

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 22 May 2013 at 17:00.

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### Agenda

- 1 (i) Appointment of Chairman.  
(ii) Appointment of Vice-Chairman.
- 2 Apologies.
- 3 Minutes of the meetings of the Planning Committee held on 17 April and 1 May 2013 (attached).
- 4 (a) Public Question Time.  
(b) Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 06/08/0010 - Conversion of the Mansion House and Orangery following some partial demolition to 18 apartments and conversion of outbuildings part to 8 apartments, erection of 28 new dwellings, demolition of remaining former hospital buildings and the reinstatement of the site of the buildings and roads to parkland and informal gardens, provision of bat roost buildings, restoration of parkland, formation of parking areas and footways and improvements to access road, access and footways, Sandhill Park, Bishops Lydeard
- 6 06/12/0066 LB - Conversion of Mansion House and Orangery following some partial demolition to 18 apartments and conversion of outbuildings to provide 8 apartments and cycle parking in the basement of the mansion house, Sandhill Park, Bishops Lydeard (as amended).
- 7 14/12/0043 - Outline application for the Residential Development of 44 No. dwelling houses, Scout hut and Recreational Open Space, drainage works and associated access at land to south of Hyde Lane, Creech St Michael (as amended).
- 8 14/13/0006 - Erection of 55 dwellings, provision of school car park, vehicular access, Public Open Space and associated works on land to the north of Primary School, Hyde Lane, Creech St Michael.

- 9 27/13/0003 - Installation of Solar PV Development of 16,020 ground based racking systems, mounted solar panels, power inverter stations, transformer stations, sub station, security fencing with associated access gates and CCTV security cameras mounted on free standing support poles on land east of new Rendy Farm, Oake (as amended).
- 10 49/13/0015 - Outline application for the Erection of up to 71 dwellings with associated access and infrastructure on land off Burges Lane, Wiveliscombe.
- 11 E/0004/38/13 - Unauthorised security shutter and illuminated fascia sign at 60 Bridge Street, Taunton.
- 12 E/0016/42/13 - Unauthorised use of annexe at Comeytrowe Manor West, Lipe Hill Lane, Comeytrowe.
- 13 Planning Appeals - The latest appeals received (attached).
- 14 31/13/0008 - Erection of two storey extension to the rear and a double detached garage at Rosedale, Ilminster Road, Henlade (resubmission of 31/12/0015)
- 15 48/13/0023 - Installation of dormer window to the front and rooflight to the side at Rosemead, Cheddon Fitzpaine.

Tonya Meers  
Legal and Democratic Services Manager

09 July 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.

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

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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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 J Gaden  
Councillor E Gaines  
Councillor C Hill  
Councillor M Hill  
Councillor L James  
Councillor F Smith  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## **Planning Committee – 17 April 2013**

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

Officers: - Tim Burton (Planning and Development Manager), Bryn Kitching  
(Development Management Lead), Matthew Bale (Area Co-ordinator  
West), Nick Bryant (Policy Lead), Helen Vittery (Transport  
Development Group Manager, Somerset County Council), John  
Fellingham (Senior Transport Officer, Somerset County Council),  
Judith Jackson (Legal Services Manager), Maria Casey (Planning and  
Litigation Solicitor) and Richard Bryant (Democratic Services Manager  
and Corporate Support Lead)

Also present: Councillors Edwards, Hall, Mrs Herbert and Meikle all in connection  
with application No 38/12/0203 and Mrs A Elder, a Co-opted Member  
of the Standards Committee.

(The meeting commenced at 6.30 pm)

### **48. Welcome**

The Chairman welcomed everyone to the meeting – the first time the Planning  
Committee had met at the Blackbrook Pavilion Sports Centre, Blackbrook  
Way, Taunton.

### **49. Apologies/Substitutions**

Apologies : Councillors C Hill, Mrs Hill, Tooze and Wren.

Substitutions : Councillor Brooks for Councillor Tooze;  
Councillor Mrs Reed for Councillor Wren.

### **50. Declarations of Interest**

Councillors Brooks, 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  
Wren declared a personal interest as an employee of Natural England.  
Councillor Denington stated that he was one of the Ward Councillors  
representing the Killams Area of Taunton. In the long process towards the  
meeting taking place, he considered that he had not 'fettered his discretion'.

### **51. Outline planning permission with some matters reserved for the formation of access from Killams Drive and Avenue and for the**

**development of up to 315 dwellings, up to 5 live/work units, 2 commercial start units (up to 50 square metres each), provision of land (up to 1.2 hectares) for a primary school together with associated areas of open space (formal and informal), cycleways, footpaths and infrastructure at land off Killams, Taunton (38/12/0203)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure the provision of:-

1. Affordable Housing

25% of the dwellings to be affordable, of which:-

- (i) 60% social rented
- (ii) 40% intermediate.

2. Education

- (a) Transfer of site for primary school to Somerset County Council provided that, if the County Council determine that they do not wish to provide a school on site, it is returned to the applicant subject to payment of £772,191 towards the provision of additional primary school places elsewhere;
- (b) Payment of £831,105 towards the provision of additional secondary school places; and
- (c) Payment of £110,313 towards the provision of pre-school places.

3. Highways

- (a) Implementation of an on-site travel plan or a contribution of £90,000 towards the same provision;
- (b) Implementation of Personalised Travel Planning across the South Taunton area or a contribution of £500,000 to achieve the same;
- (c) Contribution of £210,000 to provide improvements to cycle routes in the area.

4. Community Leisure

- (a) Provision of public open space and children's play facilities on site, together with future a maintenance arrangements;
- (b) Provision of allotments on site; and
- (c) Contribution of £1,118 per dwelling towards community hall provision in the area.

5. Public Art

The integration of public art into the development, through the

involvement of an artist in the detailed design process.

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

- (a) 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, for the first phase of development indicated on the plans hereby permitted, shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for approval of the reserved matters for all subsequent phases shall be made to the Local Planning Authority not later than the expiration of six 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 for the phase to which it relates or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in general accordance with the following approved plans:-
  - (A4) DrNo Fig 1 Site Location Plan;
  - (A0) DrNo 0338-2003 Rev D Land Use Plan;
  - (A0) DrNo 0348-2009 Rev D Phasing Plan; and
  - (A3) DrNo 6857.13 Rev A Proposed Revisions to Access;
- (c) Prior to any reserved matters approval, details of a foul and surface water Drainage Strategy shall be submitted to, and agreed in writing by, the Local Planning Authority. The Surface Water Strategy shall be in accordance with the approved Flood Risk Assessment (prepared by Clarkebond and dated July 2012) and demonstrate through appropriate calculations that the surface water run-off generated from the development up to and including the 1 in 100 year critical storm with climate change will not exceed the run-off from the undeveloped site for the 1 in 2 year Greenfield rainfall event. The submitted information shall incorporate an assessment of the capacity and condition of the culvert on the Stockwell Stream under the access to Pool Farm. The strategy shall include a Masterplan showing details of the phasing of surface water drainage infrastructure, attenuation requirements and run-off rates for each phase including source control measures. The development shall be implemented in accordance with the approved scheme;
- (d) Details of all cycleway and footpath routes and connections for each phase of development shall be submitted to the Local Planning Authority for approval with any reserved matters applications relating to that phase. The details shall include a schedule for the timing of delivery of the footpaths and cycleways. The development shall be carried out in accordance with those approved plans and timetable and shall thereafter be maintained as such;
- (e) Details of all areas of public open space and children's play equipment for

each phase of development shall be submitted to the Local Planning Authority for approval with any reserved matters applications relating to that phase. The details shall include a schedule for the timing of delivery of the open space and play areas. The development shall be carried out in accordance with those approved plans and timetable and shall thereafter be maintained as such;

- (f) Any reserved matters application for Phase 3 of the development (as indicated on the phasing plan hereby permitted) shall include details of the southern access to Killams Avenue. The junction shall be laid out in accordance with the details approved pursuant to that application prior to the occupation of any dwellings within Phase 3 and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority;
- (g) Any reserved matters application for Phase 3 of the development (as indicated on the phasing plan hereby permitted) shall include a thorough assessment of likely noise disturbance from the M5 Motorway to dwellings within that phase and proposed mitigation measures. The mitigation measures approved pursuant to that application shall be implemented prior to the occupation of the dwellings to which they relate and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority;
- (h) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of the dwelling to which it relates;
- (i) No works shall commence on land shown in Phase 3 on the approved Phasing Plan (prepared by Focus DP and dated April 2012 Ref: 0348-2009 Rev D) until full details of a flood compensation scheme have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be supported by hydraulic flood modelling and include details of maintenance access and responsibilities. The development shall thereafter be carried out in accordance with the details of the approved scheme;
- (j) No dwelling shall be occupied on any land shown in Phase 3 on the approved Phasing Plan (prepared by Focus DP and dated April 2012 Ref: 0348-2009 Rev D) until a flood emergency plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include the following:-
  - Details of safe routes for pedestrian and vehicles during a flood;
  - The location and type of signage to ensure that occupiers are aware of appropriate routes and actions to take in the event of flooding; and
  - Maintenance arrangements for access routes and infrastructure likely to be affected by flooding;
- (k) No works shall commence until an Ecological Management Plan for the Black Brook for the phase of development to which the works relate has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include details of measures to protect and enhance habitat



along the Black Brook during the construction and operation of the development. The development shall be carried out in accordance with the details of the plan;

- (l) No development shall take place on land to which reserved matters relate until a Construction Environmental Management Plan to reduce risks of pollution to the adjacent watercourses from construction works for that phase has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the details of the approved plan;
- (m) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

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

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.

- If the preliminary risk assessment identifies any potentially significant pollutant linkages, a ground investigation shall be carried out to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

- An assessment of the potential risks to:-

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

(d) Reporting of Unexpected Contamination

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

(e) Verification of remedial works

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

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

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

(f) Long Term Monitoring and Maintenance

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

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

- (m) 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;
- (n) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EAD's Ecological Impact Assessment dated May 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.
  - 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. The development shall not be occupied until the scheme for the maintenance and provision of the new badger sett and bat, dormice and bird boxes, and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (o) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- (p) (i) The landscaping/planting scheme that shall be submitted and approved pursuant to condition (a) shall be completely carried out within the first available planting season from the date of commencement of phase of the development to which it relates. (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.
- (p) The new access to Cutliff Farm shall be provided and capable of use prior

- to the occupation of the 50<sup>th</sup> dwelling within the first phase of development and shall thereafter be maintained as such;
- (r) There shall be no vehicular access/egress to/from the site from/to Mountfields Road or Mountfields Avenue including during the construction phase;
  - (s) No more than 315 dwellings shall be constructed on the site.

(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 with the applicant and has negotiated amendments to the application and secured appropriate planning obligations to enable the grant of planning permission.)

**Reasons for outline planning permission, if granted:-**

The proposed development would provide additional market and affordable housing contributing to the housing needs of Taunton and helping to achieve the housing targets of the Taunton Deane Core Strategy (TDCS). It was considered that the development would not cause any material harm to the Vivary Green Wedge, which would continue to fulfil its stated objectives detailed in paragraph 3.110 of the TDCS. It was considered that the proposed development would not harm highway safety and, subject to the proposed mitigation, would have a neutral impact on the wider highway network. The development would not harm ecological interests, nor would it give rise to any increase in off-site flooding. The indicative details submitted with the application demonstrated that the development had been well conceived, following established urban design principles fitting for its urban fringe location. It would provide good quality children's play and recreational open space to meet the needs of its residents and would mitigate its impact on local schools. The site was in an accessible location in reasonably close proximity to employment, leisure and retail opportunities, all of which could be easily reached by means other than the private car. It was, therefore, considered to be sustainable development and any adverse impacts could not be seen to significantly and demonstrably outweigh the benefits arising from the development. It was considered that this consideration outweighed the conflict with Policy CP8 of the TDCS making the development acceptable, in accordance with Policies SD1 (Presumption in Favour of Sustainable Development), CP1 (Climate Change), CP4 (Housing), CP5 (Inclusive Communities), CP6 (Transport and Accessibility), CP7 (Infrastructure) and DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

**52. E/0044/43/13 – Siting of Sales Office on Public Open Space at Cades Farm, Wellington**

Reported that it had come to the attention of the Council that part of an area of public open space at the new housing development at Cades Farm, Wellington was currently being used by one of the building companies to site a sales office.

The company had been advised that planning permission was required for the change of use of the land. As a result, an application for temporary permission was submitted, but this had been declined.

To date, the sales office had not been removed from the public open space.

**Resolved** that:-

- (1) Enforcement action be authorised to secure the removal of the sales office from the land at Cades Farm, Wellington;
- (2) Any enforcement notice served should have a two 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.

(The meeting ended at 9.59 pm.)

## **Planning Committee – 1 May 2013**

Present: - Councillor Nottrodt (Chairman)  
Councillors Mrs Allgrove, Bishop, Bowrah, Brooks, Denington,  
C Hill, Mrs Hill, Mrs Smith, Watson and Wren

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

Also present: Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 6.30 pm)

### **53. Apologies/Substitution**

Apologies : Councillor Coles (Vice-Chairman) and Councillors A Govier, A Wedderkopp and D Wedderkopp.

Substitution : Councillor Brooks for Councillor A Wedderkopp.

### **54. Minutes**

The minutes of the meeting of the Planning Committee held on 10 April 2013 were taken and read and were signed.

### **55. Declarations of Interest**

Councillors Brooks declared a personal interest as a Member 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 Wren declared a personal interest as an employee of Natural England.

### **56. 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:-

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

**44/13/0002**

**Variation of Condition 09 (for the private use only of stable/workshop /barn) of application number 44/07/0025 at Burts Farm, Ford Street, Wellington (as amended)**

## **Condition**

- (a) The use of the stable/workshop/barn hereby permitted shall be for a single private use only and not used for any business or commercial use whatsoever or subdivided into additional units.

(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 granted planning permission.)

## **Reasons for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon highway safety or residential amenity and the building would continue to be restricted to a private use only. The proposal was therefore considered acceptable and, accordingly, did not conflict with Policies DM1, DM2 and CP6 of the Taunton Deane Core Strategy and Structure Plan Policy 49. The proposals also accorded with the provisions of the National Planning Policy Framework.

## **30/13/0009**

**Erection of 2 no. two storey detached dwellings with associated garages on land to the side of Cheriton Close, Curdleigh Lane, Blagdon Hill, as amended**

## **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 1974-4 Access Plan;
  - (A3) DrNo 1974-1 Location Plan;
  - Sun Path Windows Photos;
  - (A3) DrNo 1974-2A Site Plan;
  - (A3) DrNo 1974-3A Block and Roof Plan;
  - (A3) DrNo 1974-5A Indicative Site Sections;
  - (A3) DrNo 1974-6A Unit A Ground and First Floor Plans;
  - (A3) DrNo 1974-7A Unit A Second Floor Plan;
  - (A3) DrNo 1974-8A Unit A Front and Rear Elevations;
  - (A3) DrNo 1974-9A Unit A Side Elevations;
  - (A3) DrNo 1974-10A Unit A Garage and Store;
  - (A3) DrNo 1974-11A Unit B Front and Rear Elevations;
  - (A3) DrNo 1974-12A Unit B Side Elevations;
  - (A3) DrNo 1974-13A Unit B Garage and Store;
  - (A3) DrNo 1974-15 Unit B Ground and First Floor Plans; and
  - (A3) DrNo 1974-16 Unit B Second Floor Plans;
- (c) No development shall take place until samples of the materials to be used

in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;

- (d) No wall construction, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) 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) is/are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (f) (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;
- (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor windows to be installed in the west elevations of the new dwellings shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained. No additional first floor windows shall be installed in these elevations without the need for planning permission;
- (h) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contract's submitted report, dated January 2013 and include:-
  - Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
  - Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; and



- Measures for the enhancement of places of rest for bats.

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

- (i) The accesses, parking and turning areas shall be properly consolidated and surfaced (no loose stones or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority or unless otherwise agreed with the Local Planning Authority and carried out prior to occupation;
- (j) The area allocated for parking/turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking/turning of vehicles in connection with the development hereby permitted;
- (k) The means of tree protection during construction and service provision shall be carried out as specified in the submitted Hellis Tree Consultant's report and there shall be no variation thereto without the approval in writing of the Local Planning Authority;

(Notes to Applicant:- (1) 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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that Wessex Water infrastructure crosses the site. Wessex Water normally require a minimum 3m easement width on either side of their apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed; (3) Applicant was advised that 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. As from 1 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; (4) Applicant was advised 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. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the bats that are affected by this development proposal; (5) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

**57. E/0039/48/13 – Unauthorised erection of new building at Quantock Farm, West Monkton**

**Resolved** that this item be deferred until the June meeting to allow enquiries to be made regarding drainage facilities at Quantock Farm, West Monkton.

**58. Appeals**

Reported that three new appeals had been lodged since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 6.30 pm.)

**CONVERSION OF THE MANSION HOUSE AND ORANGERY FOLLOWING SOME PARTIAL DEMOLITION TO 18 APARTMENTS AND CONVERSION OF OUTBUILDINGS PART TO 8 APARTMENTS, ERECTION OF 28 NEW DWELLINGS, DEMOLITION OF REMAINING FORMER HOSPITAL BUILDINGS AND THE REINSTATEMENT OF THE SITE OF THE BUILDINGS AND ROADS TO PARKLAND AND INFORMAL GARDENS, PROVISION OF BAT ROOST BUILDINGS, RESTORATION OF PARKLAND, FORMATION OF PARKING AREAS AND FOOTWAYS AND IMPROVEMENTS TO ACCESS ROAD, ACCESS AND FOOTWAYS, SANDHILL PARK, BISHOPS LYDEARD**

Grid Reference: 315617.129867

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to:

1. The views of the Secretary of State under the Departure Procedures;
2. The views of the Travel Plan Coordinator and Environmental Health;
3. The receipt of a satisfactory amended schedule of repairs;
4. Confirmation from an independent property valuation expert that the forecast sales figures for the converted and new build dwellings are appropriate; and
5. The applicant entering into a Section 106 Planning Agreement to provide for the following:
  - No works to be commenced until the Developer has entered into a repair bond with the Council;
  - Completion of repair works to be within 5 years of commencement of repair works and not allow the occupation of the last 2 dwellings on the New Build Land until the conversion works have been completed;
  - Appointment of a main contractor for repair works and received written approval of the Council of said contractor;
  - Commence landscape area restoration works within one year from commencement of development and not allow occupation of last 8 dwellings on new building land until restoration is complete;
  - Not permit occupation of the last two new build dwellings until conversion works are completed;
  - Remove hospital buildings prior to any dwelling first being occupied;
  - Not allow occupation of any dwelling until management agreements for the Mansion House, Barns, New Build and Parkland have been entered into;
  - Only allow parking in designated areas;
  - Not allow occupation of any dwelling until a Travel Plan is first approved by the Council and thereafter implement the approved Travel Plan as agreed.

The proposed residential conversion of the Mansion and outbuildings will provide a viable re-use for an important Grade II\* Listed Building, thereby securing the long term future of a heritage asset currently identified as being at risk. The proposals will result in significant enhancement to the parkland, trees and setting of the Listed Building. Protected species and wildlife will be appropriately mitigated and a favourable conservation status for bats will be maintained. There will be no perceived adverse impacts upon flood risk, highway safety or neighbouring amenity. The proposed development is considered to represent the minimum necessary enabling development. As an enabling development, the scheme is considered to be financially viable and subject to the recommended Section 106 Planning Agreement, the Councils position will be safeguarded. The perceived and actual benefits to the heritage asset and landscape, together with other material considerations are considered to outweigh the conflict with development plan policies that seek to restrict new building residential developments in locations such as this. The proposed development is therefore considered to be acceptable and, accordingly, does not conflict with Policies DM1, CP6 and CP8 of the Taunton Deane Core Strategy, retained Policies EN6 and EN8 of the Taunton Deane Local Plan, Structure Plan Policies 9 and 49 and guidance contained within 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:

Site Location SPP.1740.1

Topographical Survey

Overview & Historic Context Plan SPP.1740.2A

Landscape Masterplan SPP.1740.3A

Enabling Development & Pleasure Grounds and Inner Parkland SPP.1740.4B

Pond Restoration SPP.1740.5

Bat Mitigation Measures SPP.1740.6

Landscape Details SPP.1740.7

Mansion Landscape Plan SPP.1740.8

Residential Landscape Plan SPP.1740.9

Access Plan P9582\_H101(c)

Site Layout 1002\_P\_001-J

Site Layout with Roof Plan 1002\_P\_002-F

Site Sections - existing 1002\_P-003\_RevA

Site Sections - proposed 1002\_P-004\_RevA

House Type A 1002\_P-120  
House Type B-S 1002\_P-121  
House Type B-R 1002\_P-122  
House Type C 1002\_P-123  
House Type D1-R 1002\_P-124  
House Type D2-R 1002\_P-125  
House Type E Sheet 1 1002\_P-126  
House Type E Sheet 2 1002\_P-127  
House Type F Sheet 1 1002\_P-128  
House Type F Sheet 2 1002\_P-129  
House Type G Sheet 1 1002\_P-130  
House Type G Sheet 2 1002\_P-131  
Garage Units 1002\_P-132  
Context Study 1 1002\_CS -001  
Context Study 2 1002\_CS -002  
Context Study 3 1002\_CS -003  
Context Study 4 1002\_CS -004  
Context Study 5 1002\_CS -005  
Sketch Site Layout 1 (illustrative only) 1002\_SK-055  
Sketch Site Layout 2 (illustrative only) 1002\_SK-056  
Existing Basement Plan P9688/Rep021B  
Existing GF Plan P9688/Rep022B  
Existing FF Plan P9688/Rep023B  
Existing SF Plan P9688/Rep024B  
Roof Plan P9688/Rep025B  
Post Fire Elevations 1 of 2 P9688/S011B  
Post Fire Elevations 2 of 2 P9688/S012B  
Demolition Plan 12/31/104.  
Proposed Basement Plan 12/31/222A.  
Proposed Ground Floor Plan 12/31/223B.  
Proposed First Floor Plan 12/31/224A.  
Proposed Second Floor Plan 12/31.225A.  
Proposed Roof Plan 12/31/226B.  
Proposed Elevations-Sheet 1 12/31/227A.  
Proposed Elevations -Sheet 2 12/31/228A.  
Stable Block And Barn - Existing Plans 07/20/301.  
Stable Block And Barn - Existing Elevations - Sheet 1 07/20/303.  
Stable Block And Barn - Existing Elevations - Sheet 2 07/20/304.  
Orangery And Ancillary Buildings- Proposed Floor Plans 12/31/310.  
Stable Block And Barn - Proposed Floor Plans 12/31/311.  
Stable Block And Barn -Proposed Elevations- Sheet 1 12/31/313.  
Stable Block And Barn -Proposed Elevations- Sheet 2 12/31/314.

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

3. (i) The landscaping/planting scheme shown on the submitted plans shall be completely carried out in accordance with a phasing scheme that shall first be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced. Thereafter the approved landscaping/planting scheme shall be implemented in strict accordance with the approved phasing time periods.

(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.

4. Prior to implementation of any part of the development, hard landscaping schemes showing the layout of areas with stones, paving, walls or other materials for both the new build development and Mansion conversion shall be submitted to and approved in writing by the Local Planning Authority. Such schemes shall be completely implemented before the relevant part of the development hereby permitted is occupied and thereafter be 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.

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

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 external surfaces of those parts of the buildings to be retained shall be retained as existing and where necessary repaired and/or renewed with salvaged materials from the existing building/matching materials, unless prior to the commencement of development the written approval of the Local Planning Authority is obtained to any variation. The development shall be carried out and thereafter maintained as such, in accordance with such 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.

7. Details of all guttering, downpipes and rainwater goods to be used in respect of the new build development shall be submitted to and approved in writing prior to implementation of that part of the development and the approved materials shall thereafter be maintained in perpetuity.

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

Reason: To ensure 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.

9. Notwithstanding the parkland fencing, prior to implementation the details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

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 Policy DM1 of the Taunton Deane Core Strategy.

10. Prior to the commencement of each development area, detailed drawings showing which trees are to be retained on that part of the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies DM1 and CP8 and retained Local Plan Policy EN6.

11. Prior to the commencement of each development area (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained within that part of the development 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 5837:2012. Such fencing shall be erected prior to commencement of any other site operations within that part of the development area 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.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with retained Taunton Deane Local Plan Policy EN8 and Core Strategy Policies DM1 and CP8.

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

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to retained Taunton Deane Local Plan Policies EN6 and EN8.

13. Prior to the commencement of development a scheme and programme of works as necessary for the driveway and estate road, together with details of the future maintenance arrangements (for the drive and estate road) shall be submitted to and approved in writing by the Local Planning Authority. The necessary works shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted, and shall thereafter be maintained in accordance with the agreed programme.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Policies DM1 and CP6 of the Taunton Deane Core Strategy.

14. None of the dwellings hereby permitted, shall be occupied until a footway has been provided between the site access, and the entrance to the Greenway estate, in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details and plans.

Reason: In the interests of highway safety in accordance with Policies DM1 and CP6 of the Taunton Deane Core Strategy.

15. No work shall commence on the development hereby permitted until additional details relating to the proposed highway works shown on Drawings P9582-H101 Rev C and P9582-H103 Rev A have been submitted to and approved in writing by the Local Planning Authority.

Such Highway works shall then be fully constructed in accordance with the approved plans and agreed specification before and dwelling hereby permitted is first occupied.

Reason: Reason: In the interests of highway safety in accordance with Policies DM1 and CP6 of the Taunton Deane Core Strategy.

16. There shall be no vehicular access to the site other than from South Drive and Station Road.

Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjoining highway in accordance with Policies DM1 and CP6 of the Taunton Deane Core Strategy.



17. The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the dwellings which they are to serve are first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

18. 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 prior to implementation 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 and in the interests of good design, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

19. All services shall be placed underground.

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

20. Prior to implementation of each development area, detailed drawings indicating height, design, intensity of light and manufacturer's specification of any external lighting in non-private areas shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out and maintained in accordance with the approved details in perpetuity.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Core Strategy Policies DM1 and CP8.

21. 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 gate, fence, wall or other means of enclosure shall be erected on the site, other than that expressly authorised by this permission, without the further grant of planning permission.

Reason: The Local Planning Authority consider that any further such developments on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Core Strategy Policy DM1.

22. 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 addition or extension to the dwelling(s) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

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

23. Details of the appearance of any sub-stations for utility provision shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy Policy DM1.

24. The development hereby permitted shall not be commenced until an overarching strategy to cover each development area has been prepared and submitted to the Local Planning Authority. This overarching strategy shall detail the protection required for bats, nesting birds, badgers, dormice, reptiles, amphibians, water voles and invertebrates. Thereafter a detailed strategy specific to the each development area (i.e. the Mansion, new build housing and wider Sandhill Park estate) should be prepared and submitted prior to the beginning of construction work within each area.

The strategies shall be based on the advice of MWA's submitted reports (Ecological survey dated November 2012, Bat emergence and activity surveys dated December 2012, Bat Hibernation Inspection dated December 2012, Reptile Survey dated November 2012 and the Confidential badger Survey dated December 2012) and further up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Arrangements to secure the presence of a licensed bat and barn owl worker to be present on site to monitor the demolition of buildings.
5. Details of outside lighting
6. A Parkland Restoration and Management Plan for Sandhill Park

Once approved the works shall be implemented in accordance with the approved details and timing of works unless otherwise approved in writing by the Local Planning Authority. Thereafter the resting places and agreed accesses for bats, nesting birds and reptiles shall be permanently maintained.

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

Reason: To protect wildlife and their habitats from damage and to ensure that the mitigation is under pinned by relevant survey data and can address

specific issues of timing of works to ensure adverse effects or minimised and offences under relevant wildlife legislation are avoided, in accordance with Taunton Deane Core Strategy Policy DM1 and CP8 and guidance contained within the National Planning Policy Framework.

25. The development shall provide for bin and cycle storage facilities, details of which shall be submitted to and approved in writing prior to implementation. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and 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.

26. Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced. Such schemes shall be implemented in accordance with an approved programme and details and works completed in full before any dwelling hereby permitted is first occupied.

Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Policies DM1 and CP1(C) of the Taunton Deane Core Strategy.

27. Prior to the commencement of the development hereby permitted, details of the proposed Sustainable Drainage Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme and details shall be fully implemented and completed on site prior to the occupation of any dwelling on the site.

Reason: In the interests of the environment and flood prevention in compliance with Policies DM1 and CP1(C) 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 entered into pre-application discussions to enable the grant of planning permission.
2. Your attention is drawn to the Listed Building Consent relating to this site, numbered 06/12/0066LB.

3. 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.
4. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site.
5. 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.
6. 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.

7. Noise emission from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800. Saturdays 0800 - 1300. All other times including public holidays - no noisy working. The developer should ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition.
8. You are advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development.

## **PROPOSAL**

The application, as amended, comprises the conversion and restoration of Sandhill Park House and its traditional outbuildings to form 26 one, two and three bed units, with 18 flats being formed within the Mansion and Orangery and 8 flats within outbuildings that include the former stable block.

The proposals also include the erection of 28 dwelling houses on land to the North of the Mansion. The new build element will comprise

- 1 x 3-bed dwelling,
- 18 x 4-bed dwellings and
- 9 x 5-bed dwellings.

All new units will be open market with no affordable housing proposed.

The proposals are considered to encompass a comprehensive package that not only provides for the restoration of the Mansion and its outbuildings, but also provides for the demolition of the complex of former hospital buildings to the west of the Mansion and the reinstatement of the remainder of the pleasure grounds and parkland setting of the listed building.

Because of the condition of the Mansion, the basis of the application is that significant financial resources will be required to secure renovation. The package of proposals has been prepared in consultation with The Local Planning Authority and English Heritage (EH); it seeks to comply with EH guidelines for “Enabling Development and the Conservation of Heritage Assets”.

Due to the comprehensive nature of the proposals, the application includes the whole of the parkland as well as the listed Mansion and its outbuildings, and is seen by the applicants as constituting the minimum enabling development, with regard to the open market residential new build element, as to secure the restoration and viable re-use of the heritage assets at Sandhill Park.

Broadly, the development proposals will provide for the following:

#### Mansion and outbuildings

- Restoration of internal and external fabric;
- Replacement of roof destroyed by fire and repair of roof still in place;
- Structural repairs;
- Restoration of windows and stonework;
- Treatment of rot;
- Removal of 20th century additions;
- Relocate principle staircase to central pre 1815 position;
- Repair, rebuild and convert orangery, stable buildings and barn;
- Reinstatement traditional walled gardens to the North of the Mansion.

#### Former hospital buildings

- Demolish and remove all buildings to the West;
- Landscape and re-contour area to reclaim parkland and lawns;
- Restore views between the Mansion and the parkland.

#### New build residential

- Reduce number of new building units to 28, from 50 as per original submission in 2008;
- Dwellings to comprise three, four and five bedroom properties with garaging and off road parking;
- Design amended to reflect local rural vernacular as negotiated with Conservation Officers and EH;
- Variation in location and extent of new build site to the Northwest towards American Garden.

### Parkland

- Restoration of historic parkland with extensive inspection and works to trees with minimal felling;
- New planting of parkland trees;
- Significant landscaping around new build development;
- Re-furbishment of American Gardens;
- Provision of new path network;
- Removal of fencing and replacement with new as appropriate;
- Division of parkland from residential areas with fencing to allow open grazing of land;
- Clearance of ponds.

### Highway

- Provision of T-junction between private track and Greenway Road, inclusive of footpath link to Greenway and improved visibility splay;
- Amendment to highway signage;
- Re-laying of access track hard surfacing to incorporate passing bays;
- Provision of new footpaths and street lighting

### Wildlife

- Provision of bat roost within basement;
- New building woodman's cottage to the West to provide bat roost, provision prior to commencement of Mansion works;
- Protection of reptiles, badgers, bats and birds through thorough survey work and landscape and habitat mitigation.

The application is supported by the following documentation and reports:

- A Design and Access Statement; Planning Statement and Heritage Statement;
- Landscape Report; Arboricultural Reports on parkland, pond, ornamental garden and woodland areas together with an arboricultural constraints report;
- Ecological Survey; Bat emergence survey; Bat hibernation inspection; Badger survey and Reptile survey;
- Ground condition report covering drainage,
- Transport Statement, Travel Plan and response to previous Somerset County Council Road Safety Audit Report;
- Flood Risk Assessment;
- Concept Statement;
- Schedule of Repairs;
- Consolidation Appraisal and Viability Report.

## **SITE DESCRIPTION AND HISTORY**

The site is located to the South West of Bishops Lydeard and is approximately 7 miles East of Taunton. Sandhill Park is a 17th century mansion house modified in the 18th, 19th and 20th centuries; the main house is Grade II\* listed and also comprises a range of traditional ancillary outbuildings and walled gardens to the North and former hospital buildings to the Southwest. The buildings sit within a large 60 hectare historic parkland landscape.

The last substantial use of the building was as a hospital, which closed in 1992. Since then the buildings have passed through several ownerships and the Mansion was used unsuccessfully as a fire museum. Some of the former hospital buildings to the west of the Mansion have been used for short lease offices with access across the front of the Mansion House.

Whilst Grade II\* Listed, the Mansion is in a deteriorating condition and is included on the Buildings at Risk Register prepared by English Heritage. The building was subject of substantial damage following a fire on 22 November 2011, which resulted in significant internal damage, the loss of the main roof structure and damage to the external fabric of the building.

Whilst located within open countryside, there is residential development immediately Northeast of the site at Lethbridge Park, a development of some 50 residential properties permitted as enabling development un LPA reference 06/94/0004 and 06/97/0020. The enabling development in this instance did not achieve the desired outcome for the restoration of the mansion house. To the Southeast is Greenway, large residential estate of local authority housing.

With regard to the planning history of the site, the following applications for planning permission and listed building consent have been made in relation to the site:

06/1991/036 - Change of use of Mansion and outbuildings into national fire museum, relocation of RDA facility and residential development at Sandhill Park, Bishops Lydeard. Application withdrawn February 1995.

06/1991/037 - Change of use of Mansion and outbuildings to form museum, residential development of 50 houses (scheme B) and development of an equestrian centre, former Sandhill Park Hospital, Bishops Lydeard, application refused May 1992.

06/1992/011LB - Change of use of Mansion and outbuildings to museum, including internal alterations, Sandhill Park, Bishops Lydeard. Consent granted June 1992.

06/1992/012 - Change of use of Mansion and outbuildings to museum, Sandhill Park, Bishops Lydeard. Full permission granted May 1992.

06/1993/005 - Change of use of Mansion and outbuildings to national fire museum, relocation of Riding for the Disabled facility and erection of 50 two storey dwellings and garages, Sandhill Park, Bishops Lydeard. Permission refused May 1993. Subsequent Appeal dismissed January 1994.

06/1993/014 - Residential development of two-storey dwellings and garages on approximately 0.5 ha and relocation of riding for the disabled facility on land at Sandhill Park, Bishops Lydeard. Application withdrawn.

06/1994/004 - Change of use of Mansion and outbuildings to museum, formation of museum car park, relocation of riding for the disabled centre and residential development comprising 50 two-storey dwellings and garages on land at Sandhill Park, Bishops Lydeard. Outline permission granted January 1995.

06/1997/020 - Erection of 50 detached houses, including access road, enabling site works, etc. Sandhill Park, Bishops Lydeard. Reserve matters approved December 1997. This application was the submission of details following permission 06/1994/004 and comprises the current Lethbridge Park development.

06/1998/005 - Conversion of premises from museum to office (B1), Sandhill Park Mansion, Sandhill Park, Bishops Lydeard. Permission refused July 1998. Subsequent appeal withdrawn.

06/1998/043 - Conversion of premises from museum to offices (B1), Sandhill Park Mansion, Sandhill Park, Bishops Lydeard. Full permission granted April 2003.

06/1999/006 - Conversion of outbuildings to form three dwellings, stable block and storage barn, Sandhill Park, Bishops Lydeard. Application withdrawn.

06/1999/007LB - Conversion of outbuildings to form three dwellings, stable block and storage barn, Sandhill Park, Bishops Lydeard, Application withdrawn.

06/2003/015 - Demolition of outbuildings, conversion of buildings into 24 dwellings and erection of 46 dwellings, Sandhill Park, Bishops Lydeard. Application withdrawn.

06/2003/016LB - Demolition of part and conversion of retained buildings into 24 dwellings, Sandhill Park, Bishops Lydeard. Application withdrawn.

06/2004/013 - Demolition of some buildings, and repair, refurbishment and conversion of retained buildings into 25 self-contained dwellings, restoration of the parkland and erection of 45 dwellings, Sandhill Park, Bishops Lydeard. Full application refused by the Secretary of State May 2006.

