 2 and 3 of BS5837:2005.

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 Core Strategy Policy CP8.

Notes for compliance

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. 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 of Natural Habitats and Species (Amendment) Regulations 2012, 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.

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

4. It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water management on the site, in order to prevent the possibility of the rate of run-off exceeding the existing green field rate, and to reduce any pollution risks associated with potential soil erosion during/immediately after construction. These techniques involve controlling any sources of increased surface water, and include: a) Interception and reuse b) Porous paving/surfaces c) In filtration techniques d) Detention/attenuation e) Wetlands.
5. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
6. You are advised to check for the position of a gas pipeline which apparently crosses the north western corner of the site PRIOR to commencing any works on the site.
7. Somerset County Council Rights of Way section advises:-

Any proposed works must not encroach on to the width of the footpath. The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the cyclepath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the cyclepath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public cyclepath unless the driver has lawful authority (private rights) to do so.

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.

PROPOSAL

The application is for the installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverter, transformer, pole mounted CCTV cameras and fence at a site of 4.70ha in a field at Higher Knapp Farm, Knapp. The original application stated the panels will have a generation capacity of approx. 1.8 megawatts, which is enough to power 531 typical homes, (based on Ofgem stated figure of 3300kW hours of electricity for the average

residential household in the UK). The panels will be approx 1.9m by 0.99m, be mounted on frames at an angle of 25 degrees to optimise daylight capture, and will be 2.3m above ground level. A centralised Inverter or cabinet mounted String Inverter will be required, this will be 3m high, by 6m long and 2.5m wide and be on the eastern boundary of the site. A transformer, same dimensions as the Inverter, will also be provided. A 2m deer fence is shown to surround the solar farm, and an unspecified number and location of CCTV cameras on 3m poles around the site perimeter. Site lighting is said to be required. A landscaping plan has been submitted, which shows a new hedgerow approx. 30m to have a double row of plants. The existing oak in the field and the existing hedges will be retained.

The Design and Access statement states that the site selection began with a desk top assessment which excludes Areas of Outstanding Natural Beauty, SSSI, National Parks, Green Belt and high flood risk areas. Visits are then made to assess planning and grid connections. Issues which are taken into account include, site size, irradiation levels, potential energy yield, site orientation, topography, shading, access, proximity of nearest overhead line, ease of accessing electricity connection point and available capacity of grid connection point. Planning issues include visibility of site, neighbouring properties, flood risk, agricultural land grading, sensitive areas, cultural heritage, flora and fauna.

The Design and Access Statement states the energy generation and demand in the UK, solar panels only produce electricity during the daylight hours and this coincides with the periods of greatest demand. Comparisons are given as to the benefit of solar farms over wind farms, eg less visual impact, no moving parts, no threat to birds, do produce electricity throughout the daylight hours; comparisons are also given over hydro power, biomass, nuclear power and fossil fuels. Disadvantages are given as relatively expensive to develop, a large area of land as compared to the small base of a wind turbine. Policy background is given as positive, the NPPF's central theme is the presumption in favour of sustainable development, para 97 stating that Local Planning Authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources". Local Planning Authorities should have a positive strategy to maximise renewable and low energy development while ensuring that adverse impacts are addressed satisfactorily. Other areas of support within the NPPF are given by the agents as providing additional income to support agricultural production on the rest of the farm unit, and that areas of poorer agricultural land should be used, this being Grade three does not constitute the best and most versatile agricultural land.

The Design and Access Statement examines the relevant policies in the Taunton Deane Local Plan and the Taunton Deane Core Strategy (at the time of drafting of the Design and Access Statement, this plan had been submitted to the SoS). The agent considers the proposal is be in line with the relevant policies. The application is also accompanied by a Ecological Appraisal, this identified the closest point of the Somerset Levels and Moors Ramsar site being 0.95km to the north of the site, the nearest Local Wildlife site being the River Tone and Tributaries LWS being 0.95km north of the site, no ancient woodland with 2km of the site, the survey considers that there is scope for several species to use the trees, hedges and ditches as habitat, for roosting or feeding.

The flood risk assessment shows the site within Flood Zone 1, that the site is above the floodplain of the River Tone, that there is no history of flooding in this area, that run off from the inverter stations, substation building and solar panels will be directed

to the surrounding ground, i.e. onto the ground and run off or soak away towards the south of the site. "Following intense rainfall, runoff from panels may cause minor erosion at the base of the panel leading to small hollows which act as conduits for surface water runoff. However it is anticipated that the impact on surrounding ditch courses would be minimal."

An archaeological and cultural heritage assessment indicates no known assets in the site or in close proximity. The assessment concludes that the installation of the solar farm will have no impact on the various Grade I, Grade II* listed buildings and churches which are sites within 5km of the site. There is however the potential to physically impact on yet unknown buried archaeological remains, but there is a low potential for remains, and the conclusion is that no fieldwork will be required.

The Landscape and Visual Impact Assessment states that the main visual impacts are within 2km of the site, that observers beyond this distance are generally unable to perceive detail particularly in a wide panorama, that the site appearing in any views available outside that distance would form a very small percentage of the overall panorama any potential changes to any available views would be imperceptible. In the assessment of the landscape value, the report states, "the site has no landscape or preservation development plan designation and as a consequence has neither importance nor rarity; the site has relatively uniform natural topography and lacks landscape features of any note, it has been assumed that the local community as a whole has no particular regard for the site other than the fact it is undeveloped 'open countryside'." The assessment considers the visual impact of the scheme on users of the area, such as walkers. There will be substantial adverse impacts during construction from viewpoint 1, which is close to the site and looking directly at it, this will change to moderate substantial reducing to moderate as boundary hedge mitigation becomes effective. Different assessments are given for different viewpoints around the site, generally the visual impacts are given as slight adverse or moderate adverse, and that these will be moderated when the hedges are allowed to grow to 3m.

Since the original submission, several aspects have been clarified by the agent:- there will be no on site lighting; solar module glass is designed specifically to aid the absorption of daylight, "they have remarkably low reflection compared to conventional domestic and toughened glass"; specially designed glass is used to increase the transmission such that less than 9% of the total incident visible light is reflected while normal glass reflects about 17%; the site is Grade three agricultural land which is not considered to be high grade agricultural land, it will revert to agricultural use after 25 years; the construction and operation of the solar farm will have no detrimental impact in continued agricultural use of the rest of the farm; the CCTV cameras will work on motion sensors, so are not consistently recording, the cameras are focused on the fence line and solar farm and will not have a range long enough to extend to neighbouring properties; in respect to drainage, the proposal will result in an additional 320sqm of impermeable area due to the inverters and legs to support the panels, this equates to 0.42% increase; there will be no additional plant/infrastructure that is not currently shown on the submitted plans.

An amended scheme has been sought which lessens the potential visual impact and addressed some of the issues raised by local residents. The amended scheme results in the proposal now being for a 1.5MW generating capacity; the application site area has reduced to 3.9ha from 4.7ha; the benefits would be to provide enough to power 442 homes and save approx 755,337kg carbon dioxide emissions pa.

There will be approx. 5,304 PV panels for the site. The amended application has removed the area of panels at the eastern side of the site which form the upper most slope of the field. The panel coverage is now less than originally submitted. The lengths of the rows range from 17.3m (1 only), 48.8m (2 only), through various lengths to 14 at 121.1m.

The revised plans also have full details of the WPD substation, which will be a structure 4.2m by 3.1m by 2.7m high, it will be GRP panels. The inverter and transformer cabinets will be relocated away from the highest point of the site and are repositioned on the most level part of the site. The switch room remains to the north of the site for maintenance purposes. Plans now show a revised swale arrangement on the site, and positions of the CCTV cameras, of which there are 16 arranged around the site. The agent has also confirmed that the hedgerows will be maintained to a height of 3m.

The agent was asked to provide an area of Hazel coppice in the higher area which previously 'contained' panels. None of the amended plans show this planting.

SITE DESCRIPTION AND HISTORY

The site is to the south of Higher Knapp Farm, which is roughly in the middle of Knapp. The access to the site will be to the east of the farm buildings, using an existing track. The land slopes, with the higher land being along the eastern boundary of the site, and the western boundary being at the lower side of the field. The boundaries are marked by hedges, and there is a large oak tree within the field. A public footpath runs through the field, along the western part of the site, T 17/39, the panels would stop to the east of that path. The site is within open countryside as defined in the Taunton Deane Core Strategy and the Taunton Deane Local Plan, and is within the North Curry Ridge landscape character area. The site is clearly seen from the public footpaths which cross the site or are in the area, but is less visible from the roads which are some distance from the site. There are likely to be very few dwellings in Knapp from which you could clearly see the site; Wakely Cottage, the nearest is approx. 300m from the northern boundary. The nearest property in Ham is approx. 1.3km from the site, Fair View near Ham, is approx. 950m from the western part of the site and New Barn Cottage is approx. 580m from the site.

There is no relevant planning history.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NORTH CURRY PARISH COUNCIL - While fully supporting farm diversification and renewable energy initiatives, North Curry Parish Council consider the proposed solar farm to be in an entirely inappropriate location and objects to the granting of permission for the following reasons:

The proposed solar farm is on a scale of industrial development and is totally out of keeping in an area of unspoilt countryside. The fencing would be a major intrusion in open countryside and there is concern that a sub-station may be necessitated following granting of permission, this substation would not be subject to planning approval.

The development would be visually intrusive, particularly in view of the open landscape of the area. Being located high up on a ridge, the site would be visible from a long distance. It is also next to a public footpath and would visually detract from this amenity.

The development would remove good quality agricultural land from production. The application makes no reference to the risk of increased surface water run off. A map is enclosed highlighting the susceptible areas lying beneath the proposed site which could be impacted by any increase in run off.

The report from the applicant's ecologist has been questioned, with considerable badger and bat activity plus a badger sett being reported on the site. The lack of trees in the area mean the trees associated with the site would be likely to be particularly attractive to the local bat population. In addition, Great Cranes have been reported on the site and in adjoining fields.

The Parish Council note the concerns of the Senior Historic Environment Officer regarding the need to safeguard the potential archaeological importance of the site. The Parish Council strongly repeats their request that the application goes before the full Planning Committee for a decision.

SCC - TRANSPORT DEVELOPMENT GROUP - Neither the Construction Method Statement or Design and Access Statement provide any indication of the proposed route(s) for vehicles during the construction phase, to which I have concern for. From observations whilst carrying out a site visit, I have apprehension over the use of Knapp Road in both easterly and westerly directions due to the width of the carriageway and the surrounding highway network. Additionally, the Highway Authority are not aware of any vehicle tracking diagrams submitted as part of the scheme neither has a detailed description of the vehicles to be used during the construction phase been submitted. I would expect to see the following issues addressed: Suitable route(s) for construction traffic, detail on construction vehicles and inclusion of vehicle tracking diagrams and further information relating to a Conditioned Survey. Therefore, I request that a suitable Traffic Management Plan is submitted to clarify the above issues. Once additional information has been submitted, the Highway Authority will comment further on the scheme.

SCC - RIGHTS OF WAY - Any proposed works must not encroach on to the width of the footpath.

LANDSCAPE - I am objecting to the proposed PV farm on landscape grounds.

The landscape character of the North Curry Sandstone Ridge on the field site would be directly changed from agricultural to energy production and the impact changes would be visually significant up to 2km distance and contrary to policy CP8. The general landscape of the area good quality and is unspoilt with few intrusive elements.

Generally the submitted landscape assessment is accurate but given the sensitivity and number of public rights of way more weight should have been placed on the adverse impact on walkers especially photo viewpoints 1 and 4 and to a lesser extent 5 and 6. There are however five PROW T17/35, 37, 38, 39 and 64 not all of

which have been assessed for visual impact. T13/37 and 39 are of particular concern. Given their high sensitivity and high magnitude of impact I score them as being of substantial adverse significance of which the proposed mitigation would have limited impact given that the panels stretch up onto the higher parts of the field.

It may be possible to reduce the impact of the proposals by leaving the top third of the field clear of any PV panels and planting the area with an extended/thickened hedge line.

BIODIVERSITY - A mature oak tree, which is to remain, is located within the field. A mud track is located along the eastern boundary and a ditch follows the western boundary. The River Tone, a Local Wildlife site lies within 1 km of the site, as does the Somerset Levels and Moors RAMSAR and SPA. This site attracts internationally important numbers of wildfowl in winter and is one of the most important sites in southern Britain for breeding waders.

The site offers limited suitable terrestrial habitat for amphibians; the majority of the site offers limited habitat for reptiles, although there is potential for reptiles to be present along hedge lines; habitat on site such as trees and scrub provide nesting and foraging habitat for a number of birds. No signs of badger were found within the survey area although it is likely that badgers use the field for foraging; several mature trees on site provide potential roosting habitat for bats; it is likely that bats use the hedge lines for foraging and commuting. As no trees are to be removed, I agree that the impact of the development on bats is negligible. To conclude I agree that the field is generally of low ecological value. I support the recommendations but would like to see an element of biodiversity gain.

ENVIRONMENT AGENCY - No objection subject to condition.

NATURAL ENGLAND - The National Planning Policy Framework (NPPF) expects local authorities to prevent harm to biodiversity and geological interests. Paragraph 118 makes it clear how the government expects the council to consider planning decisions that could lead to harm to biodiversity and geological interests. Paragraph 109 identifies the importance of establishing coherent ecological networks that are more resilient to current and future pressures.

The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. However Natural England supports the recommendations detailed in the ecology report. When considering this application the council should encourage opportunities to incorporate biodiversity in and around the development (Paragraph 118 of the NPPF).

THE RAMBLERS ASSOCIATION - no response.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - In this case I disagree with

the conclusions within the Cultural Heritage Assessment. Knapp Farm is on what would have been an island throughout the prehistoric period (and pos. Roman) before the Curry Moor was the medieval period. Therefore, the site offered an exceptional area for settlement and/or other activity. In the Iron Age particularly settlements cluster on south (but also on other aspects) facing slopes that have water at the bottom. Recent work by the “Lost Islands of Somerset Project” has shown that these islands have very high potential for significant remains (both prehistoric and potentially early medieval).

Therefore, this proposal does have the potential to impact on significant archaeological remains I can only advise that geophysical survey (most likely followed by trial trenching, dependant on results) will be required.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a desk-based assessment and a field evaluation as indicated in the National Planning Policy Framework (Paragraph 128). I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.

