

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 14 August 2013 at 17:00.

Agenda

- 1 (i) Appointment of Chairman. (ii) Appointment of Vice-Chairman.
- 2 Apologies.
- 3 Minutes of the meeting of the Planning Committee held on 17 July 2013 (attached).
- 4 Public Question Time.
- 5 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 6 05/13/0025 - Erection of detached dwelling with associated access on garden land to the north of Uplands, Bishop's Hull Road, Bishop's Hull.
- 7 06/12/0067 - Erection of 3 no dwellings with associated parking, access and landscaping at Station Farm, Station Road, Bishops Lydeard (resubmission of 06/12/0007).
- 8 06/12/0068 - Erection of 6 no dwellings with associated garages and parking, landscaping and provision of open space at land at Station Farm, Bishops Lydeard (amended scheme to 06/12/0036).
- 9 07/13/0016 - Installation of solar pv arrays and associated works with a capacity of up to 9.5 megawatts of power at land north-west of Ritherdens Farm, Bradford On Tone as amended.
- 10 20/13/0024 - Erection of timber forest classroom, formation of car park and an astro turf play area at the grange, Kingston Road, Kingston St Mary.
- 11 38/13/0129 - Change of use of shop unit (A1) to create cafe/bar/bistro (A3/A4) use, new shop front and cantilevered terrace to the side at 2 Bridge Street, Taunton.
- 12 48/13/0040 - Erection of dwelling at 49 Greenway, Monkton Heathfield.

- 13 51/13/0003 - Demolition of dwelling and erection of replacement dwelling at Saltmoor, Burrowbridge (amended siting and design following refusal of application 51/12/0010).
- 14 53/13/0006 - Erection of Community Church and cafe at Rogers Walk, Cotford St Luke.
- 15 Planning Appeals - The latest appeals lodged and appeal decisions received (attached)

Tonya Meers
Legal and Democratic Services Manager

02 September 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.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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



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

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email 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 I Morrell
Councillor P Tooze
Councillor P Watson
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor G Wren

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors Coles, A Wedderkopp and D Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

05/13/0025

MRS A DENNETT

ERECTION OF DETACHED DWELLING WITH ASSOCIATED ACCESS ON GARDEN LAND TO THE NORTH OF UPLANDS, BISHOPS HULL ROAD, BISHOPS HULL

Grid Reference: 320304.124577

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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 1473/13/6 Block Plan (received 2 August 2013)

(A3) DrNo 1473/13/2 Iss 5 Elevations

(A3) DrNo 1473/13/1 Iss 6 Ground and First Floor Plans

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

3. The dwelling hereby permitted shall not be occupied until the access, turning and parking spaces have been fully provided within the site in accordance with approved drawing no. 1473/13/6. The access, parking and turning areas shall be hardsurfaced (not loose stone or gravel) and provision shall be made within the site for the disposal of surface water within the site so as to prevent its discharge onto the highway. Once provided, the access, parking and turning areas shall thereafter be maintained in perpetuity.

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

4. There shall be no obstruction to visibility greater than 900 mm above adjoining road level forward of a line 2.4 m back and for a distance of 25 metres to the South, as provided on approved drawing no. 1473/13/6. Such visibility shall be

fully provided before the dwelling hereby permitted is first occupied and shall thereafter be maintained in perpetuity.

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

5. The boundary treatment shown on drawing 1473/13/6 shall be completed before the dwelling is first occupied and shall thereafter be maintained as such and thereafter shall not be increased in height above that shown on the approved drawing.

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

6.
 - (i) Prior to its implementation a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

7. 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 (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: The Local Planning Authority is not satisfied that the dwelling could be extended without detriment to the amenities of the area or the existing dwelling given the layout of the site in accordance with retained Taunton Deane Local Plan Policy H17 and Core Strategy Policy DM1.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no further building, structure or other enclosure constructed or placed

on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout, and the amenities of the area given the layout of the site which would be in conflict with Taunton Deane Core Strategy Policy DM1.

9. The development shall provide for covered and secure storage facilities for a minimum of three bicycles, details of which shall be submitted to and approved in writing prior to implementation. Such facilities shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy M4 of the Taunton Deane Local Plan and Policies DM1 and CP6 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.
2. New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page at www.wessexwater.co.uk/developerservices. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Your attention is drawn to the presence of the wall to the Northern site boundary. This wall is understood to be Listed as a curtilage structure/feature associated with the Former United Reformed Church. Appropriate on site management of works, particularly excavation works should be ensured during all phased of construction so not to undermine the stability of this wall. Any damage caused to this wall is likely to require remedial works that should first be discussed with the Council's Conservation Officer.