06/2004/014LB - Demolition of parts and conversion of retained buildings into 25 dwellings, Sandhill Park, Bishops Lydeard. Application refused by the Secretary of State May 2006.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND)* - Comments apply to both planning and listed building applications:

#### Summary



English Heritage has previously supported the application in 2008 for residential conversion of the Mansion House and outbuildings and provision of enabling development at Sandhill Park on the basis that it would secure the repair and reuse of this important grade II\* listed country house as well as restore its parkland setting.

Unfortunately, that application was not approved at that time due to the Section 106 Agreement not being signed after the economic downturn took effect. However, discussions relating to the new housing element were subsequently revived with a different developer. In the intervening period, Sandhill Park House was the subject of a very destructive arson attack in 2011 which caused severe damage to its upper levels and resulted in extensive water penetration throughout the building. This has made the threat to the building even more intense, and the need for a viable solution extremely urgent.

This current scheme is a revival of the 2008 application with significant amendments to the enabling housing development to reflect the current economic climate and the new design approach. It has resulted in fewer larger houses which does extend the footprint of the development but is better integrated with the landscape and utilising more traditional materials. The conversion scheme for the house is largely unaltered and raises no new issues but this application takes account of the reinstatement required following the fire damage, which also has to be factored in to the amended Section 106 Agreement. Revised costings have been produced and verified by our Quantity Surveyor, although our financial assessment has not included any confirmation of the sales figures for the converted and new build housing, which, as before, we have advised the Council to satisfy itself on. Assuming that your Authority has done so, we continue to consider that there is a financial case for enabling development at Sandhill Park and that this revised scheme is an acceptable means of securing the future of the house and its setting as long as a robust Section 106 Agreement is in place to ensure that objective is achieved.

### English Heritage Advice

In outlining our position on this scheme it is important that the advice contained in our previous letters of 2008 are taken into account as background to this correspondence.

The main areas where additional advice has been provided by English Heritage have been the layout and extent of the new housing development and the detailed landscaping proposals, together with the revised costings provided for the overall development. The amended scheme has resulted in a different type of layout with fewer houses which are more spread out. This has extended the footprint of the development from that previously approved, but the scheme is well screened and better integrated with the landscape and also utilises more traditional materials in the design of the houses. We now have more detail on the landscape restoration scheme, which largely accords with the overall objectives previously set in the landscape master plan, and should result in a significant improvement to the setting of the house.

Any enabling development scheme requires the costs of the restoration to be balanced against the income that is generated by the development. English Heritage has satisfied itself that the costs put forward are necessary and reasonable, however, our organisation does not provide specialist valuation skills and has, therefore, advised the Council to take advice itself on that aspect of the

development appraisal in order to make an overall assessment of the financial case for development.

Finally, the success or failure of this scheme may depend on the robustness of the Section 106 Agreement that is required to ensure that the heritage benefits are delivered. Our resources mean that we have not engaged with the revision of this Agreement as actively as we did with its predecessor, and we are aware that some of its requirements have been relaxed somewhat. More emphasis is now placed on the presence within it of a repair Bond, to be used as a default mechanism by the Council should the development fail to be completed, rather than on strict phasing requirements between the new development and building repair. This is undoubtedly a potential risk that we have had to weigh up in deciding whether to support this scheme now or hold out for a more rigorous Agreement. Due to the heightened risk to the house caused by the fire and the urgent need to secure a solution, we have decided that this is a risk that should be taken. However, we would urge your Authority to be vigilant in monitoring the implementation of the consent, and the compliance with the 106 Agreement, should it be granted. We are also aware that you are in the process of agreeing a revised schedule of works that incorporates reinstatement following the fire damage, and would stress that sufficient detail is provided in order to secure a deliverable mechanism for achieving an appropriate level of repair to the building. This should take account of the special quality of the internal plasterwork whose conservation is vital to the success of the restoration scheme.

### Recommendation

Subject to the above caveats, we would support consent being granted and would hope that this results in works for the repair of the building and reinstatement of the landscape to be started as soon as possible, with close monitoring by the Council. It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - No comments received.

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE* - No comment received.

*SCC - CHIEF EDUCATION OFFICER* - No comments received.

*SCC - TRANSPORT DEVELOPMENT GROUP* –

### Traffic Movement

The reconsultation saw the submission of a Transport Statement this was submitted for audit and the results of this now been returned and are set out below for your information.

Regarding person trip generation TRICS has estimated this to be in the region of 1.2

person movements per dwelling, per peak hour. Travel to Work Census data gives 80% car driver mode share for Bishops Lydeard, which would imply a very high vehicle trip generation of 27 per peak hour for the proposed 28 dwellings. Travel to Work Census data will overestimate vehicle trip rates because it does not account for school pupils who will almost never drive. However this does affect the overall conclusions of the Transport Statement.

In terms of traffic impact on the surrounding road network would be relatively small. There would be some additional traffic associated with the Station Road/A38 Priority Junction but it is unlikely that this will be 'severe' in traffic impact terms.

Accessibility is considered in Section 3 of the Transport Statement. All local facilities are well beyond a distance at which walking is likely to be a popular daily choice (the centre of Bishops Lydeard is 1.7km from the application site) although it is under 2km, therefore some limited mode shift might be possible. The limitations of footways on Greenway Road are noted in the Transport Statement and improvements are proposed. Similarly, whilst Bishops Lydeard is within a sensible cycling distance Taunton is beyond the range at which significant mode share can be expected. Paragraph 3.9 highlights that National Cycle Route 338 can be utilised. However it is more realistic that this would be used by leisure cyclists, although it should be noted that it is 14km ride to central Taunton.

It is unlikely that occupiers of these dwellings will utilise public transport as the nearest stops are located over 1km away from the application site. This is acknowledged by the applicant in para. 3.10 of the Transport Statement. In addition many peak hour services do not serve the nearest bus stops.

In regards to the parking provision, Bishops Lydeard is located within Zone B as defined by Somerset County Council's Parking Strategy. The Transport Statement argues that Zone C would be deemed more appropriate given the location. The proposal has made provision for 57 garages and 57 spaces, which totals 114 spaces for 28 dwellings. This is a ratio of 4.07 per dwelling. This can be considered to be high even when taking into account the larger size of the proposed residential units. Strict application of Zone C standards would result in provision of 96, which 7 would need to be visitor parking. It must be considered that parking restraint is very unlikely to reduce car ownership at this location. Therefore, provided that some of the spaces are allocated to visitors, and the submitted Travel Plan is considered to be robust this level of parking could be considered acceptable.

The Transport Statement has stated that internal storage of cycle parking will be provided in each dwelling or garage space. However no reference has been made to security for motorcycles or to electric vehicle charging points.

### Travel Plan .

The proposal provided a Travel Plan as part of their submission. This was passed to Somerset County Council's Travel Plan Co-ordinator for audit. This has now been completed and their comments are set out below.

The Travel Plan has been produced to cover the entire development of 54 dwellings. However it is felt that this submission is substandard for a development of this size. Prior to submitting an amended Travel Plan the applicant is urged to look at the Travel Plan guidance which is provided on SCC Moving Forward web site

<http://www.movingsomersetforward.co.uk/new-development/planning-guidance>.

Although the submitted Travel Plan was not considered to be acceptable it was noted that a separate Travel Plan was written by Jubb Consulting in December 2012 for the same site. After clarification from the Local Planning Authority the Highway Authority was requested to audit this Travel Plan. This has been commenced however at the time of writing this response it has not been completed. Once the Highway Authority is in a position to comment this information will be passed onto the Local Planning Authority. Please note that the Travel Plan would need to be secured as part of a S106 agreement.

#### Internal Layout

It is intended that the proposed internal site layout will remain privately managed and maintained as such I have no further comments to make on this element of the proposal.

#### Off site Highway Works

The application requires off site highway works to the existing junction located on the north side of Greenway Road. Drawings P9582-H101 Rev C and P9582-H103 Rev A were submitted for Safety and Technical Audit a copy of the finished report has been attached for your information. I would also request that a copy is passed to the applicant to action any comments that have been raised. Please note that these off site works would need to be secured via a S278 agreement.

#### Conclusion

To conclude the Transport Statement is considered to be broadly acceptable although some areas will still need to be addressed whilst although the Travel Plan audit is still ongoing I am satisfied that the completed document can be finalised as part of the S106 discussions. Finally in terms of the off site highway works these can be secured via a legal agreement with the Highway.

Therefore taking into account the above information the Highway Authority raises no objection to this proposal provided that the Travel Plan is secured via a S106 agreement and the following condition

*SCC - RIGHTS OF WAY* - No objection. Standard advice and guidance notes regarding development and public rights of way provided.

*DRAINAGE ENGINEER* - Previous comments apply:

“I note the comments made by the EA regarding the disposal of surface water from the proposal and the lack of details regarding proposed SUDS techniques. Although these are outlined in the FRA produced by PFA Consulting dated December 2007, more details of their proposals are required and agreed before any planning approval is given.”

*HOUSING ENABLING* - This development is being viewed as enabling development

and to maximise the contribution to the building restoration there are no funds available for the delivery of affordable housing.

*LANDSCAPE* - The general principles, including species, sizes etc are acceptable but as this is a reserved matters application in full details required of detailed planting proposals, tree protection plan, tree management proposals, detailed parkland restoration plan, hard landscaping details, earth modelling details including spot modelling and cross sections, details of phasing the aforementioned works.

Following submission of additional information, Officer comments that:

I am now, except for the landscaping within the walled garden, happy with the details of the landscape proposals for the northern boundary housing area and for the approach to the wider landscape park. With regard to the walled garden landscaping I would like to see, as a minimum, fruit tree planting around the walls and some planting around the main path junction near its centre. This should help to give some structure to the area. I suggest an annual sum be put aside for capital improvements to the walled garden planting.

I am not clear how often or how much input the local authority would have in the implementation of the wider parkland restoration but think a programme of works with costs should be agreed with the Council on an annual basis in September of each year.

*STRATEGY AND COMMUNICATIONS* - No comments received.

*LEISURE DEVELOPMENT* - In accordance with Local Plan Policy C4, provision for play and active recreation should be made for residents of these dwellings, On site play provision should be made for each 2 bed+ dwelling. Contributions as follows should also be made:

£1454 per dwelling for outdoor recreation;  
£194 per dwelling towards allotment provision;  
£1118 per dwelling towards local community hall facilities.

Contributions should be index linked. Public art should be requested, by way of a commuted sum to the value of 1% of the development costs.

*DIVERSIONS ORDER OFFICER - Mr Edwards* - No comments to make.

*ENVIRONMENT AGENCY* - From the information now provided, the previous objection is withdrawn subject to conditions.

*POLICE ARCHITECTURAL LIAISON OFFICER* -

Design & Access Statement - Design and Access Statements for outline and detailed applications should therefore set out in '*Safer Places, The Planning System*

*and Crime Prevention*'. The DAS submitted in support of this application does not demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable communities.

Crime Statistics - a check of reported crime for the period 01/04/2012-31/03/2013 reveals no crime reported, the nearest incidents being reported in the Greenway area. A check of ASB reports reveals only 1 incident of ASB Nuisance being reported in Lethbridge Park. This area can therefore be considered a very low crime area.

Layout of Roads & Footpaths - vehicular and pedestrian routes appear to open, direct and are likely to be well used. Features such as rumble strips, change of road surface by colour or texture, use of pillars or similar at entrance etc can help reinforce the defensible space of the development.

Layout & Orientation of Dwellings - the enclosed nature of the development has advantages in helping limit the search pattern and escape desire of the potential criminal. This is further enhanced by the mansion house and apartment block proposed at the entrance. The majority of dwellings appear to be positioned to face each other which also allows neighbours to watch over each other and creates conditions where the potential criminal feels vulnerable to detection.

Dwelling Boundaries - boundaries between public and private areas appear to be clearly indicated and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street, so any walls, fences, hedges at the front should be kept low, below 1 metre in height. More vulnerable side and rear gardens need more robust defensive barriers by using walls, fencing or hedges to a minimum height of 1.8 metres. This would appear to be particularly relevant to the dwellings around the outer perimeter of the development which back onto hedgerows and fields. Those dwellings to the south back onto the walled garden and those in the centre of the development back onto each other which restricts unauthorised access to the rear. Gates to the side and rear of dwellings providing access to rear gardens should be the same height as the fencing and lockable. Such gates should be located as near as possible to the front building line.

Car Parking - all parking appears to be garage/hard standing within the dwelling boundaries, which is the recommended option.

Planting/Landscaping - should not impede opportunities of natural surveillance nor create potential hiding places and, as a general recommendation, where good visibility is needed shrubs should be selected which have a mature growth height of no more than 1 metre. Trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

Street Lighting - for both adopted highways and footpaths, private estate roads and car parks should comply with BS 5489.

Physical Security - the applicant is advised to formulate all physical security measures of the dwellings i.e. doorsets, windows, security lighting, intruder alarm etc in accordance with the police approved 'Secured by Design(SBD)' award scheme.

*SOMERSET ENVIRONMENTAL RECORDS CENTRE (SERC)* - No comments received.

*NATURAL ENGLAND* -

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species. Natural England uses standing advice and comments as follows:

Bats - Detailed visual inspections and evening emergence/dawn re-entry surveys have been carried out. The status of the roost and the species have been reliably identified. Bats and/or their roost will be affected, but; The mitigation proposed: is appropriate and proportionate to the scale of impact, that is, like for like in terms of (eg roost size, aspect, temperature). includes appropriate landscaping, maintenance of commuting routes, foraging areas and management of lighting etc to prevent indirect impacts upon bats.

Hazel Dormice - Natural England advises that the application is unlikely to affect the species, through disturbance to individuals, or from damage or destruction of a breeding site or resting place.

Great Crested Newts - Natural England advises that the great crested newt survey has not been carried out at the right time of year using recognised techniques.

Otter - Natural England advises that the application is unlikely to affect the species, through disturbance to individuals, or from damage or destruction of a breeding site or resting place.

*WESSEX WATER* - No comments received.

*ASH PRIORS PARISH COUNCIL* (neighbouring parish) - No comments received.

*BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL* - The Council supports the proposal and has the following comments:

The Council agrees with the comments of Mr J Bletcher regarding the proposed design of the houses.

The Council feels strongly that it is essential that TDBC ensures, through Section 106 and any other appropriate agreements, that the restoration of the mansion house and parkland takes place simultaneously with the construction of the new houses.

Any Section 278 agreement regarding Highways matters must be signed in advance of any work starting.

The Council requests that consideration is given to the provision of a hard surfaced footpath along South Drive, preferably dedicated as a public right of way.

In light of resident comments, the Council requests that working hours on the site be limited to 8am – 6pm Monday to Friday and 8am – 1pm Saturday.

*COMBE FLOREY PARISH COUNCIL* (neighbouring parish) - No comments received.

*HERITAGE* - No comments received on this application. Corresponding Listed Building Consent application 06/12/0066LB has been considered by the Heritage Lead.

*BIODIVERSITY* - The application is for the conversion and partial demolition of the fire damaged mansion and outbuildings at Sandhill Park, Bishops Lydeard, the erection of 28 new dwellings and the restoration of the parkland.

Sandhill Park is an excellent example of lowland wood pasture and is designated as a Local Wildlife site for its parkland and important assemblage of veteran trees. The application includes the loss of 0.6ha of the LWS but suggests that an area of 1.1 ha could be restored making a net gain in the size of the designated site.

Michael Woods Associates (MWA) have carried out a number of wildlife surveys on the site between August to December 2012, namely

- Ecological survey dated November 2012
- Bat emergence and activity surveys dated December 2012
- Bat Hibernation Inspection dated December 2012
- Reptile Survey dated November 2012
- Confidential badger Survey dated December 2012

MWA initially carried out an ecological walk over of the site and divided it into four separate areas namely

- Area 1 - The proposed development site comprising a mosaic of unmanaged scrub, ruderal vegetation and bare ground.
- Area 2 - The Former hospital area, comprising seven fairly modern derelict buildings.
- Area 3 - The fire damaged mansion and outbuildings
- Area 4 - The wider parkland

Bats - Prior to the fire, the main mansion house was known to support a Lesser Horseshoe roost as well as a brown long eared bat and common and soprano pipistrelle bat roost. Bat emergence Surveys and internal inspections, transect bat activity surveys and a hibernation inspection were undertaken in 2012 in the following areas.

- Area 1 - Two buildings (6 and 10) in this area were found to support occasional bat roosts of myotis and soprano pipistrelle bats. Activity surveys recorded common pipistrelle, lesser horseshoe and serotine bats



- Area 2 - Small numbers of LHB, myotis and pipistrelle were recorded roosting in three buildings on the hospital site (12, 14 and 15)
- Area 3 - The surveyor identified at least five bat species roosting in the mansion, including maternity roosts for LHB and long eared bat. The mansion house is also used by hibernating LHB
- Area 4 - The parkland with its veteran trees provides ideal habitat for foraging and roosting bats. Species recorded include common and soprano pipistrelle, myotis spp, brown long eared bats, lesser horseshoe bats, serotine and noctule bats

To develop the site the applicant will need to apply for an EPS licence

Mitigation requirements for each species are different so the surveyor has made a number of recommendations which I support namely

- A range of bat boxes
- A new roof void in the pump house in area 4
- At least two roof voids in the rebuilt mansion
- A dedicated bat house with basement for summer roosting and hibernating bats
- Sensitive lighting

Proposed bat mitigation in the mansion house should be clearly shown on all architects drawings to demonstrate that it can be achieved.

Birds - Several bird species were noted on site. The hospital and mansion buildings are used by a variety of nesting birds including swallows, swift, house sparrow and barn owl. Five swallow newts were found in the pump house and a number of owl pellets were found in buildings 17 and 14 in the former hospital area (area 2). Where possible, demolition of buildings should take place outside of the bird nesting season however prior to demolition of buildings 17 and 14 a thorough survey should be undertaken by an ecologist with a barn owl licence. If barn owl eggs or chicks are found, it will be necessary to delay demolition. I support the mitigation proposals to erect a variety of nest boxes on site.

Badgers - The surveyor found evidence of badgers on site, as identified in the Badger Survey report dated December 2012. However the surveyor considered it unlikely that any setts would be directly affected by the proposals. I support the proposal for a pre construction badger inspection of the site.

Dormice - The habitat on site is suitable habitat for dormice but has poor connectivity. Patches of scrub in area 1 are isolated and unlikely to support dormice although this cannot be ruled out. As a precautionary measure I support a finger tip inspection of scrub within Areas 1, 2 and 3.

Reptiles - The surveyor found an exceptional population of slow worms on site in the proposed development area (Area1) and in the walled gardens (Area 3). One adult and one juvenile common lizard were found on one occasion in the southern walled garden. These reptiles will need to be translocated prior to any development. I support the proposed mitigation and enhancements for reptiles detailed in the Reptile report dated November 2012. The location of suitable receptor sites need to be identified.

Amphibians - The three ponds within the site are located 250 m from the development zone and as such the likelihood of encountering great crested newts in

the development area is considered unlikely. During the parkland restoration it is the intention to restore these ponds. This work would present a risk to GCN should they be present and so I support the proposal to survey the ponds in advance of pond restoration

Invertebrates - The site is likely to support a variety of invertebrates; therefore I support the proposal of to carry out invertebrate monitoring of the parkland as part of the Parkland Restoration and Management Plan.

Water voles - The bank profiles (with the exception of pond 2) were not considered suitable habitat for water voles. I support the recommendation for further survey prior to pond restoration.

Environmental Health - comments awaited.

## **Representations**

14 letters received from local residents raising NO OBJECTION, but making the following planning related COMMENTS:

Access and highway safety:

- This seems a good long term use for the house but concerned that the only access is through two historic gate posts with only 4.55m at the widest point and 4.32m at the narrowest; two cars cannot pass at the same time;
- Private access to neighbouring property opens onto the drive close to the access gates; concerned at possible accidents as we drive into and out of our property;
- The proposed road is inadequate and although to be upgraded need to ensure it does not turn into a racing track; suggest 20MPH speed limit be imposed with traffic calming measures;
- The road cannot be widened;
- Will the track be private or adopted?
- Unsure why the new building is accessed via the South drive given the safety issues and proximity of the North drive to the site;
- Given the use of South drive and the local footpaths by young children and the elderly, it would be a shame if an avoidable accident were to occur in the future;
- Improving pedestrian routes to Bishops Lydeard should be considered as it will be increased in use by the development; the route is not currently suitable at certain times of the year;
- Signs warning drivers of pedestrians crossing West Street/A358 would be useful;
- Would be delighted to see the new development subject to access being via Greenway Road;
- There will be confusion and inconvenience if the South drive is used whilst Lethbridge Park is accessed via the North drive;
- Will the drive be lit? Will have cost implications but is necessary for safety;
- Whilst there are plans for cycling and walking, most families have two cars and therefore realistically the road requires more than passing places and more parking.

Mansion House:

- What provision is made to ensure the mansion development is not left behind?

- Safeguards need to be put in place to ensure Mansion development occurs;
- The house has historical interest to the area which must be protected within a modern development;
- A strict time scale for works must be put in place for the Mansion house restoration.

#### New building:

- No objection to the new building but suggest they should not be built out until long term future of the Mansion has been determined;
- Given the history remain sceptical as to whether the works to the Mansion House will ever take place;
- We are desperately in need of new homes;
- New build should be phased as to ensure the Mansion is redeveloped as per the application suggests;
- No new building should be started until 75% of works to the Mansion is completed; other amounts of 80% before more than 50% new build completed suggested;
- If the land where buildings are to be demolished is returned to pasture, it may be easy for a developer to get permission for a further housing estate in the near future;
- Planning gain is too vague. How about a cycle track to Taunton?
- TDBC should not be considering any new housing this side of Taunton without a relief road being built; traffic flows and travel times are already at a peak in the area;
- The local highway network is dangerous to cyclists and more traffic along the cycle route would be irresponsible;
- No issue with siting and layout of new development;
- Not so impressed with the design of the new houses which don't in my view meet the aspirations set out in the design and access statement – to give the effect of typical estate houses and to reflect the local vernacular;
- Fully and half hipped gables are not typical in this area and neither are shallow pitched roofs – as illustrated by the photos of the majority of the traditional houses in local villages that they have included yet nearly every house type has them. Lowered eaves do occur but generally only on the oldest properties and certainly not on every house on every street;
- Lowered eaves do occur but generally only on the oldest properties and certainly not on every house on every street;
- I suspect the overwhelming desire to keep as low a profile as possible has dominated the design teams thinking to the ultimate detriment of the streetscape. I understand the reasoning behind the use of veranda type porches but in execution they make the houses look more colonial than country estate. The most successful designs are the stone faced houses with straight gables, a template for which already exists at Sandhill Park in the gate lodge to Greenway Road. However presumably because they are more expensive to build they appear to be few and far between;
- The reference to smooth cement rendered window surrounds as a traditional feature on local stone buildings is also a little far fetched. Lots of examples in Milverton and a few elsewhere (Rauki's building in Bishops Lydeard) but they are not the traditional solution to achieving square corners with poor quality stone, which was to use either better quality ham or limestone or later on brickwork. This sort of window surround, usually formed with sand/cement render, is a modern innovation, used generally to effect cheap repairs to crumbling masonry or when an originally lime rendered property has had its render removed and the

stonework exposed. Brick surrounds (as per the lodge) or reconstituted precast stone would look much better.

#### Parkland:

- Who will pay for and look after these areas, a management firm? Trust that sums have been done to pay for these areas;
- Restoration of the parkland, safety of access routes and protection of footpaths should be a condition of any permission;
- Landscaping and demolition should be undertaken prior to commencement of development;
- Proposals commendable but contractual agreement needed to have work done whilst refurbishment and building is undertaken;
- What barriers will be used to prevent open access to the parkland once locked gates and fencing are removed?

#### General:

- Work on site and use of the access road should be limited to reasonable working hours, perhaps 8am till 6pm; no work at the weekend or public holidays;
- Access arrangements could cause a split in community;
- Demolition of the hospital buildings is an excellent idea;
- Public transport proposals are naive;
- Can local residents be assured no new development in the parkland and wetland areas will be allowed?
- Overall sustainability of this area should be looked at; if infrastructure is not in place then we are setting long term problems;
- Surely we cannot keep building in this area without a long term strategy for employment, transport and all amenities.

1 letter from member of the public received raising the following OBJECTION to the proposals:

- The 28 dwellings are a huge improvement upon the previous 50;
- I'm totally opposed to the conversion of the mansion house. This is a wrong approach and a waste of money;
- Sandhill Park is a hideously ugly lump of a building; it has never had any charm or outstanding architectural merit; it intrudes massively on the gentle rural landscape; made worse by past misuse and neglect;
- Its past merit is now long gone and irreplaceable;
- Its conversion cannot be afforded by the Council and a developer has commercial constraints to account for; the building is difficult to convert into flats; rooms are either too large or too small; such will make accommodation unsaleable at a price needed to show profit; time has shown there is no profit here;
- It should be de-listed and demolished; the building is a blot on the landscape and out of sympathy with its natural surroundings;

1 letter received from the Directors of Lethbridge Park Management Committee, making the following planning related points:

- The Mansion and parkland development should not be delayed. One of our greatest concerns relates to the likely time line of the restoration and

development of the Mansion and its parkland. We consider these aspects are so important that any planning consent should not relegate them to some future date, while allowing the development of the new build to commence immediately. On previous occasions, the proposals have typically mentioned three or five years after other works are undertaken. In view of the neglect of the Mansion and parkland, we believe any delay in commencing work on them is unacceptable;

- Planning 'Gain for the Local Community' - We consider it preferable that rather than asking the applicant to contribute sums for some unknown 'planning gain' that all Section 106 type requirements be limited exclusively to the proposed development and its immediate vicinity;
- Access must be restricted to the existing South Drive, and satisfactory arrangements for on site parking determined before work commences. A speed limit should be imposed on the access road. We consider that the proposed allocation of 39 car parking spaces for residents and visitors to the Mansion is insufficient, and that more than one location/area of car parking should be provided to mitigate what otherwise could be an unsightly large car park. We are concerned that the proposal to remove an existing gate and fencing, and install cattle grids on the South Drive will facilitate unrestricted vehicular access to the fields in front of the Mansion. We know such unauthorised access is trespass, but experience tells us little can be done once it happens. The risk of unwanted and disruptive noisy visits at night that have plagued Lethbridge Park while the Mansion has been unoccupied is very likely to be relocated to Sandhill Park. We are concerned that similar problems, and the risk of unauthorised encampments may occur on land adjacent to our properties;
- Because Lethbridge Park is a residential area, we consider it is vitally important to minimise all risks of nuisance to neighbouring properties from traffic and construction noise, dust and smoke emissions during the construction phase. We consider working hours should be restricted to 0800 – 1800 Monday to Friday, and 0800 – 1300 on Saturdays. We also request a ban on Sunday working, and similarly for public and statutory holidays;
- We are unsure about the accuracy of some of the plans submitted as part of the applications, which adds to our concerns about the detail upon which any planning consent is based;
- We do not understand the references within the application to work being carried out to the structures and gardens of the 'official entrance to Lethbridge Park', and the North Lodge, which is under separate ownership;
- We hope the applicant will take an equally responsible approach to the remaining mature trees in their ownership, but to date have seen no such evidence from Gradeclear Ltd. Previous S106 agreements have applied tree work requirements at Lethbridge Park and Sandhill Park. As many of our trees alongside the boundary will be equally affected, we ask that similar provisions be expected for them. In view of this, we do not agree to any work being carried out to, or in the vicinity of, our trees without our permission.
- The parkland of Sandhill Park is seriously neglected, and the condition of some of the remaining mature trees is of great concern, especially as there has been no remedial work undertaken even to those damaged in storms during recent years. We welcome the stated intentions to re-instate and/or open up the 'parkland' views, to overhaul some of the ponds, and to plant new trees. We made the point previously that this aspect of the application should not be relegated to commence later than the other development. To that end, we note from previous applications and appeals, that a variety of such proposals have been mentioned.
- We note the applicant intends to encourage cycling as part of a multi modal journey as one means to minimise the impact of the new development on the

environment. However, the latest application no longer includes the provision of cycle parking facilities at the southern end of the access driveway so that residents are able to cycle up and down the driveway and leave their cycles in a secure location and continue their journey by public transport.

- While the site is separately accessed along its own private drive, there are opportunities to link with the public paths that run between Lethbridge Park and the site. By creating possible links off the paths a circular walk and easier all weather routes to the south and the village might be possible including cycleways. SPMC Ltd is prepared to cooperate with such a venture.

#### Comments from Somerset Wildlife Trust

We have noted the above mentioned Planning Application and in particular the Ecological Assessment. We have also noted that the District Council's own Biodiversity Officer has already responded with her views on the Application. We have carefully considered the proposals and also her comments. We would fully support her recommendations with particular reference to those impacting on bats and reptiles. It is essential that these recommendations are incorporated into the Planning Conditions if it should be decided to grant Planning Permission.

#### Comments from The Barn Owl Trust

The Barn Owl Trust concurs with the recommendations in the Ecological Survey Report (Part 2) that this site is a Barn Owl site requiring protection. As such, a pre-demolition survey should be conducted to ensure that no offence is committed under the relevant wildlife legislation. Furthermore, alternative provision in the form of Barn Owl nestboxes on trees should be erected at least 30 days before any works commence on site and stay in place until at least 30 days after the development is finished. A permanent accessible nest place should also be constructed within, i.e. inside, at least one of the finished buildings. The creation of an equivalent area of suitable Barn Owl foraging habitat to that which is to be lost should be created near the permanent provision and thereafter maintained through a habitat management scheme in perpetuity.

#### Comments from the Open Spaces Society

This proposal is providing a development which is not a sustainable and a separate community within the parish of Bishops Lydeard at Sandhill Park. The development will be isolated from the existing Lethbridge Park estate. It would seem that at Sandhill Park to visit a neighbour on Lethbridge Park you will have to drive down South Drive, along Greenway Road, along the A358, along the Bishops Lydeard to Lydeard St Lawrence Road to North Drive of Lethbridge Park. This is in contrast of being able to walk a few hundred yards if there was a public footpath connecting the two estates.

The proposal includes restoration of the park land, but the wider community of Bishops Lydeard will not have the pleasure of seeing this park land and the mansion. South Drive, which is not a public right of way, is walked by many inhabitants of Bishops Lydeard (majority from Greenway). The Greenway estate was created in the nineteen fifties, and the local inhabitants of Bishops Lydeard have walked South Drive before Greenway Estate was built.

Those who are frail or have mobility problems, mainly living on the Greenway Estate, walk South Drive. There is nowhere else safe, pleasant and a quiet to walk. Some are accompanied by carers. It appears that children from the proposed development will most likely be driven to school at Bishops Lydeard and not encouraged with an opportunity to walk.

There are traffic problems in the centre of the village, particularly outside of the school at times of children arriving and leaving school. Parents will make a journey by car to the village to combine shopping and delivering/collecting children at the school.

The problems quoted above can be addressed by providing dedicated public rights of way on the proposed development, in particularly along South Drive from Greenway Road and intersect public footpath T4/12. In addition the two estates, the proposed Sandhill Park and the existing Lethbridge Park should be linked and connected to South Drive by dedicated public rights of way. This would provide much needed circular walks to view the parkland and the mansion to all who live in the community. It would strengthen the community rather creating isolated small communities within the parish of Bishops Lydeard. The proposal for Sandhill will mirror the problems of Lethbridge Park being an unsustainable development.

The conversion of the Mansion House and Orangery at Sandhill Park to provide 26 apartments and the construction of 28 dwellings will be served by a private access along South Drive. South Drive crosses public footpath T4/12. If South Drive was to have a dedicated public footpath with street lighting and there was a dedicated public footpath connecting Sandhill Park it would provide a shorter route to the centre of the village and as there is an underpass to the A358 it would be a safer route.

## **PLANNING POLICIES**

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
M4 - TDBCLP - Residential Parking Provision,  
EN7 - TDBCLP - Ancient Woodlands (HISTORIC),  
EN8 - TDBCLP - Trees in and around Settlements,  
NPPF - National Planning Policy Framework,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S&ENPP9 - S&ENP - The Built Historic Environment,

## **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) £58,270

Somerset County Council (Upper Tier Authority) £14,567

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £349,618

Somerset County Council (Upper Tier Authority) £87,405

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Changes since 21 May 2008

Some Members may recall the original scheme for the site coming before the Planning Committee on 21 May 2008; that scheme comprised the conversion of the Mansion and orangery to 18 one and two bed apartments, the conversion of outbuildings to 8 two and three bedroom apartments and the erection of 50 new dwellings. The scheme also incorporated demolition of hospital buildings, restoration works to parkland and gardens, the formation of parking areas and improvements to the existing access.

Members resolved to approve the planning application subject to the applicant entering into a detailed Section 106 Planning Agreement. However, this agreement has never been signed and so planning permission has not been granted for the scheme to date. The applicant, in submitting the revised scheme now before Members, has advised that a number of contributing factors led to the previous scheme falling by the wayside; in short these were the impact of the recent recession which resulted in the approved scheme being longer financially viable and the later fire at the Mansion, which had a major impact upon the buildings structure and historic fabric and has seen repair costs increase significantly as a result.

As a result of these factors, the applicant has now revised the proposed development to incorporate fewer new building dwellings; it has also given an opportunity to revisit the proposed conversion works for the Mansion and to update work proposed for and involving the landscape, wildlife and access at the site.

### Planning Policy

Sandhill Park is a stand alone site that is not afforded specific planning policy attention within the adopted Taunton Deane Core Strategy. The site is outside any recognised settlement and therefore policies for the open countryside apply. In such areas, national and local planning policies impose strict restraint on development in the countryside, peculiarly where the provision of new residential development is proposed. Policy STR6 of the Structure Plan and Policies SP1 and DM2 of the Taunton Deane Core Strategy are particularly relevant to this case. Core Strategy Policy C4 sets out the Councils approach to the location and provision of new housing over the plan period. ; housing should be delivered consistent with the settlement hierarchy outlined by Policy SP1. Being within open countryside Sandhill Park would not normally be viewed favourably in planning policy terms.

There are of course exceptions to the strict control of development outside settlements as set out above and the re-use and adaptation of existing buildings is



one such exception, as set out within Policy DM2 of the Core Strategy. The amended application does not provide specific detail as to whether alternative uses would be appropriate for the site, however it is worthy of noting that historically many alternative uses have been explored. Prior to the 2008 submission, the building was widely advertised however no substantial interest was found to be present, even for an office use at the site. Similarly, historic applications have permitted the use of the site as a museum but such a use unfortunately failed.

In addition to the above, the condition of the site is now so severe that uses preferred within the hierarchy set out within Policy DM2 (7) of the Core Strategy are not likely to be financially viable with regard to the necessary works needed to the Mansion. Having regard to these matters, the re-use of the Mansion for residential purposes is considered to broadly comply with Policy DM2 (7) of the Core Strategy and such is consistent with the resolution of committee from May 2008 where a residential use was similarly viewed favourably.

Turning to the new build residential element of the scheme being proposed, such is contrary to the development plan, being located within open countryside. Notwithstanding this matter, the new building element is discussed below, in view of its requirement as 'enabling development'.

### Enabling Development

Enabling development is development that is contrary to established planning policy national or local - but which is occasionally permitted because it brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused. For instance it is often associated with proposals for residential development to support the repair of a country house.

Para 55 of the National Planning Policy Framework states that:

"Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as...where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting."

The applicant has put together a suite of detailed specialist reports together with a transparent financial appraisal that sets out the costs of restoration and future maintenance as well as potential revenues to enable these works. It is fair to say that the costs involved with restoring the Grade II\* Listed Mansion to something like its former condition are substantial.

The applicants consider that their application proposes the minimum of new housing development to enable and secure the future of the Mansion, its outbuildings and parkland. They see it as a complete and comprehensive set of proposals which will restore both the Mansion and the parkland and provide a long term future for both. The scale, design, layout and number of new dwellings to be erected North of the Mansion has been reduced since the original plans were submitted to the Council in 2008.

The applicant claims that the housing market is now more receptive in areas such as this to large detached dwelling houses and as a result there are no units of less than three bedrooms being proposed. Such is at odds with the situation in early 2008 when smaller units were more sought after by house buyers. Notwithstanding this, it has been accepted that the market must, to a degree, dictate the form of new building development at the site and that any arrangement must be financially viable so as to ensure the Mansion is restored to its former glory.

It is accepted that previous enabling development has been attempted at Sandhill Park only to later fail; however the case is now more urgent given the fire damage to the Grade II\* Listed Building that was already on English Heritage Buildings at Risk Register. English Heritage has assessed the proposals and are satisfied that the financial appraisal of the scheme is reasonable and viable and that subject to caveats, they are supportive of the proposals. Therefore, subject to the forecast sale figures being ratified by an independent expert, the Council is satisfied that this approach will result in sufficient fund generation as to allow the full conversion and restoration of the Mansion house to flats and to provide the developer with a profit.