Additional Comments on the revised plans will be on the update sheet

Representations

28 letter of OBJECTION received which raise the following issues:

Visual impact

- Visual impact on countryside;
- A blight on rural areas;
- The area is too large and should be reduced in size;
- Will be an eyesore from both Blackdown Hills and Quantocks AONBs;
- Visual impact from public footpaths;
- An eyesore to cyclists and ramblers;
- The agent has claimed the land “is of low value” – this is not the case, those who live in Knapp consider it to be a very attractive area;
- This area should be protected from semi-industrial developments;
- This could be the start of covering the whole hillside in solar panels;
- Full details of security including cameras, and fencing should be submitted at this stage;
- Permanent lighting not necessary at the solar farm at Halse;
- There is no external lighting in this area at all, with no street lighting along local roads;
- The consultant’s report is biased, of course it will not say it will be an eyesore;
- The applicant’s website states that redundant ground is used – this is not the case here;
- The CPRE state that the best places are on flat terrain, this is on a hillside;
- A detrimental impact on the statutorily designated conservation sites such as the Areas of Outstanding Natural Beauty and Thorn Hill;
- The application describes Higher Knapp Farm as having “industrial type buildings”, but these are agricultural buildings;
- This rural vale is rare and special, with no roads or lighting, and is a home to wildlife free to roam;

Other areas more suitable

- The best place for 12 acres of glass is Steart, next to Hinckley Point;
- The panels alongside the M5 show that the flat areas are best for such panels;
- Should be on more appropriate sites;
- These panels should be sited on the roofs at Firepool;

Agricultural Land

- Should not be sited on agricultural land;
- As no grazing is suggested, the land will be reclassified as industrial;
- This land is prime agricultural land, not poor quality;
- If land is used for solar panels, it cannot be used to grow food, there is now a shortage of land for growing food crops;
- Due to the flooding of the levels, as recently, the farmers lost substantial amounts of crops for livestock, this further intensifies this situation;
- The carbon footprint should be kept low by producing crops locally for local consumption;
- This is productive not marginal agricultural land;

Run-off/flooding

- Increase in surface water run-off;
- People in Knapp already experiencing floods several times a year;
- Potential increase in flooding in Ham;
- Increase the speed that surface water will enter into the water channels;
- The impact of surface water run off does not seem to have been fully investigated;
- The footpath is soggy at most times; the soil is very clay like and will not soak away;
- The ground is already saturated, and not capable of taking more water;
- Glare from the panels;

Traffic

- Construction traffic should be limited to the roads to the east of the farm as the roads in the area are very narrow;
- The roads form part of a cycle route and are very busy with cycle traffic in the week;
- The construction traffic will be noisy and be a nuisance on the narrow roads;

Consultation

- Why haven't the residents of North Curry been informed;
- There has been no community consultation and a disregard for local knowledge, needs and concerns;
- There should have been pre-application discussions with the Parish Council and Local Planning Authority;
- The consultation period is too short for such a large scheme;
- The planning committee should decide, rather than this be a delegated decision;

Insufficient information

- There appears to be little information supplied;
- How is the power to be transmitted to the grid? Will there be a substation?
- Various aspects of the submission are inaccurate or uncertain;
- What does "associated infrastructure" entail?

- Will there be an audible alarm system?

Wildlife

- Potential impact on wildlife;
- Deer and badgers use this field; their habitat will be destroyed;
- Wildlife corridors will be detrimentally affected;
- There are bats and owls in the area; these have not been taken into account;

Policy

- There are several thousand new homes being built without solar panels; which appears to indicate a lack of sustainability thinking;
- The NPPF states that the planning system should contribute to and enhance the natural and local environment, by protecting and enhancing valued landscapes
- The NPPF also states that it must be demonstrated that a development provides wider sustainability benefits to the community that outweigh flood risk....
- The NPPF introduction is to allow people and communities back into planning;
- Need to consider the application in relation to Policy DM1 of Taunton Deane Core Strategy, especially to make the most effective and efficient use of land, giving preference to the recycling of previously developed land....
- Policy DM2 that new development in the open countryside should be strictly controlled to protect the intrinsic character;
- Core Strategy CP8, - unallocated Greenfield land outside settlement boundaries will be protected and where possible enhanced to protect and enhance landscape character...
- Not aware of a Taunton Deane policy to encourage such Solar Farms, it would result in potential de-ruralisation of the area with serious employment and economic implications;

Other

- If permission granted the Council should ensure impacts are minimised;
- If permission is granted, how will the reinstatement be properly controlled?
- This will be a high degree of visual impact for little production of electricity and little financial return;
- The application seems to be motivated by profit which would not be recycled into the local economy more than the wider issue of local sustainability or any local impact;
- This application is made by a London based investment company guaranteeing returns to UK investors' funds – there is no benefit to the local community or Taunton Deane;
- This is description of a 'solar voltaic farm' is not a 'farm' but an industrial unit covering over 8 acres;
- This will put off tourists visiting the area, with a loss of income.

1 letter of SUPPORT

- Exciting and bold application;
- Limited visual intrusion locally;
- Diversification of low grade agricultural land;
- Sustainable electricity;
- Many of the objectors may live within 200m of the site, but will not be able to

see it from their homes;

Campaign to Protect Rural England – OBJECT for the following reasons:

- Loss of Best and Most Versatile agricultural land;
- A detailed appraisal of the agricultural land would be desirable;
- The arrays are too low to allow for grazing;
- Thus this high quality agricultural land will be completely out of production for at least 25 years;
- The area at Ham has serious issues with flooding, the panels will increase run of at times of heavy rain;
- No attempts to screen the site from public footpaths;
- The CPRE is not opposed to PV farms in the countryside in principle, but they should be carefully sited to that they are not taking up the best agricultural land, do not increase flood risk and well screened from view, this application fails on all these criteria.
- If permission approved, conditions suggested.

PLANNING POLICIES

STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S&ENPP64 - S&ENP - Renewable Energy,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
ROW - Rights of Way,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the visual/landscape impact, the impact on/capacity of the highway network, wildlife, potential for archaeology and run-off/flood risk.

Policy/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 97 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 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 purposes. Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy does not specifically permit renewable energy installations, although it does permit development for essential utilities infrastructure. This could be taken to include power generating infrastructure, especially in the context of the NPPF which, as in previous planning policy, indicates that the ‘need’ for the development should not be considered by the Local Planning Authority.

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...their scale, form, design, materials and cumulative impacts 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.

Visual impact

The site is clearly seen from the public footpath which crosses the site, and less so from the other public footpaths in the area. This visual impact is important to users of that footpath, and will impact on the enjoyment of the area for the length of time walking through the field itself and up to the edge of the field, but will lessen as you walk away. It is however not considered to be essential to protect all views from all footpaths. Walking along/through a field growing miscanthus will have visual impact for a length of time, as will walking past agricultural buildings, dwellings and outhouses. It is considered acceptable to have a public footpath alongside solar panels.

A landscape and visual impact assessment was submitted with the application and has been considered by the Council's the Landscape Lead Officer, who has objected and considers that the installation could be visible for up to 2km. It is considered that the development would have an impact on the landscape. However since the original submission the plans have been amended and the originally proposed

panels at the highest area of the slope have been removed, additional planting has been sought and verbally agreed in this area, the structures have been moved away from the higher area to two locations, one location being along the northern hedged boundary, the other being within the panel area towards but not near the retained oak.

The Landscape Officer has asked for an area of hazel coppice in the eastern section, which was previously shown containing panels. This has not been shown on the amended plans and is considered essential to help in the mitigation. The originally proposed mitigation would involve tree and hedge planting towards the boundaries of the site and this can be suitably covered by condition. The hedgerow mitigation proposed is considered sufficient to help reduce impacts from some viewpoints. Thus the visual impact has been reduced and subject to the inclusion of a hazel coppice as previously described, now it is not considered to significantly harm the landscape character of the area.

Residents' comments are summarised above; in respect to the 'designation' of the land, the agent's assessment is based on the avoidance of 'protected' landscapes such as Areas of Outstanding Natural Beauty, SSSIs, Ramsar sites etc. and considering the areas left as being 'low value', this 'designation' is not one the Local Planning Authority recognises, and all development proposals in open countryside is regarded as worthy of careful consideration. The land is not redundant ground and it would be unlikely that all the company's sites would be on such land. Most recent proposals include fencing, this is considered acceptable, and this will generally be screened by existing or proposed hedges, other than from the public footpath which crosses the site.

Other sites

Whilst there may be other sites which appear more suitable to local residents, the Local Planning Authority has to deal with the applications made. In any event, each application has to be determined on its merits. This type of application is becoming more frequent, and it is likely that there will be significant areas of rural Taunton Deane with such PV panels. In relation to sites at Firepool or areas within towns, energy consumption and generation will be addressed at application stage. Applications such as these are often subject to local opposition, but a balance has to be made between some local impact and the Central Government overall policy on renewable energy.

Run-off/Flooding

The Environment Agency has no objections to the scheme, subject to a condition, of which the agent is aware. This condition relates to a detailed surface water run-off limitation scheme and future management of the scheme. As the Environment Agency has no objection to the scheme, it is not considered that the Local Planning Authority can have an issue in respect to flooding.

Traffic

The County Highway Authority has raised issues which require further details and information. The highways in the area are narrow in parts with high hedges. The road from Ham is known as 13 bends, which is an indication of its unsuitability for some types of vehicles. Discussions have been ongoing between the Highway Officers and the agent, but to date this issue has not been resolved. It is expected to be resolved on the basis that the panels and all the associated equipment will have to access the site on smaller rather than larger lorries. This will result in more traffic

movements, but there should be less possible congestion given the narrow nature of the access roads. A suitably worded condition will mean that the developer will have to put right any damage caused to the local highways used.

Wildlife

The applicant has submitted a wildlife survey with the application. The Council's Biodiversity Officer considers the development would not harm wildlife and there are appropriate mitigation measures that can be conditioned to ensure maintenance and protection of species. The NPPF in paragraph 118 advises when determining applications the local planning authorities should aim to conserve and enhance biodiversity. There are not considered to be any adverse impact on designated sites and the proposal and mitigation to be provided would comply with the relevant policy guidance in the NPPF.

Natural England has not raised objection and has guidance for such developments and these will be added as notes.

Consultation/Information/other issues

Developers are encouraged to undertake community consultation prior to submission of applications, this applicant held a meeting after submission, and was able to clarify some issues and provide additional information. Most applications are identified as delegated at the validation stage. All comments received up to the decision being made will be taken into account, this includes late representations. Conditions will be imposed in respect to reinstatement; profit, origins/location of agent/applicant are not issues considered by Planning; description as a farm is common although no livestock are involved.

Other

In respect of the concern expressed by the Senior Historic Environment Officer, further information has been supplied by the agent. With the removal of the panels from the upper slopes, this may help safeguard the situation of any undiscovered archaeology. A condition will be imposed to safeguard the situation.

Conclusion

Central Government's policy is to encourage the use and supply of renewable and low carbon development; Taunton Deane Core Strategy CP1 accepts large free standing installations subject to certain criteria, including potential impact on the landscape. A balance has to be struck between the overall benefit of renewable power installations to society as a whole and the visual impact to walkers using this area. It is considered that there will be little visual impact on the residential properties in Knapp, Ham or other areas surrounding the site, as the distances are such that the visual impact is significantly less than for walkers using the public footpath network. The visual impact of the installation will be significant given the existing situation, but the revised scheme results in less impact from the higher ground as this is the area most seen at distance.

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 views from the public footpath which crosses the site, and the other footpaths in the area. 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 an 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: Ms K Marlow Tel: 01823 356460

31/12/0015

MR P BULL

ERECTION OF TWO STOREY REAR EXTENSION AND DETACHED DOUBLE GARAGE AT ROSEDALE, HENLADE, TAUNTON (AS AMENDED)

Grid Reference: 327156.124056

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The scheme would assist in providing the required accommodation for a disabled resident, where there are limited other options to achieve this and whilst not an ideal design, is not deemed to cause unacceptable detriment to the appearance of the property or the surrounding area. The proposal, as amended, is not considered to result in a material impact on the residential amenities of the occupiers of neighbouring properties and will have no adverse impact on highway safety. As such, the proposal is in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo 2512-02 Rev B Proposed Plans, Elevations and Section
(A4) DrNo 2512-03 Location Plan
(A4) DrNo 2512-04 Site Plan
(A1) DrNo 2512_05 Rev A Proposed Plans and Elevations - Garage

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

3. The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Rosedale.

Reason: The local planning authority is not of the opinion that the site is

capable of accommodating a further residential unit, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

Rosedale is a brick and tile detached gabled bungalow with a gabled projection to the front. It lies in a row of two storey and chalet bungalow properties fronting the A358 at Henlade. The property is set back from the road with a large parking area to the front. A low brick wall with hedge above forms the boundary to the road.

This application seeks planning permission for a detached double garage to the rear of the property in the north-west corner to replace the single garage which is being converted into a sitting room. The garage would be of render and tile, with an external staircase to the rear to access the first floor. Two rooflights are proposed in the east elevation. It was initially proposed to erect a timber screen at the top of the staircase for privacy and following concerns raised by the case officer, this has now been extended to run alongside the full staircase. It is also proposed to erect a two storey rear extension to form a garden room with additional en-suite bedroom above. This would be of brick and tile to match the existing bungalow.

Supplementary information has been provided stating that the extension is required to meet the needs of the applicant's disabled daughter, who is wheelchair bound. The existing rooms on the eastern end of the bungalow are being adapted to provide a living area that meets her needs and as such replacement rooms are required. The query was raised by the case officer as to whether the additional accommodation could be provided by the conversion of the remaining loft, but it has been stated that this would require the installation of a second staircase, which would compromise the current rooms and circulation areas, which would be lost or made smaller. Alternatively the use of the current staircase in the west end of the dwelling would result in the loss of the existing first floor bedroom that would effectively become a landing. It was also stated that they required the existing storage provided in the loft.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - This proposal represents no significant increase in the occupancy of the site so the principle of development is acceptable. The development is situated along Ilminster Road also known as the A358 a National Primary Route as stated in Policy 51 of the Somerset and Exmoor National Park Joint Structure Plan Review to which a 30mph speed limit past the site applies. From carrying out a site visit I observed that this is a heavily trafficked

road and can become congested at peak times.

In detail, the planning application seeks to erect a double garage and extension to the dwelling. Having made a site visit and studied the drawings accompanying the planning application, it is clear that the internal dimensions of the garage meet the guidelines set out in the Somerset County Council – Parking Strategy (adopted March 2012). Additionally the site will retain ample parking and space within the site to accommodate vehicle turning. Therefore taking into account the above information I raise no objection to this proposal and if planning permission, suggest condition.

RUISHTON & THORNFALCON PARISH COUNCIL - No comments received

Representations

None received

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

The proposed garage would be positioned to the rear of the dwelling at the bottom of the garden. The existing dwelling is set back from the road and largely screened by the front hedge and the garage would be to the rear of the dwelling. As such, the garage would not be in a prominent position and would be hardly visible from public viewpoint. The garage is proposed of gabled roof design to match that of the surrounding properties and the staircase to the rear with a timber screen is not considered to harm the appearance of the building. Whilst it would be usual for the garage to be brick to match the existing dwelling, in this instance it is positioned to the rear of Rosedale, reasonably close to Court Cottage, which is a rendered property. The use of render is therefore considered acceptable in this instance and would have no adverse impact on the street scene.

Although the garage would lie close to the boundary with Court Cottage and Highcroft, it would be a sufficient distance from the dwellings themselves and would not lie directly adjacent to the main amenity space. As such, it would not result in any loss of light or overbearing impact. The rooflights in the garage face into the garden of Rosedale and are positioned a sufficient distance from the neighbouring property to avoid overlooking concerns. The staircase would lie directly adjacent to the boundary with neighbouring properties, which would normally raise concern regarding overlooking. However, the addition of the timber screen on the landing and along the side of the staircase itself, would overcome concerns regarding a loss of privacy.

The proposed rear extension would be a two storey extension on a bungalow, the principle of which is generally unacceptable. By virtue of it's design and particularly the eaves level, it would not relate well to the existing dwelling and would change it's

overall character. However, it is noted that this is required to assist in providing adequate accommodation to meet the needs of the applicant's disabled daughter. There have been discussions between the case officer and agent to establish whether there is any other way of extending the property to achieve the required accommodation that would have less impact on its character. The limited alternative options would however result in significantly compromising existing accommodation available, along with losing the valued and much needed storage space.

It is therefore essential to consider whether the proposed extension would result in such detriment that would outweigh the needs of the disabled resident. Whilst the extension does not relate well to the existing property, it is pertinent to note that a large dormer extension could be erected on the rear of the dwelling under permitted development rights that could result in a similar impact on the character of the property than that proposed. Furthermore, a similar large two storey rear extension has been carried out next door at Barn Close, although by virtue of the original design of the property, it is noted that the extension did result in a lesser impact on its character. The proposed extension would lie to the rear of the property and whilst poor design does not become acceptable if it cannot be seen, it is important to note that any harm to the property and surrounding area would be very local. The rear extension is set away from the boundary with Highcroft and would not therefore result in any loss of light. As there are no windows facing that property above ground floor level, there would be no loss of privacy. The rear extension is a sufficient distance from Barn Close and Court Cottage to avoid impact upon their amenities.

On balance, whilst the extension is of poor design that does not relate well to the existing bungalow, taking into account the extension that has been undertaken on the neighbouring property, the extent of works that could be carried out under permitted development rights without the need for any planning permission and the limited harm to the surrounding area by virtue of its inconspicuous location, it is not considered that the extension would result in unacceptable detriment to the character of the existing building or that of the surrounding area that would outweigh the requirements of the disabled resident.

The County Highways Authority suggested a condition to prevent the garage from being used for business purposes, however it is important to note that this would in any event need planning permission and a condition to this effect is not therefore necessary. A condition has however been attached to ensure that the use of the accommodation permitted remains ancillary to the main residential use of Rosedale.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

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 leisure and recreation contribution as well as allotment and community hall contributions,

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, retained Taunton Deane Local Plan Policies 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 Survey
(A3) DrNo A1202 407A House Type 12 Plans/Elevations
(A3) DrNo A1202/406 House Type 11 Plans/Elevations
(A3) DrNo A1202/405A House Type 10 Plans/Elevations
(A3) DrNo A1202/404 House Type 9 Plans/Elevations
(A3) DrNo A1202/402B Site Layout Plan
(A3) DrNo A1202/401 Site Location Plan
(A2) DrNo SPP/1414/3A Landscape Proposals

(A3) DrNo A1202/409 Site Block Plan

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

3. No wall construction 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. A sample panel of the brick and mortar shall be constructed on site and agreed with 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 DM1 of the Taunton Deane Core Strategy.

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 Core Strategy Policy DM1.

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 Core Strategy Policy DM1.

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 in accordance with the NPPF.

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 Core Strategy Policy DM1.

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 retained 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 being 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. The areas allocated for parking on drawing A1202/402B shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure adequate off road parking is provided in the interests of highway safety.

12. At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan A1202/408. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

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

13. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of any 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 Core Strategy Policy DM1.

14. No works on site should commence until a surface water management plan has been submitted to and approved in writing by the Local Planning Authority and plan shall thereafter be carried out as agreed prior to occupation of any

dwelling.

Reason: To prevent future flooding in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

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.
2. The developer should contact Wessex Water in respect to all connections and sewers, www.wessexwater.co.uk.developerservices and/or contact 01225 526222 for water supply and 01225 526333 for waste water.
3. Having regard to the powers of the Highways Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane, Burton Place, Tel 0845 3459155. Application for such a permit should be made at least four weeks before access works are intended to commence.
4. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

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 – No Objection (amended comments dated 31/10/2012)

The Highway Authority have received additional information (15th October 2012) from the agent working on behalf of the applicant relating to visibility and vehicle parking provision for the proposal, the following comments and observations are similar to that of my initial response dated 7th September 2012, however include information requested by the Highway Authority on the 7th September 2012.

The proposed site is situated within a residential area of Taunton, within development limits. As a result, the principle of development in this location is acceptable.

The site is situated to the rear of properties fronting onto Stoke Road, however, vehicular access is gained via Harp Chase a designated unclassified highway to which a 30mph speed limit applies. From my site visit it was observed that Harp Chase is a residential cul-de-sac serving 21 properties and a nursing home/care facility, to which access to the wider highway network is obtained at the junction with South Road/Shoreditch Road, which forms part of the B3170 and is a Class 2 highway and a well utilised route.

In terms of detail, the proposal seeks to erect seven dwellings fronting onto Harp Chase with off street vehicle parking. I have the following observations relating to specific details of the proposal, they will be addressed below with separate headings.

Vehicle and Pedestrian Access - Access for each property is derived from Harp Chase, Drawing No. A1202/408 indicates the vehicular and pedestrian points of access. The Highway Authority would like to make the applicant aware that the appropriate licences need to be obtained from the Taunton Deane Area Highways Office for the installation of dropped kerbing along Harp Chase.

Vehicle and Pedestrian Visibility - Information prepared by Hydrock Consultants on behalf of the applicant have provided a Technical Note (Ref: C12544) relating to visibility for the proposed development. Firstly, the amended drawing A1202/408, now incorporates the necessary pedestrian visibility splays for each property. The proposed accesses incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m with no obstruction greater than 600mm above adjoining road level.

Secondly, my initial email stated that the Highway Authority would wish to see visibility splays of 2.4m x 25m to the nearside carriageway edge, with no obstruction to visibility greater than 900mm are provided for each access as it was considered that vehicle speeds are approximately 20mph, this is implemented from Manual for Streets documentation. The Technical Note submitted by Hydrock Consultants states that the 'X' distance for visibility should be reduced from 2.4m to 2.0m due to Harp Chase being lightly trafficked and low levels of vehicle speeds past the site frontage. Therefore the Highway Authority considers X and Y distances of 2.0m x 25m acceptable in this location.

It is noted from the submitted drawing and technical note that Plot 1 will have a reduced 'Y' coordinate (Sight Stopping Distance) of 17m in a westerly direction for vehicles emerging from Plot 1. The Highway Authority considers this is acceptable

due to the 85%ile speed is likely to be 15mph, which coincides with design guidance stated in Manual for Streets that Sight Stopping Distances would need to be 17m, which is attainable in this location.

Highway Network - From the plans provided and from visiting the site it is apparent that the construction of new vehicular accesses would require the relocation of three street lighting columns. Therefore the applicant will need to liaise directly with the Street Lighting Department so that arrangements can be made to relocate the street light, which will be completed on a recharge basis. The Street Lighting Department can be contacted through the Somerset Direct Call Centre on 08453459155 asking for the Street Lighting Department.

Prior to any works being undertaken a condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on the site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. Contact should be made with the Highway Service Manager (Taunton Area) 08453459155 to arrange for such a survey to be undertaken.

Vehicle Movements - It is evident that Harp Chase will see an increase in vehicle movements as a result of the erection of seven dwellings. Therefore, referring to TRICS database the estimated vehicle movements for a single residential unit are approximately 6-8 movements per day. As a consequence, it is anticipated that the potential level of vehicle movements the site will result in is 42-56 trips per day, which equates to five vehicle movements in the peak hours.

Harp Chase currently serves 21 residential dwellings and a nursing home/care facility. Therefore, it is likely that the junction with South Road/Shoreditch Road will see an approximately a 33.3% increase in residential vehicle movements accessing the wider highway network. The inclusion of the 40 bedroom care facility (Orchard Court) is estimated to see a 20.3% increase in overall traffic using the junction with South Road/Shoreditch Road. It is noted that there will be increase in vehicle movements along Harp Chase, however, the Highway Authority consider that the surrounding highway network can accommodate the traffic levels that are likely to be generated by the development.

Parking Arrangements - Initially the Highway Authority raised concerns over the level of vehicle parking the development would provide for each property. However, the submitted amended Drawing No. A1202/408 is now inline with the Somerset County Council – Parking Strategy as each property now provides the optimum level of vehicle parking for new residential dwellings.

Furthermore, it should be added that the Highway Authority would wish to see the area allocated for vehicle parking to be properly consolidated and hardsurfaced (not loose stone or gravel) to prevent any debris from being carried onto the public adopted highway.

Therefore taking into account the above information I raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan. A1202/408 Such visibility splays shall be constructed

prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

The proposed access (or drive) shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m. Such visibility shall be provided before the development is brought into use and shall be maintained at all times.

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

WESSEX WATER - Water supply and waste water connections will be required from Wessex Water to serve the development. New regulations require all sewer connections to be subject to a signed adoption agreement with Wessex Water before connection can be made. Further information can be gained from the New Connections Team.

Wessex Water have become responsible for private sewers and drains and it is important a full survey of the site and surroundings is taken to determine local drainage arrangements.

DRAINAGE OFFICER - I note surface water is to be disposed of to main sewers. Have Wessex Water been contacted regarding acceptability to accept surface water. Disposal of surface water to sewer should be a last option and a SuDS scheme should be investigated. No works on site should commence until a surface water management plan has been agreed with Wessex Water and this authority and should be a condition of any approval given.

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.

29/11/12

Subject to the implementation of tree planting as proposed as well as details of front garden shrub/hedge planting and protection of existing beech tree, the proposals are acceptable.

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.

WARD CLLR objects on basis of back garden grabbing, removal of protected trees, overdevelopment of the site, overbearing and detrimental to the amenity of the area. Impact on nursing home which already has access problems without more parking on the street.

19 further OBJECTIONS on the amended plan raising issues of

- consistency as other applications have been refused.
- will restrict access to nursing home with cars parked on the road.
- reduction in on road parking will increase parking in cul-de-sac which is already at capacity
- loss of character of area, loss of garden and amenity and increased density.
- number of houses inappropriate and no need
- increase in traffic and congestion
- insufficient parking provided and concern over size of spaces
- impact on tree roots
- loss of TPO trees
- trees planted too close to dwellings and will cause loss of light to existing dwellings
- conflict between planting and visibility
- harmful impact to wildlife.
- overlooking, loss of privacy and light with overshadowing.
- increase in risk of surface water flooding.
- impact on infrastructure such as hospitals and schools.

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,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,
EN8 - TDBCLP - Trees in and around Settlements,
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, landscape and tree implications and access and parking. At the time of writing the report a consultation has been carried out which relates to plans clarifying the layout plan. Any further comments will be reported on the update sheet.

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 are 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 (16m minimum) and to the gardens to the rear is considered sufficient not to raise overlooking and privacy as issues to warrant an objection. There is also not considered to be any significant adverse impact from new planting.

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 in line with the submitted illustrative landscaping scheme.

The layout has been amended to address the position of the protected cherry trees. A tree report has been produced by a qualified arboricultural consultant and of the three trees, one is largely dead and the other two are in poor condition. The recommendation is that as the trees are in poor state and have a short life expectancy they should be removed and replaced. This has been agreed with a separate Landscape Consultant and the Council's Landscape Officer. The TPO cherry trees are therefore proposed to be replaced on site with 3 similar trees which will still be covered by the protection order and a condition to secure this is considered appropriate. The layout has been amended to reflect the position of the new trees.

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 the amended layout shows parking for 3 vehicles for every property provided within each plot. Despite concerns of local residents this is more than required in the Local Plan policy M4 and complies the Highway Authority requirements. The provision of tree planting as shown is not considered to conflict with driveway visibility. A condition with regard to drop kerbs is considered unnecessary as this is covered by the Highways Act. Whilst a considerable number of objections have been made on access and parking grounds, in light of the previous Inspector's decision, the Highway Authority view 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 parking 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 or a commuted sum would normally be required. However an independent viability assessment has been carried out which indicates the site would be unviable with the affordable housing requirement. It is therefore recommended that the Section 106 provisions relate to the leisure and recreation requirements only.

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. A tree survey has been carried out and the existing cherry trees are in poor health and unlikely to last much longer. The proposal replaces the cherry trees with new specimens and this and other

planting has been agreed with the Landscape Officer. 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 around 25m in length and be bigger than existing properties in Harp Chase. 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

MCCARTHY AND STONE RETIREMENT LIFESTYLES LTD

REDEVELOPMENT TO FORM 42 LATER LIVING APARTMENTS WITH COMMUNAL FACILITIES AND ASSOCIATED LANDSCAPING AND PARKING AT THE FORMER WELLINGTON MEDICAL CENTRE, BULFORD, WELLINGTON

Grid Reference: 313927.120411

Full Planning Permission

AMENDED RECOMMENDATION AND REASON

Recommended Decision: Refusal

- 1 The proposal would result in residential development on a site allocated for town centre uses to such a degree that it would prejudice the development of the site for the allocated uses. The proposal is, therefore, contrary to retained policy W11 (Town Centre Uses) of the Taunton Deane Local Plan.

There is an identified need for additional floor space for town centre uses in Wellington and the site provides the only opportunity in the town centre to meet such needs. The loss of the allocated site to residential use would leave the Local Planning Authority incapable of meeting the town's predicted retail needs on sites that would preserve the vitality and viability of the town centre. Accordingly, if the development were to proceed, future retail expansion could not be provided in a sustainable manner in accordance with the sequential approaches advocated by the National Planning Policy Framework and Policy CP3 (Town and Other Centres) of the Taunton Deane Core Strategy. Therefore, the proposal would not provide sustainable development, failing to comply with Strategic Objective 3 (Town and other Centres) of the Taunton Deane Core Strategy. The development would not improve the economic, social and environmental conditions in the area and, therefore, conflicts with Policy SD1 (Presumption in favour of Sustainable Development) of the Taunton Deane Core Strategy and the National Planning Policy Framework.

Notes for compliance

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission, and to establish common ground as far as possible. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

BACKGROUND

This application was presented to members on 7th November 2012, when it was resolved to defer the application to allow officers further time to negotiate an appropriate contribution to affordable housing and leisure and recreation facilities in the area. No decision was taken on the application, so members are free to reconsider the whole proposal, including the principle of the development which your officers strongly recommended was unacceptable.

This report presents an update following further discussions regarding viability, before repeating the entire report and previous recommendation below.

ADDITIONAL REPRESENTATIONS

3 further representations have been received reiterating previous comments of support, stating that there is no need for additional retail provision in the town and that McCarthy and Stone provide excellent retirement accommodation.

UPDATE

Following discussions with McCarthy and Stone over the viability of the proposed development, it has been established that the scheme is, in fact, capable of meeting the full requested contributions towards affordable housing and community leisure facilities. The requested contributions, based upon standard multipliers provided by the Housing Enabling Lead and Community Leisure Officer were:

- Affordable Housing - £623,790
- Active recreation - £61,068
- Community Halls - £46,948

making a total requested contribution of £731,806.

Although accepting to pay the full contribution on the basis of viability, McCarthy and Stone have questioned the justification of such a contribution. This is on the basis, that a McCarthy and Stone apartment has an average occupancy rate of 1.2 persons per dwelling. Following discussions with the Community Leisure Officer, it has been established that the leisure and recreation contributions are based on an average occupancy rate of 2.4 persons per dwelling. Your officers, therefore, consider that it would be reasonable to seek only 50% of those contributions. It is, therefore agreed between McCarthy and Stone and your officers that, in the event that planning permission was granted, the following contributions should be sought:

- Affordable Housing - £623,790
- Active recreation - £30,534
- Community Halls - £23,474

making a total requested contribution of £677,798. This would be paid in 3 separate instalments, linked to occupation.

On the basis of the above, it is now considered that the previously stated second reason for refusal has been overcome and is not now included in the above recommendation. However, nothing has changed the first reason for refusal in which

your officers recommend that the principle of the development is unacceptable.

The previous report and recommendation is now reproduced in full, below.

PREVIOUS REPORT TO COMMITTEE (7th NOVEMBER 2012)

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposal would result in residential development on a site allocated for town centre uses to such a degree that it would prejudice the development of the site for the allocated uses. The proposal is, therefore, contrary to retained policy W11 (Town Centre Uses) of the Taunton Deane Local Plan.

There is an identified need for additional floor space for town centre uses in Wellington and the site provides the only opportunity in the town centre to meet such needs. The loss of the allocated site to residential use would leave the Local Planning Authority incapable of meeting the town's predicted retail needs on sites that would preserve the vitality and viability of the town centre. Accordingly, if the development were to proceed, future retail expansion could not be provided in a sustainable manner in accordance with the sequential approaches advocated by the National Planning Policy Framework and Policy CP3 (Town and Other Centres) of the Taunton Deane Core Strategy. Therefore, the proposal would not provide sustainable development, failing to comply with Strategic Objective 3 (Town and other Centres) of the Taunton Deane Core Strategy. The development would not improve the economic, social and environmental conditions in the area and, therefore, conflicts with Policy SD1 (Presumption in favour of Sustainable Development) of the Taunton Deane Core Strategy and the National Planning Policy Framework.