The applicants/owners are to enter into a repair bond to a fixed sum that would be payable to the Council should the enabling development fail. Such provides security that if the Mansion house conversion works are not undertaken by the applicants as agreed within the Section 106, such finances will allow the Council to use the bond to repair the Mansion house to a condition whereby it is weather tight and structurally sound.

With regard to financial contributions, it is not considered appropriate to request such in relation to education, play or recreation; nor would it be prudent to request the provision of affordable housing within the scheme. The Housing Enabling Officer is satisfied with this approach as an exception to the normal rule. Clearly, given the tight economics within which the development would be working, it would be necessary to increase the amount of enabling development in order to fund such contributions. To increase the number of new building houses would be at odds with the general approach of enabling development, where it is important to identify the minimum development necessary to enable the conservation of the heritage assets.

#### Impact upon Listed Building

Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses".

The submitted proposals have been considered in depth by the Council's own conservation specialist and also by experts at English Heritage. Prior to submission of the amended proposals, significant discussions took place between the Council, English Heritage and the applicant as to an appropriate conversion scheme for the Mansion and its outbuildings together with how best provide new building development on the site without resulting in significant harm upon the setting of the Listed Building. Comment has been received suggesting that the Mansion is nothing more than a blot on the landscape; clearly such an unsubstantiated view is at odds

with its status as a listed building for which there are historical and architectural reasons to preserve the heritage asset.

The Mansion House is currently in a very poor state of repair, as are the outbuildings, and is included on the 2007 Historic Buildings at Risk Register published by English Heritage. There has been more, significant deterioration since the fire of November 2011. The proposal would enable both the Mansion and the outbuildings to be sympathetically restored and put to appropriate and beneficial long term use.

The building will require an entirely new roof to be constructed in the main, with those elements being retained needing repair and recovering. All external joinery is likely to be replaced and repair undertaken to the stonework and painting. Internally plaster work will be repaired and restored where lost, the staircase returned to its central, original position and unsympathetic modern additions removed.

Within the immediate setting of the building, the former hospital buildings are to be demolished and the landscape returned to its former pre-war condition. The removal of these buildings, which visually jar with the setting of the Mansion is considered to significantly enhance its setting whilst the location of new building development to the North is not considered to detract from the setting of the building.

Further benefits to setting of the Mansion will be the restoration of the walled gardens, restoration of the American garden and general enhancement of the landscape through a robust and thorough landscape planting scheme and management plan. The overall redevelopment of the site will have undoubted benefits to local heritage assets and therefore the scheme broadly complies within Core Strategy Policy CP8 and guidance contained within the NPPF.

### Landscape

The parkland at Sandhill Park makes a significant contribution to the distinctive character and appearance of this part of the Borough. However its own character and appearance has declined over the years by way of bad management, ill-thought out and badly designed development within the grounds and latterly by further degradation and vandalism due to the uncertain future of both the house and the parkland. Policy CP8 of the Core Strategy states that the Borough will conserve and enhance the natural and historic environment.

The revised proposals, put forward by the applicant's Landscape consultants, provides a comprehensive package of enhancement works restoring the inner and outer parts of the parkland. Works will be undertaken to the gardens and pleasure grounds, the inner park, outer park, Greenway Wood and the northern approach and farmland area. Specific attention will be made to the restoring of distinctive features including informal lawns, pleasure grounds, pathways, walks, trees, ponds etc in addition to removing inappropriate modern additions such as fencing, kerb stones and street lighting are proposed. In some instances new features such as traditional fencing are proposed.

Arguably the most significant element of the proposals in landscape terms is the removal of the complex of former hospital buildings to the west of the Mansion; this area will subsequently be restored to informal lawns and parkland. In itself, the removal of these buildings would not only significantly enhance the setting of the

listed building, but it would also restore the panoramic views across the parkland to the south, which was a key component of the original Mansion/parkland design relationship. These can also be enjoyed from public paths.

The proposed new building dwellings will be heavily landscaped and relatively well hidden from wider views within the landscape; as noted above, this element of the proposals, given the degree of screening that is proposed, will not significantly affect the character or appearance of the surrounding landscape. Parking areas have been proposed to the East of the Mansion; these will be heavily landscaped and such will minimise the impact of parked cars within the landscape and general views of the Mansion from the site surroundings. Parking at the new building site is to be off road and integrated within the development frontage. Covenants have been provided for within the Section 106 Agreement to prevent the parking of vehicles anywhere else within the site other than the designated spaces that are provided for both the Mansion and new building properties.

The proposals include a significant degree of planting of new and maintenance of existing trees, some of which are important trees within the landscape. Works to reinstate ponds to the South and views of these areas from the Mansion and its surroundings are also proposed. The Council's Landscape Officer is happy with the proposals barring the planting, or lack of, within the walled garden. Whilst planting here would be desirable it is not something that the applicants wish to provide at this stage and clearing such an issue is not so significant, given the backdrop of the overall scheme, as to warrant holding the application up.

The proposals provide for a Restoration and Management Plan which would secure the future of Sandhill Park, based on the two basic principals of conserving and enhancing the area in its entirety as a park of historical importance, whilst also maintaining its visual attraction to visitors and residents alike. There has been concern raised over the condition of some parkland trees, and suggestions that some trees have been lost recently due to poor management. The provided scheme affords more than adequate proposals to ensure the health of existing trees within the site are improved through ongoing management both pre and post occupation. All of the trees are understood to be within the ownership of the applicant and not that of any adjoining landowner(s).

Questions have been raised regarding the management of the parkland and financing of such works. The ongoing management of the parkland post completion of the development will be afforded through annual payments to be made by each subsequent occupier of the site and such is included as a provision within the Section 106 Planning Agreement. Such will cover the parkland, pleasure ground, shared roads, paths lakes and other common part or facilities used by owners and occupiers at the site. In conclusion, the proposals are considered to comply with Policy CP8 of the Core Strategy and retained Policy EN8 of the Local Plan.

### Nature Conservation

Thorough wildlife surveys and reports have been undertaken and prepared by MWA on behalf of the applicants. These reports have been set out above but their findings indicate that protected species are present both within existing buildings, trees and on land surrounding the Mansion.

Badgers, Dormice, Amphibians and Water voles were all considered to have low

potential at the site given the current condition of the parkland and surrounding water features. Notwithstanding, a precautionary approach is recommended for these species.

Swallows, swift, house sparrow and barn owl are present within the Mansion and hospital buildings; a significant population of slow worms were found on the site and two common lizards were also identified. Invertebrates are also likely to be impacted upon by the proposals. The submitted mitigation measures in respect of these species have been considered to be acceptable by the Council's Nature Conservation Officer and Natural England, The Barn Owl Trust and Somerset Wildlife Trust support the recommendations of the Council's specialist officer and MWA.

At least five bat species have been identified as being present across the site, both within the Mansion, its outbuildings, former hospital buildings and the surrounding scrub land that will form the new building site. It should be noted that bats are a European Protected Species and their habitat both within the Mansion, outbuildings and around the parkland will be impacted upon as a result of the proposals.

The proposed development will 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. The ecological report confirms that an EPS license will be required for the works to be carried out. Regulation 9 (5) states that the Local Planning Authority is a 'competent authority' and must have regard to the requirements of the Regulations in consideration of any of its functions - inclusive of determining planning applications that impact upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

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

These tests are considered below:

*(i) Overriding reasons of public interest for disturbance*

The proposed development provides for an alternative re-use of a grade II\* Listed Building and its associated outbuildings; it will also provide for the restoration, enhancement and management of the surrounding parkland and landscape. The principal Mansion building is included on the 2007 Historic Buildings at Risk Register and ongoing efforts have been made to find a viable re-use for the building and its surroundings. Being a building at risk, there is significant pressure to find an alternative re-use for the Mansion; failure to do so poses a significant risk that the building may eventually fall beyond any reasonable condition as to allow repair. It is considered to be in the public interest to ensure the buildings continue to represent an example of the built environment and heritage of the area for future generations. The considerations and conclusions to the other main issues of this report will show

that the proposal is considered to be an acceptable use for the buildings that will ensure for a favourable conservation status of the bats.

*(ii) That there is no satisfactory alternative*

The application site is a one off example of a grade II\* listed Mansion House, set within expensive parkland's. Being a one off site, there can be no alternative to provide mitigation for their loss were an alternative re-use not be found. Once lost, heritage assets cannot be replaced and therefore there can be no alternative site other than that set out within the application. Such is demonstrated by other proposals for residential conversion schemes to buildings within the countryside that would have a similar impact upon protected species.

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

The Council's Nature Conservation and Reserves Officer supports the recommendations and actions set out within the submitted report by MWA dated December 2012. Further, Natural England supports the comments of the Council's Nature Conservation and Reserves Officer and no objection has been received from either party to the proposed development. The proposals identify bat mitigation measures, which include the provision of a roost and hibernation area within the basement of the Mansion and also the construction of a bespoke 'woodman's cottage' within woodland to the West of the Mansion; such will act as a purpose built bat roost. Based upon the evidence submitted and expert advice received in relation to protected species, I am satisfied that the proposed bat mitigation can be achieved within the basement and woodman's cottage and that such will ensure that a FCS for bats can be maintained at the site.

New building dwellings - design, scale, form, layout

The stables and barns to the north of the Mansion are to be converted to dwellings, as is the orangery attached to the Mansion house. These buildings will be rebuilt and repaired where necessary and largely restored to their former character and appearance; they will remain subordinate to the main listed building and the layout out will retain the historic pattern of development to the North of the Mansion. In a similar vain, the proposed conversion and restoration works to the Mansion will return it to its former self, removing modern inappropriate additions and alterations, reintroducing architectural and historic features that are of importance to the building as a heritage asset

The grounds immediately surrounding the Mansion are to be extensively reconfigured to provide informal gardens, parking areas and walled gardens. Paths will be reinstated and provide a degree of legibility and inter-connectivity between the various different areas of the estate. Residents will be provided with recreational space and the landscaping scheme will soften any urbanisation that may result from the proposals.

With regard to the new building development, the layout now proposed together with the design of house types evolved through discussions with English Heritage and the Council following the initial resolution to grant planning permission subject to certain caveats, in May 2008. Changes in viability and house type demand resulted in the original scheme being unviable. The proposal now put forward is based upon a small village theme, with open spaces close to the existing trees that bound the site to the

North, East and West. It is similar in a sense to the development at Lethbridge Park. The area will have an informal feel to it, with no regimented parking areas; the highway will be single carriageway but wide enough to allow two vehicles to pass. No formal curbs are proposed and footways will integrate into the informal nature of the access drive.

With regard to dwelling types, a detailed analysis of the surrounding local vernacular has been undertaken so that the appearance of the area is one that accounts for local variations in design. Generally a 'cottage orne' design approach has been adopted and such will result in lowered roof and eaves heights. There will be a mixture of external material finishes applied, all of which are common to the area. Comment has been made that the design is not reflective of the area; to a degree this may be the case as the style put forward is not overly common. However, the designs do account for architectural features and materials and combine this with the overarching design style to form a more unique sense of style. Neither English heritage nor the Council's Conservation officer have objected to the house type designs; the dwellings will not compete with the principle listed building and will be subordinate to it in terms of scale and form; in general the proposals are considered to be appropriate for a site in such close proximity to a grade II\* listed building such as Sandhill Park.

The scheme will result in an overall enhancement to the character and appearance of the area and the listed buildings and therefore the design, layout form and scale of the proposed scheme is considered to be acceptable in the context of the site and its surroundings, which are sensitive to change and intervention. Therefore the proposals accord with Policies DM1 and CP8 of the Core Strategy and guidance contained within Para's 60 and 61 of the NPPF.

#### Sustainability and Accessibility

This is not the most sustainable site on which to provide new residential development. It is distant from the main services provided within Bishops Lydeard and other than for leisure, people are unlikely to walk to the main element of the village due to the distance and footpath network involved. It has been suggested that the developer should provide for enhanced opportunities to connect the development to its surroundings and public footpath network however this would still not overcome the locational issues involved and to require the developer to do so may impact detrimentally upon the viability of the scheme. The land is also in private ownership and to allow full public access is not thought to be a matter to consider nor request as part of the proposed development.

Notwithstanding, the proposals will provide for some improvement to the footpath connecting the driveway access to Greenway. Residents of the site will also be able to readily access Bishops Lydeard by bicycle. There is also a relatively frequent bus service between Bishops Lydeard and Taunton, some of which terminate/commence at Greenway. There is therefore a reasonable choice of transport modes although it must be appreciated that residents at the site will likely be heavily dependent upon the use of the private motor vehicle.

A Travel Plan has been submitted and whilst its contents and proposals are yet to receive a full response from the County Travel Plan Advisor, it is envisaged that this plan, if successfully implemented, will help towards a modal shift in residents means of travel, away from the private motor vehicle.

The reuse of existing buildings is sustainable; it will also have conservation benefits by finding a long term use for the heritage asset which will have benefits to the local built heritage and community.

The proposals provide for the restoration of the parkland and provide for its long term management and that of the various specimen trees, woodland and pleasure grounds. In doing so, the proposals would increase diversity and any potential species found would be accommodated in situ or, if present within buildings to be demolished, consent by separate licence would be sought for their appropriate relocation. Overall, wildlife interests are likely to be enhanced.

Whilst there are issues with accessibility virtue of the sites location, there are a number of positive aspects to the development that could be used to suggest that overall, the development would be sustainable in the longer term.

### Highway safety and access

The site will be accessed via a private drive off Greenway Road to the South; the driveway is some 1km long when measured from the point of access from Greenway to the Mansion house. It is a single lane drive largely laid to tarmac; it is currently in a very poor state of repair and will likely need relaying in full. Speed humps are present along the track and would act, if retained, as a traffic calming measure. The proposals incorporate measures to provide passing bays along the drive and to install features such as cattle grids. Otherwise the drive is to remain of a single carriageway in private ownership. South Drive is to be utilised as it is within the applicant's ownership; the North Drive is not. Any lighting of the driveway will be controlled by way of condition and sufficient passing places are considered to be provided, given that it is to remain a private and not adopted highway.

The application provides 114 parking spaces for the 28 new build properties, 57 within garages and 57 to the front of properties; 39 car parking spaces are proposed for the 26 flats being provided by the conversion of the Mansion, orangery, stables and other outbuildings. Cycle storage is also proposed. For the new build this averages approximately 4 spaces per dwelling and for the conversion scheme 1.5 spaces per dwelling. The former is excessive even in the context of the County Parking Strategy, while the latter accords with retained Policy M4 of the Local Plan. Whilst an over supply of parking for the new building may not help encourage a modal shift towards more sustainable means of transport, the actual number of vehicles per dwelling will largely be dictated by the demographic of future residents. On this occasion, such an over supply is not considered to represent a significant issue in relation to the development scheme as a whole.

Concern has been raised over the use of the drive and safety, particularly of pedestrians. To a degree there will be footfall over the drive, particularly from residents of the site however the public footpaths in the area only cross the driveway in once position. The drive is within private ownership and does not contain a public right of way. Notwithstanding, the drive generally provides suitable forward visibility to allow drivers and pedestrians, cyclists and the like to see one another clearly. It would be hoped that occupants of the site will not speed along the track nor can such actions be prejudged. Therefore, having regard to the passing bays and space alongside the driveway, the safety of users along the drive is not considered to be severely harmed by the proposals.



The Highway Authority have received the submitted Transport Statement and the proposed works to the junction with Greenway have been audited for safety purposes. In short, there would be no significant adverse harm to highway safety should the proposals be granted planning permission. The proposals would provide for an acceptable degree of visibility and the footpath connection to Greenway is acceptable. Additional traffic flows are not considered to result in harm to highway safety at local junctions nor cause significant overloading of the local highway network; no severe impact upon highway safety is envisaged. A condition has been requested to ensure highway works are agreed prior to implementation and advice also states that works will require a Section 278 agreement.

With regard to the Travel Plan, it is generally envisaged that the submitted Plan will likely be acceptable, subject to minor alterations however such must wait until formal response has been received from the County Council. Any alterations can be agreed as part of the Section 106 agreement and subsequent discussion.

### Precedent

Concerns have been raised that the granting of planning permission in this location for new building residential development will result in an undesirable precedent being set. I do not consider this to be the case. Notwithstanding the history involving Lethbridge Park, the proposed enabling development is a one off proposal that will provide for the bringing back of the Mansion and its outbuildings into a beneficial use. A Section 106 Planning Agreement will be put in place to ensure that this is the case. If the Mansion is brought back into beneficial use in accordance with the enabling development, under current development Plan policies and the enabling development guidelines, there would be no justification for any further new residential development in this location.

### Other issues

Flood risk - All additional surface water that will result from the proposed development will be drained via soakaways within the site. Detailed drainage analysis will form part of the post-decision work by the developer but at this stage. The Environment Agency do not object to the proposals subject to conditions.

Amenity - I am satisfied that the proposed development will not significantly adversely affect residents living at Lethbridge Park; indeed no substantial objection has been raised in this regard and I am therefore satisfied with the proposals and their impact upon local residents.

Working hours - There has been a number of requests to limit the hours within which works can take place at the site. To do so would likely reduce any perceived adverse impact upon local residents that may arise through physical works, the use of machinery and the like. It is acknowledged that such conditions are reasonable in some cases, they are nonetheless difficult to enforce; matters relating to a statutory nuisance are also covered by separate legislation and controlled by Environment Health. Such a condition will therefore not be imposed.

### Conclusion

Sandhill Park is a listed building of Grade II\* quality included on English Heritages

Buildings at Risk Register. The necessary renovation and conservation works will be extensive. The applicants have put forward a comprehensive package of enabling development proposals involving the conversion of the Mansion and its outbuildings to 19 flats and the erection of 2 new dwellings on land to the north of the former kitchen gardens. The package of proposals deals comprehensively with the Mansion, its outbuildings and the parkland and their future use and maintenance.

A thoroughly robust and comprehensive Section 106 Planning Agreement has been drafted and subject to final revisions this is considered to provide a legally binding and tight security for the future of the listed building that will prevent any potential danger of the enabling development being undertaken without any subsequent work to the Mansion. This agreement has built upon that previous formed under the 2008 submission. The original proposal was not called in by the Secretary of State; the amended scheme is considered to be an improvement to that originally submitted and therefore, subject to the receipt of comments on the Travel Plan and the S106 Agreement being finalised, 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**

GRADECLEAR & STRONGVOX

**CONVERSION OF MANSION HOUSE AND ORANGERY FOLLOWING SOME PARTIAL DEMOLITION TO 18 APARTMENTS AND CONVERSION OF OUTBUILDINGS TO PROVIDE 8 APARTMENTS AND CYCLE PARKING IN THE BASEMENT OF THE MANSION HOUSE, SANDHILL PARK, BISHOPS LYDEARD (AS AMENDED).**

Grid Reference: 315626.129864

Listed Building Consent: Works

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the receipt of the following:

- a satisfactory amended schedule of repairs;

It is considered that the proposal is in line with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy CP8 (Environment) of the Taunton Deane Core Strategy and Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings.

**RECOMMENDED CONDITION(S) (if applicable)**

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

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

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

(A3) Dr No SPP.1740.51 Site Location Plan  
(A3) Dr No P9688/Rep 021B Existing Basement Floor Plan (Mansion)  
(A3) Dr No P9688/Rep 022B Existing Ground Floor Plan (Mansion)  
(A3) Dr No P9668/Rep 023B Existing First Floor Plan (Mansion)  
(A3) Dr No P9688/Rep 024B Existing Second Floor Plan (Mansion)  
(A3) Dr No P9688/Rep 025B Existing Roof Plan (Mansion)  
(A3) Dr No 12/31/ 222 A Proposed Basement Plan (Mansion)  
(A3) Dr No 12/31/223 A Proposed Ground Floor Plan (Mansion)  
(A3) Dr No 12/31/224 A Proposed First Floor Plan (Mansion)  
(A3) Dr No 12/31/225 A Proposed Second Floor Plan (Mansion)  
(A3) Dr No 12/31/226 B Proposed Roof Plan (Mansion)

(A3) Dr No 12/31/227 A Proposed Elevations – Sheet 1 (SE and E elevations of the Mansion, W elevation of Mansion and Orangery)  
(A3) Dr No 12/31/228 A Proposed Elevations - Sheet 2 (NE elevation of Mansion, SE elevation of ancillary buildings, E elevation of Orangery)  
(A3) Dr No 07/20/301 Existing Ground Floor Plans- Stable Block and Barn  
(A3) Dr No 07/20/303 Existing Elevations Sheet 1-Stable Block and Barn  
(A3) Dr No 07/20/304 Existing Elevations Sheet 2-Stable Block and Barn  
(A3) Dr No 12/31/311 Proposed Floor Plans-Stable Block and Barn  
(A3) Dr No 12/31/313 Proposed Elevations-Sheet 1-Stable Block and Barn  
(A3) Dr No 12/31/314 Proposed Elevations-Sheet 1-Stable Block and Barn  
(A3) Dr No 12/31/310 Proposed Floor Plans-Orangery and Ancillary Building  
(A3) Dr No 12 /31/104 Proposed Demolition Plan  
(A1) Dr No Rep 021 B Extent of Fire & Water Damage Basement Plan  
(A1) Dr No Rep 022 B Extent of Fire & Water Damage Ground Floor Plan  
(A1) Dr No Rep 023 B Extent of Fire & Water Damage First Floor Plan  
(A1) Dr No Rep 024 B Extent of Fire & Water Damage Second Floor Plan  
(A1) Dr No Rep 025 B Protection Works Roof Plan  
(A1) Dr No S011 B Post Fire Elevations 1 of 2 (S and E elevations of the Mansion, W elevation of Mansion and Orangery)  
(A1) Dr No S012 B Post Fire Elevations 2 of 2 (NE elevation of Mansion, SE elevation of ancillary buildings, E elevation of Orangery)

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

3. Only those materials specified in the application shall be used in carrying out the works hereby approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy CP8 of the Taunton Deane Strategy and Section 12 of the National Planning Policy Framework.

4. The roofs of the Mansion shall be recovered using natural slate and lead roll hips and ridges. Prior to reroofing commencing, a sample slate, for the mansion and retained buildings, shall be submitted to and approved in writing by the Local Planning Authority, with such approved sample being used for reroofing and thereafter so maintained.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy CP8 of the Taunton Deane Strategy and Section 12 of the National Planning Policy Framework.

5. All repairs to the mansion, shall be carried out strictly in accordance with the approved schedule attached to the S106.

Reason: In the interests of preserving the building, in accordance with Section 16 of the Planning (listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy CP8 of the Taunton Deane Strategy and Section 12 of the National Planning Policy Framework.

6. Before any structural works are undertaken precise details of the methods, materials to be employed and areas affected shall be submitted to and approved in writing by the Local Planning Authority, with such approved works being strictly adhered to in the implementation of such works, unless any variation thereto is first approved in writing by the Local Planning Authority.
  
7. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: floors; doors; architraves; skirtings; windows; rooflights; fire and sound separation; venting of recovered roofs; rainwater goods; vent locations and terminal details, for kitchens/ bathrooms/ en-suites; fireplaces; measures to comply with Part L of the Building Regulations; treatment of dry and wet rot; measure to arrest damp; lift and lift enclosure; staircases; en-suites; kitchen fittings for units 5 and 6; finished treatment for all joinery.

Reason: In the interests of preserving the buildings, in accordance with Section 16 of the Planning (listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy CP8 of the Taunton Deane Strategy and Section 12 of the National Planning Policy Framework.

#### 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 listed building consent.
  
2. As the buildings are listed, relaxation of Part L of the Building Regulations may be possible.
  
3. Your attention is drawn to planning permission 06/08/0010 and the corresponding Section 106 Planning Agreement which relate to this site.

#### **PROPOSAL**

The application comprises the conversion and restoration of Sandhill Park House and its traditional outbuildings to form 26 one, two and three bed units, with 18 flats being formed within the Mansion and Orangery and 8 flats within outbuildings that include the former stable block.

The scheme are considered to encompass a comprehensive package that not only provides for the restoration of the Mansion and its outbuildings, but also provides for the demolition of the complex of former hospital buildings to the west of the Mansion and the reinstatement of the remainder of the pleasure grounds and parkland setting of the listed building.

Broadly, the development proposals will provide for the following:

#### Mansion and outbuildings

- Restoration of internal and external fabric including plasterwork;
- Replacement of roof destroyed by fire and repair of roof still in place;
- Structural repairs;
- Restoration of windows and stonework;
- Treatment of rot;
- Removal of 20th century additions;
- Relocate principle staircase to central pre 1815 position;
- Repair, rebuild and convert orangery, stable buildings and barn;
- Reinstatement traditional walled gardens to the North of the Mansion.

#### Former hospital buildings

- Demolish and remove all buildings to the West;
- Landscape and re-contour area to reclaim parkland and lawns;
- Restore views between the Mansion and the parkland.

#### Wildlife

- Provision of bat roost within basement;

The application is supported by the following documentation and reports:

- A Design and Access and Heritage Statement;
- Planning Statement;
- Schedule of Repairs.

### **SITE DESCRIPTION AND HISTORY**

Sandhill Park is a 17th century mansion house originally constructed as a country house for the Lethbridge family. The building was been modified in the 18th, 19th and 20th centuries; the main house is Grade II\* listed and also comprises a range of traditional ancillary outbuildings and walled gardens to the North and former hospital buildings to the Southwest. The buildings sit within a large 60 hectare historic parkland landscape.

The last substantial use of the building was as a hospital, which closed in 1992. Since then the buildings have passed through several ownerships and the Mansion was used unsuccessfully as a fire museum. Some of the former hospital buildings to the west of the Mansion have been used for short lease offices with access across the front of the Mansion House.

Whilst Grade II\* Listed, the Mansion is in a deteriorating condition and is included on

the Buildings at Risk Register prepared by English Heritage. The building was subject of substantial damage following a fire on 22 November 2011, which resulted in significant internal damage, the loss of the main roof structure and damage to the external fabric of the building.

Whilst located within open countryside, there is residential development immediately Northeast of the site is Lethbridge Park, a development of some 50 residential properties permitted as enabling development un LPA reference 06/94/0004 and 06/97/0020. The enabling development in this instance did not achieve the desired outcome for the restoration of the mansion house. To the Southeast is Greenway, large residential estate of local authority housing.

With regard to the planning history of the site, the following applications for planning permission and listed building consent have been made in relation to the site:

06/1991/036 - Change of use of Mansion and outbuildings into national fire museum, relocation of RDA facility and residential development at Sandhill Park, Bishops Lydeard. Application withdrawn February 1995.

06/1991/037 - Change of use of Mansion and outbuildings to form museum, residential development of 50 houses (scheme B) and development of an equestrian centre, former Sandhill Park Hospital, Bishops Lydeard, application refused May 1992.

06/1992/011LB - Change of use of Mansion and outbuildings to museum, including internal alterations, Sandhill Park, Bishops Lydeard. Consent granted June 1992.

06/1992/012 - Change of use of Mansion and outbuildings to museum, Sandhill Park, Bishops Lydeard. Full permission granted May 1992.

06/1993/005 - Change of use of Mansion and outbuildings to national fire museum, relocation of Riding for the Disabled facility and erection of 50 two storey dwellings and garages, Sandhill Park, Bishops Lydeard. Permission refused May 1993. Subsequent Appeal dismissed January 1994.

06/1993/014 - Residential development of two-storey dwellings and garages on approximately 0.5 ha and relocation of riding for the disabled facility on land at Sandhill Park, Bishops Lydeard. Application withdrawn.

06/1994/004 - Change of use of Mansion and outbuildings to museum, formation of museum car park, relocation of riding for the disabled centre and residential development comprising 50 two-storey dwellings and garages on land at Sandhill Park, Bishops Lydeard. Outline permission granted January 1995.

06/1997/020 - Erection of 50 detached houses, including access road, enabling site works, etc. Sandhill Park, Bishops Lydeard. Reserve matters approved December 1997. This application was the submission of details following permission 06/1994/004 and comprises the current Lethbridge Park development.

06/1998/005 - Conversion of premises from museum to office (B1), Sandhill Park Mansion, Sandhill Park, Bishops Lydeard. Permission refused July 1998. Subsequent appeal withdrawn.

06/1998/043 - Conversion of premises from museum to offices (B1), Sandhill Park Mansion, Sandhill Park, Bishops Lydeard. Full permission granted April 2003.

06/1999/006 - Conversion of outbuildings to form three dwellings, stable block and storage barn, Sandhill Park, Bishops Lydeard. Application withdrawn.

06/1999/007LB - Conversion of outbuildings to form three dwellings, stable block and storage barn, Sandhill Park, Bishops Lydeard, Application withdrawn.

06/2003/015 - Demolition of outbuildings, conversion of buildings into 24 dwellings and erection of 46 dwellings, Sandhill Park, Bishops Lydeard. Application withdrawn.

06/2003/016LB - Demolition of part and conversion of retained buildings into 24 dwellings, Sandhill Park, Bishops Lydeard. Application withdrawn.

06/2004/013 - Demolition of some buildings, and repair, refurbishment and conversion of retained buildings into 25 self-contained dwellings, restoration of the parkland and erection of 45 dwellings, Sandhill Park, Bishops Lydeard. Full application refused by the Secretary of State May 2006.

06/2004/014LB - Demolition of parts and conversion of retained buildings into 25 dwellings, Sandhill Park, Bishops Lydeard . Application refused by the Secretary of State May 2006.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL* - Support the proposals and comment that (in relation to listed building matters):

- It is essential that TDBC ensures through a S106 Agreement that the restoration of mansion and parkland take place simultaneously to the new building;

*COUNCIL FOR BRITISH ARCHAEOLOGY* - no comments received

*GEORGIAN GROUP* - no comments received

### *ENGLISH HERITAGE*

#### Summary

English Heritage has previously supported the application in 2008 for residential conversion of the Mansion House and outbuildings and provision of enabling development at Sandhill Park on the basis that it would secure the repair and reuse of this important grade II\* listed country house as well as restore its parkland setting.

Unfortunately, that application was not approved at that time due to the Section 106 Agreement not being signed after the economic downturn took effect. However,



discussions relating to the new housing element were subsequently revived with a different developer. In the intervening period, Sandhill Park House was the subject of a very destructive arson attack in 2011 which caused severe damage to its upper levels and resulted in extensive water penetration throughout the building. This has made the threat to the building even more intense, and the need for a viable solution extremely urgent.

This current scheme is a revival of the 2008 application with significant amendments to the enabling housing development to reflect the current economic climate and the new design approach. It has resulted in fewer larger houses which does extend the footprint of the development but is better integrated with the landscape and utilising more traditional materials. The conversion scheme for the house is largely unaltered and raises no new issues but this application takes account of the reinstatement required following the fire damage, which also has to be factored in to the amended Section 106 Agreement. Revised costings have been produced and verified by our Quantity Surveyor, although our financial assessment has not included any confirmation of the sales figures for the converted and new build housing, which, as before, we have advised the Council to satisfy itself on. Assuming that your Authority has done so, we continue to consider that there is a financial case for enabling development at Sandhill Park and that this revised scheme is an acceptable means of securing the future of the house and its setting as long as a robust Section 106 Agreement is in place to ensure that objective is achieved.

#### English Heritage Advice

In outlining our position on this scheme it is important that the advice contained in our previous letters of 2008 are taken into account as background to this correspondence.

The main areas where additional advice has been provided by English Heritage have been the layout and extent of the new housing development and the detailed landscaping proposals, together with the revised costings provided for the overall development. The amended scheme has resulted in a different type of layout with fewer houses which are more spread out. This has extended the footprint of the development from that previously approved, but the scheme is well screened and better integrated with the landscape and also utilises more traditional materials in the design of the houses. We now have more detail on the landscape restoration scheme, which largely accords with the overall objectives previously set in the landscape master plan, and should result in a significant improvement to the setting of the house.

Any enabling development scheme requires the costs of the restoration to be balanced against the income that is generated by the development. English Heritage has satisfied itself that the costs put forward are necessary and reasonable, however, our organisation does not provide specialist valuation skills and has, therefore, advised the Council to take advice itself on that aspect of the development appraisal in order to make an overall assessment of the financial case for development.

Finally, the success or failure of this scheme may depend on the robustness of the Section 106 Agreement that is required to ensure that the heritage benefits are delivered. Our resources mean that we have not engaged with the revision of this Agreement as actively as we did with its predecessor, and we are aware that some

of its requirements have been relaxed somewhat. More emphasis is now placed on the presence within it of a repair Bond, to be used as a default mechanism by the Council should the development fail to be completed, rather than on strict phasing requirements between the new development and building repair. This is undoubtedly a potential risk that we have had to weigh up in deciding whether to support this scheme now or hold out for a more rigorous Agreement. Due to the heightened risk to the house caused by the fire and the urgent need to secure a solution, we have decided that this is a risk that should be taken. However, we would urge your Authority to be vigilant in monitoring the implementation of the consent, and the compliance with the 106 Agreement, should it be granted. We are also aware that you are in the process of agreeing a revised schedule of works that incorporates reinstatement following the fire damage, and would stress that sufficient detail is provided in order to secure a deliverable mechanism for achieving an appropriate level of repair to the building. This should take account of the special quality of the internal plasterwork whose conservation is vital to the success of the restoration scheme.

### Recommendation

Subject to the above caveats, we would support consent being granted and would hope that this results in works for the repair of the building and reinstatement of the landscape to be started as soon as possible, with close monitoring by the Council. It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

*ANCIENT MONUMENTS SOCIETY* - no comments received

*SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS* - The Design and Access Statement states that it is the intention to conserve and repair the existing fabric and to replace the fire damaged areas in a way that takes account of the original form of the building. Nevertheless, we do not think that the aim should be to 'restore' the building to some unspecified former state that cannot be verified. We note in particular that the main staircase is to be relocated in the position that it originally occupied before alterations were carried out in 1815. This may be strategically sensible for the new circulation arrangement but we can see no reason for the new stair to be designed as a reproduction of the original, given the subsequent history of changes. A new design in keeping with the surrounding fabric would be preferable.

We are also concerned that the drawings and other details accompanying the application provide only an outline indication of the proposed works. In our view a full schedule of works affecting the historic fabric should be agreed before any work commences on site. This is needed to ensure that as much as possible of the historic fabric is retained and that the new work is detailed in such a way that it is complimentary to the old.

As a final point we note that the demolition of the hospital buildings to the southwest of the main house is likely to improve the setting of the house. However, the accompanying new housing development may well affect the setting through its juxtaposition to the walled garden, though the view from the south west is

apparently screened by trees. We would urge the local authority to take great care with this aspect of the application to ensure that there is no detrimental impact on the heritage asset if they are minded to grant approval.

*VICTORIAN SOCIETY* - no comments received

## **Representations**

11 letters received from local residents raising the following COMMENTS in relation to Listed Buildings:

- The restoration must be a condition of the new building; this house has historical interest in the area which must be protected within a modern housing development;
- Risk of further damage to gate pillars at the point of access if road not widened;
- The Mansion development should be in advance of the new build as should be the demolition and landscaping;
- Contractually the Mansion should be 80% complete before more than 50% of the new build is built and sold;
- The demolition of the hospital buildings is an excellent proposal; they are not compatible with the beauty of the area;
- What guarantees are in place to ensure Mansion house and landscaping works are undertaken?
- The Mansion should be converted promptly and not left to rot for another ten years plus;
- Perhaps it would be better to demolish the Mansion House?

1 letter from member of the public received raising the following OBJECTION to the proposals:

- I'm totally opposed to the conversion of the mansion house. This is a wrong approach and a waste of money;
- Sandhill Park is a hideously ugly lump of a building; it has never had any charm or outstanding architectural merit; it intrudes massively on the gentle rural landscape; made worse by past misuse and neglect;
- Its past merit is now long gone and irreplaceable;
- Its conversion cannot be afforded by the Council and a developer has commercial constraints to account for; the building is difficult to convert into flats; rooms are either too large or too small; such will make accommodation unsaleable at a price needed to show profit; time has shown there is no profit here;
- It should be de-listed and demolished; the building is a blot on the landscape and out of sympathy with its natural surroundings.

Comments from West Somerset Railway do not raise material issues to the application for listed building consent.

1 letter received from the Directors of Lethbridge Park Management Committee, making the following points material to the listed building consent application:

- The Mansion and parkland development should not be delayed. One of our

greatest concerns relates to the likely time line of the restoration and development of the Mansion and its parkland. On previous occasions, the proposals have typically mentioned three or five years after other works are undertaken. In view of the neglect of the Mansion and parkland, we believe any delay in commencing work on them is unacceptable;

## **PLANNING POLICIES**

CP8 - CP 8 ENVIRONMENT,  
NPPF - National Planning Policy Framework,

## **DETERMINING ISSUES AND CONSIDERATIONS**

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

Sandhill Park is a Grade 2\* listed building, which is on the English Heritage list of buildings at risk.

The last substantial use of the building was as a hospital, which closed in 1992. Since then the buildings have passed through several ownerships and the mansion was used, unsuccessfully, as a fire museum. The proposed residential use of the Mansion and outbuildings, together with demolition works have been before committee before; whilst the the physical interventions into the building are different to the previous application, the general aim and principle of the proposed scheme remains as before, that is to find a long term viable re-use for this Grade II\* listed building, which is currently recognised by English Heritage to be at risk.

### Impact upon Listed Building

The submitted proposals have been considered in depth by the Council's own conservation specialist and also by experts at English Heritage. Prior to submission of the amended proposals, significant discussions took place between the Council, English Heritage and the applicant as to an appropriate conversion scheme for the Mansion and its outbuildings without resulting in significant harm upon the setting or special historical or architectural features retained by the Listed Building.

The Mansion House is currently in a very poor state of repair, as are the outbuildings, and is included on the 2007 Historic Buildings at Risk Register published by English Heritage. There has been more, significant deterioration since the fire of November 2011. Save to say much of the buildings structure has been undermined over time as previous attempts to find a use have failed. The proposal would enable both the Mansion and the outbuildings to be sympathetically restored and put to appropriate and beneficial long term use.

A significant and comprehensive schedule or repairs and works has been produced by the applicant; the schedule relates to brickwork, blockwork, rubble and masonry; roofing; woodwork and metal work; electrical installation finishes; glazing; painting and decorating.

The building will require an entirely new roof to be constructed in the main, with those elements being retained needing repair and recovering. All external joinery is likely to be replaced and repair undertaken to the stonework and painting. Internally plaster work will be repaired and restored where lost, the staircase returned to its central, original position and unsympathetic modern additions removed.

The three storey Mansion and outbuilding will be sensitively converted and restored to somewhere close to a period of its historical form. Minimal intervention will be required in order to provide the proposed flats, with as much of the original layout being retained as possible. The ground floor layout will remain almost unchanged; new walls within rooms will be limited to 2 metres in height, thereby stopping short of the existing ceiling heights so as to preserve the original space within the rooms.

One of the key features of the proposed conversion scheme is to relocate the main staircase to a central position within the main Mansion house. This will return a balanced plan arrangement to the building, reflective of the building's pre-1815 form. Such an approach has been welcomed by English Heritage and the Council's own Conservation Officer.

The proposed conversion scheme will remove modern additions and interventions to the Mansion and its outbuildings. The orangery, stables and other outbuildings have resulted in significant mistreatment, which has resulted in a large number of blocked openings within facades, the use of unsympathetic materials and poor application thereof, a lack of maintenance and general decay as a result. In a similar vein the walled gardens have become overgrown and the walls in need of repair.

It is proposed to return the stables and orangery to a layout and appearance similar to their original form, before modern interventions were made when the site was used as a hospital.

Within the immediate setting of the building, the former hospital buildings are to be demolished and the landscape returned to its former pre-war condition. The removal of these buildings, which visually jar with the setting of the Mansion is considered to significantly enhance its setting whilst the location of new building development to the North, which does not form part of these proposals, is not considered to detract from the setting of the building, being well screened and detached from the site of the Mansion.

Further benefits to setting of the Mansion will be the restoration of the walled gardens, restoration of the American garden and general enhancement of the landscape through a robust and thorough landscape planting scheme and management plan.

### Wildlife

In accordance with the corresponding planning application, reference 06/08/0010, thorough wildlife surveys and reports have been undertaken by the applicant to ascertain the presence of protected species within the buildings that will be affected by the proposed works.

At least five bat species have been identified as being present within the Mansion, its outbuildings, former hospital buildings and the surrounding scrub land. It should be noted that bats are a European Protected Species and their habitat both within the

Mansion, outbuildings and around the parkland will be impacted upon as a result of the proposals.

The proposed works will 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. The ecological report confirms that an EPS license will be required for the works to be carried out. Regulation 9 (5) states that the Local Planning Authority is a 'competent authority' and must have regard to the requirements of the Regulations in consideration of any of its functions - inclusive of determining planning applications that impact upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

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

These tests are considered below:

*(i) Overriding reasons of public interest for disturbance*

The proposed works provide for an alternative re-use of a grade II\* Listed Building and its associated outbuildings. The principle Mansion building is included on the 2007 Historic Buildings at Risk Register and ongoing efforts have been made to find a viable re-use for the building and its surroundings. Being a building at risk, there is significant pressure to find an alternative re-use for the Mansion; failure to do so poses a significant risk that the building may eventually fall beyond any reasonable condition as to allow repair. It is considered to be in the public interest to ensure the buildings continue to represent an example of the areas built heritage for future generations. The considerations and conclusions to the other main issues of this report will show that the proposal is considered to be an acceptable use for the buildings that will ensure for a favourable conservation status of the bats.

*(ii) That there is no satisfactory alternative*

The application site is a one off example of a grade II\* listed Mansion House, set within expensive parkland's. Being a one off site, there can be no alternative to provide mitigation for their loss were an alternative re-use not be found. Once lost, heritage assets cannot be replaced and therefore there can be no alternative site other than that set out within the application. Such is demonstrated by other proposals for residential conversion schemes to buildings within the countryside that would have a similar impact upon protected species.

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

The Council's Nature Conservation and Reserves Officer supports the recommendations and actions set out within the submitted report by MWA dated December 2012. Further, Natural England supports the comments of the Council's

Nature Conservation and Reserves Officer and no objection has been received from either party to the proposed development. The proposals identify bat mitigation measures, which include the provision of a roost and hibernation area within the basement of the Mansion. Such will act as a purpose built bat roost. Based upon the evidence submitted and expert advice received in relation to protected species, I am satisfied that the proposed bat mitigation can be achieved within the basement, together with the woodman's cottage proposed as part of the corresponding planning application, and that such will ensure that a FCS for bats can be maintained at the site.

### Other matters

Many comments have been received with regard to the need to ensure the Mansion works are undertaken before any of the interrelated new building development. Such is not a consideration for this application as such, however the works have been tied up legally through a Section 106 Planning Agreement to reference 06/08/0010. This will ensure that the new build cannot be completed until the Mansion works have been implemented; these works will then need to be completed within a time period as agreed within the S106. It must be reasonable to allow the developer to commence the new building before restoration works, as the former will be used to finance the latter.

### Conclusion

For some 14 years now the Mansion and outbuildings at Sandhill Park have been largely without use. Their continued deterioration in condition has been well documented and resulted in the Grade II\* listed building being placed on English Heritage's Buildings at Risk Register. It is essential that a viable re-use be found for the site as failure to do so will undoubtedly result in the loss of one of the areas most important heritage assets.

The submitted conversion and restoration scheme is considered to be sympathetic towards the historic fabric and architectural merits of the building. The overall redevelopment of the site will have undoubted benefits to local heritage assets and will ensure that a favourable conservation status for protected species (bats) is maintained at the site.

Notwithstanding the comments received in relation to the proposals, many of which were not material to the consideration of this application for listed building consent, the proposals are considered to satisfy Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also conform with Core Strategy Policy CP8 and guidance contained within the National Planning Policy Framework.

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

**CONTACT OFFICER: Ms D Hartnell Tel: 01823 356492**

WEST OF ENGLAND DEVELOPMENT

**OUTLINE APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF 44 NO DWELLING HOUSES, SCOUT HUT AND RECREATIONAL OPEN SPACE, DRAINAGE WORKS AND ASSOCIATED ACCESS AT LAND TO SOUTH OF HYDE LANE, CREECH ST MICHAEL AS AMENDED BY EMAILS DATED 28 FEBRUARY 2013 AND PLANS 100-B AND 101-B AND 3300A IN RESPECT OF THE ILLUSTRATION LAYOUT AS AMENDED**

Grid Reference: 326790.125818

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the provision of a Section 106 Agreement to address the provision of

- 25% Affordable Housing provision on site,
- Contribution of £110,313 towards primary education,
- Contribution of £110,814 towards secondary education,
- Contribution of £1434 per dwelling towards the provision of outdoor active recreation,
- Contribution of £194 per dwelling for allotments,
- Contribution of £1118 per dwelling towards a community hall facility in Creech St Michael as well as provision of land for a scout hut,
- Contribution of a commuted sum to the value of 1% of development costs or by commissioning and integrating public art into the design of the buildings and the public realm.
- provision of maintenance of the open space and flood attenuation area.
- a contribution of £44,000 (or £1000 per plot) for safety improvements along Hyde Lane west of the M5 towards the secondary school,
- Green Travel Plan measures

The proposed development of up to 44 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the open character of the area. As such the proposal is in accordance with the provisions of policy SD1 and SP1 of the Core Strategy. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Policies CP4 (Housing) and DM1 (General Requirements) of the Taunton Deane Core Strategy and retained policy C4 of the Local Plan.

**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 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.

3. 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 **before the buildings are occupied** or **in accordance with a timetable agreed in writing with the Local Planning Authority** and shall thereafter maintained as such, 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) 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.

5. No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect the environment by ensuring separation of clean and foul waters and preventing flooding due to over capacity of sewers.

6. No development shall commence until a detailed surface water drainage scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in strict accordance with the principles shown on approved drawing "*Drainage Strategy Plan*" (prepared by Spring Consultancy and dated 17 April 2013 Ref: 2014/100-D). The development shall subsequently be implemented and maintained in accordance with the details of the approved scheme.

Reason: To ensure that flood risk is not increased and pollution risks are minimised through the use of SuDs in accordance with NPPF paragraph 103 and Taunton Deane Adopted Core Strategy CP8.

7. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife, incorporating a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice Michael Woods Associate's Ecological survey dated November 2012 and any up to date surveys and include:

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

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

these species are protected by law.

9. Notwithstanding the plans submitted prior to the commencement of development details of the proposed lighting for the development including details of foundations shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

10. No more than 44 dwellings shall be constructed on the site.

Reason: To limit numbers on site in the interests of landscape impact.

11. Oil interceptor traps shall be provided to any parking courts.

Reason: To prevent pollution of the water environment.

12. 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 25m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy DM1 of the Core Strategy.

13. 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 be submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed during construction and thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with policy DM1 of the Core Strategy.

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

Reason: To ensure that the proposed estate is laid out in a safe and proper

manner with adequate provision for various modes of transport in accordance with policy DM1 of the Core Strategy.

15. None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority, including an appropriate treatment of connection with footpath T10/26 near the Hyde Lane junction.

Reason: In the interests of connectivity and highway safety.

16. The applicant shall ensure that all vehicles leaving the site are in such condition as not to deposit mud, slurry or other debris on the highway. In particular means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been submitted to and agreed in writing by the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the construction at the site discontinues.

Reason: In the interests of highway safety in accordance with policy DM1 of the Core Strategy.

17. There shall be an area of hard standing at least 6 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Reason: In the interests of highway safety in accordance with policy DM1 of the Core Strategy.

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

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

#### 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.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should

ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

3. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit.

This must be obtained from the Highway Service Manager at the Taunton Deane Area Highways Office, Burton Place, Taunton, Somerset, TA1 4HE; tel no 0845 345 9155, email: [countyroads-tdeane@somerset.gov.uk](mailto:countyroads-tdeane@somerset.gov.uk). Application for such a permit should be made at least four weeks before access works are intended to commence.

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). The road should be built and maintained to the standards that the Highway Authority is able to adopt. The Highway Authority encourages developers to enter into an Agreement under Section 38 of the Highways Act as an alternative to the deposit of money required by section 219. Such an Agreement will be based on approved drawings and be supported by a Bond to cover the due performance of the works. Further information can be obtained from the Estate Roads Team, Transport Development Group, PP C502 County Hall, Taunton, TA1 4DY tel no 0845 345 9155, email: [estateroads@somerset.gov.uk](mailto:estateroads@somerset.gov.uk). Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Maureen Atwell, Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning her on 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.

Section 50 NRSWA 1991 (Sewer connections) - Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from the Highway Authority's Streetworks Co-ordinator (01823 483135).

4. You are advised that bungalows should be utilised on the southern part of the site to lessen the landscape impact.

## **PROPOSAL**

The proposal is an outline application for 44 dwellings at land south of Hyde Lane and west of the medical centre, and also includes a scout hut, open space, parking and drainage works. The application includes a Design and Access statement, a Planning Statement, a Flood Risk Assessment, a Transport Assessment, Landscape Appraisal and Ecological Appraisal.

## **SITE DESCRIPTION AND HISTORY**

The site consists of a sloping arable field to the west and south of the Medical Centre. The canal lies to the south, an existing boundary hedge lies to the west and residential property boundaries lie to the east. An existing field gate through elm hedging lies to the north giving access onto Hyde Lane.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CREECH ST MICHAEL PARISH COUNCIL* - Creech St Michael Parish Council strongly object to this proposal on the following grounds:

1. Whilst we appreciate the need for additional housing we find that this application fails to consider the wider implications for this village. For example the road traffic survey fails to take into consideration the impact of the site approved under planning application 14/12/0036, the proposed closure of Hyde Lane or the increase in traffic through the village caused by the emerging Monkton Heathfield development bearing in mind that part of that development falls into Creech St Michael parish & therefore will be using the Medical Centre facilities.

2. We are yet to receive written assurances that monies paid under S106 agreements will be "ring fenced" for use at Creech St Michael school only. Educational improvements & upgrades to the school using these monies must in place prior to occupation of new housing.

3. The suggested layout is of poor design creating a possible danger with children playing near the canal & attenuation pond. The lack of housing overlooking the proposed open space (& possible play area) could result in an unwelcome increase in anti-social behaviour. No provision is made for the upkeep of this open space. We feel insufficient consideration has been given to alternative or additional exits, into Arundel's Way for example, which may relieve the burden of traffic past the school.

4. The site has no provision for bungalows for the elderly or disabled within its affordable housing outline. This lack of provision will significantly alter the character of the village.

5. We have grave concerns as to the lack of an acceptable water runoff strategy as referred to in the Environment Agency report. The site needs a complete review as there is already an attenuation pond there to service Hollingsworth Park, (the fact that this pond has failed spectacularly to do its job being incidental), & the lack of a legal agreement between the developers & the Canal Trust causes concern.

6. We note that the site is outside the building line & not yet part of any adopted plan as unacceptable site for development.

7. THE FOLLOWING COMMENTS ARE MADE WITHOUT PREDJUDICE TO OUR OBJECTION TO THIS APPLICATION & SHOULD NOT BE TAKEN IN ISOLATION

OUTSIDE THE CONTEXT OF THIS DOCUMENT AS A WHOLE. Under planning application no. 14/12/0036 outline planning permission has been granted for a Scout Hut at a separate site. We have no need of another such hut & would therefore require a review of the proposed layout prior to its consideration by Planning Officers.

8. Should planning permission be granted we would like to see a pedestrian crossing situated at the entrance to the old Hyde Lane (now a foot & cycle path) to allow access to the recently equipped play area at the Recreation Field some 250 metres away.

9. Should planning permission be granted we would request on an S106 agreement local connection clause that qualifying local residents be given priority on affordable housing. In respect of the requested bungalows this will ensure elderly residents of Creech St Michael may continue living in their "home" village whilst releasing much needed social housing.

10. Whilst the extra parking is most welcome in an area of parking difficulty, especially at school drop-off & collection time, it is no compensation for the additional traffic created by this development as it is for housing only with no employment opportunities. This means more car journeys & thus more traffic related problems. The loss of Hyde Lane north to Britton's Ash will increase traffic along a narrow country lane towards Bathpool, a route previously noted by SCC Highways as offering potential dangers to both pedestrians & cyclists alike. In the event of acceptance of this proposal we would request any upgrading of this road to be completed before the occupation of the 1st dwelling.

In the light of the above our conclusion is to request rejection of this application at this time.

#### Further comments 7/3/13 .

The proposed revision is merely a by-pass to the points made and not a solution. The proposed works appear to require a pipeline being laid under several privately owned gardens in Queens Down, and yet no mention is made of their approval. This proposal still has the water emptying into the canal the only change being the circumvention of a new agreement and license. Additionally no mention is made of the points raised by Wessex Water in relation to further investigative work being required if development proceeds before the Monkton Heathfield development. We feel, therefore, that the amended proposal is not an adequate solution to the concerns raised by professional agencies.

There are also some additional points we would wish to raise. Creech St Michael has been identified in the Core Strategy as a minor rural centre where some development is appropriate. It does not, however, assess what that level should be or which are the most appropriate sites, this being the function of the Site Allocations Plan. This plan has only just come to public consultation and its conclusions will not be known for some months. Until this exercise is complete it is impossible to decide whether development proposals such as this application are sustainable. Sustainability is not just about the availability of local, basic services but also an evaluation of the role and function of the settlement, its local housing needs and whether there are locally available jobs that reduce the need to travel (and, if not, whether there are adequate levels of access by foot, cycle or public

transport to places where there are jobs). We would suggest there is little, if any, local employment available by foot, cycling involves the use of inadequate roadways in the absence of cycle paths and public transport ceases in the very early evening and is totally absent on Sundays. The immediate road network has been highlighted in planning application 14/12/0036 as being a potential reason for refusal. The necessity for car travel to and from work is thus compounding a previously identified problem and is also outside the principles of the Core Strategy.

The NPPF's "12 principles" require planning to be "genuinely plan-led, empowering local people to shape their surroundings". The Development Plan requires all prospective sites to be within current settlement limits where new development is strictly controlled. As this site is outside the settlement limit consent should be refused unless material considerations indicate otherwise (NPPF, paragraph 11). NPPF paragraph 14 allows consent where "the development plan is absent, silent or relevant policies are out of date". As the Site Allocation Plan is still ongoing, the trigger to use this test - the development plan being absent, silent or out of date - is not applicable and therefore this application remains contrary to the development plan.

The Council's Strategy and Communications Unit state in relation to planning application 14/12/0036 decisions on the scale of development and choice of sites in Creech St Michael should be made through the Site Allocations Plan. Accordingly, whilst we wait for the outcome of the consultations etc. this application should be refused.

Taunton Deane Borough Council's Site Allocation and Development Management Policies Plan item 2.26 states the Rest of Borough trajectory can account for nearly 1600 new homes over the period 2008-2028. Completions in the first 4 years have greatly exceeded Core Strategy requirements and therefore, in conjunction with the concerns of over allocation of land in 2.28, further development would threaten the Core Strategy. Creech St Michael has meaningfully contributed to the Core Strategy by way of Hollingsworth Park, some 76 dwellings and planning application 14/12/0036 (granted for an additional 35 houses) and now risks being overdeveloped before the sites have even been approved.

Given the above Creech St Michael Parish Council very strongly believe there are no grounds for further development in the village in this planning period and thus respectfully request that this application be refused.

*SCC - HIGHWAYS* – No objection subject to s Section 106 agreement to secure:

- 1) Forty-four thousand pounds (£44,000) or one thousand pounds (£1,000) per plot (whichever is the greatest sum) for safety improvements along Hyde Lane west of the M5; and
- 2) A Travel Plan in accordance with the Somerset Manual for Travel Plans.

Detailed comments on application:

General Location - The site is located to the west and south of the medical centre off Hyde Lane near the settlement of Creech St Michael which has a primary school, shops, public transport routes and other services. It is also relatively close



to Monkton Heathfield where Heathfield secondary school serves the east/northeast sector of Taunton and its surrounds.

The site is accessed from Hyde Lane which leads east to the centre of Creech St Michael, from thence north (to A38 and A361) or south (to A358), and also west across the MS via Hyde Lane Cottages to connect with the A38 at Bathpool, south of the Taunton-Bridgwater canal.

Nearby Highway Network Nature and Use - Hyde Lane narrows and has no footways east of the M5; for part of its length between the MS and Hyde Lane Cottages there are grass verges which enable pedestrians to walk or temporarily step clear of the carriageway when other traffic approaches. However closer to Hyde Lane cottages the highway corridor narrows and is bounded directly by mature hedges such that there is no opportunity for refuge for pedestrians from motorised traffic. The lane is not street-lit and the sinuous alignment also means that in parts forward visibility between road users is also limited to the detriment of road safety.

There is substantial ongoing new development on the Taunton side of the M5 at Monkton Heathfield. The recent closure of Brittons Ash lane will have some impact on local traffic movements, as some northbound traffic from this west side of Creech St Michael is likely to re-route going east first via the village centre and then north via North End to reach the A38, which is considered to be a higher standard alternative highway route.

A proportion of westbound traffic from Creech St Michael will doubtless continue to use Hyde Lane to access the A38 at Bathpool and this would be likely to grow if the proposed development takes place. Hyde Lane to Bathpool is characterised as a winding, narrow country lane where drivers passing in opposite directions take turns, waiting at wider points, in field gateways etc. Its nature means that it is relatively self-enforcing in terms of traffic capacity. The lane is therefore, appropriately, not attractive to drivers wishing to cut through between the A38, a County Route, and the A358, National Primary route. This local alternative, via Hyde Lane, is not a route the Highway Authority would wish to see used other than by local traffic with local access requirements. (In addition to providing local access the lane forms part of a local route which consists of minor roads through Creech St Michael which connects the A38 with the A358 avoiding key nodes on the direct connections at Creech Castle and at Junction 25 of the M5 which can be congested with delays at times).

Concern – pedestrian safety along Hyde Lane between M5 and Monkton Heathfield Students travelling to and from the nearby Heathfield Community School on foot or by bicycle travel along Hyde Lane turning right at Hyde Lane Cottages onto Brittons Ash, a lane which has recently been closed to motorised traffic. The Hyde Lane corridor remains a most direct route to the school for pedestrians and cyclists though between the M5 and the bend at Hyde Lane Cottages, it is a poor quality, substandard environment for these users. The situation for pedestrians is likely to have been improved by the recent closure of Brittons Ash but any new traffic generated by development between Creech St Michael and the M5 may reverse this. It is a well used route to school and it is expected it would also be used in addition by occupants of the proposed new dwellings.

Proposed Site Access - In detail, it is proposed to access the site on the outside of

a bend as such acceptable visibility onto Hyde Lane can be provided. A public footpath utilising an access track also joins Hyde Lane from adjacent fields at this point. As the public right of way will be affected by the development proposal it is recommended that the LPA consult with the County Council's RoW team to obtain their views on this proposal.

Immediately south of the access a small parking area has been included for school pick up/drop off purposes, but this is unlikely to be of much benefit as it is on the opposite side of the road to the school so it is likely to be a less preferred option. There has been development in recent years in the vicinity of the school such that there is more on-street waiting opportunity than there was. Having observed the situation at school start and finish times, although Hyde Lane looks busy and traffic can often only pass along it slowly with opposite directions taking turns at those times, this friction is considered beneficial in terms of keeping traffic speeds low. A high proportion of the children attending the school and nursery also arrive and depart on foot as they live nearby in the village. It is worth noting that another planning application (reference 14/13/0006) also seeks to provide additional parking spaces for staff at the school and it is anticipated that should permission be granted for that application then some of the cars that currently park on Hyde Lane would be displaced to that location at the back of the school.

Transport Assessment - The traffic impact of the proposed residential development is likely to be small. It will have some impact on Hyde Lane to/from the A38 and, consistent with other nearby proposals, it is suggested that a proportionate contribution to improvements be sought.

The main issue is that of parking. Whilst a commitment to some aspects of SCC's Parking Strategy is provided, this should cover all elements more explicitly. More importantly the additional parking for the school needs to be fully justified. Once justified the TS can be reconsidered; it is not acceptable as it stands.

It is suggested that the vehicle movements associated with the Scout Hut can be discounted as they would already be on the local network. This is not necessarily a straightforward argument, the principle of development on the existing site is an issue for the LPA and there may be another use in future. Nonetheless it is accepted that peak hour movements would probably be small and not therefore have a significant impact on the local highway network.

In paragraph 4.9 it is noted that the canal towpath (NCN Route 3) "would be directly accessible at the southern site boundary". This would be of great benefit, but is not evident from the site layout provided; indeed the towpath is on the other side of the canal, with no bridge in the vicinity.

A Travel Plan Statement will be required. Again, the proposal cannot be considered acceptable until this has been assessed and agreed by the Highway Authority.

Estate Road Matters - The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC); this means it is likely that a charge will be made against the cost of roadworks for this site but upon satisfactory completion of the site, monies/bond secured will be refundable. However near plots 15-19, as currently shown within the submitted drawing, part of the site will not be served by

an adoptable link and as a result, will be subject to legislation governing the Advance Payments Code such that any monies secured via APC for the construction of these 'unadoptable' links will not be returned to the developer after completion.

Flooding - The County Council as Lead Flood Authority is aware of the local concerns regarding drainage in Creech St Michael and have been working with a number of residents on various local flooding/maintenance matters. With regard to the wider issues of flooding and the effect of development, the Environment Agency has captured some Section 106 money to undertake a drainage study of this area. This will identify where the pinch points and potential problems are in the existing drainage system and make recommendations as to how these might be addressed, including consideration of the effect of potential new development in the village. A meeting between the Environment Agency, Wessex Water and the County Council's Flood Risk Management Team has been convened this Spring to discuss the scope of this report and agree who will lead on the work. Part of the meeting will be to agree how to involve the Local Planning Authority and TDBC Drainage Engineers in this work.

Construction Traffic - There are some concerns about how construction traffic will be routed to the site, particularly heavy and long vehicles. Hyde Lane is not suitable for long or wide vehicles, an alternative route from the A358 Ruishton is over a weak bridge (weight restriction applies) and what is on balance the better route into the village, from the A38 via North End, involves a width restriction, some traffic calming, and passes through the centre of Creech St Michael then uses the junction of Hyde Lane with St Michael Road and in turn along Hyde Lane passing the primary school to reach the site.

Summary of Requirements - It is clear that the development will generate both vehicular and pedestrian traffic on the local country roads. Whilst in strict capacity terms the carriageway can accommodate increased traffic it is clear that the introduction of this and additional pedestrians will result in potential conflict to the detriment of road safety.

To resolve this there are two possible scenarios:

- 1) To refuse permission for the development on highway grounds; or
- 2) To require contributions from this and potential future developments to:
  - a) install interim traffic management measures which enhance safety for users; and
  - b) construct a footway with any permanent associated traffic management measures required from the motorway bridge as far as to provide a safe pedestrian and cycle way to the proposed Pegasus crossing on the Monkton Heathfield Eastern Relief Road (MHERR).

It is my view that the 2nd option, to require contributions, is the most appropriate in these circumstances, being in addition to the requirement for a Travel Plan.

I would therefore raise no objection to the application subject to the developer entering into an S106 agreement to secure:

- 1) Forty-four thousand pounds (£44,000) or one thousand pounds (£1,000) per plot (whichever is the greatest sum) for safety improvements along Hyde Lane west of the M5; and

2) A Travel Plan in accordance with the Somerset Manual for Travel Plans.

Conditions - In the event of permission being granted, I would recommend that conditions are imposed:-

*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.

*SCC - RIGHTS OF WAY* - There is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (footpath T10/26). Any proposed works must not encroach on 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 footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public bridleway 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 the 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 a PROW.

If the work involved carrying out the development would make a PROW less convenient for continued public use (or) create a hazard to users of the 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 483069.

*LANDSCAPE* - My main concerns are the visual impacts of the proposals from the canal looking into the site from the south and from the west, where the proposed homes would be prominent behind the western boundary hedgerow on higher ground. The attenuation pond would fit better if it was longer and ran with the contours.

*BIODIVERSITY* – comments:

The site consists of recently harvested maize crop, surrounded to the west and north by hedgerows, to the east by residential development and the south by The Bridgwater to Taunton Canal. A recently built health centre and L shaped attenuation pond was located immediately to the north east. Development proposals will retain the hedgerows. Michael Woods Associates carried out an

Ecological survey of the site in November 2012. Findings were as follows:

Badgers - A small main or well used subsidiary badger sett was found within the NW of the site along with other badger signs such as maize cob feeding remains and badger paths. The surveyor considered that the sett should be retained and so would be unaffected by the development. If this changes a licence may be needed to disturb the sett. I support the proposal to erect a close boarded fence to create a buffer zone adjacent to the sett.

It is essential that an up to date survey is carried out prior to any construction taking place on site.

Bats - The surveyor found no trees on site suitable for bats. Boundary features are likely to provide commuting/foraging opportunities for bats specifically the western boundary which leads down to the canal. I agree that lighting along the hedgerow and canal should be restricted

Water vole - Signs of water vole (burrows and droppings) were identified along the canal. I support the retention of a 5m buffer during and post construction works and a wider 70 m buffer following development. I support the recommendation to survey for water voles one year following construction.

Otter - Although the surveyor noted no signs of otter (the survey was carried out following a week of heavy rainfall) it is highly likely that otters use this section of the canal, so a buffer is required

Amphibians - The recently constructed attenuation pond provides potential habitat for amphibians as does the canal.

Birds - Trees and hedgerows on site provide potential nesting and foraging opportunities for birds as does the canal. The hedgerows will be retained but any other vegetation clearance should take place outside of the bird nesting season.

I support the enhancements suggested in the report and suggest the following condition

Suggests Condition for protected species:

*HOUSING ENABLING* - 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.

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.

*THE RAMBLERS ASSOCIATION, SOMERSET* - No observations.

*COUNTY COUNCIL EDUCATION* –

Creech St Michael Primary School has a capacity of 240, but its current roll is 242; and it is expected to continue to be over-subscribed for the foreseeable future. This development of 44 houses would be expected to require nine primary school places and these would clearly not be available at present. Additional accommodation would therefore be required and developer contributions should be sought through Section 106 of the Act. The cost of each primary school place estimated by the DfE is £12,257, so contributions totalling £110,313 should be secured.

Heathfield Community School also already has a roll significantly in excess of its net capacity and, again, this is expected to be so in future years. Its capacity would need to be increased to meet the needs of this development, which would be expected to generate demand for six secondary school places. The DfE estimate of the cost of each of these is £18,469, so total contributions of £110,814 should also be sought.

*DRAINAGE ENGINEER* - I note the Environment Agency's objection lodged on 8th February and the revised surface water disposal strategy by the developer where surface water is now proposed to outfall into Wessex Water public sewers and that Wessex Water and the developer are having further discussions. Until WWA has made their revised comments regarding acceptable discharge rates then the FRA dated December 2012 is not acceptable. I am also in agreement with the EA's comments regarding the discharge of additional flows into the canal and the frequent overflows in the Bathpool and Firepool areas.

Further comments 23/4/2013

I am happy with the agreement reached between the Developer and Wessex Water and the approval, subject to conditions, as outlined by the Environment Agency.

*WESSEX WATER* - The site is served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's Advice Note 16 for further guidance.

Please refer to the attached extract from our records showing the approximate location of our apparatus in the vicinity of the site.

Foul Drainage - Initial appraisal suggests that the site may be drained by gravity which is preferable to a pumped solution. It is expected that the site can connect, by gravity, to the system in Queens Down. The FRA acknowledges that further investigation is required of the downstream sewerage system to ensure there is adequate capacity to accommodate flow from the proposed development. Capacity improvements are likely to be required for this site if development precedes

catchment improvements considered for development at Monkton Heathfield post 2015.

Surface Water - A connection to the surface water system in Queens Down with existing outfall to the canal is preferable to a new canal outfall. Rate of flow to be attenuated as indicate to 100 year event + climate change. The proposed pond will not form part of an adoptable system.

request a planning condition regarding Foul and Surface Water

#### Further comments 20/3/2013

I note the concerns raised over sewerage capacity arising from the proposed development. The drainage strategy for foul and surface water disposal can be agreed in principle. The points of connection to public sewer system are accepted and agreed. Foul water flows will drain by gravity to a new pumping station and then pumped to a point of connection at Arundells Way. The final pumping rate and emergency storage requirements will need to be agreed with Wessex Water.

Existing public sewers downstream of the proposed development are vulnerable to flooding under storm conditions. Wessex Water has a scheme programmed for 2014/15. This scheme will provide additional capacity with a new sewer and attenuation tank to prevent sewer flooding to downstream property. We are currently preparing scheme design for these capacity improvements. No additional funding or contributions will be required from the developer. There are also further improvements that may be considered at Creech St Michael and these are associated with strategic sewer capacity for the later phases of the Monkton Heathfield development at the west. However this is a future scheme and is unlikely to be considered for a number of years. Where additional catchment growth is planned further local improvements may be necessary to prevent sewer flooding. This may depend upon the Core Strategy allocations for proposed growth at Creech St Michael and how quickly these may be brought forward.

Surface water flows will be subject to flood risk measures and requirements agreed with the Environment Agency. These include restricted run off rates and attenuation measures to satisfy the 100 year event and allowance for climate change. The off site surface water sewer connection may need a requisition arrangement with Wessex Water.

There are a number of points that we have raised concerning the adoption requirements and these remain outstanding.

These concern the sewer layout and exceedance flows from the pond. DEFRA have advised that the mandatory build standard will be implemented in October of this year and we will seek to address these matters during technical approval for the sewer adoption.

In the circumstances the off site works needed to satisfy a foul drainage strategy for this site will be provided by the sewerage undertaker and therefore deferment of the permission appears unnecessary.

*LEISURE DEVELOPMENT* - In accordance with Local Plan policy C4 the provision

for play and outdoor active recreation should be made for the residents of these dwellings.

On site children's play provision should be made within the development proposal as the site appears to be more than 300m from the nearest existing children's play area. The outline application of 44 dwellings has 38 x 2bed+ family sized homes proposed. Each family sized dwelling should provide 20sq m of both equipped and open play space. The development proposal as shown should therefore provide 760 sqm of children's play space consisting of at least 400sqm LEAP, containing at least 5 items of equipment, with the balance of 360sqm being open play space. The LEAP should be centrally located to and overlooked to promote natural surveillance and sited away from the main access road. The Council's Open Spaces Dept should be asked to comment on the actual design and content of the playground.

- A contribution, currently £1454 for each dwelling, should be made towards the provision of facilities for active outdoor recreation.
- A contribution of £194 per dwelling should be made towards allotment provision.
- A contribution of £1118 per dwelling towards local community hall facilities, which are open to everyone and a focal point of community activities for all age groups should be sought to cope with the extra demand the proposal will create.
- All contributions should be indexed 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 development costs.

*ENVIRONMENT AGENCY* – Initially objected to the proposal but subsequently withdrew that objection following the submission of further information

Recommend conditions

*THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS)* – no objection:

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.

The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways



for the benefit of the public.

After due consideration of the application details, the Canal & River Trust has no objections to the proposed development, subject to the imposition of suitably worded conditions relating to:

Drainage - it is noted that the applicants wish to discharge into the canal, there is no guarantee that this would be acceptable. A formal application with supporting documentation will be required with developer contributing to the cost of undertaking this work (circa £2k) – Ideally this should be a condition of planning. If a discharge is deemed acceptable mitigation works may be required to protect the canal at the point of discharge and a license and commercial agreement will be required.

We therefore suggest that a condition requiring further details of drainage is imposed if the Local Planning Authority is minded to grant consent.

Landscaping - Landscaping adjacent to the Canal can affect how a development is perceived from the waterspace and towpath and needs to be designed and located to ensure it has no structural impact on the waterway and that the species are suitable for a waterside location. We therefore suggest that further details of the landscaping adjacent to the Canal are provided and that the Canal & River Trust is given the opportunity to comment on its suitability.

Pollution - During the construction phase of the development there is the possibility of pollutants entering the waterway, either through spillage, surface water run off or wind blow. This will be covered by our third party works process which controls works adjacent to a waterway. In run of contamination from car parking areas can also cause pollution and so suitable Oil interceptors traps should be provided to prevent pollution entering into ground or surface water.

The Boat house -

We note that the proposal includes a boat house. The Canal & River Trust is very supportive of proposals to increase recreational opportunities on the waterway however not all locations are suitable. We would wish to discuss the proposed use of the boat house and any impact it will have on the waterway before any project is taken further to ensure that we can be supportive of the proposed use and in order that the applicant is aware of any licenses etc. that may be required.

The Trust would also wish to see details of the proposed design, scale and materials of the boat house to ensure that it is suitable for its location close to the waterway. We assume that this will be provided in any subsequent application for reserved matters.

Lighting - In order to protect the appearance of the canal and reduce the impact of the development on habitat no lighting should be provided adjacent to the waterway.

#### Revised Comments 21/3/13

We note that the applicant has amended the drainage proposals and that surface water drainage will run into the canal via existing Wessex Water storm water drain. Wessex Water will need to satisfy themselves that this discharge will not have an

adverse impact on the canal.

*SOMERSET WILDLIFE TRUST* - In general we would support the findings and recommendations of the survey, although we would agree with the recommendation that it should be repeated if no development takes place within 12 months. We would also fully support the recommendations for ecological enhancements, in particular 6.5.3 regarding wildflower and seed mixes, 6.5.4 recommending the planting of native fruiting tree species, 6.5.5 recommending of the installation of bat and bird boxes, 6.5.6 recommending the sympathetic design of the attenuation pond to encourage use by wildlife and 6.5.7 and 8 the creation of log and brush piles as well as perches for wildlife. We would also agree recommendations for a construction management plan and a landscape management plan to ensure ongoing maintenance of the planting. In addition we also agree the recommendation for construction of close boarded fencing to create a buffer zone adjacent to the badger sett. Similarly the provision of a subterranean fence along garden boundaries should reduce the risk of badgers tunnelling into gardens and coming into conflict with residents. Further fencing as proposed will prevent residents mismanaging the hedgerows. We would also support the recommendations in the report in respect of limiting external lighting. As far as the issues of water voles are concerned we would fully support the recommendations in 6.4.16-20, although we are not sure how realistic the proposing the belling of cats is likely to be. We support the fencing off of 5m from the canal bank for wildlife purposes. We would also hope that when detailed design takes place consideration is given to incorporation of wildlife corridors through and around it. We request recommendations in the ecological survey are incorporated into the planning conditions if it is decided to grant permission.