- 2 There is no mechanism in place to secure an appropriate contribution towards the delivery of affordable housing or community facilities in the locality. The proposal is, therefore, contrary to Policy CP4 (Housing) of the Taunton Deane Core Strategy and retained Policy C4 (Standards of Provision) of the Taunton Deane Local Plan. Accordingly, it does not cater for the needs of the residents of the proposed development and does not improve social conditions in the area, contrary to Policy SD1 (Presumption in favour of Sustainable Development) of the Taunton Deane Core Strategy.

PROPOSAL

This application seeks full planning permission for the erection of 42 'Later Living' apartments and communal facilities. The apartments would be arranged over 2-3 storeys. The applicant, McCarthy & Stone, requires that the building format comprises a number of self-contained apartments specifically designed for the frail elderly, linked by heated corridors from a secure entrance. Communal facilities include a residents' lounge, guest suite, battery car store, laundry room and refuse store, all accessible without leaving the building. They require, therefore, that the building is of a singular mass and footprint with level access.

The proposed design splits this 'singular mass' into various component sections on a stepped building line, seeking to break up the form of the building. Projecting and

recessed gables, together with some dormer windows would be provided to the 2nd floor apartments such that some were partly contained within the roof structure, reducing the eaves level. A large glazed section would mark the main entrance to the property in the centre of the north-east elevation, whilst a large corner window would emphasise the eastern corner of the site adjacent to the site entrance.

The building would primarily be finished in red brick under a slate roof, with UPVC windows.

SITE DESCRIPTION AND HISTORY

The site comprises the former Wellington Medical Centre, which has been disused since the facility relocated to a new building in Mantle Street. The site is broadly flat, although it is raised slightly in the centre. Otherwise, the site drops gently to the north towards the rear of the existing properties on Fore Street.

To the east, a low brick wall – around 1.5m in height – separates the site from the South Street car park, and beyond that, the Baptist Church and other buildings on South Street. To the north, the site widens to an existing parking area, which also contains a number of accesses to the rear of properties on Fore Street. To the West, an overgrown wall and some fencing separates the site from the rear of existing dwellings on Bulford. These properties have fairly short gardens and the boundary wall is generally low. There are a number of large trees within the site along this boundary.

The southern boundary of the site is open to Bulford and it is here that the site access is provided – at the eastern end of the southern boundary, adjacent to the car park. There is also a strong tree presence along this boundary, with mature trees protected by Tree Preservation Orders. Other trees sit between the medical centre building and the access drive.

There have been various applications for extensions and alterations to the medical centre and its car park. Planning permission was granted in 2004 and ‘renewed’ in 2008 for the redevelopment of this site and the adjoining car park to provide a supermarket and car park. The permissions were not implemented.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Formal comments awaited. Verbally have commented that the development is unlikely to have a significant impact on the local highway network; subject to minor alterations to the access boundary wall, sufficient visibility is provided at the access; the level of parking is appropriate and a travel plan should be submitted.

WELLINGTON TOWN COUNCIL – Supports the granting of planning permission.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – As far as we are aware, there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

BIODIVERSITY – A wildlife survey found the following:

Birds – The site contains a number of trees and shrubs for nesting birds. Clearance works should take place outside the bird nesting season and the development should include some bird boxes.

Reptiles – The site is isolated, but there are small patches of suitable reptile habitat. The site should be checked for reptiles immediately prior to clearance.

Bats – None of the trees on site had potential for roosting bats but they do provide foraging potential. The subsequent survey of the building found no evidence of bats using the building. There is, therefore, no objection to the demolition of the building, although it should be dismantled with caution as a precautionary measure.

LANDSCAPE LEAD – Tree survey and proposed management works acceptable. Tree protection during construction fine.

My main concern is the loss of mature trees 2-7. These trees especially 2 and 4 have considerable amenity value. If they have to be removed for planning reasons, I recommend that they are replaced with semi-mature trees in the car parking island to the north-east of the proposed building. Details of landscaping not submitted.

HOUSING ENABLING – The affordable housing requirement for this scheme is 25% of the total number of units. In lieu of on site affordable housing provision the commuted sum is £623,970.

The commuted sum money is ring fenced and must be used to provide affordable housing in the locality. The commuted sum money should be paid upon completion of the sale of the land.

DRAINAGE ENGINEER – Notes that the drainage survey indicates that surface water from the roof area goes to soakaways. In their recommendations, they propose that porosity tests are carried out to ascertain if the underlying strata would accept infiltration flows.

However, in the application form, it seems to indicate that the preferred method of disposing of surface water flows is to public sewers. This is not ideal and the developer should consider SUDS techniques to deal with surface water especially as the impermeable areas have increased.

Therefore, a condition should be applied to any planning permission given that details for discharge of surface water should be submitted.

PLANNING POLICY LEAD – The site forms part of the Bulford allocation (Town Centre Uses) under policy W11 of the adopted Taunton Deane Local Plan (2004).

Permitted uses will include retailing, food and drink, offices, leisure, entertainment and healthcare facilities. Residential uses may be acceptable as part of a mixed use scheme.

Whilst the status of the Local Plan may be regarded as of limited weight due to its age, the Bulford site falls within the boundary of Wellington town centre, as defined on the Proposals (Inset 3) Map accompanying the adopted Taunton Deane Core Strategy (2012).

Policy CP3 of the Core Strategy advocates the promotion and enhancement of (Wellington) town centre(s) including retail, leisure, cultural and office development and reiterates a sequential approach for such town centre uses.

Over the Plan period the Roger Tym Retail and Leisure Study (2010) requires provision for an additional 7,550 sq.m. (gross) comparison and 700 sq.m. (gross) Class A3,4 and 5 retail space. Whilst there is no additional requirement for convenience floorspace the site lies within the town centre boundary, adjoins the primary frontage and would thus be a sequentially preferable site if proposals arose.

The site has had the benefit of planning permission for retail use in the recent past (most recently in 2008) for 2,580 sq.m. gross convenience foodstore. To my mind the Bulford site is suitable for comparison or convenience retail use, the previous consents not being implemented due to the inferred end user eventually utilising a new unit already under construction. The site falls within the town centre, retail would be consistent with policy CP3 of the Core Strategy and is an allocation for such a use in an adopted Plan. However, I consider that to remain viable the allocation would require consideration in a comprehensive manner, especially as the Local Plan policy/text requires retention of existing car parking in full.

The NPPF reaffirms that the development plan remains the starting point for decision making. Paragraph 17 states that every effort should be made to objectively identify and meet the housing and other development needs of an area, promote mixed use developments and meet local service needs. Paragraph 23 states that town centres should be defined whilst the needs for retail and other main town centre uses are met in full and are not compromised by site availability.

The Core Strategy is an up to date plan. Housing requirements for the Wellington area have been exceeded. This site (or part of) is not required for housing although as part of a mixed use proposal it could afford an acceptable design solution.

The Bulford Local Plan allocation is an obvious site to assist in meeting the projected retail requirement over the Plan period and should thus be retained for this purpose, consistent with local and national policy. Piecemeal loss of this allocation would not only reduce the retail capacity of this site, it could also result in the remainder of the allocation being unviable for such a use. Loss to residential would not assist vitality or viability of Wellington town centre. The consequence would be out of town retail proposals, impacting on town centre trade and attraction, resulting in transport movement in conflict with the principles of sustainable development whilst impacting on the town centres vitality and viability.

In conclusion, the site is not required to meet a residential need nor would residential use promote vitality and viability of the town centre. However, I would support a comprehensive (including flexibility in accommodating a mixed

retail/residential use) development of the Local Plan Bulford W11 site for primarily retail use, consistent with policy. This proposal does not achieve this.

Moreover, in its present form the proposal would prejudice the Council's ability in meeting the NPPF's requirements to identify and not prejudice availability of town centre sites to assist in meeting identified retail need over the Plan period. This would thus be contrary to Core Strategy policy CP3 and SP3/Vision 3 which seeks to promote limited expansion within the town centre to widen its attraction as a place to shop (ie vitality and viability).

Consequently it would not meet the 'presumption in favour of sustainable development' in relation to plan-making or decision-taking set out in the NPPF and therefore also run contrary to policy SD1 of the Core Strategy.

To meet identified retail need, the loss of this site would thus result in out of centre proposals which would result in an increased need to travel, contrary to policy CP1 and CP6 of the Core Strategy and generally, national policy.

HERITAGE LEAD - The Design and Access Statement, clearly states that the design, is a response to the functional requirements of the applicant and hence is one of a "singular mass and footprint" and goes on to say that "the proposals should be designed to respect the overall architectural style and heritage of the surrounding area, whilst optimising the development potential...". As such, the proposal has not drawn any reference from the historic or local distinctiveness of the surrounding buildings, other than the occasional inclusion of certain details. The form takes no account of burgage plots and does not step down from the buildings on Fore Street. The roofscape is complex and includes hips, neither of which are characteristic of the town. Proposed corner features, visually implies that the building is not adequately supported. NW elevation particularly poor - predominantly roof! Square openings largely shown, which contradicts the submission in the D and AS.

The submission needs updating to correctly reflect current policies.

Concern re. proposed use of concrete tiles, plastic windows, Trespa panels and possibly choice of brick.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – No comments received.

WESSEX WATER – There are no issues with the foul drainage proposals.

In terms of surface water, there is a need for attenuation as detailed in the site proposals plan and would accept the proposal of 10l/s for a 30 year storm event. However, would also wish to see the storm flow directed the short distance from the edge of the site to the existing 525mm dedicated storm water system in South Street. This would limit flow rates in the existing foul sewerage system and alleviate existing flooding issues in South Street rather than increasing them.

Provide guidance on new water connections.

ECONOMIC DEVELOPMENT – I would wish to resist the loss of retail space in Wellington town centre and in this location in particular, especially if it were to compromise the comprehensive redevelopment of the site – i.e. for a larger foodstore.

I acknowledge, however, that the development proposed will have economic benefits to the town centre, notably by providing accommodation for people able to spend locally.

Representations

1 letter confirming NO COMMENT to make.

9 letters raising NO OBJECTION, making the following observations:

- This will be a great improvement.
- The outlook from the rear of 54 Bulford would be a great improvement.
- School children will have to find somewhere else to congregate.
- The proposal seems sensible and proportionate in design and scale.
- The development should be named after Hope Terrace, a row of 16 back to back dwellings that occupied the site for around 100 years until the 1960s.
- There should be a one-way system around the site with lay by's and a slope to the town shops, busses and banks.
- It makes good sense to develop the site for local people.
- The site is in an ideal location, with shops and transport so close.
- The site is presently an eyesore and the proposals would be an enhancement.
- If the development proceeds, the South Street car park should be enhanced, so that the residents have a better outlook. A nice garden could be laid out for the Bulford residents to enjoy. Trees could be planted within the car park.

- Hope that most of the mature trees, including the two walnut trees at the front of the site on Bulford can be retained.
- There is inadequate parking in Bulford and more elderly residents are now driving, so sufficient facilities must be provided.
- Access to the rear of properties on Fore Street must be maintained.
- There must be sufficient parking provided for the residents.

7 letters of SUPPORT have been received, making the following comments:

- The development should be completed sooner rather than later.
- The adjoining South Street Car park should not be developed as it is a vital resource in an ideal location.
- There is nothing in Wellington that is purpose built to meet the needs of the elderly who are desperate for assisted living.
- The level of support offered to residents by McCarthy & Stone is excellent.
- McCarthy & Stone have agreed to plant another Red Oak to replace an existing 'in memory' tree that will be felled.

PLANNING POLICIES

EN14 - TDBCLP - Conservation Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,
W11 - TDBCLP - Town Centre Redevelopment Sites,
W1 - TDBCLP - Extent of Wellington,
STR2 - Towns,
STR4 - Development in Towns,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the design of the proposal and the provision of affordable housing and contributions to community facilities. The impact on the local highway network, neighbouring property and wildlife must also be considered.

Principle

Located in the centre of Wellington, the site forms part of land (along with the South Street car park) allocated for 'Town Centre Uses' under policy W11 of the Taunton Deane Local Plan. The policy indicates that permitted uses will include "retailing, food and drink, offices, leisure, entertainment and health care facilities". The following criteria suggest that residential will only be permitted as part of a mixed-use scheme. Policy W11 is retained by the Core Strategy.

This proposal is for a purely residential development on part of the allocation, leaving the remainder of the allocation (the public car park) unaffected. However, without the medical centre site included, it is considered that the remaining car-park is incapable of any meaningful development for the allocated purposes, both due to the constraints that development of the medical centre site would place on the remaining site in terms of built form and developable area; and because the car parking facilities (which the policy intends to retain) would be lost as a consequence. It is, therefore, considered that the proposed development is in direct conflict with Policy W11. Permission should, therefore be refused unless material considerations indicate otherwise that the development is acceptable.

The material considerations suggested by the applicant revolve around the requirement for the allocation, its likely deliverability, and the public aspirations for the site. These are discussed below.

Requirement for the allocation

It is suggested by the applicant that the retail allocation is out of date, having been conceived based upon the Local Plan evidence base and not yet updated by the forthcoming site allocations development plan document. They say that the site has

now been allocated for town centre uses for 10 years and has had two planning permission's for retail use, yet any development has failed to materialise. It is also suggested that in allocating the site, the Council were, essentially, envisaging that a food store would be constructed on the site, but that this need has subsequently been accommodated elsewhere – i.e. Waitrose on the High Street allocated site.

The most recent retail capacity study, conducted by Roger Tym and Partners in 2010 accepts that Wellington no longer has any need for additional convenience retail floor space. However, it indicates that, over the plan period, there will be a requirement for an additional 7,550 square metres of comparison retail floor space in the period up to 2028 – as indicated by Policy CP3 of the Core Strategy. The study confirms that 1,500 square metres are required in the period up to 2016. Even if the applicant is correct that this need may be overstated, there will still be some need in the short and medium term.

The applicant draws support for the lack of need for further retail development from the number of vacant units within the Town Centre (6 at the time of their survey). It is suggested that whilst this floorspace is available, there is clearly no need for any additional retail development in new locations. Your officers accept that there may not be a need for additional retail capacity today and in the current market. However, the Core Strategy seeks to plan for the needs of the town over the entire plan period, including increased demand in future times of economic growth and accommodating the needs of the significant additional numbers of residents that will live in the town as a consequence of the large housing growth proposed. Although the NPPF strongly encourages providing for development *now*, it is fundamentally bad planning to fail to plan for the identified need for additional capacity within the plan period, especially where there simply is no obvious alternative site.

Given the current, up-to-date assessment of need, it is not accepted that the retail allocation is out of date because the most recent studies confirm that the need still exists. Even if it were accepted that the policy was out of date (presumably on the basis that the site allocations DPD has not yet been prepared) then the NPPF confirms that the site should be considered in accordance with the policies within the NPPF taken as a whole and the 'presumption in favour of sustainable development' whereby development should be allowed to proceed unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In terms of NPPF guidance, there may arguably be a tension between two consecutive paragraphs in relation to this proposal. Paragraph 22 indicates that "planning policies should avoid the long term protection for sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities". It could be argued that this guidance applies to 'employment' uses rather than retail uses. Indeed, allocations for main town centre uses are not mentioned in the paragraph, but are clearly referred to in paragraph 23 requiring positive planning and site allocation for such uses. At this point, it should be noted that the site has not remained undeveloped for 10 years as suggested by the applicant. Although it has been allocated since 2004, it housed the medical centre until 2010. Despite the 2004 permission, therefore, development simply could not be implemented.