#### *PLANNING POLICY* – comment

##### The principle of development

Both application sites lie beyond the existing settlement limits of Creech St. Michael in open countryside. The proposals therefore run counter to policies CP8, SP1 and DM2 of the adopted Core Strategy. Notwithstanding this technical conflict with the development plan, both sites are in relatively sustainable locations with good access to the nearby primary school and medical centre as well as a local shop, post office, pub, church and village hall.

Creech St. Michael is identified as one of five Minor Rural Centres within the adopted Core Strategy. Policy SP1 of the Core Strategy makes provision for the allocation of at least 250 net additional dwellings across these centres.

It is unlikely that each of the Minor Rural Centres will contribute an even, pro-rata'd share of the 250 target. The precise scale of development attributed to each Minor Rural Centre will be determined by the emerging Site Allocations and Development Management Policies Plan taking into account the availability of suitable sites, the capacity of local infrastructure and the character and setting of each village as well as the level of local affordable housing need.

The Site Allocations Plan is still at a relatively early stage of production. The Council undertook an initial Issues and Options consultation in early 2013, the

responses received by the community and key stakeholders will be used to inform the development of a Preferred Options Plan in the Autumn of 2013.

The cumulative impact of approving these two applications, (along with the previously approved Strategic Land Partnerships application for 35) would see around 110 new dwellings identified in Creech. This level of new housing could be considered out-of-scale to that needed in the village but needs to be considered in the context of the issues identified above, namely:

- whether or not the applications can be technically accommodated;
- the capacity of local infrastructure;
- the effect of approving the proposals on the character and setting of the village; and
- the level of local affordable housing need.

With the above in mind, it may be preferable to see the sites considered through a plan-led approach with the sites identified as allocations, if appropriate, through the Site Allocations and Development Management Policies Plan. Notwithstanding this, the responses made through the consultation on the respective planning applications could be used to make a similar judgment as would be made through the Development Plan with regards to the important considerations identified.

It should also be noted that both these sites would appear to be free from some of the technical constraints which may weigh against the identification of some other allocation options identified for the village.

#### Detailed policy considerations

Since application 14/12/0043 is in outline form, it is considered un-necessary to comment further in respect of this site. It should be noted that the Council's Green Infrastructure Study, part of the evidence base to the Council's Core Strategy, identified an 'opportunity' for the provision of a new green wedge to the east of the motorway. Given the comments of the Council's Landscape Lead, it does not seem that this 'opportunity' is likely to be pursued through the SADMPP.

#### Conclusions

Clearly these applications, if approved will go a long way towards determining the scale, distribution (and the case of the David Wilson application) and form of development in the village over the plan period. With this in mind, a key consideration should be whether or not approving these schemes would prejudice the outcome of the Site Allocations and Development Management Policies Plan.

To balance against this consideration is of course the NPPF and its 'Presumption in Favour', the Site Allocations Plan is technically 'absent' at this point, so in reaching a conclusion as to whether or not either or both applications should proceed, consideration should be given as to whether or not the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

## **Representations**

## 22 letters of OBJECTION on grounds of

- Primary school is oversubscribed with no funds to increase classrooms or employ teachers,
- need to ensure sufficient contributions for primary school to expand and plans for it within the timescale of the development,
- Hyde Lane is a narrow country lane and dangerous especially to pedestrians,
- Lane cannot be widened to accommodate increase in traffic,
- additional traffic and congestion,
- road layout in Hyde Lane is inadequate,
- cars parked on the road create a dangerous route, obstruct visibility, a daily evolving chicane, and this will worsen with other housing schemes,
- the drop off area is on the wrong side of the road,
- a danger for cyclists,
- improvement to secondary school route for children required,
- inadequate parking,
- will increase accident risk,
- new junction will cause loss of privacy and safety to property opposite,
- concern over traffic outside of the school and young people walking to the A38,
- will increase flood risk locally and field to be built on has been saturated since November and it could affect neighbouring properties in future,
- the existing pond does not seem to be working,
- 90 homes at Hollinsworth Park and with further proposals we are taking more than our fair share to detriment of village look and reputation,
- will lead to urban sprawl with loss of village atmosphere and impact on character,
- concern over impact on right of way,
- conflict between new road and footpath,
- a dedicated drop off point for the school, open space and a scout hut should not be an argument for granting planning permission,
- drop off point is unnecessary,
- as at 1/4/13 there were 18 empty properties in the parish and more should be done to bring these back into use,
- scout hut not needed,
- play area too close to attenuation pond and dangerous,
- site visible from Thorn Hill and Stoke Wood causing a visual impact,
- loss of view and value of property,
- if the scout hut is provided elsewhere this will mean more housing,
- the land next to the canal is to be community land but who is to maintain it,
- concern over noise from pumping station,
- Sewerage system cannot take further capacity,
- proper provision for access to adjacent track required,
- a secure fence adjacent to properties of Queens Down is needed,
- loss of privacy,
- brownfield sites and empty properties should be prioritised over new build.
- further housing should go to Monkton Heathfield.

## Issues identified by the community through the recent consultation as part of the SADMPP

- The village is already used as a rat-run and congested with traffic, which is especially problematic along Hyde Lane/primary school.

- There are existing safety issues for children walking/cycling to Heathfield school.
- The primary school is already full. A new school or extensions are needed.
- The village is already experiencing flooding. Development will make matters worse. Particular problems were identified around Hyde Lane, North End and around St Michaels Road, towards the canal.
- There are insufficient services in the village to accommodate the growth
- There are enough houses in the village already and further development will erode the village character.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
 STR1 - Sustainable Development,  
 STR6 - Development Outside Towns, Rural Centres and Villages,  
 S&ENPP49 - S&ENP - Transport Requirements of New Development,  
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP8 - TD CORE STRATEGY- ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
 M4 - TDBCLP - Residential Parking Provision,

## **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)	£47,479
Somerset County Council (Upper Tier Authority)	£11,870

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£284,874
Somerset County Council (Upper Tier Authority)	£71,218

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations with the proposal are the policy issues, sustainable location, landscape and biodiversity impact, community issues, affordable housing, drainage, access and highway safety.

### Policy

The Planning Policy team have commented that the application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Core Strategy (policies CP8, SP1, DM2). Despite being in the open countryside, the application site is considered sustainable as it is close to the settlement boundary of Creech St Michael and has good access to a reasonable level of services and facilities including; primary school, doctor's surgery, shop, post office and pub.

The site has been identified in the Strategic Housing Land Availability Assessment (SHLAA) and is recognised as being 'developable'. Developable status means that in the broad terms in which the SHLAA considers suitability as well as availability and achievability, the Panel felt on balance the site meets the basic tests. However, the SHLAA conclusion does not prejudice or preclude the outcome of any planning application nor indicate that the site will ultimately be allocated through a future development plan document. From an allocation point of view, the site is being considered as part of the Site Allocations Document which follows on from the adoption of the Core Strategy. Although many would consider that a plan-led route would be most appropriate way for this site to be assessed, the application has been submitted and must be considered now and on its own merits in light of its sustainable location and policy guidance.

In the absence of a Site Allocations Document the application should be considered against the National Planning Policy Framework (NPPF) and the development plan unless material considerations indicate otherwise. The NPPF states there is a presumption in favour of sustainable development and that for the purpose of decision taking (where the development plan is absent, silent or relevant policies are out of date) local planning authorities should grant planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

In this instance it is considered that the development plan is not totally silent as it recognises Creech St Michael as a sustainable location for development. However, it is considered to be silent on where any further sites will be allocated for residential development and the amount of development that should be accommodated. The policy SP1 indicates allocation of small scale sites and ideally on sites within the development boundary. However there are no such sites and those identified and consulted on, like the current proposal, lie outside of existing settlement limits.

The following sections consider the impacts of the proposed development.

### Sustainable Development and Accessibility

The settlement of Creech St Michael is identified in the Core Strategy as a sustainable location for development under policy SP1 and this states that at least 250 dwellings should be provided over 5 settlements with no size limit. The proposal is for 44 units and would comply with the above policy requirement. There are existing local facilities within the village and the school and doctors are within easy walking distance within 400m and there is a regular bus service to Taunton. In addition there are local footpath links and access to the cycle route along the canal.

The site is therefore considered accessible and sustainable.

### Landscape and Biodiversity Impact

The site is a sloping field bounded by hedgerows to the west and north and lies between the residential development and doctor's surgery to the east and fields to the west. The site will be visible from the residential properties to the east and north and from more long distant views from the south across the canal. The land falls away to the south and development of the site is limited to restrict development to the northern part of the field and thus limit the affect on long distance views. There is scope to enhance the existing planting to the west and south which is proposed and is in compliance with the Landscape Officer's view. It is considered planting to the south would help break up any long distance views of the new housing and would also be required to landscape the attenuation pond and would not lead to any harm in terms of landscape impact. The Canal and River Trust also consider there needs to be control over any lighting in proximity to the canal and a condition to address this is considered appropriate.

There are no protected species identified as using the site and its agricultural use has limited the biodiversity benefits. Habitat improvements will be sought through condition which would include the provision of tree and shrub planting to the western boundary and a condition to protect and preserve wildlife is also proposed.

### Community Issues

The County Education Officer recognises that there is a need for places and expansion of both the primary school in Creech St Michael and the nearby secondary school. As a result there is a request for appropriate monetary contributions to fund expansion in respect of both primary (£110,313) and secondary education (£110,814) and this would be secured by a Section 106 legal agreement. The County Council as Education Authority has also responded that the school can be extended without need for additional land.

The Community Leisure Officer requires provision for adequate play and recreation provision in line with retained policy C4 of the Taunton Deane Local Plan. In light of assessing the illustrative layout it is considered that such facilities should partly be provided on site. A play area can be provided on site and the provision for outdoor active recreation will require a contribution of £1434 per dwelling towards facilities off site. Such contributions would be index linked and secured through a Section 106 agreement.

In addition to the above there is a request for allotment provision, community hall facilities and public art. The applicant is willing to pay the appropriate contribution per house for allotment provision. The applicant is proposing to provide land for a scout hut and while provision is being made on alternative site, this potential site would still need to be secured through a legal agreement to give the scouts options. The siting of this on the illustrative layout is such that it would not lead to additional housing should this not go ahead. There is also a request for community hall facilities which should be open to everyone and public art. A suitable contribution. to secure this can also be secured through an appropriate wording in the legal agreement.

## Affordable Housing

Under Core Strategy policy CP4 there is a requirement for 25% affordable housing on site which the applicant has agreed to. This will equate to 11 dwellings which will be secured through a legal agreement with a local connection clause to address the request of the Parish Council and ensure priority is given to local people in housing need.

## Drainage

A Flood Risk Assessment has been submitted with this application which is located in flood zone 1 which is an area of least risk. Proposals are set out for the disposal of foul and surface water drainage. The foul drainage will link to the existing sewer system either directly or via a pumping station. Wessex Water has confirmed the existing treatment works has capacity and a condition to ensure an appropriate drainage strategy is recommended by Wessex Water and the Environment Agency.

With regard to surface water drainage a Sustainable Urban Drainage scheme is proposed. Initially this utilised a pond system to ensure existing greenfield run-off rates are achieved with a new outfall to the canal. This was objected to by the Environment Agency and the scheme was amended to link to Wessex Water storm sewers but with additional on site infiltration and storage capacity. The Environment Agency has withdrawn its objection to this revised scheme and recommends a condition to ensure an adequate strategy is provided on site. The Council's Drainage Officer concurs with this approach.

## Access and Highway Safety

The access to the site lies off an existing adopted highway where there is adequate visibility in both directions given the road speed limit. The applicant is proposing a footpath link from the site to the existing residential development on Hyde Lane. The Highway Authority is satisfied with access and capacity of the road to take the additional traffic generated. A strong concern and potential objection is raised however in terms of pedestrian safety over the stretch of road between the M5 bridge and the junction with Hyde Lane Cottages to the west where the road will be closed and a footpath cycle link to the school provided. Highway safety concerns have also been raised by the Parish Council and a number of objectors. The Highway Authority recommend contributions from this site to address the highway safety concerns and it is considered that this is a reasonable request which should be applied to this scheme. The contribution for improvements would amount to £1000 per dwelling and would be sought through a legal agreement. This would provide potential improvements to safety along the road to the west as set out in the Highway Authority response. A Travel Plan is also proposed by the applicant and this would also be secured through the legal agreement.

The Highway Authority recommend 15 conditions, however it is considered that a number of these are either unnecessary or unenforceable and consequently there are 6 conditions imposed in respect of visibility, highway details, parking, turning, footpath links and wheelwash facility during construction.



## Other Issues

The receipt of the New Homes Bonus is noted, however it is considered that this matter carries limited weight in this instance.

## Conclusion

The NPPF contains 12 core planning principles that underpin decision taking and the proposal has been considered against these and relevant development plan policies. The application is not genuinely plan led in that it pre-dates the small sites allocations document. However, it would deliver homes in a sustainable way and location and provide community benefits in terms of affordable homes, a scout hut site, contributions to leisure and community facilities and improvements to highway safety. It is considered that one of the most important considerations is whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits. I believe that the benefits outweigh any harm that may be caused in this rural location and therefore planning permission should be granted.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

14/13/0006

GADD PROPERTIES LTD

**ERECTION OF 55 DWELLINGS, PROVISION OF SCHOOL CAR PARK, VEHICULAR ACCESS, PUBLIC OPEN SPACE AND ASSOCIATED WORKS ON LAND TO THE NORTH OF PRIMARY SCHOOL, HYDE LANE, CREECH ST MICHAEL**

Grid Reference: 326979.126031

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision:

Subject to the provision of a Section 106 Agreement to address the provision of

- 25% Affordable Housing provision on site,
- Contribution of £134,827 towards primary education,
- Contribution of £147,752 towards secondary education,
- Contribution of £2644 per 2bed+ dwelling for children's play provision
- Contribution of £1434 per dwelling towards the provision of outdoor active recreation,
- Contribution of £194 per dwelling for allotments,
- Contribution of £1118 per dwelling towards a community hall facility in Creech St Michael,
- provision of maintenance of the open space and flood attenuation area
- a contribution of £55,000 (or £1000 per plot) for safety improvements along Hyde Lane west of the M5 towards the secondary school,
- Green Travel Plan measures

The proposed development of 55 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the character of the area. The access is considered suitable to serve the site and as such the proposal is in accordance with the provisions of policies SD1, SP1 and DM1 of the Core Strategy. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The proposal is considered not to have a detrimental impact upon visual or residential amenity or on flood risk and is therefore considered acceptable and, accordingly, does not conflict with Policies CP4 (Housing), CP8

(Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy and retained policy C4 of the 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 P341-WD5 Rev G Elevations
- (A3) DrNo P341-WD5 Rev J Floor Plans
- (A1) DrNo 1128-105 Rev B Layout Indication Public Open Space
- (A1) DrNo 1128-103 Rev B Facing Material Layout
- (A1) DrNo 1128-100 Rev B Planning Layout
- (A1) DrNo 1128-106 Rev B Boundary Treatment
- (A1) DrNo 1128-104 Rev B Affordable Housing Detail
- (A1) DrNo 1128-102 Rev B Storey Heights
- (A0) DrNo BIR 4180\_06A Detailed Soft Landscape Proposals
- (A2) DrNo D21 39 P5 Tree Protection Plan
- (A3) DrNo FMW0979 - SK01 REV B Junction Access Arrangement with Speed Table
- (A1) DrNo 12108 - SK7 Rev A Storm Balancing Pond Cross Sections
- (A1) DrNo 12108 - SK3 Rev A Preliminary Planning Levels
- (A1) DrNo 12108 - SK4 Rev B Storm Foul Drainage Strategy
- (A1) DrNo 12108 - SK6 Rev A Storm Balancing Pond Layout
  
- (A3) DrNo 1128-101 Location Plan
  
- (A1) DrNo 1128-PL-107 Site Sections to Illustrate General Topography
- (A1) DrNo 1128-STE-01 Street Elevations
- (A3) DrNo SD14-003 Standard Gate 3
- (A3) DrNo SD14-010 1200 Ranch Style Fence
- (A3) DrNo SD14-011 1800 Brick Pier Wall
- (A3) DrNo SD14-015 1800 Close Boarded Timber Fence
- (A3) DrNo SD14-016 1800 Privacy Gate Detail
- (A3) DrNo SD14-017 1200 & 1800 Larch Lap Fence
- (A3) DrNo H406 BAY---5 Planning 1 of 2 Elevations

(A3) DrNo H406 BAY---5 Planning 2 of 2 Plans  
(A3) DrNo H469--X5 Planning 1 of 2 Elevations  
(A3) DrNo H469--X5 Planning 2 of 2 Plans  
(A3) DrNo H500---5 Planning 1 of 2 Elevations  
(A3) DrNo H500---5 Planning 2 of 2 Plans  
(A3) DrNo H536---5 Planning 1 of 2 Elevations  
(A3) DrNo H536---5 Planning 2 of 2 Plans  
(A3) DrNo P341-D-5 Planning 1 of 2 Elevations  
(A3) DrNo P341-D-5 Planning 2 of 2 Plans  
(A3) DrNo P230--D5 Planning 1 of 2 Elevations  
(A3) DrNo P230--D5 Planning 2 of 2 Plans  
(A3) DrNo P230---5 Planning 1 of 2 Elevations  
(A3) DrNo P230---5 Planning 2 of 2 Plans  
(A3) DrNo SH18---5 Elevations  
(A3) DrNo SH18---5 Plans  
(A3) DrNo SH37---5 Elevations  
(A3) DrNo SH37---5 Plans  
(A3) DrNo SH45---5 Elevations  
(A3) DrNo SH45---5 Plans  
(A3) DrNo G101 Garages 1 of 5  
(A3) DrNo G102 - plot 55 Only Garages 2 of 5  
(A3) DrNo G201 Garages 3 of 5  
(A3) DrNo G202 Garages 4 of 5  
(A3) DrNo G203 Garages 5 of 5

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) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.  
  
(ii) For a period of five years after the completion of the landscaping scheme,

the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development 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 a plan indicating the position and design of the boundary fencing to the eastern boundary with West View. The agreed boundary treatment shall be completed before construction is commenced or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy DM1(E) of the Taunton Deane Core Strategy.

6. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.0 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy DM1 of the Core Strategy.

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

Reason: In the interests of highway safety in accordance with policy DM1 of the Core Strategy.

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

highway.

Reason: To ensure that the proposed estate is laid out in a safe and proper manner with adequate provision for various modes of transport in accordance with policy DM1 of the Core Strategy.

9. None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with the submitted plan unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of connectivity and highway safety.

10. The applicant shall ensure that all vehicles leaving the site are in such condition as not to deposit mud, slurry or other debris on the highway. In particular means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been submitted to and agreed in writing by the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the construction at the site discontinues.

Reason: In the interests of highway safety in accordance with policy DM1 of the Core Strategy.

11. There shall be an area of hard standing at least 6 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Reason: In the interests of highway safety in accordance with policy DM1 of the Core Strategy.

12. No work shall commence on the development hereby permitted until details of the traffic calming shown on drawing no FMW0979-SK01B have been submitted to/approved in writing by the Local Planning Authority. Such traffic calming shall then be fully constructed in accordance with the approved plan/details to an agreed specification before the development is first brought into use. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

Reason: In the interests of highway safety in accordance with policy DM1 of the Core Strategy.

13. The school car parking area shown on the submitted plan shall be marked out in a manner to be agreed in writing by the Local Planning Authority prior to car park being brought into use. The parking area and access shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles in connection with the school use.

Reason: To ensure orderly parking on the site and decrease the likelihood of parking on the highway in the interests of highway safety.

#### 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.
2. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Taunton Deane Area Highways Office, Burton Place, Taunton, Somerset, TA1 4HE; tel no 0845 345 9155, email: countyroads-tdeane@somerset.gov.uk. Application for such a permit should be made at least four weeks before access works are intended to commence. 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). The road should be built and maintained to the standards that the Highway Authority is able to adopt. The Highway Authority encourages developers to enter into an Agreement under Section 38 of the Highways Act as an alternative to the deposit of money required by section 219. Such an Agreement will be based on approved drawings and be supported by a Bond to cover the due performance of the works.

Section 50 NRSWA 1991 (Sewer connections) - Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from the County Council's Streetworks Co-ordinator (01823 483135). Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Traffic and Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning on 01823 355645. Applications should be submitted at least four weeks

before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.

## **PROPOSAL**

The application is a detailed one for the erection of 55 dwellings, provision of a school car park, vehicular access, public open space and associated works at land to the north of the primary school in Creech St Michael. The housing will consist of 41 open market and 14 affordable units and will include:

- 7 x 2-bed units,
- 7 x 3-bed units,
- 30 x 4-bed and
- 11 x 5-bed units.

The application includes a Design and Access statement, a Planning Statement, a Flood Risk Assessment, a Transport Assessment, a Tree survey, Landscape Appraisal, Historic Environment Assessment and Ecological Appraisal.

## **SITE DESCRIPTION AND HISTORY**

The application site consists of a field bounded by a hedgerow on 3 sides with the school to the south and rear gardens of West View properties on the eastern side. The hedge to the west bounds the old road, now a cycle route and fields to the north. The site has previously been put forward as a potential housing site in the SHLAA but there have been no applications on the site before.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CREECH ST MICHAEL PARISH COUNCIL* - Creech St Michael Parish Council strongly object to this application on the following grounds:

1. We understand the principles of considering each application individually & that the NPPF must be taken into consideration, but new housing estates should be sustainable by being near a range of shops & facilities so as to reduce the dependency on car usage. Developer financed independent reports indicate a shop, Post Office & a range of shops in Creech St Michael. In reality the convenience shop is poorly located for today's requirements, has insufficient off road parking, has



a lack of wheelchair access & has the Post Office located in store, hardly a range of shops. This shop & the village in general will be the victims of over development when all construction work is concluded. Planning application 14/12/0036 has been granted giving 35 houses, planning application 14/12/0043 is due for consideration giving 44 houses & this application suggests 56 more houses totalling 135 new family houses, more than 50% of the suggested total in the Core Strategy for 5 rural centres. This we feel is an unacceptable number.

2. Much is made of our village amenities but no reference is made to their usage by the new Monkton Heathfield development. Some 320 houses are nearing completion with the possibility of another 651 before any infrastructure is in place. These houses are entitled to register with Creech St Michael Medical Centre. The proposed closure of Hyde Lane north will encourage additional traffic through the village centre especially North End where there is no pavement & S.C.C. Highways Department are struggling to find an acceptable solution at the present without the complication of extra traffic. The road through Creech also suffers from decaying narrow bridges, narrow roads & width restrictions, hardly an ideal scenario for additional traffic. Whilst not directly a result of this application these factors in addition to the traffic generated by this & other applications cause us great concern. The Core Strategy is aimed at providing new homes & employment. There is no local employment generated by this application only more vehicles attempting to use restricted road space. We note that the L.P.D. calls for medical facilities to be accessible by public transport; the Medical Centre has no bus route & Hyde Lane, which has no parking restrictions, is not wide enough to accommodate a bus. Indeed, if such a service could be provided & the occupants of the proposed homes all used it we would need a fleet of buses!

3. The Primary School is not only oversubscribed but also overcrowded. Should the estimate of primary age school children prove accurate, & that is debatable, then approximately 20 children will attend the school. The I.T. suite & Main Hall have already been lost leading to children having to sit on the floor to eat lunch. This is not an acceptable situation & the addition of more children as a result of this application will make the situation even worse. The pre-school also occupies the school site & is full to capacity with an extended waiting list, the advent of more children therefore being unsustainable. The proposed site would preclude any future development of the school despite the probability of increased child numbers.

4. The layout of this site is of poor design with a lack of open space. This will result in children playing in the roadways & will lead to anti-social behaviour. Additionally the houses lack variation in type & construction & therefore appear incongruous with the existing village pattern.

5. The Parish Council have concerns as to the calculations of water run-off & the size of the attenuation pond. Miscalculation here would result in severe flooding issues in West View & North End, not a satisfactory situation given the flooding experienced earlier this winter. As this site was first discussed with planners in 2010

have recent surveys been carried out or are the developers using outdated information?

6. We note that the affordable housing plan does not include any bungalows for elderly or disabled people. Given the school is registered to take children with special needs & that a village has elderly residents who would wish to stay in their "home" village in later life then this provision is seen as essential.

7. The Parish Council has grave concerns with regard to the proposed access to the site. As there are no parking restrictions on Hyde Lane the assertions as regards site lines are misleading. It is also unacceptable for the estimated volume of traffic to queue alongside the school & pre-school playing areas causing possible health issues through vehicle emissions pollution. We must question whether all possible exits & entrances have been examined. There are also safety concerns as there is a lack of pedestrian railings & an adequate crossing facility from a public footpath, the main route used by children & parents to access the school.

8. The proposed car parking facility is misleading. There are 30 full time staff employed at the school & a number of part time & voluntary workers. An open car park of 32 spaces which is accessible by residents, school staff & visitors will be insufficient. The lack of a time scale for its donation to the school is unsatisfactory as is the concept of opening school property to allow access to this car park. We note that preliminary discussions held between the Parish Council & the developers involved not only a dedicated school car park but also the building of an additional hall on school premises. These proposals have now been forgotten.

9. THE FOLLOWING COMMENTS ARE MADE WITHOUT PREDJUDICE TO OUR OBJECTION TO THIS APPLICATION & SHOULD NOT BE TAKEN IN ISOLATION OUTSIDE THE CONTEXT OF THIS DOCUMENT AS A WHOLE. Should permission be granted for this application, we feel a local connection clause for villagers with a proven need to be given priority for affordable housing is required. Also any educational monies should be "ring-fenced" for Creech St Michael primary school & any road improvements should be in place before the occupation of the first dwelling, specifically to enhance Hyde Lane from the M5 bridge to the Monkton Heathfield development providing direct access to the A38 with provision for cycle & footpaths. In addition, to stop 'rat-running' through Creech St Michael a scheme of traffic calming measures, preferably speed humps, should be implemented.

10. Additionally site deliveries should be outside of school drop off & collection times & all work carried out a minimum of 75 metres away from school premises so as to prevent noise & dust pollution.

11. In conclusion the Parish Council feel that this site is wholly inappropriate given the above. As this site, less the proposed access route, appears on the T.D.B.C. proposed site listing which was only open to consultation on 12.02.13 we feel this application is premature. The site adjoins another proposed site which is considered too large at this juncture & we feel it would be prudent to consider both sites

together with an alternative access in the next planning period, allowing time for full assessment of water run-off, flooding, traffic & educational issues. We therefore respectfully request refusal of this application.

THE FOLLOWING COMMENTS ARE MADE IN ADDITION TO AND NOT SEPARATE FROM OUR EARLIER SUBMISSION AND SHOULD BE TAKEN AS PART OF THAT DOCUMENT.

There are also some additional points we would wish to raise. Creech St Michael has been identified in the Core Strategy as a minor rural centre where some development is appropriate. It does not, however, assess what that level should be or which are the most appropriate sites, this being the function of the Site Allocations Plan. This plan has only just come to public consultation and its conclusions will not be known for some months. Until this exercise is complete it is impossible to decide whether development proposals such as this application are sustainable. Sustainability is not just about the availability of local, basic services such as the shop or pub which being commercial enterprises may close at any time, but also an evaluation of the role and function of the settlement, its local housing needs and whether there are locally available jobs that reduce the need to travel (and, if not, whether there are adequate levels of access by foot, cycle or public transport to places where there are jobs). We would suggest there is little, if any, local employment available by foot, cycling involves the use of inadequate roadways in the absence of cycle paths and public transport ceases in the very early evening and is totally absent on Sundays. The immediate road network has been highlighted in planning application 14/12/0036 as being a potential reason for refusal. The necessity for car travel to and from work is thus compounding a previously identified problem and is also outside the principles of the Core Strategy.

The NPPF's "12 principles" require planning to be "genuinely plan-led, empowering local people to shape their surroundings". The Development Plan requires all prospective sites to be within current settlement limits where new development is strictly controlled. As this site is outside the settlement limit consent should be refused unless material considerations indicate otherwise (NPPF, paragraph 11). NPPF paragraph 14 allows consent where "the development plan is absent, silent or relevant policies are out of date". As the Site Allocation Plan is still on-going, the trigger to use this test, "the development plan being absent, silent or out of date" is not applicable and therefore this application remains contrary to the development plan.

The Council's Strategy and Communications Unit state in relation to planning application 14/12/0036 decisions on the scale of development and choice of sites in Creech St Michael should be made through the Site Allocations Plan. Accordingly, whilst we wait for the outcome of the consultations etc. this application should be refused.

Taunton Deane Borough Council's Site Allocation and Development Management Policies Plan item 2.26 states the Rest of Borough trajectory can account for nearly 1600 new homes over the period 2008-2028.

Completions in the first 4 years have greatly exceeded Core Strategy requirements and therefore, in conjunction with the concerns of over allocation of land in 2.28, further development would threaten the Core Strategy. Creech St Michael has meaningfully contributed to the Core Strategy by way of Hollingsworth Park, some 76 dwellings, and planning application 14/12/0036 (granted for an additional 35 houses), contributing 111 dwellings to the Core Strategy's aim of at least 250 new homes within the 5 minor rural centres and now risks being overdeveloped and its sustainable services overrun before the sites have even been approved.

Given the above Creech St Michael Parish Council very strongly believe there are no grounds for further development in the village in this planning period and thus respectfully request that this application be refused.

#### Further comments dated 22/4/2013

Again we find ourselves discussing this unwanted and unsuitable application. We now find the developers have submitted amendments even though the reasons for this have not been made public. Our previous correspondence has indicated our total rejection of the suitability or sustainability of this development and there is nothing in this amendment to alter this point of view. It does however raise the question of the ability of this applicant to accurately calculate the water run off rate and therefore its affect on the environment. Whilst we are not suitably trained in this matter we rely on others to assess honestly such an impact and if the first calculations had to be reworked because of a "profit above all else" attitude what faith can we have in the second effort? The application still fails to show the precise shape, size and depth of the attenuation pond, preferring instead to discuss the with the planning department at a later date. How can this be appropriate for a full application?

Our main objection to this amendment involves the areas of open space. The main open space is still closely linked to the attenuation pond thus giving concerns for public safety and the additional areas are of no practical use as "public open space". It would appear that yet again a mathematical exercise to conform to legal requirements has been given priority over the true meaning of the law.

There appears to be a loss of some trees in the car park area and the parking spaces seem to vary between 32 and 34 spaces depending on which element of the plan is examined.

There seems to be some fundamental problems with this application which are not successfully addressed by this amendment and we find no reason to alter our original opinion and strongly urge rejection.

SCC - TRANSPORT DEVELOPMENT GROUP - no objection subject to the developer entering into an S106 agreement to secure:

- 1) Traffic calming measures along Hyde Lane to work with the existing measures;
- 2) Fifty-six thousand pounds (£56,000) or one thousand pounds (£1,000) per plot (whichever is the greatest sum) for safety improvements along Hyde Lane west of the M5; and
- 3) A Travel Plan in accordance with the Somerset Manual for Travel Plans.

Detailed comments on application:

Location - The site is located next to the M5 and near Creech St Michael which has a primary school, shops, public transport routes and other services. It is also relatively close to Monkton Heathfield where Heathfield secondary school serves the east/northeast sector of Taunton and its surrounds.

The site is accessed from Hyde Lane which leads east to the centre of Creech St Michael, from thence north (to A38 and A361) or south (to A358), and also west across the M5 via Hyde Lane Cottages to connect with the A38 at Bathpool, south of the Taunton-Bridgwater canal.

Local Highway Network and Use - Hyde Lane narrows and has no footways east of the M5; for part of its length between the M5 and Hyde Lane Cottages there are grass verges which enable pedestrians to walk or temporarily step clear of the carriageway when other traffic approaches. However closer to Hyde Lane cottages the highway corridor narrows and is bounded directly by mature hedges such that there is no opportunity for refuge for pedestrians from motorised traffic. The lane is not street-lit and the sinuous alignment also means that in parts forward visibility between road users is also limited to the detriment of road safety.

There is substantial ongoing new development on the Taunton side of the M5 at Monkton Heathfield. The recent closure of Brittons Ash lane will have some impact on local traffic movements, as some northbound traffic from this west side of Creech St Michael is likely to re-route going east first via the village centre and then north via North End to reach the A38, which is considered to be a higher standard alternative highway route.

A proportion of westbound traffic from Creech St Michael will doubtless continue to use Hyde Lane to access the A38 at Bathpool and this would be likely to grow if the proposed development takes place. Hyde Lane to Bathpool is characterised as a winding, narrow country lane where drivers passing in opposite directions take turns, waiting at wider points, in field gateways etc. Its nature means that it is relatively self-enforcing in terms of traffic capacity. The lane is therefore, appropriately, not attractive to drivers wishing to cut through between the A38, a

County Route, and the A358, National Primary route. This local alternative, via Hyde Lane, is not a route the Highway Authority would wish to see used other than by local traffic with local access requirements. (In addition to providing local access the lane forms part of a local route which consists of minor roads through Creech St Michael which connects the A38 with the A358 avoiding key nodes on the direct connections at Creech Castle and at Junction 25 of the M5 which can be congested with delays at times).

Concern – pedestrian safety along Hyde Lane between M5 and Monkton Heathfield  
Students travelling to and from the nearby Heathfield Community School on foot or by bicycle travel along Hyde Lane turning right at Hyde Lane Cottages onto Brittons Ash, a lane which has recently been closed to motorised traffic. The Hyde Lane corridor remains a most direct route to the school for pedestrians and cyclists though between the M5 and the bend at Hyde Lane Cottages, it is a poor quality, substandard environment for these users. The situation for pedestrians is likely to have been improved by the recent closure of Brittons Ash but any new traffic generated by development between Creech St Michael and the M5 may reverse this. It is a well used route to school and it is expected it would also be used in addition by occupants of the proposed new dwellings.

Site Access and Traffic Calming in proximity to school and nursery - In detail, it is proposed to access the site by building a new estate road immediately east of the primary and nursery schools. If the development is permitted the nursery school access will be on the corner of the new junction. As a large number of vulnerable users use Hyde Lane on a regular basis it is considered most important that very low vehicle speeds can be achieved. The planning application shows a simple T-junction with visibility splays commensurate with Manual for Streets recommended layout for relatively low traffic speeds. The speeds along Hyde Lane past the school are already regulated to a degree by speed humps and on-street parking with ensuing traffic friction.

The developer proposes to enhance this system of traffic calming, by building the new junction upon a 'speed table' (drawing FMW0979 – SK01 – REV B). This has been considered by the Highway Authority's audit team and is considered acceptable in principle – a detailed audit report has been sent to the developers design engineers for their consideration. Statutory obligations include the requirement to undertake certain consultations, advertising of the proposals and the resolution of any objections received before traffic calming measures are constructed. The introduction of a raised table junction would retain the safety benefits of traffic calming measures, restrict vehicle speeds, and assist by moderating the speeds of vehicle movements at the proposed development access.

The detailed design must take into consideration the side road access leading to/from Rocketts Close and it may be necessary to construct a ramp at the entrance to Rocketts Close forming part of a raised table junction for the proposed development access. The proposed junction table will be considered further as part

of future detailed design stage technical and safety audit processes.

The visibility splays which can be provided onto Hyde Lane shall be measured from 2.4m back along the centreline of the proposed new access road at a driver's height of between 1.05m and 2.00m to an object height of 0.260m, or 600mm (MfS). All land required for visibility must be available for dedication to the Highway Authority. Consideration should be given to restrict on-street parking of vehicles for a distance along Hyde Lane to facilitate the movement of vehicles and to protect the required visibility splays at the proposed development access onto Hyde Lane.

The proposal is considered acceptable as a layout near a school and nursery since it is a simple T-junction where traffic speeds will be low, governed by the vertical shift traffic calming measures as well as where speeds are influenced by on-street parking and other oncoming traffic. Speed reducing tables aid pedestrians pushing pushchairs and those with disabilities, as well as being beneficial in slowing traffic down.

The access road itself is relatively long and straight with a small car park access towards its northern end. A speed reducing feature here would also be beneficial. Vertical lifts are most effective in reducing traffic speeds for all traffic conditions throughout the day. Manual for Streets (1) advocates that for residential streets, a maximum design speed of 20mph should normally be the objective.