On the contrary, paragraph 23 clearly states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. “Local Planning Authorities should ... allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. *It is important that the needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.* Local Planning Authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites” (my emphasis). In retaining the W11 allocation, the Council is fully complying with this guidance, having regard to the recent evidence from the retail capacity study.

In terms of taking the NPPF as a whole, it is clear that ensuring the vitality of town centres is of key importance in the policy. Although the spirit of paragraph 22 could be extended to other (non-employment) uses, it is considered that, given the lack of direct reference in paragraph 22 to town centre uses, and the specific requirements to plan positively and ensure adequate land for such uses in paragraph 23, the NPPF as a whole indicates that greater weight should be placed on securing the vitality of town centres through the provision of sufficient sites for town centre uses. Indeed, paragraph 22 itself, does clarify the need to have regard to “relative need for different land uses to support sustainable local communities”. As the population of Wellington expands, through the delivery of additional housing in accordance with the Core Strategy, the retail demands would grow and the site will be required. The NPPF makes clear that sustainable development is achieved through a plan-led system that allocated sites based upon the need to provide a mix of uses for communities. The loss of the site for town centre uses would mean that such demands could not be accommodated and the development is, therefore, not sustainable. It is, therefore, considered that there is a need for the allocation.

Deliverability of the allocation

The applicant suggests that the site is not suitable for development for comparison shopping due to its backland nature without any frontage on the main shopping streets and without good links to the High Street. As such, it is argued that the site could not form a viable comparison retail location.

It is true that the site may have been envisaged as suitable for convenience retailing in the form of an additional supermarket and that such need has been met through the provision of the new Waitrose supermarket on the High Street site. The retail capacity study demonstrates that there is no need for further convenience retail floorspace and this is borne out through the non-implementation of planning permission for such a use on this site.

It may also true that the site is not in an ‘ideal’ location for certain forms of retail development, having no street frontage in the main shopping areas. It does, however, contain one of the main town centre car parks and, therefore, footfall at the site is high and may also be attractive in its own right for larger, bulkier goods retailers. In addition, such car parking facilities will necessarily be retained as part of any development, contributing to the attractiveness of the location. Thus, whilst the site may not be attractive to a speculative developer for an arcade of small shops (for example) there is no reason or evidence to suggest that it may not be attractive

to a single comparison floorspace user as the retail demand in the town expands over the plan period.

Public opinion and aspiration

The applicant claims that there is no public desire for additional retail provision in Wellington, whilst there being support for supported living accommodation and objection to development of the South Street car park. This conclusion is reached following a survey conducted in the town over the summer. However, your officers consider that the questions in the survey were biased and its conclusions are unsurprising and not relevant to consideration of the purpose of the retail allocation as a whole. In particular, it asked for opinion on the redevelopment of the medical centre site for supported housing and the redevelopment of the South Street car park as two discrete developments, rather than giving anybody the opportunity to comment on a comprehensive development of the site as a whole.

It cannot be denied that there is public support for the proposed development and this is clarified by the striking level of support/lack of objection to the proposed development. However, this is considered to be influenced by a general liking for the McCarthy and Stone brand/product and a dislike for the current state of the medical centre site, rather than a rigorous consideration of the contribution that the site and allocation may or may not make to the town in the medium term, which is the fundamental issue for consideration here. Given the number of vacant units in the town centre at the present time and over recent years, it is unsurprising that the public at large do not consider there to be a need for additional retail development but again this is not influenced by the need for comprehensive town planning to ensure that the future needs of the town are met over the plan period. It is considered, therefore, that little weight should be attributed to the public opinion and level of support for the scheme.

Conclusions surrounding the principle of the development

Despite the present non-delivery of any retail scheme on the allocated site, this was not considered to be due to the lack of need, rather an alternative being readily available at that particular time. It is considered necessary to preserve the allocation in order to meet the projected retail demand for Wellington over the plan period. Failure to maintain the allocated site would mean that there simply are no town centre, or even edge-of-centre, sites available for retail in Wellington, with the consequent pressure that could then arise for out of town retail development.

Your officers are not suggesting that this site is not suitable for residential development. Indeed, it is in a well accessible location where residents would have convenient access to facilities for most of their day to day needs. However, loss of the site for retail would prejudice the long term viability and vitality of the town centre and would mean that Wellington is incapable of expanding its town centre retail offer in order to meet the predicted demand over the plan period. Such is not sustainable development as defined in the National Planning Policy Framework.

Design and impact on the character of the area

The design and access statement is based on a thorough assessment of the character of the area. It notes a varied townscape that has developed broadly in line with the prevailing architectural trends of the time. As such, the townscape is easy to read and date from a historic perspective and contributes to the rich architectural heritage of Wellington. In particular, it is noted that the Wellington School site – adjoining the site to the south – represents an excellent representation of architectural history, with both its large and small buildings being true reflections of the architectural style prevailing at the time of their construction.

It is of great surprise, then, that the design solution arrived at for the site is not representative of today's trends in architecture. Rather, in its original submission, the approach taken was to take the functional 'singular mass and footprint' requirements of the developer and add to it architectural features from all buildings surrounding the site. In its original form, therefore, the proposed building showed a stepped building line (influenced by the 1960s Bulford development); gabled roof features (from the Wellington Community Hospital); hipped roofs (from the Wellington School 'Northside' building opposite); feature corner window detailing (also from Northside); arched windows and a large central glazed section (from the Baptist chapel). None of the features chosen were copies as such (the arched windows for example were much shallower than on the Baptist chapel and some spanned two window openings) and the result was a confusing mix of styles and details that lead to a rather incoherently designed building that lacked its own identity. One major problem of this initial design ethos is that, in seeking to replicate architectural features found in the locality, the building was drawing influence from much smaller buildings. Some design features such as horizontal string courses in a different brick, can work on smaller buildings, but when translated to a large building fight against the bulk and draw attention to its width and scale.

Following discussions with the architect, things have moved on, and whilst the fundamental design principles have not changed, the architectural detailing is being simplified with concentration instead on key features of the local vernacular – principally a red brick facade under a slate roof, with gabled detailing – both to the main roof sections and projecting elements. At the time of writing the report, fully revised designs are not available, but it is expected that by the time of the committee meeting, the design will have moved on sufficiently to a point where an acceptable solution is reached that does not detract from the character or appearance of the adjoining conservation area or the settings of nearby listed buildings.

The development of the site will result in a reduction in the number of trees along the western boundary and the removal of trees on the eastern side, between the existing building and site access. Whilst those on the western side are in need of significant management, those on the east are better specimens, some protected. The trees on the site frontage to Bulford will be retained by the development and the Landscape Lead is satisfied that those on the eastern boundary can be felled, provided there is a replacement planting scheme including semi-mature trees.

Provision of affordable housing and other contributions

The Housing Enabling Lead has confirmed that the development should provide for affordable housing on the basis of 25% of the development. The applicant proposes to deal with this requirement through a financial contribution to off-site provision rather than provision of units within the site. Your officers accept that, in this type of

development, it is particularly difficult to provide the affordable housing provision on site. The nature of the housing, with supported living services and communal lounges and facilities carry a service charge that Registered Providers of affordable housing are unwilling to pay for. This means that, either, occupiers of the affordable units must be prohibited from accessing certain facilities or parts of the building; or open market residents must subsidise the affordable housing occupiers from their own pockets. The conflicts that could arise as a consequence are appreciable and, therefore, it is considered that an off-site contribution is acceptable.

The required affordable housing commuted sum has been calculated as £623,970. The applicant does not dispute this, but instead is arguing that the development cannot afford to pay such a large contribution without making the development unviable. The applicant has offered to pay £328,994 – around half the required contribution. In addition, contributions should also be made towards the provision of outdoor recreation facilities (excluding children's play) and community hall facilities in the area. Such would total around a further £93,000.

At the time of writing this report the applicant's viability assessment is not accepted by your officers. Independent viability assessment has been commissioned and the initial findings will be available for members at the committee meeting, however, at the time of writing it is considered that the development is unacceptable for these reasons.

Highways

The Highway Authority have verbally confirmed that the site access roads are capable of accommodating the increase in traffic from the proposed development. Limited on-site parking has been proposed on the basis that occupiers of the proposed development tend to be in the later stages of life and few of them drive, particularly in highly accessible locations such as this. It is accepted that the applicant has sufficient experience to know the likely traffic demand from its own developments and the level of parking provision is, therefore, acceptable. In any case, in this particular location, any additional demand for visitor or residents parking can easily be taken up by the directly adjoining South Street car park. Accordingly, the impact on the local highway network is considered to be acceptable.

Neighbouring property

The site adjoins two-storey residential development to the west. The closest of these fronts the main Bulford road to the south of the site, but it is side on to the site and is not considered to be adversely affected by the two-storey element that would adjoin it at approximately 7.5 metres away.

Backing onto the site along the western boundary – getting progressively closer moving north, the closest dwelling would also be around 7.5m from the new building. This, however, would be a single storey section, side on to the existing dwelling, which would not result in an unacceptably overbearing impact. The main rear elevation of the 3-storey building, would be around 22m from the site boundary and approximately 30m from the rear elevation of closest dwelling. This distance is considered to be sufficient to prevent any unacceptable overbearing/overlooking concerns.

The ability to maintain access to the rear of the properties on Fore Street is a civil matter between these parties and the developer. These properties themselves are also of a sufficient distance from the application building to avoid any unacceptable overlooking, the sections closest to the development mainly being service yards/workshops and a beer garden. No other surrounding property is considered to be unduly affected by the proposal and, therefore, the impact on neighbouring property is considered to be acceptable.

Wildlife

A wildlife survey has been submitted, which indicates that wildlife will not be unacceptably harmed as a consequence of the development. Further survey work to establish the potential for bats to roost in the existing building concluded that there would be no adverse impact on bats. The impact on wildlife is, therefore, considered to be acceptable.

Conclusion

It has been shown that the site could be developed for housing without any adverse impact on neighbouring property or the highway network. It is likely that an acceptable design solution will be found by the time that the application is considered by Members, so this has not been shown as a reason for refusal at the time of writing. However, the development would result in the loss of land allocated for retail development in retained policy W11 of the Taunton Deane Local Plan, and leave Wellington incapable of meeting its forecast retail needs. As there simply does not appear to be any other town centre or edge of centre site available to meet such needs it is considered imperative that it is retained for such purposes. The failure and inability to plan positively for such needs, coupled with the fact that sufficient land has been allocated for residential development elsewhere in the town, means that the proposed residential development of the site is not sustainable development.

In addition, the development does not propose to provide sufficient contributions to affordable housing or community facilities, a further reason that the development is not sustainable.

With regard to these matters, the proposal is considered to be unacceptable. It is, therefore, recommended that planning permission is refused.

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

49/12/0073

GADD PROPERTIES LTD

ERECTION OF 2 NO. SINGLE STOREY DWELLINGS WITH ASSOCIATED GARAGES, PARKING AND ACCESS ON GARDEN LAND ATTACHED TO SPRING GARDENS, WIVELISCOMBE (RESUBMISSION OF APPLICATION 49/12/0055)

Grid Reference: 307931.128031

Full Planning Permission

RECOMMENDATION AND REASON(S)

Conditional Approval subject to the receipt of an amended layout plan by January 8 2012, providing for visibility splays as set out by the Transport Development Group

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 would not harm the safety of highway users or pedestrians within the vicinity of the site. The development would not have a detrimental impact on surrounding visual or residential amenity and is considered to be acceptable with regard to the design, scale, form and layout of the proposals. The development is therefore in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR3 and 49 (Transport Requirements of New Development), Policies DM1 (General Requirements) and SP1 (Sustainable Development Locations) and CP4 (Housing) of the Taunton Deane Core Strategy and retained Policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo A2012 505 Site Survey
(A3) DrNo A2012 504 Elevations
(A3) DrNo A2012 503 Ground Floor Plans
(A3) DrNo A2012 502 Site Layout Plan
(A3) DrNo A2012 501 Site and 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 ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4.
 - (i) Prior to implementation 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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the design, materials and type of boundary treatment to be erected within the site. The agreed boundary treatment shall be completed before the dwellings are occupied and thereafter so maintained.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. The access, driveway, parking and turnings areas shall be hard surfaced before any dwelling hereby permitted is first occupied, in accordance with drawing number A2012/502. The hard surfacing 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 development site.

Reason: In the interests of highway safety in accordance with Policy 49 of the

Somerset and Exmoor National Park Joint Structure Plan Review.

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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or other alteration (including dormer windows) to the dwellings hereby permitted without the further grant of planning permission.

Reason: To ensure the development does not harm the amenity of neighbouring dwellings located within a close proximity to the proposed development, in accordance with Taunton Deane Core Strategy Policy DM1.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway and footpath boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway and footpath while the gates are opened or closed and thus prevent an obstruction to other vehicles and pedestrians using the highway. In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

10. The development hereby permitted shall not commence until surface water drainage details have first been submitted to and approved in writing by the Local Planning Authority. The means of surface water disposal shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To prevent the risk of flooding to property and land outside of the site in accordance with Taunton Deane Core Strategy Policy CP1.

11. The garages hereby permitted shall remain available in perpetuity for the parking of vehicles and the storage of bicycles only.

Reason: In order to ensure that satisfactory space remains available within the site for the parking and turning of motor vehicles without prejudice to neighbouring properties and highway safety, in accordance with retained Taunton Deane Local Plan Policy M4 and Policy CP6 of the Taunton Deane Core Strategy.

12. There shall be no obstruction to visibility greater than 600mm above adjoining ground surface level in advance of lines drawn 2.0m back from the shared driveway edge on the centre line of the footpath extending to points on the nearside shared driveway edge 2m either side of the footpath. Such visibility shall be fully provided before any dwelling hereby permitted is first occupied and thereafter shall be maintained in perpetuity.

Reason: To preserve sight lines at the junction between the new access driveway, the adopted highway and pedestrian footpath, in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

13. The development hereby permitted shall not commence before details of the proposed crossing of the Public Right of Way (footway) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved details and crossing have been fully provided in accordance with the approved details.

Reason: To ensure the development enables the continued convenient use of the Public Right of Way by members of the public without undue harm to either public safety, in accordance with Policy DM1 of the Taunton Deane Core Strategy and Structure Plan Policy 42.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus.
3. The developer is advised of the need to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site with Wessex Water.
4. New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page at www.wessexwater.co.uk/developerservices. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed

adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

5. You are advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development.
6. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
7. If the development would result in any of the outcomes listed below, then authorisation must be sought from Somerset County Council Rights of Way Group:
 - A PROW being made less convenient for continued public use;
 - New furniture being needed along a PROW;
 - Changes to the surface of a PROW being needed;
 - Changes to the existing drainage arrangements associated with the PROW.

If the works involved in carrying out this development would:

- Make a PROW less convenient for continued public use; or
- Create a hazard to users of a PROW

Then a temporary closure order may be necessary and a suitable alternative route must be provided.

8. 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 Highway Act 1980, will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.
9. Please note that due to the combination of works to the carriageway and footway, it is likely that a S278 Agreement will be required by the Highway Authority to secure the works. Having regard to powers of the Highway Authority under the Highways Act 1980, the applicant is advised that the alteration of an existing access will require a Section 171 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Highway Office, Burton Place, Tel No. 0845 3459155. Application for such a permit should be made at least four weeks before access works are intended to commence.

PROPOSAL

The application seeks planning permission for the erection of a two detached two-bedroom bungalows with attached garages on land at Spring Gardens, Wiveliscombe. The proposals have an amended layout with Plot B now positioned to the North of Plot A. Plot A will have a garage attached to the North elevation and Plot

B to the South. The dwellings will be served by private gardens to the West and South and an indicative planting scheme has been provided. The site will be subdivided by close boarded fencing 1.8m in height. At the point of access a section of timber post and rail fencing will replace the existing close boarded enclosure.