Footpath - Right of Way - There is a Public right of way which is likely to be affected by the development proposal and it is recommended that the LPA consult with the County Council's RoW team to obtain their views on this proposal.

Transport Assessment - The Transport Assessment accompanying the application is generally acceptable but there are two main concerns with regard to this proposal.

- 1) Car parking proposed for the neighbouring school is in excess of SCC Standards (additional 32 spaces proposed whereas 19 spaces would be considered adequate in total including spaces already available within the school curtilage). However I am inclined to accept a departure from standards in the particular circumstances here. There is high demand for parking for staff and the development will result in the loss of much of the on-street space that is used by custom and practice currently. It has been suggested that in order to expand the capacity of the school to accommodate growth the spaces within the campus may also be lost in the course of time. The nursery is also likely to expand and some staff may need room to park vehicles.
- 2) There will be some impact on the single-track sections of Hyde Lane, which is likely to be approaching capacity. An appropriate sum should be sought as a contribution towards improvements.

As these two issues can be addressed then there is no reason to recommend refusal of this planning application on traffic impact grounds.

Travel Plan - The Travel Plan as submitted is considered poor with improvement

required in almost all the main areas, however this can be secured through a planning agreement, the Travel Plan to be secured prior to commencement of development.

The applicant has paid little regard to SCC Travel Plan Guidance and the resources available on the Moving Somerset Forward website, and this is demonstrable from major issues highlighted within this audit with regard to almost all topic areas. The following points represent the headline issues with regard to the travel plan:

- No transparent link to the Transport Assessment.
- No discussion with the Local Highway Authority (LHA)
- No commit to the use of iOnTRAVEL for the entire lifespan of the TP.
- No commitment to a Travel Plan Fee.
- Site Audit requires a greater level of detail.
- Existing Action Plan measures are insufficient and further measures are required.
- Parking Strategy is undefined.
- No plans of physical measures are included within the Travel Plan.
- The Monitoring strategy does not contain the appropriate commitments.
- Travel Plan Targets need to conform to SCC Guidance.
- TPC role is not properly defined.
- No mention of the securing or safeguarding of the Travel Plan.

The above issues should be addressed in accordance with SCC Guidance.

Estate Road Matters and Advance Payments Code - The following Estate Road matter observations are based upon drawing numbers 1128-100, 12108/SK4 and 12108/SK5.

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

- Drawing number 1128-100

1. The length of the proposed effective straight contained within the access road that will link the development site with Hyde Lane, is in excess of the 70m as recommended within 'Manual for Streets.' This detail is of concern.
2. The proposed footway along the eastern boundary of the proposed access road should provide a continuous link from Hyde lane to the pedestrian crossing and should therefore be extended a sort distance northwards.
3. There is no need for a strip of block paved surfacing to be provided across the entrance to the car parking area prior to plot 1. The access to the parking area shall be of a standardised bell-mouth arrangement with appropriate visibility splays designed into it.
4. Should the access to the car parking area include gates, then they shall be hung to open inwards and not out over the prospective public highway limits.
5. The footway, where it extends around the eastern boundary of plot 3, should be constructed as per a typical bitumen macadam specification throughout. There is no need for a small length of block paving to be introduced within the footway as currently indicated within the drawing.



6. The tie-ins to the shared surface roads with the spine road, between plots 9 and 31 and 48 and 55 can take the form of vehicular crossovers, giving the impression of the continuation of footways.
7. Block paved shared surface carriageways should be constructed with longitudinal gradients no slacker than 1:80 to prevent surface water ponding on the carriageways.
8. Adoptable 1.0m wide hardened margins will be required at the eastern end of the block paved carriageway adjacent to plot 53 and the southern end of the turning arm between plots 12 and 13.
9. Adoptable 17.0m long forward visibility splays will be required across the inside of all carriageway bends. There shall be no obstruction to visibility greater than 600mm above adjoining carriageway level within the splays and the full extent of the splays will be adopted by SCC. If permission is granted, all such visibility splays, shall be clearly indicated within all future revisions of the layout drawing.
10. The provision of a 2.0m wide footway across the frontage of plots 27 and 28 will provide pedestrians with a safe means of access to/from the footway on the eastern side of the carriageway directly opposite.
11. The footway fronting plot 43 should be extended up to the driveway serving plot 44.
12. The proposed links to the south of plot 13 and the north of plot 23 will be used by a combination of pedestrians and cyclists. Therefore, the links should be constructed to a minimum width of 3.0m and surfaced in red pigment bitumen macadam. The links should incorporate visibility splays based on dimensions of 2.0m x 20.0m in both directions at their tie-ins with the existing footpath/cycleway. Similar visibility splays will be required where the links connect onto the proposed block paved shared surface carriageway. Adoptable forward visibility splays will be required throughout the 90 degree bends within the links.
13. If built, Somerset County Council will not maintain the grassed margins throughout the site. An agent will also need to be responsible for the maintenance of the proposed balancing pond at the northern site boundary.
14. All proposed private tandem parking bays should be constructed to a minimum length of 10.5m as measured from the back edge of the prospective public highway. The bays serving plots 20, 21 and 41 appear to be slightly shy of this required distance.
15. An existing public footpath link that runs along the eastern site boundary. It appears it will be built upon to provide a bound footpath link to serve plots 53, 54 and 56 and extending up to the site boundary. If the footpath is to be adopted by Somerset County Council then it will have to be adequately drained and lit. As in comment 12 above, this link may well be used by a combination of pedestrians and cyclists and should be constructed to accommodate both sets of users.
16. Surface water from all private areas, including parking bays and drives, will not be permitted to discharge on to the prospective publicly maintained highway. Private interceptor drains should be installed.
17. Tie into existing carriageway - Allowances should be made to resurface the full width of Hyde Lane where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. It may be

necessary to excavate core holes within Hyde Lane to ascertain the exact depths of the bitumen macadam layers.

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

20. A condition survey of the existing public highway will need to be carried out and agreed jointly by the developer and the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority prior to occupation of the site. It is recommended that contact be made with the Highway Service Manager (Taunton Area – 0845 345 9155) to make arrangements for such a survey to be undertaken.

21. All existing road gullies/drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the development. If any extraneous matter from the development site enters an existing road drain or public sewer, the developer shall be responsible for its removal.

22. The existing public highway must not be used as site roads or sites for stockpiling and storing plant, materials or equipment. The developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

- Drawing number 12108/SK4 - 'Storm & Foul Drainage Strategy.'

23. All surface water proposals will be looked at as part of the formal Section 38 Agreement technical audit process.

- Drawing number 12108/SK5 - 'Vehicle Tracking Analysis.'

24. The applicant will need to supply vehicle tracking analysis for a 4 axle refuse vehicle.

Construction Traffic - There are some concerns about how construction traffic will be routed to the site, particularly heavy and long vehicles. Hyde Lane is not suitable for long or wide vehicles, the route from the A358 Ruishton is over a weak bridge (weight restriction applies) and what is on balance the better route into the village, from the A38 via North End, involves a width restriction, some traffic calming, passes through the centre of Creech St Michael, then the junction of Hyde Lane with St Michael Road, and in turn along Hyde Lane close to the primary school to the site. Construction traffic should also be timed to arrive and depart to avoid the start and finish

of the school day to minimise the likelihood of any conflict between it and young, vulnerable road users.

Flooding - The County Council as Lead Flood Authority is aware of the local concerns regarding drainage in Creech St Michael and have been working with a number of residents on various local flooding/maintenance matters. With regard to the wider issues of flooding and the effect of development, the Environment Agency has captured some Section 106 money to undertake a drainage study of this area. This will identify where the pinch points and potential problems are in the existing drainage system and make recommendations as to how these might be addressed, including consideration of the effect of potential new development in the village. The Environment Agency, Wessex Water, TDBC Drainage Engineers and the County

Council's Flood Risk Management Team are together considering the scope of the study and who should lead on the work and how to involve the Local Planning Authority.

Addressing Highway Authority Concerns - It is clear that the development will generate both vehicular and pedestrian traffic on the local country roads. Whilst in strict capacity terms the carriageway can accommodate increased traffic it is clear that the introduction of this and additional pedestrians will result in potential conflict between users to the detriment of road safety.

To resolve this there are two possible scenarios:

- 1) To refuse permission for the development on highway grounds; or
- 2) To require contributions from this a potential future developments to:
  - a) install interim traffic management measures which enhance safety for users; and
  - b) construct a footway with any permanent associated traffic management measures required from the motorway bridge as far as to provide a safe pedestrian and cycle way to the proposed Pegasus crossing on the Monkton Heathfield Eastern Relief Road (MHERR).

It is my view that the 2<sup>nd</sup> option, to require contributions, is the most appropriate in these circumstances, being in addition to the requirement for a Travel Plan. This approach would be consistent with that taken for planning application 14/12/0036 for 35 dwellings nearby, permission for which the Planning Authority has previously resolved to grant.

In Conclusion - Taking into account all of the above, I would therefore not recommend the refusal of the application subject to the developer entering into an S106 agreement to secure:

- 1) Traffic calming measures along Hyde Lane to work with the existing measures;
- 2) Fifty-six thousand pounds (£56,000) or one thousand pounds (£1,000) per plot (whichever is the greatest sum) for safety improvements along Hyde Lane west of the M5; and
- 3) A Travel Plan in accordance with the Somerset Manual for Travel Plans.

*LANDSCAPE* - My main concerns are there are proposed construction works within off site tree root protection areas and no details of how potential root protection damage can be overcome eg. road access off Hyde Lane. The attenuation area does not count as open space provision. The northern boundary will need more significant landscaping to provide suitable mitigation. Generally the landscape details are fine.

Further comments dated 10/04/2013

The additional 3m landscaping on the northern boundary is helpful but is insufficient to overcome my concern regarding landscape impacts. The proposed planting would be along a significant stretch within rear gardens where it will be difficult to maintain longer term. 2.5 storey houses along the northern and western boundaries will be locally prominent and difficult to soften through landscaping. The main access road will contain services that will be difficult to install without damaging tree roots.

*HOUSING ENABLING* - 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.

25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing. The affordable housing detail shown within the application is not acceptable as it currently does not reflect the 60/40 split. Owing to affordability and housing need the 3 x four bedroom properties should be for social rent.

Housing Enabling would consider the following as an acceptable affordable housing layout :

#### Social Rent

- 2 bed hse plot 21,22,38,34
- 3bed hse plot 23
- 4bed hse plot 20, 37, 33

#### Shared ownership based on 40% 1st tranche share

- 2 bed FOG plot 19
- 2 bed hse plot 18,35
- 3 bed hse plot 16,17, 36

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.

A local connection clause is to be included within the S106 agreement to prioritise the homes for local people.

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

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

*DRAINAGE ENGINEER - Comment awaited.*

*ENVIRONMENT AGENCY – Initially objected to the application but subsequently withdrew objection after the submission of further information.*

Original Comments

We object to the proposed development because the application fails to provide sufficient measures to ensure that flood risk will not be increased on site or elsewhere as a result of the development. The application is therefore contrary to the recommendations of NPPF paragraph 103 and Taunton Deane Adopted Core Strategy CP8.

The applicant is proposing to use a drainage ditch to the north of the site to discharge the surface water from the site. As a result of this development, despite reducing the rate of discharge, no measures have been provided to reduce the volume of water that would drain to the ditch. Therefore, a higher volume of water will be flowing in the ditch. During the November 2012 flooding, some properties in North End were flooded as a result of high flows draining to that ditch. We are concerned that as a result of this development, a higher volume of water will be draining to North End. There is a real risk here for this development to increase flood risk to existing properties in North End if the drainage is not adequately assessed and addressed within the FRA.

In addition to the above concerns, whilst we welcome the fact that the applicant is proposing to limit the discharge from the site to a 1 in 1 year Greenfield runoff rate, we do not consider that the current design will ensure that this run-off rate is reached. In order for the applicant to achieve this 1 in 1 year Greenfield level, the discharge rate must be calculated based on the impermeable area contributing to the pond; therefore, 1.38 ha which would result in a discharge rate of 5.52 litres per second. The current design is providing a discharge rate of 11 litres per second. This higher discharge rate means that the surface water attenuation volumes proposed are likely to be under-estimated.

In order to address our objection, the applicant must revise the design of their attenuation facilities based on the impermeable area on the site as explained above, and assess the impact of the development on the ditch, determine the capacity of the ditch and look at the impact of the surface water strategy on existing properties in North End. The application should only be progressed if it is shown through further assessment that flood risk will not be increased elsewhere as a result of the development. These revisions should be provided in an updated version of the FRA.

Subsequent comments

Objection withdrawn and further comments awaited in respect of conditions.

*WESSEX WATER* - The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's Advice Note 16 for further guidance.

Foul Drainage - Initial appraisal suggests that the site may be drained by gravity which is preferable to a pumped solution. Capacity improvements are likely to be required for this site if development precedes catchment improvements considered for development at Monkton Heathfield post 2015.

Surface Water - Soakaways are unlikely to be effective attenuation, storage and regulated discharge to existing ditch seems appropriate.

As the strategy has yet to be agreed we request a planning condition for foul and surface water drainage

There is adequate capacity at the receiving sewage treatment works to accommodate the proposed development.

There are public water mains available to serve this site. Local upsizing may be required to ensure satisfactory standards of service. Buildings above two storeys may require pumped storage.

SCC - CHIEF EDUCATION OFFICER – comment:

Creech St Michael Primary School has a capacity of 240, but its current roll is 242; and it is expected to continue to be over-subscribed for the foreseeable future. This development of 56 houses would be expected to require 11 primary school places and these would clearly not be available at present. Additional accommodation would therefore be required and developer contributions should be sought through Section 106 of the Act. The cost of each primary school place estimated by the DfE is £12,257, so contributions totalling £134,827 should be secured.

Heathfield Community School also already has a roll significantly in excess of its net capacity and, again, this is expected to be so in future years. Its capacity would need to be increased to meet the needs of this development, which would be expected to generate demand for eight secondary school places. The DfE estimate of the cost of each of these is £18,469, so total contributions of £147,752 should also be sought.

I can confirm that the County Council would be supportive in principle of improved parking facilities for school staff and official visitors, but that the new car park should not be viewed as available for parents at the beginning and end of the school day.

*SCC - RIGHTS OF WAY* - I can confirm that there is a public right of way (PROWs) recorded on the Definitive Map which crosses the area of the proposed development at the present time (footpath T10/23). I have attached a plan showing the footpath for your information.

Any proposed works must not encroach on to the width of the footpath.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary Diversion Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Diversion of the routes would be carried out by Taunton Deane District Council under the Town and Country Planning Act. Improvements/ upgrading of the surface of the path will require authorisation from Somerset County Council (SCC) Rights of Way Group. I have attached a form which should be completed and returned to Sally Vickery, Area Rights of Way Warden.

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.

*LEISURE DEVELOPMENT* - In accordance with Local Plan policy C4 provision for play and active recreation should be made for the residents of these dwellings.

The proposal has not made provision for on-site children's play, which should be provided within 400m for a LEAP or a 1000m for a NEAP, of every family sized (2bed+) dwelling on the development proposal. I would request that an off-site play contribution of £2644 be sought for every family sized dwelling to be spent within the vicinity of the development.

A contribution of £1454 for each dwelling should be sought for the provision of facilities for active outdoor recreation.

A contribution of £194 per dwelling should be sought for allotment provision and a contribution of £1118 per dwelling towards local community hall facilities. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings.

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

#### Further comments dated 11/04/2013

Further to those observations with regard to public open space provision, Local Plan policy C4 requires 2.6ha of public open space per 1000 population, which is divided into 0.8ha for play and 1.8ha for public open space. Assuming occupancy of 2.3 persons per dwelling x 56 homes gives 129 persons on site.  $2.6\text{ha}/1000 = 0.0026 \times 129 = 0.3354\text{ha}$  of public open space of which 0.1006 ha should be for play and 0.2348ha is for playing fields.

Recreational open space should be accessible and useable 365 days a year and exclude any attenuation ponds. The area shown on drawing 1128-105 whilst appearing to include sufficient recreational open space at 0.27ha, includes a strip of land along the access road that would have limited recreational value.

*OPEN SPACES MANAGER* - If there are steep drops greater than 1.2m and slopes steeper than 1:3 the surface water attenuation pond in the open space area should be protected by fencing (3 bar, post and rail with chainlink).

#### *BIODIVERSITY* – comments

The site consists of arable land, surrounded by hedgerows. A ditch with a pond runs along the northern boundary of the site. Waterman Energy, Environment and Design Ltd carried out an Ecological Appraisal of the site in November 2012. The report is dated January 2013.

Findings were as follows

Water vole - During the survey no signs of water vole (burrows and droppings) were identified

Otter - The surveyor considered the drain to be too shallow to support otters



Great Crested newts - The surveyor considered the pond on site and a pond located within 500m of the site to be unlikely to support Great Crested newts. This is supported by the HIS results and the fact that no GCN records were returned from the data search.

Badgers - No evidence of badgers was found.

Bats - The hedgerows on site offer some commuting and foraging resources to bats. Lighting should be sensitively designed to avoid light spill on hedgerows  
Trees on site are in good condition and appeared to lack suitable roosting features.

Birds - Trees and hedgerows on site provide potential nesting and foraging opportunities for birds. The hedgerows will be retained but any other vegetation clearance should take place outside of the bird nesting season

Reptiles - The surveyor considered habitat on site to be of limited value to reptiles

Dormice - The surveyor considered the majority of hedgerows on site to be sub optimal for dormice due to their structure and species composition.

I support the enhancements suggested in the report and suggest a condition for protected species:

*DIVERSIONS ORDER OFFICER - Mr Edwards* - The Public footpath T10/23 travels through the proposed site. If planning consent is given then the footpath would need to be diverted as the current definitive line would run through two proposed dwellings. Should any preliminary exploratory works be undertaken then adequate Health & Safety measures must be put in place to protect path users.

*POLICE ARCHITECTURAL LIAISON OFFICER* – comment:

Design & Access Statement - the NPPF makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion. Design and Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in '*Safer Places, The Planning System and Crime Prevention*'. Apart from some brief references to crime prevention and Secured by Design principles, the DAS submitted in support of this application does not do so.

Crime Statistics - reported crime for the area of this proposed development (within 500 metre radius of the grid reference) during the period 01/02/2012-31/01/2013 is

as follows:-

- Burglary - 4 Offences (incl. 1 dwelling, 3 non-dwelling)
- Criminal Damage - 2 Offences (both to a vehicle)
- Sexual Offences - 1
- Theft & Handling Stolen Goods - 11 Offences (incl. 8 theft from motor vehicles and 1 theft of pedal cycle)
- Total 18 Offences

This averages under 2 offences per month, fairly evenly spread throughout the week and months, which are low crime levels. During the same period, 10 incidents of anti-social behaviour (classified as ASB Personal or ASB Nuisance) have been reported in this area which are again low levels.

Site Layout - vehicular and pedestrian routes appear to be open and direct with all dwellings providing active frontages to the street. The proposed changes in road surface, rumble strips etc can help define the defensible space of the development giving the impression that areas beyond are private. The majority of dwellings around the perimeter of the development appear to back onto existing hedgerows, those to the north supplemented by a post and rail fence. In order to have any security value, these hedgerows should be substantial in nature to deter unauthorised access to the rear of dwellings. The two perimeter blocks in the centre of the development incorporate back to back gardens, which is recommended orientation, as this does restrict access to the rear.

Communal Area - the proposed communal area is situated in the north east corner of the site and subject to limited surveillance from dwellings along its southern boundary only. Such areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be subject to good all round surveillance from nearby dwellings with safe routes for users to come and go and incorporating features which prevent unauthorised vehicular access. Whilst accepting that this area incorporates a SUDS, I have some concerns that this proposed communal area is subject to limited natural surveillance, particularly if a Play Area is incorporated in due course if planning permission is granted. A more central location with improved surveillance opportunities would be preferable.

Dwelling Boundaries - it is important that boundaries between public and private areas are clearly indicated, which appears to be the case. Dwelling frontages should be kept open to view to assist resident surveillance so walls, fences, hedging at the front should be kept below 1 metre in height. As mentioned above, more vulnerable rear and side gardens need more robust defensive barriers by using walls, fencing or hedging to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as the fencing and lockable. The development appears to incorporate a number of rear access alleys and, where these are necessary for refuse collection etc, they should be gated at the entrance, as near as possible to the front building line, to deter unauthorised access to the rear of

dwellings where the majority of burglaries occur.

Car Parking - appears to be a mixture of on-plot garages, parking spaces and communal parking. Police advice is that garage or hard-standing within the dwelling curtilage is the recommended option. Where communal parking is necessary, this should be in small groups, close and adjacent to homes and within view of active rooms within these homes. The communal parking between Plots 18 & 20 appears to fit this criteria, however, I have some concerns regarding the 32 spaces and cycle store proposed at the southern boundary to the rear of the school. I note that it is proposed to transfer ownership of these spaces to the school but I am concerned that there is very limited natural surveillance of these spaces, apart from some existing dwellings opposite the entrance in West View. To exacerbate this, this parking area runs along the rear of Plots 1,4,5,6 & 7 and is surrounded on all sides by hedging further restricting visibility from the houses and the school. In my view, vehicles parked in this car park will be vulnerable to attack and, being located in the innermost part of the car park with very limited surveillance opportunities, I feel the cycle store is particularly vulnerable. In view of this, I recommend that the location and layout of this car parking area be reconsidered.

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

Street Lighting - all street lighting for both adopted and private highways, estate roads, footpaths and car parks should comply with BS 5489

Physical Security of Dwellings - the applicant is advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm etc in accordance with the police approved 'Secured by Design (SBD)' award scheme, full details of which are available on the SBD website - [www.securedbydesign.com](http://www.securedbydesign.com)

*DEVON AND SOMERSET FIRE & RESCUE SERVICE* - Means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2007. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. Access for appliances should comply with approved document B5 of the Building Regulations 2007. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

## *PLANNING POLICY –*

### The principle of development

Both application sites lie beyond the existing settlement limits of Creech St. Michael

in open countryside. The proposals therefore run counter to policies CP8, SP1 and DM2 of the adopted Core Strategy. Notwithstanding this technical conflict with the development plan, both sites are in relatively sustainable locations with good access to the nearby primary school and medical centre as well as a local shop, post office, pub, church and village hall.

Creech St. Michael is identified as one of five Minor Rural Centres within the adopted Core Strategy. Policy SP1 of the Core Strategy makes provision for the allocation of at least 250 net additional dwellings across these centres.

It is unlikely that each of the Minor Rural Centres will contribute an even, pro-rata'd share of the 250 target. The precise scale of development attributed to each Minor Rural Centre will be determined by the emerging Site Allocations and Development Management Policies Plan taking into account the availability of suitable sites, the capacity of local infrastructure and the character and setting of each village as well as the level of local affordable housing need.

The Site Allocations Plan is still at a relatively early stage of production. The Council undertook an initial Issues and Options consultation in early 2013, the responses received by the community and key stakeholders will be used to inform the development of a Preferred Options Plan in the Autumn of 2013.

The cumulative impact of approving these two applications, (along with the previously approved Strategic Land Partnerships application for 35) would see around 110 new dwellings identified in Creech. This level of new housing could be considered out-of-scale to that needed in the village but needs to be considered in the context of the issues identified above, namely:

- whether or not the applications can be technically accommodated;
- the capacity of local infrastructure;
- the effect of approving the proposals on the character and setting of the village; and
- the level of local affordable housing need.

With the above in mind, it may be preferable to see the sites considered through a plan-led approach with the sites identified as allocations, if appropriate, through the Site Allocations and Development Management Policies Plan. Notwithstanding this, the responses made through the consultation on the respective planning applications could be used to make a similar judgment as would be made through the Development Plan with regards to the important considerations identified.

It should also be noted that both these sites would appear to be free from some of the technical constraints which may weigh against the identification of some other allocation options identified for the village.

### Detailed policy considerations

Since application 14/12/0043 is in outline form, it is considered un-necessary to comment further in respect of this site. It should be noted that the Council's Green Infrastructure Study, part of the evidence base to the Council's Core Strategy, identified an 'opportunity' for the provision of a new green wedge to the east of the motorway. Given the comments of the Council's Landscape Lead, it does not seem that this 'opportunity' is likely to be pursued through the SADMPP.

Application number 14/13/0006 is for full planning permission and consequently officers do consider it necessary to comment further. When this site has been previously considered for allocation it has been on the basis that access would be secured through the adjacent David Wilson development.

The Policy Team has a number of concerns, namely:

- a. Access from the site is over 120 m from Hyde Lane, and the access road to the site has no frontage development along it (c.f. Figure 1.2 in *Manual for Streets*).
- b. The form of development shown does not accord with good design practice as recommended in *Manual for Streets*. It is essentially a highway engineer's road layout with houses dispersed around it, rather than the creation of recognisable public space defined by building lines and the means of enclosure to individual properties. This is a very out-of-date approach given that *Manual for Streets* was published in 2007.
- c. The overall result will be anonymity, without the appropriate local character for a village location, and poor quality public space.

### Conclusions

Clearly these applications, if approved will go a long way towards determining the scale, distribution (and the case of the David Wilson application) and form of development in the village over the plan period. With this in mind, a key consideration should be whether or not approving these schemes would prejudice the outcome of the Site Allocations and Development Management Policies Plan.

To balance against this consideration is of course the NPPF and its 'Presumption in Favour', the Site Allocations Plan is technically 'absent' at this point, so in reaching a conclusion as to whether or not either or both applications should proceed, consideration should be given as to whether or not the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Whilst the principle of development on both sites may be in accord with policy SP1 of the Core Strategy I am concerned that application 14/13/0006, is of a poor design quality and not in accordance with the principles of good design set out in the NPPF. As a 'full' application it is therefore considered that the adverse impacts of granting permission would outweigh the benefits, contrary to the presumption in

favour of sustainable development set out in the NPPF and Core Strategy policy SD1.

## **Representations**

Ward Cllrs object on basis of access being poor and adjacent to primary school that already has serious parking issues. Traffic including construction vehicles could dangerously impact on people's lives.

County Cllr Fothergill objects on grounds of this is above the proposed allocation to Creech St Michael under the Rural Development Centre plans, it will add significant strain to the already stretched local facilities, it will add a significant number of vehicle movements into Hyde lane and the village centre, the road junction could not be at a worse place next to the school, childrens centre and pre-school. There would be increased risk to children and their parents. Building on this site effectively prevents future development of the school and its facilities. The landscape impact is significantly detrimental.

54 letters of OBJECTION on grounds of

- Increase in vehicular use and congestion on Hyde Lane
- The new access will be used for dropping off and will lead to pedestrian danger
- Access inadequate with poor visibility
- Parking will affect sight lines
- Access will create more parking issues in the area
- Access should be via north-west corner of the site as better visibility
- Road outside of school too narrow for more development
- Increased vehicle movements will conflict with normal school and village life
- Service vehicles will add to traffic and already find it difficult to traverse Hyde Lane
- West View will become a rat run
- School car park will only be for staff and not reduce dropping off and picking up chaos
- Danger for parents and children
- Danger to pre-school as it is on a corner with the site
- Concern over safety at school/pre-school entrance
- No pedestrian railings or crossing on new access road
- Additional school parking spaces are unlikely to alleviate problems at school drop off/pick up time.
- Congestion at peak times
- Danger for children walking and cycling to school
- A safe route to Heathfield School must be provided

- The route to the Doctor's surgery is hazardous enough with thoughtless parking, traffic and inadequate pavements
  - Provision should be made to improve the pedestrian/cycle route to the secondary school
  - Danger for cyclists and pedestrians on Hyde Lane
  - Lane not designed to take construction vehicles and a link to the A38 at Hyde Lane Cottages could take construction traffic
- 
- Too much development too soon
  - Already had fair share of housing
  - Infrastructure of village at breaking point and not capable of supporting the development
  - Primary school cannot take more pupils
  - Provision should be made for additional capacity at the primary school
  - Pre-school is at capacity and oversubscribed
  - School will not be able to expand and part of site should be used for classrooms
  - Developer should donate the access strip to the school and find a different access
  - Overloading medical centre
- 
- NPPF states permission should be refused for development of poor design
  - Development should respond to local character
  - Development is urban as indicated in the design & access statement
  - 3 storey house designs inappropriate
  - No need for so many 4 & 5 bedroom houses
  - Houses should have solar panels
  - Potential future extensions and patios will affect drainage and existing properties
  - Crime has not been considered
  - 2m fence to rear of 15-25 West View should be provided with no tree/shrub planting
  - Impact on line of footpath
  - School will be overlooked by dwellings
- 
- Increased surface water flood risk
  - It will increase potential flooding elsewhere
  - The road to Ruishton and Hyde Lane floods
  - Catchment area at capacity and no new development should be allowed
  - The sewerage network is at capacity
- 
- Disturbance to wildlife
  - Loss of countryside, wildlife and damage to the environment
  - Road and school improvements should be in place before dwellings are occupied

- Noise pollution
- Pollution from car fumes
- Impact of pollution on pre-school and school
- Access will increase noise and light pollution to West View properties
- Vehicle lights will affect amenity in gardens
- Concern over loss of privacy and overlooking
- Too close to West View
- Original layout preferable
- Screening required at bottom of gardens for privacy
- Local views are ignored
- Potential problem if school car park left open out of hours
- Alternative site south of Hyde Lane preferable
- Culture, atmosphere and ethos of life will be lost
- Loss of farmland
- Loss of 'green and pleasant' land
- Lack of jobs for new owners
- Nuisance and disturbance from construction activities
- Disruption to school during construction
- Construction work should be carried out outside of school hours
- Noise levels and dust should be controlled
- Concern over responsibilities for boundaries in the future
- Builders should be CRB checked
- Loss of house value

Issues identified by the community through the recent consultation as part of the SADMPP

- The village is already used as a rat-run and congested with traffic, which is especially problematic along Hyde Lane/primary school.
- There are existing safety issues for children walking/cycling to Heathfield school.
- The primary school is already full. A new school or extensions are needed.
- The village is already experiencing flooding. Development will make matters worse. Particular problems were identified around Hyde Lane, North End and around St Michaels Road, towards the canal.
- There are insufficient services in the village to accommodate the growth
- There are enough houses in the village already and further development will erode the village character.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
STR1 - Sustainable Development,



STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
SD1 - SD 1 TDBC Persumption in Favour of Sustain. Dev,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - TD CORE STRATEGY- ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
M4 - TDBCLP - Residential Parking Provision,  
EN6 - TDBCLP -Protection of Trees, HISTORIC,

## **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)	£59,349
Somerset County Council (Upper Tier Authority)	£14,837

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£356,092
Somerset County Council (Upper Tier Authority)	£89,023

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations with the proposal are the policy issues, sustainable location, design, landscape and biodiversity impact, community issues, affordable housing, drainage, access and highway safety.

### Policy

The Planning Policy team have commented that the application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Core Strategy (policies CP8, SP1, DM2). Despite being in the open countryside, the application site is considered sustainable as it is adjacent to the settlement boundary of Creech St Michael and has good access to a reasonable level of services and facilities including; primary school, doctor's surgery, shop, post office and pub.

The site has been identified in the Strategic Housing Land Availability Assessment (SHLAA) and is recognised as being 'developable'. Developable status means that in

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

In the absence of a Site Allocations Document the application should be considered against the National Planning Policy Framework (NPPF) and the development plan unless material considerations indicate otherwise. The NPPF states there is a presumption in favour of sustainable development and that for the purpose of decision taking (where the development plan is absent, silent or relevant policies are out of date) local planning authorities should grant planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

In this instance it is considered that the development plan is not silent as it recognises Creech St Michael as a sustainable location for development. However, it is considered to be silent on where any further sites will be allocated for residential development and the amount of development that should be accommodated. The policy SP1 indicates allocation of small scale sites and ideally on sites within the development boundary. However there are no such sites and those identified, like the current proposal lie outside of existing settlement limits. While the principle of development may accord with policy SP1 of the Core Strategy other detailed issues have to be considered.

The following sections consider the impacts of the proposed development.

### Sustainable Development and Design

The settlement of Creech St Michael is identified in the Core Strategy as a sustainable location for development under policy SP1 and this states that at least 250 dwellings should be provided over 5 settlements. The proposal is amended for 55 units and would comply with the above policy requirement. There are existing local facilities within the village and the school and doctors are within easy walking distance within 400m and there is a regular bus service to Taunton. In addition there are local footpath links and access to a cycle route along the canal.

The site lies to the rear of the primary school and access is proposed via a new road access onto Hyde Lane. An alternative access to the north west has been suggested, however this cycle route is not wide enough to give two way traffic and is not controlled by the applicant to secure the necessary access width. The Policy Section consider the access is not ideal and that the layout does not accord with Manual for Streets and is overly engineered. The proposed access and layout however is considered suitable by the Highway Authority and gives access to an estate of largely detached family dwellings that are two storey in character and are considered of an acceptable design and materials that reflect the scheme previously granted and constructed to the west.

### Landscape and Biodiversity Impact

The site is a slightly sloping field bounded by hedgerows on three sides and lies to the north of the primary school

There are no protected species identified as using the site and its agricultural use has limited the biodiversity benefits. Habitat improvements will be sought through condition which would include the provision of tree and shrub planting to the northern boundary and a condition to protect and preserve wildlife is also proposed. The landscape along the northern boundary has been widened by 3m to address the concern raised by the Landscape Officer and the construction area has been amended to avoid building and road construction conflicting with tree root protection areas.

### Community Issues

The County Education Officer recognises that there is a need for places and expansion of both the primary school in Creech St Michael and the nearby secondary school. As a result there is a request for appropriate monetary contributions to fund expansion in respect of both primary (£134,827) and secondary education (£147,752) and this would be secured by a Section 106 legal agreement. The County Officer has also confirmed that the existing site is sufficient to provide the necessary additional accommodation without more land.

The Community Leisure Officer requires provision for adequate play and recreation provision in line with retained policy C4 of the Taunton Deane Local Plan. In light of assessing the layout it is considered that such facilities should be provided on the nearby recreation area. This will require a contribution of £1434 per dwelling towards the provision of outdoor active recreation and a contribution of £2668 per dwelling towards the provision of children's play facilities. Such contributions would be index linked and secured through a Section 106 agreement.

In addition to the above there is a requirement for allotment provision and community hall facilities. The applicant is willing to pay the appropriate contribution per house for allotment provision and it is considered that the Section 106 will be required to secure this. There is also a request for community hall facilities which should be open to everyone and this contribution can be secured through the legal agreement.

### Affordable Housing

Under Core Strategy policy CP4 there is a requirement for 25% affordable housing on site which the applicant has agreed to. This will equate to 14 dwellings which will be secured through a legal agreement with a local connection clause to address the request of the Parish Council and ensure priority is given to local people in housing need.

### Drainage

A Flood Risk Assessment has been submitted with this application which is located in flood zone 1 which as an area of least risk. Proposals are set out for the disposal of foul and surface water drainage. The foul drainage will link to the existing sewer system either directly or via a pumping station. A condition to ensure an appropriate scheme is recommended by Wessex Water.

With regard to surface water drainage a Sustainable Urban Drainage scheme is proposed. Initially this utilised a pond system to ensure existing greenfield run-off rates are achieved. The Environment Agency has objected to this scheme as it increases water volumes draining to the existing ditch network which could lead to flooding elsewhere. In light of this objection scheme has been amended to provide a larger attenuation pond on site separated from the ditch network. The revised proposal has been considered by the Environment Agency and is considered to be acceptable on this basis. The design of the pond takes on board the design requirements of the Open Spaces Manager concerning the need for fencing.

### Access and Highway Safety

The access to the site is proposed via Hyde Lane with a junction next to the Pre-school site. The applicant also maintains the footpath link to the north and provides footpath/cycle links to the west to access the recreation ground. A new car park specific for school users is proposed in an attempt to reduce parking on Hyde Lane. This is supported by the Education Authority and the Highway Authority. The Highway Authority are satisfied with access and capacity of the road to take the additional traffic generated and also with the safety of the new junction onto Hyde Lane. Despite local concerns the comments of the Highway Authority do not give support to a refusal on highway safety grounds.

A strong concern and potential objection is raised however in terms of pedestrian safety over the stretch of road between the M5 bridge and the junction with Hyde Lane Cottages to the west, where the road will be closed and a footpath cycle link to the school provided. Highway safety concerns have also been raised by the Parish Council and many of objectors. The Highway Authority recommend contributions from this site to address the highway safety concerns on the route to the secondary school and it is considered that this is a reasonable request which should be applied. The contribution for improvements would amount to £1000 per dwelling and would be sought through a legal agreement. This would provide potential improvements to safety along the road to the west as set out in the Highway Authority response. A Travel Plan is also proposed by the applicant and this would also be secured through the legal agreement.

### Other Issues

The receipt of the New Homes Bonus is noted, however it is considered that this matter carries limited weight in this instance. Security concern over the rear boundary of the West View properties is being addressed by a new 1.8m boundary fence.

### Conclusion

The NPPF contains 12 core planning principles that underpin decision taking and the proposal has been considered against these and relevant development plan policies. The application is not genuinely plan led in that it pre-dates the small sites allocations document. However, it would deliver homes in a sustainable way and location and provide community benefits in terms of affordable homes, contributions to leisure and community facilities and improvements to highway safety. It is considered that one of the most important considerations is whether there are any adverse impacts or harm which would significantly and demonstrably outweigh the benefits. While there is strong local objection to this scheme particularly on highway safety and flooding grounds, in light of the statutory consultee responses, I do not consider that there are grounds to object to the proposal. While there are design issues with the layout this partly stems from the access location to the site which I do not consider can be overcome. The question is whether these design layout issues are sufficient grounds to object to the scheme. I believe that the benefits, including need for housing, outweigh any harm that may be caused in this location and therefore planning permission should be granted.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

TGC RENEWABLES LTD

**INSTALLATION OF SOLAR PV DEVELOPMENT OF 16,020 GROUND BASED RACKING SYSTEMS, MOUNTED SOLAR PANELS, POWER INVERTER STATIONS, TRANSFORMER STATIONS, SUB STATION, SECURITY FENCING WITH ASSOCIATED ACCESS GATES AND CCTV SECURITY CAMERAS MOUNTED ON FREE STANDING SUPPORT POLES ON LAND EAST OF NEW RENDY FARM, OAKE (AS AMENDED).**

Grid Reference: 315809.123715

Full Planning Permission

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**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. There will be additional traffic during the construction and decommissioning periods, however this will not be significant given the overall traffic levels. 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 CONDITIONS**

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

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

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

(A3) Location Plan

(A3) DrNo PV.100 Rev A4 PV Layout

(A3) DrNo PV1.00 Rev A1 Red Line Plan

(A3) DrNo PV1.00 Rev A6 PV Layout

(A3) DrNo PV1.00 Rev A1 Site Plan

(A3) DrNo TGC/PV001 Rev A1 Fence (as amended by email)

(A3) DrNo TGC/PV002 Rev A1 Gate

(A3) DrNo TGC/PV003 Rev A1 Inverter Cabin  
(A3) DrNo TGC/PV004 Rev A1 CCTV  
(A3) DrNo 2V Rev A Racking System  
(A3) DrNo TGC/PV009/01 Rev A1 Comms Building  
(A3) DrNo TGC/PV010/01 Rev A1 Switchgear Housing  
(A3) DrNo GSC0015-1 Rev 0 Proposed Elevation Based on 33 kW WS  
Schneider Switchgear  
(A3) DrNo TGC/PV004 Rev A1 CCTV System

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

3. Within 25 years and 6 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. 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 Ecosulis's submitted report, dated November 2012 and any up to date survey and include:

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

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

implemented

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

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. 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.

8. No development shall commence until a scheme to limit surface water flows and runoff from the solar panels across the site, 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.

9. 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.

10. 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.

11. 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.

12. The development hereby permitted shall not be brought into use:

- until that part of the service track that provides access to the solar panels construction site from the highway has been constructed;
- until the existing access has been modified to incorporate sufficient width for vehicles to pass and to improve visibility along the lane to the south;
- until the proposed access has a minimum width of 6 metres and incorporates a 45 degree splay to the south;
- until the existing hedge shall for a distance of 12m, be lowered to and at no time be more than 900mm above the level of the carriageway to the south of the access during the construction period.

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. Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented by the approved Contractor. The plan and any contract shall stipulate the size of vehicles to be used for deliveries and the routes to be used. The approved Contractor shall ensure that no vehicle leaves the B3227 at Hillcommon and that no deliveries are made to site before 9.30am and not after 5pm on Mondays to Fridays and no deliveries are made to site between the hours of 2.30pm and 3.30 pm (primary school term times only) Mondays to Fridays.

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.

14. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. 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 during the construction phase of the site.

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.

15. The Development hereby permitted shall not be commenced until sufficient properly consolidated parking and turning spaces for vehicles have been provided on the construction site itself and across the lane at New Rendy Farm to be constructed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning space shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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.

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

Reason: To ensure that surface water does not discharge onto the local highway network 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.
2. The condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife 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.

In the UK badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

3. The Environment Agency has given details of its requirements for the consideration of this application. Full site-specific details of flow routes and runoff from the solar panels across the site, especially during construction phase and the effect of compaction are required. In particular, attenuation volumes should be agreed based on the above investigation and taking into account site specific circumstances. Porosity tests are needed. The introduction of impermeable areas within the development should be minimised wherever possible i.e. access tracks should be permeable. Any drainage scheme should be supported by percolation / soakaway tests on site, or pre-cautionary assumptions made as to the ground conditions and likelihood of percolation being achievable. Management of the land, including grass seeding and planting (in line with proposals set out in the FRA) should be considered and confirmed. Measures to offer betterment on existing surface water rates and volumes to reduce flood risk elsewhere should be considered given the scale of the development.

4. Somerset County Council suggests that :

Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 12 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

5. Detailed information/specification relating to the vehicles used during the construction phase will need to be provided. The Highway Authority considers the following information necessary:
  - Construction vehicle dimensions;
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors;and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Details of the necessary Condition Survey of the proposed HGV routes along the existing public highway (local lanes) will need to be agreed with the Highway Authority and the survey carried out prior to any works commencing on site. Any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site. The survey(s) must be agreed in advance with the Taunton Deane Area, Highways Office, Burton Place,

Taunton, Somerset, TA1 4HE; tel no 0845 345 9155, email: countyroads-tdeane@somerset.gov.uk. The Area Highway Manager will be able to advise upon scope and coverage of any survey and any particular local features to be taken into account.

The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Taunton Deane Area Highways Office, Burton Place, Taunton, Somerset, TA1 4HE; tel no 0845 345 9155, email: countyroads-tdeane@somerset.gov.uk. The Area Highway Manager will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

## **PROPOSAL**

The application is for the installation of a 3.76 MWp solar PV farm consisting of 16,020 modules on this site which is 3 fields totalling 10.47 ha. This PV farm would be capable of powering approx. 952 houses. The PV farm will be connected and export power to the local distribution network. The proposed PV panels will be no higher than 3m, be of a blue/black colour and be supported on racks. These will be supported on screw piles. The modules will be served by 4 inverter stations, a substation, a Comms Building and switchgear housing; the whole development will be surrounded by a 2.4m high paladin fence with double gate entrance close to New Rendy Farm. The inverter substations are to be installed on a concrete base and will be approx. 9.7m long by 3.06 wide by 3.6m high; the switch room is 4m by 2.58m by 3.1m high; the Comms building is 7.2m by 3m by 2.4m high and switchgear housing is 5.33 by 5.3 with 4.88 m high pitched roof.

The application is accompanied by a Design and Access Statement, a Habitat Survey, a Historic Environment Assessment, a Community Consultation Report, a Flood Risk Assessment, a Landscape and Visual Impact Assessment. Subsequent to the application being made a provisional traffic management information report was submitted.

These reports give the applicant's viewpoints on the proposal, which inter alia state that Central Government is supportive of renewable energy, Local Planning Authorities should be supportive; there is little wildlife impact, that found on the site is within the hedgerow areas, which will be protected anyway; there are no historic remains of interest in the area, and the nearest Listed Buildings or other historic features which would not be impacted upon by this proposal; there will not be any increase in flood risk from this scheme and generally there is little visual impact from the proposal. The areas from which it will be seen are two gateways leading from the adjacent road and a public footpath in a neighbouring field. There will be little visual impact to any dwellings, the one most 'affected' is the applicant's property. The assessment comments that views of the development from the side of the property will be partially screened by intervening vegetation, and views from Lowton Farm, 200m to the northwest will have views from the upper windows also partially screened by intervening vegetation. Other farms in the area would be similarly impacted.

The provisional traffic management information estimates 25 tipper lorries to bring in materials for access tracks and foundations for the structures, 14 flatbed lorries for set up and decommissioning, 30 flatbed lorries for mounting frames and 42 flatbed

lorries for the solar panel modules.....and others for equipment, waste, fences and poles etc., the total being 185. These lorries all to be less than 6m (20feet) in length.

The figures are provisional as these are the estimates, as a contractor has yet to be appointed, thus vehicle movements are liable to change. The frequency of lorries is given as a maximum of 5 per day. The hours suggested are 0800 – 1800 Mondays and Fridays and 0800 – 1300 on Saturdays. All equipment will be stored off the public highway; wheel washing will be cleaned manually before vehicles exit the site, and there will be routine sweeping of the approach roads. The two potential routes are given as M5, Chelston roundabout, A38 towards Taunton, Silk Mills Road, the B3227 towards Hillcommon, then south towards Oake, then to the site. The alternative given is M5, B3187 towards Wellington, then at Cades Farm roundabout turn to go through Nynehead and Nynehead Hollow. The latter route is shorter by distance, but has narrow lanes, sharp bends and the restrictions of the Hollow and passes through Nynehead. The former is a longer route, also has some narrow sections and sharp bends, and it goes through Oake and passed the School.

An amended Provisional Traffic Management Information has recently been updated by the agent, this amends the delivery hours to not before 9.30, no deliveries between 2.30 and 3.30 term times and not after 5.30pm; the frequency of vehicle movements will be 8 -10 per day; the lorry route has been amended to exit the M5 at Junction 25, along the A358 towards Norton Fitzwarren; with contractors' cars and small vans using the Nynehead Hollow route.

The agent carried out public consultation which included a public meeting at which the agent states concerns were generally overcome. One main issue emerged which was cumulative impacts, as Grange Farm Solar Park, which at the time of the public meeting had not been implemented. Grange Farm is approx 1km to the west-north-west of this site. The agent concludes that cumulative visual effects would be limited to some successive and sequential glimpses from Broom Lane and to some distant combined and sequential views from areas of higher ground, which would be too distant to be significant. The agent has proposed a community benefit to Oake Parish Council which equated to £1k per annum per MW installed for the first 10 years. Such scheme has no weight in the determination of this proposal. This offer is made regardless of any consultation response.

The agent has provided some additional information since the submission. The insurance underwriters and police recommend 2.4m high fencing as necessary security measures for protection. The agent has been in contact with the head-teacher of the primary School in Oake and has agreed that we are happy to adhere to a condition that no deliveries be made to site before 9.30am and from 2.30pm – 3.30 pm.

## **SITE DESCRIPTION AND HISTORY**

The site is three fields to the east of New Rendy Farm and to the west of Ford Farm. It is Grade 2 and Grade 3a agricultural land. The land in the area is generally flattish with only gentle undulations. The site itself slopes gently from approx 54m AOD at its western side down to 41m AOD to the eastern side, the typical gradients are around 1 in 40. A row of electricity pylons lies just to the north of the site. There are hedges to each field boundary and a hedge forming the western boundary with the lane to New Rendy Farm. Vehicular access to the site would be either via Broom Lane from the Oake to Bradford Road or through Nynehead and Nynehead Hollow.

There would be no lorry access via Bradford on Tone bridge but to its very restricted width. There is a short line of mature trees to the southern side of the site alongside an access to an adjoining field, but this is outside the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*OAKE PARISH COUNCIL* - the Parish Council is in favour of renewable energy, and in other circumstances would support this application however the application failed to consider the impact on the local community with lack of information about the building programme. The application does not consider or give information on any of the following and without this information the Parish Council cannot support the application. Which roads and routes construction traffic will use to access the site? How many vehicles and the size of vehicles will be used in construction. How long will construction take to finish. The number of journeys that will be made to and from the site and where the vehicles will travel. The times of the day the deliveries will take place at the local school and other businesses on and around Oake will be disrupted. The impact the vehicles will have on the roads and bridges in the area. Without this information the Parish Council is unable to support the application, however with this information and if planning permission was given the Oake PC would like to be involved in minimising these impacts on the community.

*BRADFORD ON TONE PARISH COUNCIL* - Councillors have had an opportunity to consider the application (as an adjoining parish). The Parish Council object to the proposal based on the same reasons as put forward by Oake Parish Council. Councillors were particularly concerned that a traffic management plan should be agreed with Somerset CC.

*NYNEHEAD PARISH COUNCIL* - the Council is generally opposed to the Solar Park – the Solar Park will be in an inaccessible place, with no access to the site; there is no traffic Management Plan and the panels will be occupying valuable agricultural land.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The site is approximately 5km west of Taunton, south of the village of Oake, it is proposed to install approximately 16,000 solar panels. Whilst it can be approached on lanes from north and south the developer has proposed that large vehicles delivering plant and materials approach from the north from the B3227 and through Oake and that smaller vehicles delivering workers are able to approach via Chelston and Nynehead.

### **Considerations**

The lanes are quite narrow in the vicinity of the site and at Oake the route passes by the village primary school and traffic should be timed wherever possible to avoid the start and finish of the school day during term times. However the developer proposes to limit both the size of vehicles used (20ft lorries max length) and the number of vehicle movements per day to a maximum of 5 per day (10 two-way movements). The developer has also indicated willingness to operate to an agreed Construction Traffic Management Plan to address some of the concerns about

construction traffic.

The TGC renewables document, 'Provisional Traffic management Information for the Solar Development at New Rendey Farm' proposes that HGVs leave the M5 at Junction 26, travel up the A38 to Taunton where they join the B3227 to Hillcommon before turning off this County Route to Oake. It would also be acceptable for the small daily number of HGVs to route from the M5 at junction 25 via the A38, and A358 to the B3227. There are two bridges north of the site, one across Hillfarrance Brook and the more southerly to the north of Rendy Farm. The Highway Authority is satisfied that these will take the proposed traffic loading for access by HGVs to New Rendy Farm from the north.

The developer is required to carry out a pre-construction highway condition survey in case any of the extraordinary construction traffic damages the local roads leading to the site from the B3227, in which case repairs must be made by the developer or at the developer's cost. Post construction the site will generate relatively little maintenance/monitoring traffic and this is not considered harmful to the local lane network. When the site is decommissioned it is expected that materials will be removed in reverse to how they were imported during the construction period. There would be likely to be less material removed as it is common for farms to continually use and re-use a modest supply of aggregate in making repairs to existing tracks, hardstandings etc. The field entrance is on the outside corner of a tight bend in the lane. It should be widened to accommodate two-way construction traffic and also to improve visibility along the lane in both directions. Any gates should be set well back and hung to open inwards away from the highway. Conditions suggested.

*LANDSCAPE* - The Landscape Assessment (GLVIA) appears robust and covers the full landscape impacts. The proposals will have some landscape impacts especially from the close up viewpoints such as the entrance way and footpath just to the west of the gate. There are also significant views from the Bradford on Tone to Oake Road. However these could be overcome to an acceptable level with the following mitigation measures:-

- Allow existing hedgerows to grow and be maintained at higher levels
- Maintain the southern boundary trees in good management.
- Plant a new hedgerow and bank on the new main entrance to cut off any direct views of the site
- On northern boundary hedgerows selected and allow trees to grow onto maturity at 20m gaps.

*ENVIRONMENTAL PROTECTION TEAM* - there is another solar farm within the district and no noise complaints have been received relating to the operation of that site. With this application the inverters are several hundred metres from any residential premises, which is further than on existing sites. Therefore, it is unlikely that noise from the inverters will disturb residents, However, to provide a more detailed comment a noise assessment would be needed to be provided by the applicant.

*ENVIRONMENT AGENCY* - comment:

the application does not demonstrate that flood risk will not be increased elsewhere. The application is therefore contrary to the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

The FRA considers that the impermeable area on the site will be the solar panel's legs and various kiosks on the site. However the solar panels themselves could contribute to the impermeable area to some extent. We are therefore concerned that the surface water attenuation provided for the site has been under estimated.

On the current proposal, the swale located at the north of the site has been designed to follow the solar panel array instead of the site contour; therefore we are not convinced that this swale would be very efficient at attenuating flow.

In order to resolve our objection, the FRA should be revised to include more site-specific details of flow routes and runoff from the solar panels across the site, especially during construction phase and consider the effect of compaction. Ideally we would want the applicant to take the same approach as they have at Halse Farm (TDBC Ref: 06/12/0034) and Grange Farm (TDBC Ref: 23/12/0032), and to bear the following in mind:

In the absence of any specific guidance on how to assess run-off from solar developments, a range of methods and scenarios to calculate run-off rates (and thus, attenuation volumes) should be investigated. Attenuation volumes should be agreed based on the above investigation and taking into account site specific circumstances. The introduction of impermeable areas within the development should be minimised wherever possible i.e. access tracks should be permeable. Any drainage scheme should be supported by percolation / soakaway tests on site, or pre-cautionary assumptions made as to the ground conditions and likelihood of percolation being achievable. Management of the land, including grass seeding and planting (in line with proposals set out in the FRA) should be considered and confirmed. Measures to offer betterment on existing surface water rates and volumes to reduce flood risk elsewhere should be considered given the scale of the development.

*SCC - RIGHTS OF WAY* - no reply

*DRAINAGE ENGINEER* - I have concerns regarding overland flow routes of surface water runoff from the proposed solar panel arrangements. With previous developments of this nature and similar size more thorough investigations have been carried out to assess run off rates, flow routes and erosion. These investigations were then used to assess storage volumes to ensure flooding is not increased downstream. I note that porosity tests have not been carried out. The porosity of the soil should be assessed so that any attenuated volumes can be arrived at with some certainty. With regard to the ongoing maintenance of drainage features, I note that they are to be carried out by the site operator. A planning condition should be attached to any planning approval that a full maintenance regime needs to be agreed and in place before any works commence on site. I note the Environment Agency also have similar concerns and have requested more information. At present I have to object to this application till further information is forthcoming.



*DIVERSIONS ORDER OFFICER* - no comments

*BIODIVERSITY* - The site comprises of arable land, hedgerows standing water and ditches. Ecosulis carried out an extended Phase 1 Habitat Survey of the site in November 2012. Findings are as follows.

Bats - The hedgerows and trees, on site provide potential foraging and commuting habitat for bats. A dead tree stump on the western boundary provides roosting opportunities for bats. I agree that lighting should be kept to a minimum and directed away from hedgerows.

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

Badgers - The surveyor noted two outlier setts within the hedgerows on site, as well as mammal paths. I support the proposal to carry out an update badger survey prior to works commencing on site to establish activity levels. If works are to be undertaken within 20 m of a used sett, which from the drawings looks likely, then a NE licence will be required

Reptiles - The hedgerows, which are to be retained and protected by fencing, are considered to offer potential to support reptiles. The scheme includes the retention of the hedgerows and ditches (the most ecologically valuable habitat on site)

I support the biodiversity enhancements proposed but require detail. In addition I consider that there should be an element of landscaping in the scheme

*AVON & SOMERSET POLICE*: suggest some anti-vandal measures, which the agent should note.

## **Representations**

1 letter of CONCERN received

- Head teacher of Oake, Bradford and Nynehead CE Primary School;
- Supports the concept of renewable energy, there are grave concerns regarding transport proposal route 1;
- There needs to be an enforced restriction on the timings of deliveries;
- Concerns about the safety of children;
- Traffic in Oake is becoming increasingly congested at the start and end of the school day;
- Parking is a major issue;
- Many cars need to drive through the village, turn and drive back along the main road;
- There is severe congestion on the road between 08.40 - 09.10 and 14.45 – 15.20;
- There are 110 pupils and a busy pre-school, so up to 130 young children,

- parents and younger siblings walk along the narrow path through the village;
- There is no clearly marked crossing;
- There is a blind corner outside the school gate.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

**LOCAL FINANCE CONSIDERATIONS** are not relevant to this case.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues raised by this proposal are:-

- The impact of construction traffic on the highways leading to the site;
- Landscape impact;
- Flooding/run-off issues.

### 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 Taunton Deane Core Strategy, the proposal is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purpose or accord with other specific development plan policies. Policy CP1 relates to Climate Change and DM2 relates to Development in the Countryside.

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". Policy DM2 Development in the Countryside gives the types of development which would be supported in the countryside, subject to specified criteria.

### Traffic

The agent has submitted a provisional traffic management information report, but advises that this is not a guarantee of types and numbers of vehicles to be used, as the contractor has not yet been appointed. However the figures give a good idea of the numbers and sizes of vehicles involved. The size of lorry is given as 6m (20feet), in order to negotiate the highways in the area. Since the objections have been received the agent has been in contact with the County Highway Authority and the headmaster of the school and has agreed to a condition which would restrict deliveries to avoid the school drop-off/pick-up times. Whilst this is welcomed and would contribute to the acceptance of the scheme, this cannot be in an enforceable condition. Instead, there is a condition that the contract with the contractor must specify that the lorries will be no more than 6m long and that they will avoid the school drop-off/pick-up times.

Discussions have been ongoing between the agent and the Parish Councils in respect to the traffic issues and it is expected that the outstanding matters have been resolved.

### Landscape Impact

Generally the impact is likely to be negligible. There will be views of the panels from the public footpath to the west of the site, views from different points on the surrounding highways and there will also be some distant views. None of these views are likely to be detrimental to visual impact and thus from this aspect, the proposal will be acceptable. To help mitigate the proposal, the Landscape Officer has asked for some additional landscaping in terms of allowing the hedges to grow higher to 2.5 to 3m, with some sections of the northern boundary being allowed to grow to 20m. The agent has agreed to this, but not to additional planting beside the main access point. This is considered to be sufficient mitigation as the site is quite well screened at present. A section of hedge beside the entrance is likely to be lowered or removed to allow for the access for lorries, but this hedge will be allowed to re-grow following construction. The County Highway Authority's officer has asked that this hedge be retained at the lower height; this is considered to be extreme, as only occasional maintenance will be undertaken subsequent to the completion of the construction.

### Flooding /runoff

The Environment Agency has raised objection to the proposal on the basis that the flood risk will not be raised elsewhere, that the impermeable area may increase and that run-off needs to be further addressed. Other details also need to be addressed.

As these issues can be overcome by a suitable worded condition; this is suggested.

### Other

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. In this case the agent has stated that sheep grazing could take place within the fields. 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.

The fences and the buildings will be visible from the adjacent road, but these will be in the context of existing hedges, and it should be noted that agricultural buildings often have more significant visual impact. It is considered that the proposal is acceptable subject to confirmation that the fence and buildings will be grey rather than green as such colour is more easily incorporated into the background.

Cameras will be located on poles around the site, but these will not impact on neighbours or users of the nearby footpath. The wildlife on the site will be protected, and there should not be any adverse impact on wildlife.

### Conclusion

There will be impacts from the traffic/lorries used to construct the site and the worker's vehicles, this is inevitable with any construction site. The agent has agreed that the contract will specify the times of vehicles such that they will not pass the primary school during its drop-off/pick-up times. This agreement will significantly lessen the 'impact' of vehicles going through Oake at sensitive times, although there will be some disturbance from vehicles at other times of the day. Other issues raised are not considered to be significant in the consideration of this application. Whilst there are outstanding objections from the Environment Agency and Drainage Officer, the matters raised can be overcome by condition and there is no significant issue in respect to flooding.

It has been shown above that, with the exception of some 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 lies to the west of the site. 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**



LONE STAR LAND LLP

**OUTLINE APPLICATION FOR THE ERECTION OF UP TO 71 DWELLINGS WITH ASSOCIATED ACCESS AND INFRASTRUCTURE ON LAND OFF BURGESS LANE, WIVELISCOMBE**

Grid Reference: 308385.128108

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the applicant entering into a Section 106 agreement to secure the following:

- (a) Affordable Housing – Provision of 25% of the dwellings for affordable housing, of which 60% social rent; 40% intermediate.
- (b) Education – Payment of £184,690 to expand pupil capacity at Kingsmead School. Payment of £171,598 to expand pupil capacity at Wiveliscombe Primary School. Contributions should be given pro-rata per dwelling in the event that a different final number of dwellings is proposed.
- (c) Children’s play – provision of additional equipment on adjoining permitted children’s play area and laying out of the area previously shown for allotment provision as public open space.
- (d) Provision of 1850 sq.m allotments on land to the northeast of the site, including access and parking facilities.
- (e) Payment of £1,118 per dwelling towards improving community hall facilities in Wiveliscombe.
- (f) Payment of £1,454 towards improving active outdoor recreation contributions in Wiveliscombe.
- (g) Travel Plan – Implementation of an agreed (pre-completion of the agreement) travel plan, if a suitable condition cannot be agreed.

The proposed development would provide additional housing in Wiveliscombe, which has been identified for the development of up to 200 additional dwellings in Policy SP1 (Sustainable Development Locations) of the Taunton Deane Core Strategy. Subject to the proposed highway works, the development would not adversely impact upon the highway network nor wildlife interests. The information submitted indicates that a development can be provided that integrates well into the local area, and respects the existing townscape and landscape setting of the site. It would provide acceptable mitigation for the impact on community infrastructure facilities and would provide adequate recreation and children's play facilities for the future residents of the site. It therefore, accords with Policies CP6 (Transport and Accessibility), CP7 (Infrastructure), CP8 (Environment –

insofar as it relates to wildlife, landscape and flood risk matters) of the Taunton Deane Core Strategy. Accordingly, it is considered to be sustainable development and any adverse impacts could not be seen to significantly and demonstrably outweigh the benefits arising from the development. It is considered that this outweighs the conflict with Policy CP8 of the Taunton Deane Core Strategy (insofar as it relates to development outside the settlement boundaries) making the development acceptable, in accordance with Policies SD1 (Presumption in Favour of Sustainable Development) and the National Planning Policy Framework, taken as a whole.

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

(A3) DrNo 13115/1030A Location Plan  
(A3) DrNo 13115/4010A Access and Movement Parameter Plan  
(A1) DrNo 2016/130 New Highway Link

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

3. No work shall commence on the development hereby permitted until the link road shown on Drawing No. 2016/130 has been provided in accordance with further details that have been submitted to and approved in writing by the Local Planning Authority beforehand.

Reason: To ensure that an acceptable means of access to the development is provided in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Prior to the commencement of the development hereby permitted a surface

water drainage scheme for the site, based on sustainable drainage principles, 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.

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

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 Ruskins submitted report, dated December 2012 and include:

- Further survey work to ensure that dormice are not present in the hedge boundaries;
- 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.

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

6. The details for layout submitted pursuant to condition (1) shall include a pedestrian/cycle linkage(s) between the site and the play area on the adjoining site to the west. The linkage shall be provided prior to the occupation of the 20<sup>th</sup> dwelling hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that adequate access is provided from the development to the associated recreation areas in accordance with Policy CP6 of the Taunton Deane Core Strategy.



7. 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 prior to its occupation.

Reason: To ensure that the dwellings are provided with an acceptable means of access and to ensure that the detailed design of the proposed estate roads is acceptable and contributes to a well designed estate in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The applicant shall ensure that all construction 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 the commence of development, and thereafter maintained the completion of construction.

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

Notes to Applicant

## **PROPOSAL**

This application seeks outline planning permission for the residential development of up to 71 dwellings on land to the north of Burges Lane, Wiveliscombe. Approval is sought for access at this stage, with appearance, landscaping, layout and scale reserved for subsequent consideration.

Access is proposed from a widened and realigned Burges Lane (the widening and realignment works already benefiting from a resolution to grant permission) and to a small extent from Heathstock Hill. Burges Lane would be widened and two new estate roads would be formed through T-junctions from this road into the site. Frontage development with private access points would also be provided from Burges Lane. From Heathstock Hill, access is indicated for 3 individual properties

behind a new footway and repositioned boundary hedge. There would be no access to the wider site from this point.

Whilst layout is a reserved matter, an illustrative masterplan has shown that the site could be laid out with dwellings arranged around an internal estate loop road in the eastern field, broadly following a 'perimeter block' principle. 3 dwellings would front Heathstock Hill on the eastern most part of the site. A car park could also be laid out to provide additional parking facilities for existing properties on Burges lane. In the western field, dwellings could be arranged around a cul-de-sac that would continue into the adjoining field to the north where allotments would be provided for this development and the adjoining development to the west. This would remove the need to provide allotments on the adjoining area of public open space and a greater area of that site could be given over to recreation and children's play to meet the needs of the adjoining and this development.

## **SITE DESCRIPTION AND HISTORY**

The site lies to the north of Wiveliscombe and currently comprises two agricultural fields. The site is generally flat at its western extent but rises to the northeast.

Burges Lane lies to the south, which has dwellings fronting it and facing the site along most of its length, with some side-on running back from the road to the south. At its eastern end, Burges Lane appears to have been 'cut-in' such that it is significantly below the level of the site, which is currently retained by a bank with hedgerow on top. Towards the western end of the site, the boundary hedgerow sits at level with the highway, with the eastern most extent being a stone boundary wall.

The east site boundary with Heathstock Hill is formed by a hedgerow directly on the back edge of the highway which rises steeply towards the north of the site. 4 dwellings sit on the opposite side of Heathstock Hill, accessed by private drives directly from the highway and all are set back, with the exception of Tor cottage which is built up to the highway edge.

The northern site boundary at its eastern end is defined by a hedgerow separating the site from an agricultural field beyond. The application site comprises only part of the western field, so the northern boundary is open at this point. The western site boundary is formed by a stone wall that separates the site from a public footpath and adjoining then the adjoining WV1 local plan housing allocation.

Land to the west was allocated for development in the Taunton Deane Local Plan, under Policy WV1. This site has recently secured a resolution to grant planning permission for 52 dwelling in two phases – applications 49/12/0052 and 49/13/0001. Before development can commence on phase 2 (49/13/0001) a link road needs to be built from the site through the current application site to Burges Lane, bypassing a narrow section of Style Road to the west of Golden Hill. Burges Lane must also be widened and the junction with Ford Road altered to improve visibility in the form also detailed in the current application. These works mean that when the permitted, adjoining development proceeds, the current site will be opened up to the west and Burges Lane will be widened, removing the hedgerow that currently exists along its northern edge.

Planning applications were made on this site in the early 1990s, and refused for

reasons that the site was outside the settlement limit, prejudicing the consideration of the Taunton Deane Local Plan and potentially intrusive in the landscape. The site has recently been consulted upon as a potential option for development and potential allocation through the forthcoming Site Allocations and Development Management Policies Plan (SADMPP).

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *WIVELISCOMBE TOWN COUNCIL -*

At the Wiveliscombe Town Council meeting held on the 15<sup>th</sup> April 2013, a debate took place involving members of the public regarding this application and the Wiveliscombe Town Council decided to object to this application for the following reasons:

- Sustainability issues: Pressures on school places, public transport services, Doctors surgery and employment need to be seriously considered.
- The development land is outside the current Wiveliscombe Town Boundary and therefore should not be treated as the Phase 3 of the Style Road development which is on land inside the boundary and already designated for housing in Taunton Deane's local plan.
- The application seems to be an opportunist attempt to pre-empt the new neighbourhood plan by seeking planning permission that represents 35% of the 200 houses expected in Wiveliscombe over the next 15 years (under the site allocations and development management plan (SADMPP) and therefore does not allow for emerging needs.
- Once the (SADMPP) consultations and the neighbourhood plans have been completed we will be in better position to know the type of housing the community requires and where it should be built.
- To focus so much of Wiveliscombe housing for the future on one large site would be a mistake and will lock our housing plans into the timescale of the developer. Smaller blocks of dwellings, perhaps bungalows, which meet the needs of the town and its developing population rather than the financial wishes of the developer. This would enhance Wiveliscombe as a place to live, rather than a place to move to.
- The provision of three dwellings exiting onto Heathstock Hill looks like a dangerous proposal even if the 30 mph limit is moved to the top of the hill.
- Environment issues: The application seems to have missed all the wildlife that lives in the area. Frogs, toads, newts, slow worms, dormice, nesting birds and badgers have been seen in the Heathstock Hill hedge which should be protected and not removed.
- If the Town Council is to support the Governments Localism Bill this

development must be refused until local people have their say in both the neighbourhood plan and site allocations and development management consultations.

*SCC - TRANSPORT DEVELOPMENT GROUP* – The Local Highway Authority's (LHA) detailed comments run to some 8 pages and are summarised as follows:

The submitted Transport Assessment has a number of shortcomings and detailed comments are provided on what these are and where the analysis falls below SCC's usual standards. However, the LHA is content that any concerns over traffic impact can be dealt with through the agreement of a robust travel plan as part of the S106 process.

The travel plan also currently falls short of the LHA's expectations. It is a similar document to that submitted for the adjoining phase 2 development and here it was agreed that the final detail could be agreed as part of the S106 process.

The development may affect existing highway drainage infrastructure, including an overflow pipe, which may discharge to an existing watercourse. The FRA will have to demonstrate that the development will not give rise to off-site flooding including potential for flooding from these historic drains. Ideally, the entire system should be re-planned in a comprehensive manner and the existing highway over-flow drains abandoned.

Although acknowledging that the application is made in outline, detailed estate roads comments have been provided based on the illustrative layout. Extensive guidance is given on the detail that will be required for certain aspects of the final layout, including road dimensions, parking provision and visibility splays.

The LHA has no objection in principle to the proposed link road, but, as with phase 2, is not yet satisfied with the level of detail that has been provided. A Grampian condition should, therefore, be imposed to require full submission of details prior to the commencement of any works on site. Information is provided about the level of detail that will be required in order to give a final approval to the proposed works. The link road works must be completed before the development is allowed to commence.

Taking the above into account, the LHA raise no objection to the proposed development and are satisfied that the shortcomings in the travel plan can be resolved following determination of the application.

Conditions should be imposed covering the following matters: Implementation of the link road and junction improvements in accordance with further details; installation of wheel washing facilities during construction; submission of a construction management plan; the gradient of the access should not exceed 1 in 10; surface water should not be allowed to discharge to the highway; full details of the estate road layout should be submitted for approval; the development should be laid out such that each dwelling is accessed by a properly constructed highway prior to occupation; private drives should not exceed 1 in 10; a network of cycleway and footpath connections should be submitted for approval; the parking areas should be properly marked out in accordance with further details.

*SCC - RIGHTS OF WAY* – No comments received.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* – No comments received.

*WESSEX WATER* – The proposal is adjacent to Wessex Water's Wiveliscombe Styles Sewage Treatment Works. Odour modelling for the adjacent site predicts the development to be outside of the 5 ou/m<sup>3</sup> radius and we have no further issues to raise on this matter. We are in broad agreement with the applicant's proposal for foul and surface water strategy but provide advice on foul and surface water drainage.

*DRAINAGE ENGINEER* – Refers to previous comments on the adjoining site (49/13/0001) and a number of outstanding concerns. No information has yet been submitted regarding details of the proposed attenuation and its maintenance regime. Concerns were also raised regarding ownership of the surface water system and whether an adequate outfall could be made to the adjoining watercourse.

I note that this is an outline application and requires that the above together with the following comments are made conditions of any approval should they be given.

No development approved by this application should be commenced until a surface water run-off limitation scheme has been submitted and approved by the Local Planning Authority. The submitted details shall clarify the intended ownership and maintenance provision for all drainage works serving the whole site and adjoining phased development. This should include details of the proposed sustainable drainage scheme for the site.

*HOUSING ENABLING* - 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.

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.

A local connection clause is to be included within the S106 agreement to prioritise the homes for local people.

*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 site children’s play provision should be made for each 2 bed+ dwelling. The equipped children’s play space should be centrally located, overlooked and sited away from the main access road.

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

The “potential allotment” site is welcomed although to be viable it should consist of no less than 20 plots (5,800 sq. m). If this area cannot be achieved then a contribution of £194 per dwelling towards allotment provision should be sought.

A contribution of £1,118 per dwelling towards local community hall facilities, which are open to everyone and a focal point of community activities for all age groups in the community should also be sought to cope with the extra demand the development proposal would create.

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.

*PLANNING POLICY* - The application site is situated outside the existing settlement limit in open countryside. Hence the proposal is counter to the adopted Taunton Deane Core Strategy policies CP8, SP1 and DM2. The site adjoins the settlement limit and has good levels of access to a range of services and facilities in Wiveliscombe, including primary and secondary schools, post office, children’s centre, community office, community centres, library, pharmacy, opticians, dentist, doctor’s surgery and local shops. The site is also well-related to transport infrastructure, a bus stop is within 400 metres for an hourly service to Taunton. Wivvy Link also offers a service for those without access to private transport.

Wiveliscombe is identified as a Major Rural Centre in the adopted Taunton Deane Core Strategy. The Policy SP1 identifies requirements for up to 200 dwellings to be accommodated over the period up to 2028. In line with the adopted TDBC Core Strategy, new housing development at the major rural centres will include an appropriate balance of market and affordable housing together with some employment provision. The application for 71 dwellings with 25% affordable housing in line with adopted Core Strategy Policy CP4 and proportionate with the settlement hierarchy established for Major Rural Centres.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council is in the process of progressing the Site Allocations and Development Management Policies Plan (SADMPP). The Council published an Issues and Options document for the SADMPP in January 2013 and a public consultation event took place in Wiveliscombe on the 13<sup>th</sup> of February 2013. This site has been proposed as a potential allocation together with 8 other sites and is being considered through this process. Not all sites will be needed and given that the SADMPP will be subject to extensive community engagement prior to adoption it

would seem preferable to see this proposal advanced through the SADMPP rather than coming forward in advance of the Plan-led process. Wiveliscombe is in the early stages of producing a Neighbourhood Plan which may chose to allocate sites, therefore this application also pre-empts that process.