The dwellings will be finished externally in facing brickwork under concrete roof tiles. Windows will be white uPVC and the doors painted softwood. The proposed access, parking and turning areas will be surfaced with permeable block paving. All materials are indicated as being for approval by condition.

Access will be formed off Market Place to the South; the new access driveway will run between two existing properties, cross a public footpath and enter the site through the southern boundary. The driveway will run along a North-South axis adjacent to the Eastern boundary of the site; it will lead to a combined parking and turning area to the front of the proposed dwellings. Four parking spaces are proposed.

SITE DESCRIPTION AND HISTORY

The application site currently forms part of the associated curtilage of the property known as Spring Gardens; the site is centrally located within the settlement of Wiveliscombe. The site is currently laid to grass and contains four fruit trees; the site is bound to the West by a terrace of dwellings along Stockers Close and to the East by detached properties along Spring Gardens. The application site slopes away to the East where it is evident that the rear gardens of the properties along Spring Gardens are set at a lower level to that of the application site. The southern boundary of the site is formed by a stone wall that abuts a pedestrian footpath linking Spring Gardens to North Street. As well as the abutting the application site the adjacent footpath runs along side two new build properties along Market Place to the East.

The site is served by two existing vehicular access points off North Street; that which directly serves the application site is along a narrow track from the south west, which is thought to be of insufficient width to allow its use by a modern motor vehicle. Public Right of Way (PROW) WG15/4 runs along the footpath that abuts the site to the south.

Planning permission has been refused previously at the site for a similar proposal to erect two dwelling houses with access and garaging. Planning application 49/12/0031 was refused planning permission under delegated powers virtue of:

- A poor design and layout;
- Detrimental impact upon light and outlook of neighbouring property;
- A lack of visibility along footpath for vehicles resulting in a danger to pedestrian safety; and
- Insufficient space for parking and turning within the site.

An amended scheme was then withdrawn, planning reference 49/12/0055 due to ongoing Officer concerns regarding the layout, design and scale of the proposed scheme. A subsequent meeting was held where these concerns were relayed to the applicant and agent.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE TOWN COUNCIL - Object to the proposals on health and safety grounds. The development will gain access over a regularly use public footpath and it is anticipated that this public right of way will be used more frequently in future as Wiveliscombe expands. The health and safety of footpath users is imperative and measures must be taken to protect them from traffic passing over it. Barriers should be erected to protect the public from the highway.

SCC - TRANSPORT DEVELOPMENT GROUP - Passing places are welcomed. Pedestrian visibility splays are not adequate. The splays should be developed from the points of intersection of the two ends of the severed path with the outsides of the proposed 3m wide driveway. The corner requiring most attention to this detail is the southernmost corner around the curtilage of number 16 Market Place. Recommend that part of the application site be dedicated to broaden the footpath as it approaches the proposed drive so that an adequate triangular splay of 2m by 2m can be provided at this corner. Either approximately 1.2m of the green area should be dedicated as public footpath to the corner of the path or slightly less if in addition some easement northeastwards of the shared access is made. This corner is particularly pertinent as any pedestrian pushing a pushchair or using a disability scooter may find it fractionally harder to stop than from the other direction of approach as the gradient for them at this point is downhill.

Concerned that there is insufficient parking/turning space for plot B especially if a vehicle is parked in front of the garage and within the turning head - may cause problems for reversing vehicles. This said parking provision accords with the Somerset Parking Strategy.

Conditions recommended to improve pedestrian and vehicular visibility splays; PROW vehicular crossing; details of hard surfacing for garage/parking; and submission of details for private streets.

HERITAGE - No comments.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - No comments received.

SCC - RIGHTS OF WAY - If permission is to be granted, it should be conditioned upon a satisfactory design of the footpath crossing being agreed with SCC RoW Team which we would refer to our Safety Audit Team for assessment.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along or over a public footpath unless the driver has lawful authority (private rights) to do so.

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

Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

WESSEX WATER - Advice provided regarding water supply and waste connections, protection of assets, building near to a public sewer and diversion of water mains and sewers.

Representations

2 letters of OBJECTION received raising the following planning related matters:

- No objection to the bungalows but object to the proposed access across a footpath without barriers;
- With building in Style Road the footpath will be used more by children, toddlers, mothers with pushchair's and the elderly going into town and the doctors surgery;
- Footpath is used by existing residents on a regular basis;
- Access via Market Place will be a problem with traffic, parking and extra vehicle movements;
- Emergency service vehicles will be unable to reach the site;
- This will be hazardous and an accident waiting to happen;
- Documents sent to the House of Commons regarding the Town Council or Borough Council exceeding their powers to grant a building access to land via a definitive public footpath with vehicles;
- Response to enquiry awaited; advised a response would take some time;
- It is imperative that the public have a right of way over the footpath and a planning officer with delegated powers is not the authority to give a decision on these matters;
- Should protect country walks for the public;
- The LPA should be conscious of their duty of care to the public and not builders.

52 identical and replicated letters received from members of the public raising the following OBJECTION

- "The public footpath in question is in constant use by people of all ages - from pushchair's to wheelchairs - and I feel it would be dangerous for pedestrians if vehicles were allowed to cross it. It will get busier as more housing is proposed on land East of the path to the centre of Wiveliscombe. The access to the proposed building site emerges onto Market Place which is very narrow and already has parking problems. Surely this could cause major difficulties for large delivery and collection vehicles including emergency services. I strongly object to this proposed access."

PLANNING POLICIES

S&ENPP42 - S&ENP - Walking,
M4 - TDBCLP - Residential Parking Provision,
STR1 - Sustainable Development,
STR3 - Rural Centres and Villages,
S&ENPP33 - S&ENP - Provision for Housing,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
NPPF - National Planning Policy Framework,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,
CP4 - TD CORE STRATEGY - HOUSING,
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)	£2158
Somerset County Council (Upper Tier Authority)	£540

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£12949
Somerset County Council (Upper Tier Authority)	£3237

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are the impact of the proposals upon highway and pedestrian safety; residential amenity and the character of the area having regard to the amended scale, form, design and layout.

Highway and pedestrian safety

The Highway Authority are satisfied that the site provides for an acceptable degree of parking with which to serve the proposed dwellings but are concerned that plot B may not have sufficient turning. In this regard I consider it a case of self management of parking to ensure that the proposed turning head is not used for parking vehicles so as to allow vehicles to turn easily within the site. This should not be an issue if the garage and parking space to the front are used for parking vehicles. I do not consider there to be a realistic risk of drivers reversing out of the site due to the length of access track between the parking area and adopted highway at Market Place. The previous application was refused in part due to concerns in this regard however this issue is now considered to have been satisfied, having regard to the size and number of parking spaces proposed as well as the space now provided for turning being of an acceptable standard.

Notwithstanding the above, there remains two issues to consider here. Firstly

whether the applicant has lawful authority to cross the public footpath with a motor vehicle, and secondly the impact of the proposed access road and its use upon highway and pedestrian safety. Comments have been received stating that the Council does not have the authority to grant permission to cross the footpath with a motor vehicle.

Having regard to lawful authority to cross the footpath with a motor vehicle, the applicant has previously demonstrated through the submission of a land registry title deed and plan that the footpath over which access will be derived is owned by the applicant. The crossing of the footpath with vehicles has been suggested to be an unlawful act by objectors. The submitted ownership details clearly indicate that the part of the footpath where vehicular access is proposed is owned by the applicant. Notwithstanding this matter, the fact that the applicant owns the section of footpath to be crossed is understood to satisfy their right to lawful authority for crossing the footpath with a motor vehicle. Therefore, were permission to be granted, the Council would not be encouraging an unlawful activity.

The second issue to consider is that of highway and pedestrian safety. The safety of pedestrians and the crossing of the footpath with motor vehicles is the largest concern raised by local residents in the objections received. The application has been amended since the previous refusal and additional information is now provided which has allowed inter-visibility between vehicle users and pedestrians moving along the footpath to be properly assessed. 2.4m 45 degree visibility splays onto the footpath where the proposed vehicular access will cross are now proposed and the same is proposed where the track derives access onto/off Market Place to the South East. The Highway Authority do not consider this to be acceptable and have requested that 2m x 2m splays be provided on either side of the access drive at the points where it meets the pedestrian footpath; 11 m splays are requested to the access with Market Place. It is acknowledged that the footpath is well used by local residents on a daily basis and at all times throughout the day/night. However, I am also aware that neither the Senior Rights of Way Technician or Highway Authority have raised formal objections to the proposals and it is felt that the concerns regarding visibility can be overcome with a slight redesign of the access.

With regard to access, the new road crossing the footpath will serve two small dwellings; therefore the number of vehicular movements over the footpath will be relatively low and sporadic throughout the day. Notwithstanding this matter, the access road is short and would not allow vehicles to reach dangerous speeds and the number of movements over the footpath by vehicles will be low and irregular in their frequency. In addition, the proximity of the site to the town centre is likely to result in a number of daily visits being made by foot or bicycle and such is will reduce the dependence of occupants upon their motor vehicles. It is considered that, subject to an improvement in visibility splays being demonstrated on an amended plan, the low frequency of vehicular movements over the access and footpath together with the low speed that vehicles will be moving at will ensure that drivers can see pedestrians and similarly, that pedestrians can see vehicles.

It is considered possible to provide the necessary visibility splays to satisfy the Highway Authority requirements and subject to the receipt of an amended plan providing these splays, the proposals are not considered to present a significant risk to the safety of pedestrians or other drivers within the area.

Residential amenity

The proposed development now positions the two dwelling houses approximately 9.5 metres away from the Eastern boundary of the site. The properties along the terrace at Stockers Close to the West are raised well above the application site and the proposed dwellings will be set into the slope of the site.

The layout of the two units of accommodation would result in two bedroom windows facing towards properties to the East; the site is bound by timber fencing and although the floor level of the proposed dwellings will be slightly raised above that of neighbouring properties, the scheme is not considered to result in any significant loss of privacy to neighbouring residents/properties. Due to the separation between the proposed dwellings and existing properties, the amended proposals are not considered to result in any loss of light or outlook. The driveway will be within a close proximity of existing gardens but the level of vehicles movements associated to the two bedroom properties will be low and therefore any potential nuisance arising through noise, vibration or lights from vehicles is thought to be minimal.

There have been no objections to the development with regard to impact upon residential amenity and overall, the proposed development is not considered to significantly affect residential amenity within the area.

Design, form and layout

Previous applications here have proposed a pair of semi detached bungalows positioned side by side, from east to west across the site. Garaging was proposed within a detached building to the South. The amended scheme now proposes two detached properties within the site that are orientated from North to South. The National Planning Policy Framework amplifies the importance of providing good design; good design is considered to form an integral facet of sustainable development.

In terms of layout the amended scheme is considered to be more appropriate, reflecting the form and grain of the area. The dwellings are of a simple design and appearance and do not incorporate any elaborate features. The area lacks a definitive character and appearance, with the site being set between chalet style bungalows to the East and two storey terraced properties to the West. The somewhat neutral approach to the design will not enhance the immediate vicinity of the application site but neither is it considered to result in any harm to visual amenity or the character and appearance of the site and its surroundings.

The control of finished materials by condition and the implementation of an appropriate landscaping scheme will aid the proposals to make a more positive impact to the overall appearance of the area and on the basis of the above matters, the proposed development is considered to be acceptable having regard to the proposed design, scale, form and layout of the development.

Conclusions

The proposed development is considered to be within a sustainable location within existing serviced settlement limits where the principle of new housing is considered to be acceptable in principle. Subject to the receipt of amended plans, the proposals are not considered to result in a degree of harm to highway or pedestrian safety as to warrant refusal. The development is acceptable in design terms and will not

unduly harm residential amenity within the area.

Forth above reasons it is recommended that planning permission be granted 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

OUTLINE APPLICATION FOR THE DEMOLITION OF ORCHARD LODGE AND REDEVELOPMENT OF SITE TO PROVIDE RESIDENTIAL DWELLINGS AND ASSOCIATED OPEN SPACE AT ORCHARD LODGE, COTFORD ST LUKE

Grid Reference: 317108.127204

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to the applicant entering into a Section 106 agreement to secure the following:

- a. 25% of the dwellings to be Affordable.
- b. A contribution of £2,688 per dwelling towards improving existing children's play facilities in the area.
- c. A contribution of £1,454 per dwelling towards improving active recreation facilities in the area.
- d. A contribution of £194 per dwelling towards the provision of Allotments in the area.
- e. A contribution of £1,118 per dwelling towards improvements to community halls in the area.
- f. Public Art should be provided within the development through the engagement of an artist in the design process.
- g. A contribution of £2309 per dwelling towards increasing capacity at Kingsmead (secondary) School.

If the agreement has not been entered into and completed by 4th February 2013, planning permission should be refused unless an extension is otherwise agreed in writing by the Local Planning Authority.

The proposed development is considered to be acceptable in principle and would not impact unreasonably upon the local highway network or wildlife interests. The impact on infrastructure and community facilities can be mitigated through appropriate planning obligations. It has been shown that a detailed design and layout can be provided that would respect the character of the area, integrate well into the surrounding townscape and not impact unreasonably upon existing nearby dwellings. It is, therefore, in accordance with Policies SD1 (Presumption in favour of Sustainable Development), CP4 (Housing), CP5 (Inclusive Communities), CP6 (Transport), CP7 (Infrastructure), CP8 (the Environment), CP1 (Sustainable Development Locations) and DM1 (General Requirements) of the Taunton Deane Core Strategy, Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and the National Planning Policy Framework.

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance 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. No demolition shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to and agreed in writing with the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the demolition of the existing buildings.

Reason: To help record the archaeological heritage of the district in accordance with Taunton Deane Core Strategy Policy CP8.

3. Stone from the existing building to be demolished shall be salvaged from the demolition and retained on site for use within the development. Details of how the stone shall be reused shall be provided as part of any reserved matters application seeking approval of appearance and the development shall thereafter be carried out in accordance with such details.

Reason: In the interests of preserving and enhancing the character and appearance of the area, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to an approved by the Local Planning Authority. Such details shall be implemented prior to the occupation of any of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained as such. [Please see informative note 2].

Reason: To ensure that the development adequately deals with surface water run-off and does not lead to any increased flood risk on or off site, in accordance with Policy CP8 of the Taunton Deane Core Strategy and the National Planning Policy Framework.

5. Prior to the commencement of the development hereby permitted, full details of the means of access to the site, including visibility splays, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the occupation of the development hereby permitted, or in accordance with some other phasing programme that may otherwise have been agreed in writing by the Local Planning Authority and shall thereafter be retained and visibility splays maintained in accordance with the approved details as such. [Please see informative note 3].

Reason: To ensure that an appropriate means of access is provided to the site in the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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 start of construction, and thereafter maintained until the use of the site discontinues.

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

7. The proposed roads, including footpaths and turning spaces and parking spaces for the dwellings 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 and parking facilities (including cycle parking provision that shall be agreed as part of any reserved matters application) to at least base course level between the dwelling and existing highway.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site, in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

8. 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 Sunflower International Ecological Consultancy's submitted report, dated March 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. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage and enhance provision for wildlife on the site in accordance with Policy CP8 of the Taunton Deane Core Strategy and the National Planning Policy Framework.

9. (i) The landscaping/planting scheme that shall be approved pursuant to condition (1) shall be completely carried out within the first available planting season from the date of commencement of the development.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes for compliance

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application and contributions to infrastructure and has imposed conditions to enable the grant of planning permission.
2. The details submitted pursuant to condition 4 regarding surface water should use the principles of Sustainable Drainage Systems in the scheme design.
3. The details of the means of access to Dene Road to the east of the site, require as part of condition 5 should include facilities to enable the safe crossing of Dene Road by pedestrians to the footway on the opposite side of the road.

At Dene Road there shall be no obstruction to visibility greater than 600millimetres above adjoining road level forward of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage.

At Milsom Place there shall be no obstruction to visibility greater than 600millimetres above adjoining road level forward of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and

extending to the extremities of the site frontage to Milsom Place.

At Aveline Court there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 17m either side of the access.

PROPOSAL

This application seeks outline planning permission for the residential development of the site known as Orchard Lodge. The existing building would be demolished to allow the total redevelopment of the site. Some existing trees, including some protected by TPOs would be felled to facilitate the development.

The application seeks approval for the means of access to the site at this stage, and the submitted plans indicate that three points of vehicular access would be provided – one via the existing access to the site from Aveline Court, one from Milsom Place to the north and one from Dene Road to the west.

All other matters are reserved, but an indicative layout plan has been provided suggesting that the site could be developed for 24 dwellings, which could include short terraces, semi-detached dwellings and coach houses. It is suggested that 1.5 parking spaces would be provided per dwelling, although 41 spaces (1.7 per dwelling) are shown on the indicative layout plan. These would be a mixture of parking court, garage and on-street parking.

SITE DESCRIPTION AND HISTORY

The site comprises Orchard Lodge and its grounds. Orchard Lodge was part of the former hospital buildings prior to the development of Cotford St. Luke and is a 2.5 storey building in the Victorian Gothic style, constructed from stone. Following the development of Cotford St. Luke, Orchard Lodge was retained by the NHS and was used until 2009/10 as a residential institution, having been extended in 1996. Since then the property has changed hands and has remained vacant. In 2010, permission was granted for the change of use from C2 (Residential Institutions) to D1 (Non Residential Institutions), in the hope that a new user could be found for the building, but none has been forthcoming.

The site slopes gently up from south to north, with dwellings on Aveline Court to the south being at a lower level, and those at Milsom Place to the north, being higher. There are a number of trees on the site, including two large Western Red Cedar trees that would be felled in order to facilitate the redevelopment. The other notable trees are along the north and east site boundaries (within the site).

A pedestrian/cycle link immediately adjoins the western site boundary linking Dene Road in the south with Baileys Gate to the north. There is an existing vehicular access in the southwestern corner, from Aveline Court.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – No objection, comment as follows:

“The proposal seeks to replace the former residential institution Orchard Lodge with residential dwellings, both market and social. The site is bounded on two sides by roads one of which is public highway ([old] Dene Road) and also meets the adopted highway at its south eastern corner (Aveline Court).

It is proposed to provide three vehicular accesses to the site and in addition the site links well to the pedestrian path running north/south along its western boundary. Layout of the accesses including visibility splays will be acceptable in accordance with the guidance ‘Manual for Streets’ and the surfaces should be properly consolidated. Taking the proposed accesses in turn:

Milsom Close [sic]:

The site slopes away from Milsom Close so it is unlikely that water will drain towards the existing street. Milsom Place, is currently a private road and **not** a road that is publicly maintained. Any connection onto this road will have to be made with the landowner's consent. The access of Milsom Place with Dene Road could be improved by the extension of the footway from the corner along Dene Road.

[Old] Dene Road:

The proposed access onto Dene Road should incorporate pedestrian crossing details so that pedestrians and users of wheeled aids may be able to reach the pavement opposite with ease. Dene Road itself was closed to through traffic some years ago and already serves some dwellings and the Dene Barton hospital unit opposite the Orchard Lodge plot. Dene Road is not particularly wide, but has adequate width for two light vehicles to pass. Opposing traffic to larger vehicles such as waste disposal lorries and those making deliveries to the community hospital may have to wait in turn on rare occasions as generally traffic flows along this route are low. Ideally the footway which runs a short distance from Milsom Close should be extended across the site frontage to the site access, though it will be possible to walk within the site between Milsom Close and this junction with Dene Road too avoiding Dene Road itself. The levels here are such that the design must include provision to catch surface water so that it does not drain onto the existing highway. A flood risk assessment should be carried out.

Aveline Court:

At Aveline Court visibility to the junction of Aveline Court with Dene Road is good and visibility to the left along Aveline Court itself is adequate for the traffic flows and speeds at this location. Again the new development must not result in any surface water running onto the existing highway from the new development”.

The Local Highway Authority's response then details a number of matters regarding

the internal estate layout, although these are primarily issues for any reserved matters application. This is with the exception of their requirement that the new junction with Dene Road has 6m radii, as approval for the means of access is being sought at this stage.

Conditions are recommended regarding the disposal of surface water, submission of estate road details, provision of wheel washing facilities, that each dwelling should be accessed by a properly consolidated surface and parking space prior to occupation, that there should be 6m hardstandings in front of garage doors, and the provision of visibility splays at the 3 access points.

COTFORD ST LUKE – Objects to the application. The Parish Council have given a detailed and lengthy objection to the scheme, running to some 9 pages of text. This objection letter is available to view through the Council's website. The main points of their objection are as follows:

- Cotford St. Luke (CSL) is currently at the right size given the existing facilities. A further burden on these facilities cannot be accommodated.
- The old Dene road is not suitable to accommodate the increase in traffic.
- Residents of West Villas (Old Dene Road) were assured when CSL was developed that the realigned Dene Road would be used to access the development areas.
- Visibility at the existing and proposed junctions is inadequate.
- A bus layby and zebra crossing on Dene Road to the south are required.
- Insufficient parking would be provided; query where bikes would be parked.
- The roads must be adopted by SCC.
- The regimented layout is not in keeping with the surrounding development.
- The submitted planning statement overstates the local facilities – at the present time there is just one small shop and the skate park contains only one half pipe of equipment.
- There is no medical centre, one could be financed through S106 contributions.
- CSL primary school and Kingsmead Secondary School are oversubscribed. Another primary school is required.
- The loss of trees within the site has caused anger locally and will impact upon wildlife.
- The PC would like to be consulted on how additional monies towards children's play are spent.
- The existing sewage pumping station is inadequate to cope with additional dwellings.
- There is no indication of where recycling and refuse bins would be stored.
- Queries whether gas and electricity supplies will be upgraded.
- Queries how this part of the village would be maintained following future Council spending cuts.

In conclusion, the PC is of the view that the density of housing in this development is too high. The development may be more acceptable if there was less density and homogeneity of housing.

HERITAGE - I have studied the Heritage Appraisal and agree with the conclusions.

Its former historical association with Tonevale Hospital, is clearly of local interest. If the application is approved, I consider that a recording condition should be attached - such record to include measured drawings of all elevations and photographs of remaining internal historic features, cross referenced to scaled floor plans.

DRAINAGE ENGINEER – No drainage details are included within the present application. These should be forwarded for approval and should include some form of SUDS arrangement. A condition can be attached to secure details of a scheme.

ECONOMIC DEVELOPMENT – If continued employment use in this location is not viable, I am happy to support the scheme so long as it accords with the Council's core strategy.

ENVIRONMENTAL PROTECTION CONTAMINATED LAND – No comments received.

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

25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing. The requirement is for house 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, including at least Code for Sustainable Homes Level 3 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.

LANDSCAPE – My main concern is the loss of the Monterey Pine to the south of the site but otherwise, subject to tree protection during construction and detailed landscape proposals the scheme is acceptable in landscape terms.

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

On an outline application proposal of 24 dwellings, assuming they will all be family size 2 bed+ dwellings on-site children's play facilities would normally be requested. However as there are two children's play areas both within 300m of the development proposal an off-site contribution for children's play currently £2,688 per 2 bed+ dwelling is requested to provide additional play equipment at one or both of the existing two play areas, to cope with the extra need this development will create.

A contribution of £1,454 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution of £194 per each additional dwelling should be sought for allotment provision along with a contribution of £1,118 per dwelling towards local community hall facilities.

All 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.

BIODIVERSITY – The submitted Ecological Impact assessment found as follows:

Bats – no evidence in the main house or single storey extension. It is likely that bats use the trees in the grounds for foraging.

Birds – No sign of birds nesting on the buildings, but the grounds of the house contain trees and numerous shrubberies that are likely to provide potential nesting sites for birds. A rookery in a group of Monterey pines was noted. Any works should take place outside the nesting season.

Reptiles – The surveyor considered it possible that reptiles use the rockery on the site as a winter refuge. These should be dismantled/cleared in the summer months.

Recommend a condition relating to wildlife.

SOMERSET WILDLIFE TRUST – We have noted that there is little evidence of wildlife currently using the site. However we would agree that, in line with current legislation, the opportunity should be taken to enhance the area for the benefit of wildlife. We would therefore request that as part of the Planning Conditions, both bird and bat boxes should be incorporated into the development, all external lighting should be selected and positioned so as to minimise light spillage, all planting schemes should be limited to native species and the estate layout should incorporate “green/wildlife corridors” as much as possible.

ENVIRONMENT AGENCY – The EA is not a statutory consultee on a development of this scale and does not wish to comment.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – No comments received.

SCC - FLOOD RISK MANAGER – No comments received.

WESSEX WATER – New water supply and waste water connections will be required. Separate systems of drainage will be required to serve the proposed development.

Provides advice on building near to public sewers and notes that a foul sewer passes through the site.

Representations

2 letters of SUPPORT raising the following comments:

- The proposal is a good idea and the best thing to do with the site.
- Hope that any trees will be spared.
- All houses over two levels should include lifts.
- Homes should be provided that meet the needs of the community.
- The number of dwellings seems appropriate.

1 letter confirming NO COMMENTS to make.

2 letters raising NO OBJECTION but raising the following comments:

- Concerns about access onto Aveline Court have been allayed.
- Bats are frequently seen in the area.
- There are very few bungalows in the village and this should be rectified.
- There will be an inevitable increase in surface water run-off and contribute to localised flooding issues.
- A Wessex Water drain from the site has previously blocked.
- There will be an increase in traffic along Dene Barton Road, increasing traffic noise and vehicle movements on a previously de-designated access road.

17 letters of OBJECTION raising the following issues:

- Access is proposed via Dene Road/Milsom Place and Aveline Court. All are currently unsuitable for increased traffic. Dene Road is narrow and it is difficult to see how it can be widened – original plans for the village required it to be closed as it was not suitable for extra traffic. There are no footways and this is the walking route to the primary school for Children living at South Villas. The Aveline Court junction is a poor layout.
- There is insufficient parking provision shown.
- There will be around 150 additional traffic movements per day.
- The bus stop is too close to Aveline Court and waiting busses cause extra hazards at this junction.
- The egress from South Villas is already 'blind' and safety would be further undermined by additional traffic.
- There is a lack of local amenities
- The primary school is nearly full.
- The small village shop is unable to cater for the village in times of emergency. Severe weather in the future may mean the village is cut off for long periods of time.
- There are already several power cuts annually. More houses would increase these.
- Local busses are already full.

- There will be an increase in congestion in Taunton, especially at Cross Keys.
- There are no medical emergency facilities as suggested in the application documentation.
- The community hall is a shared facility with the local school and this limits the use.
- Existing development comprises a variety of shapes, sizes and designs and irregular spacing. The proposed development is very regimented and has a limited number of designs. It is out of character with the existing dwellings in the village.
- The houses have no front gardens and several have no rear access. There appears to be no provision for waste bins which would have to be left on the roadside.
- There are enough houses being built elsewhere in the locality for these to be superfluous. If the village has been designated a 'Minor Rural Centre' in the Core Strategy, then development should be turned down to ensure that it does remain minor and rural.
- There is no evidence to support the claim that the proposal will enhance the village.
- The Monterey Pine tree has a TPO on it. The plan suggests that it would be replaced, but the tree has a good 20 years life left in it. The ecological survey does not review the impact of removing the TPO tree or the oak tree. The survey needs re-doing. 6 other trees within the TPO areas have already been removed.
- There are very few old buildings in the village. It is sad to lose an example of Victorian architecture with some local historic value and interest. In the context of the current economic climate, the building has only been empty for a short period of time. It should be renovated and used as an extension to Dene Barton community hospital, a doctor's surgery or chemist.
- It is wrong to demolish buildings erected at the public expense in recent years [presumably referring to the extension to the building]. The building should be put to use for the benefit of the public in an area of social deprivation.
- The plans indicate too many dwellings for the size of the site. There is no regard to the existing surroundings and a token effort to work with the trees where possible.
- Trees must be properly protected during building works.
- Policies in the Tone Vale Development Guide (1995) regarding access would be conflicted.
- The original plans for Cotford St. Luke promised existing residents of South Villas that Dene Road would be closed and there would be a reduction of traffic. Allowing this development would be a betrayal of the promises made when the village was originally planned.
- Additional dwellings should not be built in an area unable to sustain a viable emergency plan in the event of a major incident. There is extreme difficulty getting a mobile phone signal and local radio reception.
- There has been no risk assessment on the potential for toxins to be released from the site during demolition.

PLANNING POLICIES

EN8 - TDBCLP - Trees in and around Settlements,
 EN24 - TDBCLP - Urban Open Space,

C3 - TDBCLP - Protection of Recreational Open Space,
EN12 - TDBCLP - Landscape Character Areas,

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) £27,578

Somerset County Council (Upper Tier Authority) £6,894

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £165,466

Somerset County Council (Upper Tier Authority) £41,366

(Stated figures based upon the indicative layout showing 24 dwellings, with 25% affordable).

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the impact on heritage assets and impact on the character of the area, the impact on the highway network, the impact on existing neighbouring property, the impact on infrastructure and ecology.

Principle of development

The site is within the settlement limit for Cotford St. Luke. Cotford St. Luke is identified as a minor rural centre in the Core Strategy due to the limited range of facilities that it offers and is expected to accommodate further some further development through the plan period. In any case, this site is a windfall site within the existing settlement limit and development is acceptable in principle.

Historically, the site was used as a residential institution until such time as it became surplus to the NHS's requirements. At that time, it was considered to be desirable to retain the building in some form of employment use, if not continuing as a residential institution and to that end, permission was granted to allow a change of use to D1, following an expression of interest from the operator of a school for people with special educational needs. The permission was never implemented and since purchasing the site in 2010, the current owner has sought to market the building for a variety of employment and institutional uses. No users have been forthcoming and the building has been vacant since the NHS left more than two years ago.

Whilst the loss of employment land is regrettable, it is considered that there has been a concerted marketing effort over recent years and it seems unlikely that any such use will be forthcoming for the foreseeable future. It is, therefore, considered that the loss of the site to residential is acceptable in principle.

Impact on heritage assets and impact on the character of the area

The demolition of an attractive historic building is always regrettable. As noted in some of the representations, there are very few historic buildings in Cotford St. Luke, so the loss appears to have greater impact. Concern has been raised over the rigour applied in preparing the Historic Building Appraisal that has been submitted with the application, however, your Conservation Officer is satisfied with the document and agrees that the building is not worthy of listing. The site is also not in a conservation area, so it is difficult to argue that the impact of its loss on the character and appearance of the immediate area, and settlement in general, would be so harmful as to warrant refusal of the application. Importantly, in the absence of such designations, the building could be demolished without planning permission and this further reduces the weight that should be attributed to this factor.

In being part of the application, there is an opportunity to seek to retain the stone from the demolition on site for use in the new development – such can often successfully be accommodated in boundary walls, for example. It is considered that a condition should be imposed to ensure that such occurs.