SADMPP representations included support for the site and also objections on grounds of hazardous highways and rainwater run-off.

Whilst the application is currently contrary to Policy the site has met the higher assessment criteria for consideration through the SADMPP, though it is yet subject to the general criteria assessment. Development could assist with the delivery of the proposed road in the TDBC Local Plan Policy WV1. The application could meet a proportion of the housing requirements for the Major Rural Centre.

*LANDSCAPE* – Other than the illustrative framework plan, there is no detailed landscape plan. From the illustrative plan above, my main concerns are: sub-optimal northern boundary treatment; several properties are very close to the existing hedgerows; and the north-south existing hedgerow is within back gardens and will be difficult to maintain as a consistent hedgerow given the complexity of ownerships. The area to the north of the site is shown as green but it is not clear whether this will be used as amenity space.

*BIODIVERSITY* – Refers to comments made in respect of earlier applications on adjoining land (49/12/0052 and 49/13/0001). The main concerns are breaching the boundary hedgerow between this site and those earlier sites to make way for the new access road. There is no certainty that dormice will not be affected by these proposals.

*SCC - CHIEF EDUCATION OFFICER* - The Deane's Site Allocations and Development Management Plan makes provision for about 150 additional dwellings over and above those required by the Local Plan. This number of dwellings would equate to 30 primary school places. Wiveliscombe Primary School has a capacity of 240, with a roll of 221 and a forecast roll rising to 233, Any existing spare places will also be likely to be required in the context of the other housing schemes proposed under the Local Plan and which are the subject of current planning applications.

It would therefore be appropriate to seek financial contributions in the context of all new additional development to mitigate the extra pressure on school places. This development of 71 dwellings would equate to 14 primary school places; with a cost per place of £12,257. Total contributions for primary school accommodation that should be sought through S.106 of the Act would therefore be £171,598.

A development of 71 dwellings would create the requirement for ten secondary school places. The Net Capacity of Kingsmead school is currently 735. The new science block will, we understand, increase the capacity to 800, but the existing roll already exceeds this, and forecasts rise to 831 by 2015, without taking into account any new development. The school will therefore be unable to cater for the additional pupils from this development without further enhancing its accommodation; and the school will come under increased pressure in the future when the current large primary school population moves up to the secondary tier. The capital cost of a

secondary school place is £18,469, so the total contribution would amount to £184,690.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* – No comments received.

*HERITAGE* - There are no designated heritage assets within the proposed development site.

Tor House, a Grade II listed building, is on the south-east edge of the site, close to the junction of Burges Lane and Heathstock Hill. The nearest proposed dwelling would be approximately 20m from the west end of this listed building but separated by Heathstock Hill. The principal elevation of Tor House faces south and there is no obvious inter-relationship between this listed building and the proposed development land, which is outside of its curtilage. While the proposed scheme can in no way be seen as enhancing the setting of Tor House, it is difficult to make a case that the development would compromise the significance of the listed building to a damaging degree. The impact could be lessened by a suitable planting scheme here.

The proposed development is outside of Wiveliscombe Conservation Area and would not impact on its setting.

*PARKS* – Need to ensure provision for play and open space is provided. No areas seem to have been identified on the plan.

*POLICE ARCHITECTURAL LIAISON OFFICER* – No comments received.

*SCC - FLOOD RISK MANAGER* – No comments received.

*ENVIRONMENT AGENCY* – No objection, subject to conditions requiring the submission of a surface water drainage scheme; a separation of 5m from built development to adjoining water courses; and submission of a foul drainage scheme.

Recommends informatives providing advice on the responsibilities of riparian owners, maintenance to water courses, the design and maintenance of SUDS and the prevention of pollution.

*DIVERSIONS ORDER OFFICER* – The proposed access to the site crosses the public footpath WG15/5, part of the Council sponsored West Deane Way.

Subject to planning permissions for application 49/13/0015, a further consent will be required from SCC for change of surface at the proposed access point.



## Representations

### Somerset Wildlife Trust:

Fully support the recommendations of the Biodiversity Officer in respect of preservation of habitat and subsequent enhancements. Also request that any landscaping scheme should only use native species of plants and that any lighting schemes should be designed so as to minimise light spillage and pollution. There should also be significant provision of bird and bat boxes.

1 letter of COMMENT has been received, accepting the principle of new housing but making the following comments:

- There have been many near accidents and the plans do not seem to show any extra visibility at the junction of Burges Lane and Ford Road.
- Extra parking should also be shown for existing residents.

11 letters of OBJECTION/CONCERN raising the following comments:

- Wiveliscombe does not require additional housing and not of this type.
- The land has always been outside the settlement boundary – query why this has changed.
- Query why so many dwellings are proposed. The high density is disappointing and inappropriate for a town of this size or alongside open farmland.
- The development will damage the character of the town and place an enormous strain on the town's facilities without contributing to the wealth and prosperity of the community.
- Burges Lane provides a defining edge between Wiveliscombe and the countryside beyond. It is a nice quiet part of town. A housing estate on the land opposite will result in urban type sprawl. Housing on the rising land to the east will be overpowering and dominate the surrounding area.
- The development would dominate views from Golden Hill.
- The proposals are typically suburban and have no sense of place or relationship to Wiveliscombe. The layout neither has a rural feel nor the dense nature of Wiveliscombe centre.
- The proposed road system will be totally inadequate for the increase in traffic and create an unsafe environment.
- This type of housing should be situated in larger towns that have the services to cope.
- The suggestion that employment would be created is ludicrous as this would only be for the duration of the build.
- Putting so many social houses on the site will not bring prosperity to the town.
- Wiveliscombe does not have the amenities to offer in the way of recreation for young people.
- The change in the road layout will encourage more and faster traffic.
- The splay at the junction with Ford Road is pointless because of the comparative bottle-neck it will cause heading towards Ford.
- Traffic calming is required on Burges Lane.
- The doctors surgery and schools are already at capacity.
- When development was mooted in the past, the proximity of the sewage

works made them unacceptable – has that changed.

- The area was named as an Area of Outstanding Natural Beauty. Query whether that has changed.
- A single house has recently been rejected close to Wiveliscombe.
- The outlook from Wellington Terrace will change and light will be affected and, therefore, well being. If development proceeds, dwellings should be set back from the edge of Burges Lane.
- Parking outside Wellington Terrace may no longer be possible. Provision of 14 spaces for Burges Lane residents may be insufficient and the spaces may be used by new rather than existing residents.
- Burges Lane has many children walking and cycling on their way to school as well as people pushing prams.
- Significant areas of habitat will be lost – the hedgerow along Burges Lane would appear to be species rich and no provision is made for replacement.
- The beautiful hedgerows will have to be destroyed. These are important habitats for plants and wildlife. A similar hedge should be planted if the development goes ahead as this is important for the residents of Burges Lane.
- The semi-improved grassland is also an important feeding ground for many species of birds, bats and associated invertebrates.
- There are Lesser Horseshoe Bats roosting at the old brewery site. Hedges are some of the nearest feeding areas.
- No individual garages appear to be shown on the outline plan – this is a retrograde step as garages provide necessary storage space.
- The proposed pair of homes opposite 1 Masons Square are too close to the edge of Burges Lane and should be moved back to be more in alignment with 3 Style Road. The parking spaces are also too close as there is not adequate space in the lane.
- To state that there is already a nearby open space on the Style Road site seems to be an excuse to increase the density on this land. More open space provision should be made on this site and could include allotments, play areas, cycle tracks or a community orchard.
- Access from Heathstock Hill may not be appropriate due to the visibility.
- The proposal does not appear to come up to the standard set by West of England Developments on the neighbouring site and more in-depth work needs to be done. The development would not blend in with this development or the town and needs reconsidering.
- Query whether there would be an increase in flood risk.
- Query whether there would be any offsetting of carbon used in the construction.
- Hope that the buildings would be of the highest environmental standards.
- Understand that replacement parking provision will be made for Burges Lane residents, but wonder how this will be controlled.
- The security of existing dwellings opposite would be undermined.

## **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,

CP7 - TD CORE STRATEGY - INFRASTRUCTURE,

CP8 - CP 8 ENVIRONMENT,

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)	£81,654
Somerset County Council (Upper Tier Authority)	£20,413

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£489,923
Somerset County Council (Upper Tier Authority)	£112,481

## **DETERMINING ISSUES AND CONSIDERATIONS**

The starting point for making any decision on a planning application is the development plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Relevant policies of the development plan are set out above and decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

The first section of this report considers the principle of the development in relation to the development plan and then considers other relevant material considerations that relate to the principle of the development. The following sections of the report relate to other material considerations that need to be considered in reaching a decision on the application. The report concludes by summarising those material considerations and making a judgement on the sustainability of the proposed development, relating those findings back to the high level principles in the opening section.

The main issues, and structure of the report, for the consideration of this application are:

1. The principle of development and planning policy context
2. The impact on the highway network
3. The impact on wildlife
4. The indicative form of development and its relationship with existing dwellings and the wider settlement
5. The impact on (and provision of) community infrastructure and open space and accessibility to those facilities
6. Other material considerations; and
7. Taking all of the above into account, whether the development is likely to be 'sustainable' within the meaning of the Core Strategy and National Planning

## Policy Framework.

### 1. The principle of development and planning policy context

The application site is outside any development boundary. In this regard, the development is contrary to Policy CP8 of the Taunton Deane Core Strategy, which seeks to resist development outside identified settlement limits.

However, the Core Strategy (Policy CP4) also provides for significant additional development in Taunton Deane, requiring the provision of an additional 17,000 homes (at least) over the plan period. Wiveliscombe is identified in the plan as a 'Major Rural Centre' and Policy SP1 indicates that such settlements will include allocations of up to 200 new net additional dwellings, to be made through the Site Allocations and Development Management Policies Plan (SADMPP).

The SADMPP is currently at an early stage of preparation, with consultation on 'issues and options' having closed on 7<sup>th</sup> March. At the present time, until this plan has reached a more advanced stage, it is considered that the development plan is silent on the matter of where any further sites will be identified. What is certain is that there will need to be a review of current settlement limits (as shown on the retained proposals maps) to accommodate the required dwellings. Whilst the development is, therefore, in technical conflict with the development plan in that it proposes development outside the settlement limits, it cannot be accepted that further allocations in Wiveliscombe beyond settlement boundaries will not be required. Paragraph 14 of the NPPF states that where the development plan is absent or silent, or the relevant policies are out-of-date, then planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Town Council have raised concerns based on prematurity and the fact that permission is sought prior to the completion of the SADMPP and neighbourhood planning process. However, this site will not meet all of Wiveliscombe's development needs over the plan period and therefore, if the site can be found to be sustainable, it is considered likely that it would come forward as part of that process and unlikely to prejudice the long term planning of the town. In that context, it is considered that issues of prematurity should be given little weight.

In terms of the principle of the development, therefore, it can be seen that there is a conflict with the development plan in that the site is outside the settlement limit. However, the weight of this technical conflict is reduced given the amount of development that the plan envisages for Wiveliscombe and that this will, undoubtedly, involve presently unallocated sites outside the plan. Precisely where this development will be accommodated is a job for the SADMPP and until this is in place, the development plan remains silent on this matter. The NPPF is a weighty material consideration and confirms that where relevant parts of the plan are silent, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This so-called 'presumption in favour of sustainable development' is echoed by Policy SD1 of the adopted core strategy and together with the NPPF carries such weight as to leave a presumption in favour of granting permission, in principle, provided that it can be

shown to be sustainable. Such will be considered through an assessment of other material considerations, through the remainder of this report.

## 2. The impact on the highway network

The application proposes to access the site from a widened Burges Lane that incorporates a new junction with Ford Road and via a new stretch of link road from Style Road passing through the adjoining development that benefits from a resolution to grant permission.

The widening of Burges Lane and link to Style Road has already been considered acceptable through the assessment of application 49/13/0001 and there is, therefore, no objection to these works. The Highway Authority have confirmed that with the road improvements proposed, the local highway network is capable of accommodating any increase in traffic likely to result from the proposed development. It is likely that the adjoining development, known as phases 1 and 2, will commence ahead of works on this site and the corresponding highway works delivered. However, in order to safeguard against that eventuality not occurring, a condition must also be attached to any planning permission that no other development commences ahead of those works taking place.

This development also proposes 3 private points of access directly from Heathstock Hill. For the reasons given in section 5, this is considered to provide the best solution for integrating the development into the surrounding townscape. Concerns have been expressed by some local residents and the Parish Council over the safety of such accesses, but the Highway Authority have not objected and, given the benefits in terms of the form of development, it is considered that these access points should be approved.

Concern has also been expressed about a reduction in parking along Burges Lane. Existing residents on both Burges Lane and Golden Hill currently park along the highway at this point and the introduction of new dwellings accessed directly from the northern side of the road will undoubtedly reduce the on-street parking capacity in this area. In response to this, the application proposes to provide replacement parking provision for existing residents within the application site. The illustrative masterplan suggests that this could be up to 14 spaces and it is considered that this would adequately compensate for any loss of parking spaces.

The Highway Authority have recommended a number of conditions. It has already been discussed that the new link road should be provided prior to the commencement of development, and it is considered reasonable to impose conditions regarding the timing of highway works in relation to occupation and the provision of wheel washing facilities. However, given that this is an outline application and layout is reserved for subsequent consideration, it is not considered necessary to impose conditions relating to site levels and gradients nor a specific condition relating to the provision of pedestrian and cycle networks. Drainage details can be covered in a site-wide drainage condition and the reserved matters will demonstrate how parking areas will be laid out. Phases 1 and 2 did not require the submission of a construction management plan and it is not considered necessary to impose one here, especially given that such matters as the timings of delivery and routes for construction vehicles are notoriously difficult to enforce.

With regard to the above, the proposal is considered to have an acceptable impact on the highway network.

### 3. The impact on wildlife

The submitted wildlife report indicates that the boundary hedgerows are species poor due to their intensive agricultural management. The report indicates that there is no evidence of European protected species using the site and, therefore, no licence would be required from Natural England to carry out the development.

Based on historic survey's the Biodiversity Officer has raised concern about the potential for Dormice in the western site boundary hedge which will have to be breached in order to make way for the new link road to Burges Lane. However, given that this is at the southern end of the hedgerow network and does not connect to the wider network, it is considered unlikely that protected species would be affected by the proposals – in accordance with the submitted ecology report – and that detailed mitigation to ensure that this is the case can appropriately be secured by condition in this case.

In light of the reports findings, the impact on wildlife is considered to be acceptable.

### 4. The indicative form of development and its relationship with existing dwellings and the wider settlement

The proposed development will extend the existing settlement to the north, replacing agricultural fields with development. Such will clearly change the character of the immediately adjoining area. However, given that further development is acceptable in principle, it must then be assessed whether development of this site would be capable of integrating acceptably into the existing townscape.

The proposal seeks to place new frontage development on the northern side of Burges Lane, fronting the existing development opposite. This is considered to be the best possible relationship in terms of creating a well designed scheme that will deliver a sense of place – albeit a different place to that which currently exists.

Illustrative plans suggest that where the proposed link road swings into the site and forms a junction with the existing road, a new 'square' would be created with dwellings fronting onto the area to form good enclosure. This type of intimate urban form is characteristic of much of Wiveliscombe and particularly the areas surrounding Golden Hill immediately to the west of this location. Subject to detailed design, this solution is considered to be appropriate for this area.

On the eastern site boundary, it is proposed to make three new access points from Heathstock Hill to serve individual properties. On the opposite side of the road, there are a number of existing individual dwellings accessed from the highway in this way and it is considered that this design solution will present a soft edge to the development in a way that allows it to relate well to the existing built form around it. The alternative, would be retaining the existing boundary in its current form and setting dwellings behind it. The result of that would be a development that did not respond to the existing public realm on the eastern side of the site and would create an approach to Wiveliscombe characterised by back gardens and new development

that felt disconnected from the Town. The low density along the eastern edge that would result from this suggested layout would also mean that development was more spread out on this highest part of the site.

The new dwellings served from Heathstock Hill propose a new length of footway along the western edge of the highway and this would in turn require the hedge to be set back and re-planted within the site. Again, the resulting slightly widened Heathstock Hill would change slightly in character, but it would as a matter of fact become the edge of town as a result of the development and would merely continue the footway for a further 80m from its current termination at Burges Lane. This would also be of benefit to those wishing to walk to the existing dwellings on Heathstock Hill and beyond. Taken in the round, it is considered that the approach to Heathstock Hill presented in the application is the best and most sympathetic way to integrate the development into the existing townscape and, once the new hedgerows have properly established, will create a development that feels part of Wiveliscombe.

Further into the development the form of development suggested by the illustrative plan would generally follow the principles recently established on the adjoining site to the west. In the eastern field, development would be laid out around a loop road, in a perimeter block fashion, that should be capable of delivering a good quality residential environment. In the western field, the estate road would be on a cul-de-sac principle, that continues to give access to the field to the north which will partly remain in agricultural use, but will also partly be given over to allotments.

A footpath is shown along the northern edge of this part of the development to connect to the existing public right of way to the west and on to the public open space permitted as part of the phase 1 and 2 developments. As such, good access would be possible to this public open space and the development will integrate well into the surrounding townscape.

Parts of the site would be visible as one walks from the town down Golden Hill towards the site. From here, elevated views are possible out across the open countryside beyond the site. Interestingly, most of the views from Golden Hill are of the land beyond the proposed residential development, the main part only coming into view on the lower reaches of the hill. It is, therefore, considered that the connection that the town has with the open countryside to the north will not be significantly undermined by development in the form shown.

#### 5. The impact on (and provision of) community infrastructure and open space and accessibility to those facilities

The capacity of Wiveliscombe Primary School will be exceeded by this proposed development; Kingsmead (secondary) School is already over capacity. The applicant has, therefore, agreed to make the County Council's requested contributions to expand pupil capacity in full in order to accommodate the anticipated additional demand. Contributions have also been agreed to improve facilities for active outdoor recreation and community halls in accordance with your Leisure Development Officer's requests.

The development does not propose any on-site children's play facilities. Instead, your officer's have agreed that the best solution in this instance is to further develop

the large facility permitted on the adjoining site, with additional equipment. It has also been agreed that the allotment provision previously indicated within the adjoining site's open space would be re-provided on land to the north of the current application site, in addition to the allotment requirement for this site. This would free-up space within the recreation area, and allow for better facilities to be provided on that adjoining land. At most, the furthest dwellings would be only marginally beyond the recommended 400m distance to children's play facilities and this is considered to be acceptable, given the better facilities that can be provided as a consequence.

Taking the above into account, it is considered that the impact on and provision of community infrastructure is acceptable in this instance.

## 6. Other relevant material considerations

The site is in flood zone 1 – the lowest risk. The development proposes to drain to a SUDS system incorporating a balancing pond on the adjoining site to the west. The Environment Agency are happy with these proposals, subject to the imposition of conditions to secure additional information. The Council's Drainage Officer, whilst noting that further information would be desirable is also content with the proposals, subject to conditions being imposed. In light of this, it is considered that the site can be acceptably drained and will not lead to any increase in off-site flooding.

The site adjoins Wessex Water's sewage treatment works (STW), which lie just off the northwest boundary. An odour assessment has, therefore, been submitted with the application and this has confirmed that, whilst odour may be periodically detected at some of the dwellings, this would not be at a level that would cause an unacceptable impact. Environmental Health officers and Wessex Water are content that development can proceed without being unduly affected by odour from the STW.

## 7. Taking all of the above into account, whether the development is likely to be 'sustainable' within the meaning of the Core Strategy and National Planning Policy Framework.

The opening section of this report sets out the appropriate policy tests for assessing this application. In accordance with Policy SD1 of the Core Strategy and paragraph 14 of the NPPF, it is considered that the presumption in favour of sustainable development applies, i.e. permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The subsequent consideration of material considerations has demonstrated that the site can be developed without any significant harm to the highway network or wildlife interests. Adequate provision is made for community infrastructure and the development will integrate well into the existing townscape. There are, therefore, considered to be no significant adverse impacts to weigh against the benefits of providing additional dwellings in a location that the Core Strategy proposes additional housing growth.

The proposal is, therefore, considered to be acceptable and it is recommended that



planning permission is granted.

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

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**

**E/0004/38/13**

UNAUTHORISED SECURITY SHUTTER AND ILLUMINATED FASCIA SIGN AT 60  
BRIDGE STREET, TAUNTON

**OCCUPIER:** MR A ULGUT

**OWNER:** MR VICKERY  
3 BROADLANDS WAY, TAUNTON, TA1 4HJ

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## **PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of the the external security shutter and to take Prosecution action over the illumination to the fascia sign together with the two signs attached to the shopfront.

## **RECOMMENDATION**

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

The Enforcement Notice shall require:-

- the removal of the unauthorised security shutter.

Time for compliance: 6 weeks

2 The Solicitor to the Council be authorised to take Prosecution Action over the unauthorised illumination of the fascia sign, together with the two signs attached to the shopfront.

## **SITE DESCRIPTION**

The site is in Bridge Street which is the main road that leads into the town centre and is north of the river Tone. The premises is a three storey brick building with the shop at ground level. The rear access is onto Black Horse Lane. The upper floors of the building are residential use.

## **BACKGROUND**

The complaint was brought to the Council's attention in December 2012. Contact was made with the owner and he was advised that both Planning permission and Advert consent was required. Both applications were submitted but did not contain all the relevant documents in order to register them as valid applications. Despite contacting the owner for the missing documents they were not forthcoming and both applications have been returned as they were invalid and not capable of being determined.

## **DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

Under The Town and Country Planning (General Permitted Development)

(Amendment) (England) Order 2010 Part 42 Class A.1.(i) the developemnt would involve the installation or replacement of a security grill or shutter on a shop front requires permission. With regard to the illumination of the fascia under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Class 5 flourescent strip lighting is not permitted. When a recent site visit was carried out it was also noticed that there are two signs attached to the shop front which also require advert consent

## **RELEVANT PLANNING HISTORY**

The following applications have been applied for.

38/11/0271- ALTERATIONS TO SHOP FRONTAGE, REFURBISHMENT OF 1ST AND 2ND FLOOR MAISONETTE, AND CHANGE OF USE OF TWO STOREY EXTENSION TO THE REAR FROM STORES WITH FLAT ABOVE, TO FORM 2 SEPARATE FLATS AT 60 BRIDGE STREET, TAUNTON - WITHDRAWN

38/12/0103- ALTERATIONS TO SHOP FRONTAGE, REFURBISHMENT OF 1ST AND 2ND FLOOR MAISONETTE AND CHANGE OF USE AND ALTERATION OF TWO STOREY EXTENSION TO THE REAR FROM STORES WITH FLAT ABOVE, TO FORM 2 SEPARATE FLATS AT 60 BRIDGE STREET, TAUNTON (RETENTION OF PART WORKS ALREADY UNDERTAKEN) (RESUBMISSION OF 38/11/0271) - CONDITIONAL APPROVAL 29/05/12

## **RELEVANT PLANNING POLICY**

### National Policy, Guidance or Legislation

NPPF - paragraph 207

### Taunton Deane Core Strategy 2011-2028

Policy DM1 (General Requirements)

### Taunton Deane Local Plan 2004

EC17 – Shopfront Security (retained policy)

EC26 – Outdoor Advertisements and signs (retained policy)

## **DETERMINING ISSUES AND CONSIDERATIONS**

The works carried out to the shopfront include a new external security shutter that is galvanised and solid and is enclosed within a shutter housing box, two external shop frontage signs and a new fascia sign which is illuminated by means of a light fitting that is white, attached to the brick of the elevation and projects approximately 300mm.

These external alterations are considered to detract from the appearance and amenity of the building and street scene and are contrary to retained policies EC17 and EC26 of the Taunton Deane Local Plan and policy DM1d of the Core Strategy.

The shutter is a solid galvanised feature that projects right across the shopfront and obscures it when in the closed position. It is accepted that shop owners may want to

protect their premises when closed and the Authority has allowed a number of shutters in the area but these are often perforated and coloured to blend with the shopfront and allow views of it at night. The current security shutter does not blend with the shopfront and screens the frontage totally in the closed position. This is considered to detract from the street scene in this location and so to be contrary to policy EC17 of the retained Local Plan which allows shutters where (A) they do not detract from any architectural features and are not detrimental to the street scene; and (B) they are designed and finished in a way which minimises their visual impact and is compatible with the shop front. Policy DM1d of the Core Strategy seeks to prevent unacceptable harm to the appearance and character of any affected building or street scene.

A new fascia sign has been added to the building and this is illuminated by means of a strip light in a white housing set approximately 250mm above the fascia and projecting 300mm from the wall. This when illuminated gives a bright light shining down to the pavement. The means of illumination is considered to be out of character with the appearance of the elevation and street and to detract from the visual amenity of the street scene contrary to retained Local Plan policy EC26(A). In addition two signs one either side of the doorway have been added. These signs conflict with the pilaster, stallriser and lower part of the window and are therefore considered to conflict with the architectural features of the building and detract from the character and appearance of the building and street scene contrary to retained Local Plan policy EC26(A).

It is considered that a satisfactory means of security to the shopfront and providing an illuminated sign could be achieved here, however this would entail removal of the existing unauthorised works and the submission of applications to secure the appropriate alterations to the frontage. The current frontage signs, lighting and security shutter are considered contrary to policies quoted above and to detract from the character and visual amenity of the street scene and therefore enforcement action is considered necessary to remedy the situation.

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

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

**CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479**

**E/0016/42/13**

UNAUTHORISED USE OF ANNEXE AT COMEYTROWE MANOR WEST, LIPE HILL LANE, COMEYTROWE

**OCCUPIER:**

**OWNER:** MR S HARRIS  
COMEYTROWE MANOR WEST, LIPE HILL LANE,  
COMEYTROWE  
TAUNTON  
TA4 1EF

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice to cease the use of renting "Bakers Cottage" as a separate unit of accommodation.

**RECOMMENDATION**

The Council's Solicitor be authorised to serve a Planning Enforcement Notice, and take prosecution action should the notice not be complied with, to cease the use of renting "Bakers Cottage" as a separate unit of accommodation

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

**SITE DESCRIPTION**

Bakers Cottage is a large linear building sited to the west of Comeytrove Manor West. Comeytrove Manor was divided in the 1990's to East and West and are now two semi detached properties which are Grade II Listed. Bakers Cottage is within the curtilage of Comeytrove Manor West and is accessed via Comeytrove Lane, sharing an access with the Comeytrove Manor Industrial Estate, which abuts the property to the west.

**BACKGROUND**

The complaint was first brought to the Councils attention in January 2013. Contact was made with the owner and a Planning Contravention Notice was served. This was completed and returned and revealed that "Bakers Cottage" was being occupied by non family members and not as an annexe to the main dwelling.

**DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

Without planning permission the use of Bakers Cottage can only be as an annexe to Comeytrove Manor West and used as ancillary accommodation with that property. From the information supplied by the owner, Bakers Cottage is currently being occupied and rented out to non family members. Previously it had been occupied by the owners grandmother and therefore complied with the requirements of the Planning Acts as an annexe.

**RELEVANT PLANNING HISTORY**

There have been two Listed Building applications for "Bakers Cottage".

42/99/0026LB - Internal Repairs to Walls and Installation of New Windows and Replacement Windows at Bakers Cottage, Comeytrowe Manor West, Comeytrowe Lane, Taunton. Conditionally Approved 28 October 1999.

42/11/0026LB - Insertion of additional Window on Ground Floor East elevation at Comeytrowe Manor West, Comeytrowe Lane, Taunton. Conditionally Approved 13 September 2011.

There has been a recent application for Planning Permission for the erection of a detached garage at Comeytrowe Manor West, Comeytrowe Lane, Trull under application No 42/11/0027 which was conditionally approved on the 12 September 2011.

## **RELEVANT PLANNING POLICES**

### National Policy, Guidance or Legislation

NPPF – paragraph 207

### Taunton Deane Local Core Strategy 2011-2028

CP8 – Environment

DM1 – General Requirements

## **DETERMINING ISSUES AND CONSIDERATIONS**

The two storey outbuilding lies approximately 7.5m to the west of the former Manor House. It has been in use for a number of years in connection with the residential use of the main building as an annexe. It faces out towards an industrial site and backs onto the courtyard area of the Comeytrowe West Manor and only has an amenity space to the rear shared with the main house. The relationship between the two structures is a close one with overlooking of the private courtyard between the buildings and the use of the annexe building as a separate dwelling is not considered appropriate due to the privacy and amenity issues that result from this closeness. Also as a separate dwelling there would undoubtedly be a requirement to separately define the curtilage with associated fencing or walling. This would detract from the setting of the listed building, although it would be controlled under the Part 2 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995. Planning permission would be required for use of the outbuilding as a separate dwelling and this would not be considered acceptable for the reasons outlined above.

In light of the above considerations, and without evidence to show the building has been let separately for 4 years or more, a use of the building as a separate dwelling is not considered acceptable given the character of the listed property and its historic relationship and enforcement action to prevent subdivision is considered appropriate.

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

**PLANNING OFFICER:**

**Mr G Clifford**

**PLANNING ENFORCEMENT OFFICER: Mrs A Dunford**

**CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479**

**APPEALS RECEIVED FOR COMMITTEE AGENDA – 22 MAY 2013**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/A/13/2196361	ERECTION OF AN AGRICULTURAL WORKERS DWELLING AT HATCH GREEN NURSERY, CAPLAND, HATCH BEAUCHAMP	19/12/0010
APP/D3315/H/13/2197667	DISPLAY OF 1 NO. INTERNALLY ILLUMINATED BOX SIGN AND 1 NO. FASCIA SIGN AT BLUE MANGO, 1 WESTGATE STREET, TAUNTON (RETENTION OF WORK ALREADY UNDERTAKEN)	38/12/0411A



31/13/0008

MR P BULL

**ERECTION OF TWO STOREY EXTENSION TO THE REAR AND A DOUBLE DETACHED GARAGE AT ROSEDALE, ILMINSTER ROAD, HENLADE (RESUBMISSION OF 31/12/0015)**

Grid Reference: 327156.124056

Full Planning Permission

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**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 C Proposed Plans, Elevations and Section  
(A4) DrNo 2512\_03 Location Plan  
(A4) DrNo 2512\_04 Site Plan  
(A1) DrNo 2512\_05 Rev B 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 and has imposed planning conditions 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.

Last year planning permission was granted 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 was proposed of render and tile, with an external staircase to the rear to access the first floor and two rooflights 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 was extended to run alongside the full staircase. The application also included a two storey rear extension to form a garden room with additional en-suite bedroom above, of brick and tile to match the existing bungalow.

This application now seeks planning permission to revise the materials of the garage from render, to brick to match the existing dwelling.

This application comes before planning committee as the agent is related to a member of staff.

## **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 comment*

## **Representations**

Two letters received from the occupier of Highcroft querying that double detached garage has already been built and appears to be nearing completion. Concerns that detached double garage now built is two storey and queries misdescription of the application, garage constructed to same standard as house with cavity wall, insulation, windows and doors to both floors and same height as Rosedale. Within a few feet of boundary and grossly overpowering. If described as two storey, would have investigated planning application more thoroughly and oppose it in strongest possible terms. Equivalent to having another house built in garden of Rosedale within a few feet of boundary. Concerns that application form stated works had not already been started. Queries whether turning was considered as distance from garage to new extension is somewhat limited. Queries how use of new building will be monitored, construction is not consistent with use for garage/storage.

## **PLANNING POLICIES**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

Planning permission has already been granted for a two storey rear extension and garage of these dimensions. As such, the principle has already been established. The matter for consideration is whether the use of brick in place of render on the garage is acceptable.

Under the previous application, the case officer took the view that 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. As such, the use of render was considered acceptable on this basis.

The revised design to erect the garage in brick to match, would appear more in keeping with the existing dwelling and would not lead to any increased impact upon the appearance of the surrounding area or the amenities of neighbouring properties and the conditions attached to the previous permission would be re-imposed.

In terms of the concerns raised regarding the description of the garage, the garage was stated to be a detached double garage, which is a standard description whether or not the loft space within the roof is being used for accommodation. It is then up to the occupier of nearby properties to decide if they wish to look at the plans and elevations to ascertain whether they consider the proposal would have an impact upon them. The height, windows, doors, etc was all shown on the previous

application, as it is on the current application.

The objector raises concerns that the garage is grossly overpowering. As stated under the previous application, 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 is not considered to result in any loss of light or overbearing impact. 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. As such, whilst it is acknowledged that the garage would lie in close proximity to the boundary with the adjacent properties, it is not deemed to result in material harm to the residential amenities of those dwellings.

The objector also queried whether consideration was given to the turning for the garage. It is important to note that the County Highways Authority were consulted on the scheme and were of the opinion that the site would retain ample space for vehicle turning. In terms of the use of the building, a condition has been attached to ensure that it's use would remain ancillary to the 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**

48/13/0023

MR B WATSON

**INSTALLATION OF DORMER WINDOW TO THE FRONT AND ROOFLIGHT TO THE SIDE AT ROSEMEAD, CHEDDON FITZPAINE**

Grid Reference: 324836.127796

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Subject to no further representations being received raising new issues:

Recommended Decision: Conditional Approval

The proposed dormer window has been designed to be in keeping with the existing dwelling and is not considered to result in harm to the street scene or the surrounding landscape. The scheme is not deemed to have an adverse impact on the amenities of neighbouring dwellings and would have no impact on highway safety. As such, the proposal is in accordance with Policies DM1 (General Requirements) and CP8 (Environment) 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:

(A3) DrNo 3712\_01 Location Plan

(A3) DrNo 3712\_02 Site Plan

(A3) DrNo 3712\_03 Existing and Proposed Elevations

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

**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 and has granted planning permission.

## **PROPOSAL**

Rosemead is a render and tile hipped roof dwelling with a rooflight in the front elevation. It is set amongst a mix of size and style properties, including gabled and hipped roof bungalows and two storey dwellings. It is positioned back from but fronting the road at Goosenford, to the east of Cheddon Fitzpaine with fields opposite and to the rear. To the front of the property and abutting the boundary with Little Acorns and the road is a gabled roof detached outbuilding.

This application seeks to install a dormer window in the front elevation to replace the rooflight, to improve the first floor accommodation. The dormer would be of traditional pitched roof style and would be of dark wood finish timber effect cladding and tiles to match the existing dwelling. It would effectively appear very similar to the dormers windows recently permitted to the front of the adjacent semi-detached properties, Blenheim and Little Acorns.

This application comes before planning committee as the agent is related to a member of staff.

## **CONSULTATION AND REPRESENTATION RESPONSES**

*At the time of writing, the consultation period is still running and members will be informed of any further comments/representations at the meeting.*

### **Consultees**

*WEST MONKTON PARISH COUNCIL* - PC supports this application but dormer dimensions should be larger to be in proportion with the dwelling.

*COUNTY HIGHWAYS AURTORITY* - No observations

### **Representations**

To date, two letters received stating NO OBSERVATIONS

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP8 - CP 8 ENVIRONMENT,  
H17 - TDBCLP - Extensions to Dwellings,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The dormer window is of traditional style gabled roof design and is considered to be of appropriate proportions for the scale of the property to avoid dominating it. The use of dark wood timber effect cladding would blend in with the tiles, against which the dormer window would be viewed, reducing it's prominence.

The dormer window would sit quite high within the roof, set up from the eaves and marginally down from the ridge. Whilst ideally the dormer should be set further down within the roof, by virtue of its design and scale, it is not considered excessively dominating or to harm the appearance of the dwelling. The dwelling is set back from the road with an outbuilding to the front and whilst clearly visible from the road, the dormer is not deemed to appear prominent. As such, the dormer window is not considered to result in unacceptable harm to the appearance of the dwelling.

Although there is no evidence of dormer windows to the front elevations of other properties along this row, there is a significant mix of style dwellings and dormer windows have recently been permitted to the front of the adjacent dwellings. As such, the installation of the dormer window is not considered to detract significantly from the diverse character of the street scene.

Whilst the Parish Council comments are noted, dormer windows need to be carefully designed so as not to appear 'top heavy' and dominating to a property. As such, it is considered that a reasonably small dormer window of traditional style would sit well within the hipped roof and not harm the character of the bungalow, whereas a larger dormer would appear dominating to the property, to the detriment of its character and the appearance of the street scene.

The dormer window faces forwards towards the road and is set in from the sides of the property. It is not therefore deemed to result in any increased impact upon the amenities of neighbouring dwellings. The scheme also includes the installation of a rooflight in the side elevation. Whilst this would face towards a small window in the side elevation, it is not considered to enable significant overlooking.

**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**