The site is within an area of recent housing development and in many ways the proposed development would be no different. In principle, the likely style of development – as suggested in the submitted Design and Access Statement – is considered to be sympathetic and in keeping with the surrounding development. True, the approach to development is in a slightly different style to some of the surrounding development, but it is considered that the suggested indicative layout would provide a well designed development that responds well to the adjoining green space, surrounding dwellings and allows retention of most of the trees along the north and eastern site boundaries. As suggested, parking would be well designed into the development and would not dominate the new streets, providing a high quality residential environment.

The loss of two of the TPO protected trees is also unfortunate. However, the design and access statement shows the many iterations of possible site layout that have been prepared and those that sought to work around retaining all existing trees always appeared contrived and led to awkward corners of development or poor public realm. It is, therefore, considered that the loss of the trees is acceptable, subject to a replacement planting scheme that would be provided at reserved matters stage. The suggested design, with a central green area also offers the opportunity to extend the existing green corridor provided by the adjoining cycleway/footpath into the site and offers increased surveillance of this route from surrounding dwellings.

The creation of a new access in the eastern site boundary from the old Dene Road, would require the removal of a length of stone wall. However, it seems that visibility splays would not require the removal of much of this wall and, therefore, the loss of the small section (and retention of trees around it) would not have a significant impact on the character of this lane.

Impact on the highway network

The proposed development would be accessed from the three roads bordering the site. This would provide the maximum integration into the surrounding area, facilitating permeability through the area and is considered to be a very positive step in that regard. In terms of detail, the Local Highway Authority are content with the proposals in terms of highway safety, commenting that the access points are, or can be made, acceptable.

The Parish Council and local residents are concerned that the old Dene Road is not capable of supporting additional traffic. However, their assessment of this is based on out-dated guidance rather than the current Manual for Streets guidance. Old Dene Road already handles a reasonable amount of traffic, serving a number of dwellings and the Dene Barton Community Hospital. It is not, therefore, considered that a significant amount of traffic would be added to this road and that any increase could be accommodated by the existing road network. Further details of the new access onto Dene Road should be sought by condition of any planning permission, and this may include facilities to assist pedestrians crossing Dene Road. Such would ensure that residents of the development could cross safely to the existing footway and would also ensure that existing residents of South Villas were provided with a footway connection (via the new development) to the rest of the village rather than having to walk along a length of Dene Road with no footway provision.

The Parish Council have suggested that new pedestrian crossing facilities are also required to the south of the development at the end of the foot/cycleway, but this has not been requested by the Highway Authority. On this basis, it is considered that the increase in footfall from the development would not be sufficient to necessitate any additional off-site provision.

Impact on existing neighbouring property

The site is bounded by neighbouring property on all four sides. The closest are those in Aveline Court to the south. The indicative plan shows that the proposed dwellings could be located such that the rear elevations were at least 21m from these neighbouring properties. This would generate an acceptable window to window distance to prevent any unacceptable loss of privacy. The suggested site layout would also include an intervening access road that would provide further separation and reduce potential for overlooking these existing garden areas. The layout suggests that dwellings could also be placed side on to these existing dwellings, although this could be at a location where there is an existing break in the neighbouring properties not to be unacceptably overbearing, despite the higher level of the application site. On the basis of the information provided, it is considered that an acceptable relationship with the dwellings on Aveline Court could be provided at reserved matters stage, such that the amenities of these residents would be preserved. In terms of the neighbouring properties off the other boundaries, the distances are greater and the impacts are considered to be acceptable.

Impact on infrastructure

The impact on infrastructure in the village appears to be one of the primary concerns of the Parish Council and local residents. There have been several comments made that Cotford St. Luke has already reached its optimum size and that facilities such as the school and local shop could not cope with any additional population. Whilst the development is not of a size that should require a new shop or doctors surgery to be built, the impact on other community infrastructure, such as education and recreation facilities should be assessed.

As Local Education Authority, SCC have confirmed the local opinion that Cotford St. Luke Primary School and Kingsmead Secondary School are currently over capacity. However, the roll at the primary school is forecast to fall over the coming 3 years to 293 (capacity 300). The development is likely to generate the need for an additional 5 primary school places so the school should be able to accommodate the likely increase in pupil roll generated by the development.

Kingsmead (secondary) school in Wiveliscombe, however, is over capacity and numbers are forecast to continue to rise. Contributions towards increasing capacity at the school should therefore be sought, in accordance with the recommendation.

The development would also place an extra burden on community leisure facilities, including children's play, active recreation and community halls. Contributions should, therefore, be sought towards improving these facilities in the locality.

Concern has been raised over the capacity of the sewerage network and broadband, electricity and gas supplies. Wessex Water have raised no objection to the development on the grounds of the capacity of existing sewerage infrastructure, so this is deemed to be adequate. The supply of electricity and gas are the responsibility of the relevant statutory undertakers.

It is considered that subject to the contributions detailed in the recommendation, the impact of the development on community infrastructure is acceptable.

Ecology

The submitted wildlife survey indicates that there is limited evidence of wildlife at the site, with no protected species being apparent on site. However, the development will result in the loss of some trees and lawn areas, which currently provide habitat opportunities for some wildlife and it should be ensured that appropriate safeguards are put in place to mitigate against any harm that may arise during the construction period. A condition is, therefore, recommended to secure further consideration of this matter and to provide a betterment to wildlife once the development is completed.

Conclusions

The proposed development is considered to be acceptable in principle and would not impact unreasonably upon the local highway network or wildlife interests. The impact on infrastructure and community facilities can be mitigated through appropriate planning obligations. It is considered that a detailed design and layout can be provided that would respect the character of the area, integrate well into the surrounding townscape and not impact unreasonably upon existing nearby dwellings.

It is, therefore, considered that the development is acceptable and it is recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

E/0189/38/12

**TALL FENCE BEING ERECTED AT TAUNTON TOWN FOOTBALL CLUB,
WORDSWORTH DRIVE, TAUNTON**

OCCUPIER:

OWNER: THE MANAGER
TAUNTON TOWN FOOTBALL CLUB, WORDSWORTH DRIVE,
TAUNTON
TA1 2HG

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the reduction in height of a fence exceeding 2 metre in height sited within the football ground.

RECOMMENDATION

No further action be taken.

SITE DESCRIPTION

Taunton Town Football Club is a well established football ground on Wordsworth Drive. To the east of the site is the Fire Station and playing field, to the rear to the north is a bus depot accessed from Hamilton Road. To the west and opposite the site, are residential properties

The entrance to the site lies in the south-west corner, with a large car parking area to the east of the access. Along this front boundary to Liseux Way runs Blackbrook Stream, with a line of protected trees alongside this. The west of the site is occupied by further car parking.

BACKGROUND

A complaint was received in November 2012 regarding the 1.2m extended height of an existing fence measuring 2.1 within the football ground. A site visit was made and the chairman of the club advised that the extended height was required by the Non League Pyramid to comply with ground regulations. I advised that a Planning application was required but the chairman commented that he carried the works and was unaware that permission was required as they were within the grounds. He also advised that he would not be submitting an application as this extension to the fence was required to comply with ground regulations and the club currently need all their resources to complete the building works following the fire.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The extended part of the fence requires planning permission because the overall height is 3.3m. Under The Town and Country Planning (General Permitted Development) Order 1995 Part 2 Class A1(b) the height of any fence constructed that exceeds 2m above ground level requires permission. This fence is required by the Football Club, at this height to comply with ground regulations.

RELEVANT PLANNING HISTORY

There are various Planning permissions for this site but most recent applications are:

38/11/0691 - Erection of replacement club house and formation of parking at Taunton Town Football Club, Wordsworth Drive, Taunton.

38/12/0258 - Erection of 3 No units (unit 1 for a social club, unit 2 for a boardroom and meeting room, unit 3 for a kitchen and a snack bar facility), at Taunton Town Football Club, Wordsworth Drive, Taunton.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Enforcement (Paragraph 207)

Taunton Deane Core Strategy

DM1 – General Requirements

DETERMINING ISSUES AND CONSIDERATIONS

The fence is positioned well within the site, separated from the road by the car parking area. A fence was already present in this position, extending to approximately 2 metres in height and this has now been increased to 3.3 metres in height.

It is important to note that there are a variety of structures of varying heights within the Football Club site, including club buildings and seating stands, many of which exceed the height of the subject fence and a further clubhouse building is proposed towards the front of the site. As such, the fence does not appear dominating to either the existing or proposed buildings on the site. The site lies on a lower level than the road and the 3.3 metre high fence is set back from it. Whilst visible from the road through the large access, it does not appear excessively prominent from public viewpoint. Furthermore, the positioning of trees along the roadside boundary, assists in reducing the appearance of the fence from the approach from the south.

The fence is required in association with the established use of the site. Although it will be visible from public viewpoint, it is not considered to appear dominating to the street scene or result in harm to the appearance of the area. By virtue of the positioning well within the site, the 3.3 metre high fence is not deemed to result in any loss of light or overbearing impact to the amenities of neighbouring properties. The football ground has been long established on this site for many years. The proposal is not considered to lead to any increased noise and disturbance that would impact upon the amenities of neighbouring properties beyond that of the former situation. The fence is also positioned a sufficient distance from the road to avoid any harm to highway safety.

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

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

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 11 January 2013

Proposal	Start Date	Application/Enforcement Number
ERECTION OF 3 NO. DWELLINGS WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD	07 DECEMBER 2012	06/12/0007
ERECTION OF 5 NO. DWELLINGS WITH ASSOCIATED GARAGES AND PARKING, LANDSCAPING, AND PROVISION OF OPEN SPACE, AT STATION FARM, STATION ROAD, BISHOPS LYDEARD	07 DECEMBER 2012	06/12/0036

APPEAL DECISION FOR COMMITTEE AGENDA – 11 JANUARY 2013

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	
APP/D3315/C/12/218075 2	LAND USED FOR STORAGE OF BUILDERS MATERIALS, PITMINSTER	<p>It appears to the Council that the above breach of planning control has occurred within the last ten years.</p> <p>The Land is situated in a remote location within the countryside and within Flood Zone 3. On sustainability grounds the countryside location is not considered to be appropriate for the storage of building materials.</p> <p>The storage of building materials on the Land is an incongruous feature detrimental to the character of the surrounding rural landscape.</p> <p>The unauthorised use is contrary to Policies S1 (General Requirements), S7 (Outside Settlement Limits), EN12 (Landscape Character Areas) and EN28 (Development and Flood Risk) of the Taunton</p>	E/0163/30/10	<p>The Inspector found the site to be evident from both the road and the public footpath and concluded that the development harms the character and appearance of the area. He further concluded that this is not a sustainable location for a builder's yard in circumstances where the Appellant has provided no evidence that there is no suitable site available in or adjacent to a Rural Centre. On the third main issue the Inspector concluded the development should not be permitted because it would be located in the functional floodplain, thereby giving rise to risks to the safety of persons on the site, as well as exacerbating flood risk elsewhere. He therefore concluded the appeal should be DISMISSED with a minor change to the wording of the enforcement notice.</p>

<p>APP/D3315/C/12/218026 2</p>	<p>UNAUTHORISED WORKS AT CAFE MAMBO, MILL LANE, TAUNTON</p>	<p>The land falls within the Taunton Castle Scheduled Monument and Castle Conservation Area. Part of the unauthorised timber buildings screen boundary railings which are linked to the listing of the building known as Ina Cottage. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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. In this instance the unauthorised timber buildings are considered to detract from the setting of the listed building and would not have been recommended for permission if an application was made.</p> <p>The unauthorised timber structures are considered to</p>	<p>E/0181/0033/38/ 12</p>	<p>The Inspector considered that the appeal development does not accord with the design and conservation aims of Policies DM1 and CP8 from the Core Strategy and Policy 9 from the Somerset and Exmoor National Park Joint Structure Plan Review. Significant weight is attached to Policy 9 from the Structure Plan as it is consistent with the heritage asset protection aims of the NPPF.</p> <p>The Inspector therefore directed that the appeal should FAIL and the enforcement notice be corrected by: deleting the attached plan and replacing it with the one attached to the appeal decision; changing the words 'position' which appear twice under section 3, to 'positions'. Subject to these corrections, the appeal was DISMISSED, the enforcement notice upheld and planning permission refused on the application deemed to have been made under S177(5) of the 1990 Act.</p>
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		<p>detract from the character and setting of the listed building and the character of the conservation area and ancient monument. The external lighting adversely affects bat habitat.</p> <p>The works are considered to be contrary to the National Planning Policy Framework; Local Plan Policies S1 (D) (General Requirements); S2 (A) (Design) and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (The Built Historic Environment) and Policies CP8 (Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy 2011-2028.</p>		
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APP/D3315/A/2170249	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ANCILLARY RETAIL UNITS TOGETHER WITH LANDSCAPING AND MEANS OF ACCESS AT LAND WEST OF MILVERTON ROAD, WELLINGTON (LANGFORD BUDVILLE PARISH)		21/11/0004	.See attached document by Case Officer.
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Appeal: 21/11/0004 – **DISMISSED**

Site: Land at Fox's Meadow, to the north of the settlement boundary of Wellington.

Proposal

The outline application proposed residential development (244 dwellings) with ancillary retail provision together with landscaping and means of a signalised access. The proposal also included off site highway works in the form of a shuttle system to facilitate the provision of a footway connection from the site to the town centre.

Housing land supply

The Inspector found the Council has a five year supply, albeit marginally. Crucially the Inspector endorsed the approach taken through the SHLAA to the robust assessment of sites, taking issue only with one part of it - a site at Longrun. The Inspector did not consider the implications of the 5 or 20% issue; he agreed that the buffer is applied in a plan-making rather than development management context. Similarly, he rejected the notion that shortfall to date need necessarily be met up front within five year, arguing that this is a matter for the Council to decide, based upon local circumstances.

Notwithstanding the above, the Inspector considered it necessary to assess whether or not, if a 5yr supply could not be demonstrated, the scheme should find favour. The fact that he has done this is very important since it illustrates that in a situation where land supply continues to be marginal, an arbitrary refusal on the basis that land simply isn't needed would not be appropriate.

Development Plan

With regards to the Development Plan, critically, as the Inspector found the Council to have a five year supply, he found the plan up-to-date and placed full weight on all its policies. To this end, the proposal was counter to a number of the policies including CP1 Climate Change, CP6 Accessibility and CP8 Environment.

Spatial Vision

The Inspector attached considerable weight to the 'Spatial Vision' for Wellington as articulated in the Core Strategy, Policy SP3. The 'Spatial Vision' was defined in collaboration with the community and recognises the River Tone as a natural boundary to long-term development to the north of the town.

Character and appearance of the landscape

The Inspector identified that there would be some harm to the character and appearance of the area and the wider landscape. The new road junction would also conflict with Policy W14. However, he considered that given the lack of specific landscape designation, the relative restricted views of the site, and the limited length of

impact of the new road junction, only moderate weight should be given to the harm that would be caused.

Highway Safety

The Inspector concluded that a technical solution was available to deliver the off site highway works.

Heritage

The Inspector accepted that residential development would affect the setting of the listed buildings. However, he went on to acknowledge that the site is of national importance for its surviving machinery. As such the 'significance' of the building's setting is as a result of its position on the river not the wider landscape.

Accessibility

In considering the proposal against the Framework (i.e. on the premise that there was not a five year supply), the Inspector agreed with the Council that given the distance from the town centre, services and facilities, it was unlikely that residential development was or 'could be made' sustainable at the appeal site. He concluded that the travel plan was unrealistic and would not achieve a modal shift that reduced reliance on the private car. It would also therefore perform poorly in meeting the challenge of climate change.

Design

The Inspector considered that the appeal site would be an isolated housing estate tenuously linked to the north of the town. Without any meaningful connections, other than the single entry point, the proposals would be poorly integrated into the fabric of the built environment area.

Conclusion

The Inspector concluded the proposals would not amount to sustainable development.