PROPOSAL

The application seeks planning permission for the formation of access and erection of a detached two storey dwelling to the North of Uplands, Bishops Hull.

The proposed dwelling will be finished predominantly in facing bricks, interlocking double roman roof tiles and wood effect uPVC fenestration. The proposal is for accommodation amounting to a lounge, dining room, kitchen, utility and study at ground floor with four bedrooms and two bathrooms at first floor level. An integral garage is also proposed.

The proposed dwelling will have a depth and breadth of 13m and 11.6m respectively. The dwelling will have a varying roofscape, combining a traditional gabled design and incorporating a dormer window within the East elevation. The height of the building will be a maximum of 5m and 7.9m to eaves and ridge respectively.

A modest private amenity space will be provided to the West of the dwelling with open garden, parking and turning area to the East. New access to the property will be formed within the Eastern boundary through an existing low level brick wall.

SITE DESCRIPTION AND HISTORY

The application site is located within the residential curtilage of Uplands, a detached bungalow located to the West of Bishops Hull Road and within the settlement limit of Bishops Hull. The application site comprises maintained gardens with domestic planting and lawn areas. To the North the site is bound by a 3 metre high wall, considered to be a listed structure virtue of its historic relationship to the neighbouring chapel. To the East along the roadside boundary the site is bound by a low 900mm high brick wall. Uplands is located to the South whilst a former church is to the North; West of the site is a large scale housing development and private land.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS HULL PARISH COUNCIL - The Parish Council objects to this application.

The principle of a dwelling on the site is considered acceptable, but the Parish Council has concerns with regard to the size and form of the proposed dwelling.

The site is adjacent to a single storey bungalow and it is far too large, height wise, for such a close relationship.

The site is too small for the footprint and bulk of a large 4 bedroom dwelling as proposed, giving the impression of it being 'shoehorned in'. It is also in very close proximity to the adjacent listed wall (wall to former vegetable garden of Bishops Hull House) - the views of the conservation officer should be sought on this (if permission is granted, could an advisory note be placed on the certificate to ensure that the wall is not undermined by the building works) and the impact on the setting of the former URC chapel, both from Bishops Hull Road and the area to the west of the new development, which is to become a public open space area.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development is

situated within a residential area of Taunton within development limits therefore the principle of development is acceptable in this location.

The proposal is situated along Bishops Hull Road a designated unclassified road to which a 20mph speed limit applies. It was observed at the time of my site visit that vehicle movements and traffic speeds were low in this location.

In detail the development seeks to erect a residential dwelling house and the creation of a new access with parking area. Firstly it should be noted that Drawing No. 1473/13/6 details that the existing property known as 'Uplands' is served by a new vehicular access.

Referring to TRICS database the estimated vehicle movements for a single residential unit are approximately 6-8 movements per day. It is noted that there will be increase in vehicle movements along Bishops Hull Road, however, the Highway Authority consider that the surrounding highway network can accommodate the traffic levels that are likely to be generated by the development.

Vehicle Access - Existing Property: Drawing No. 1473/13/6 indicates that the existing property is to be served by a new vehicular access (within the applicants blue-line drawings). The existing property is provided with an existing access to the South of the site, which is considered acceptable in terms of vehicular visibility for vehicles emerging onto Bishops Hull Road. I do not consider it necessary to provide a new vehicle access for the existing property for the following reasons:

The existing access provides adequate visibility for the property known as 'Uplands', to which the proposed access does not.

The site at present is provided with vehicle turning and ample vehicle parking provision, enabling vehicles to exit onto the highway in a forward gear, to which it is considered that the proposed access does not.

As Bishops Hull Road is an unclassified highway, it is accepted that vehicle turning is not necessarily required. However, the resulting changes to the existing access will mean that vehicles are now provided with substandard visibility and insufficient area to manoeuvre off of the publicly maintained highway. Whilst the formation of an access maybe accepted under permitted development it is considered that the changes to the existing arrangement are detrimental to highway safety and that it should be brought to the attention of the planning officer.

Vehicle Access - Proposed Dwelling: The proposed access to serve the new dwelling provides insufficient visibility. Manual for Streets indicates that vehicular visibility for an allocated 20mph zone would require 'Y' coordinated of 25metres, measured along the nearside carriageway edge.

The Highway Authority take the view that any new access created in a location where a 20mph speed limit applies would be required to provide visibility splays of 2.4m x 25m. This is unachievable, as visibility to the South is over potentially third party land (albeit within the applicants blue line) and to the North less than half of the required splay, as indicated in Manual for Streets Section 7.5 and 7.6.

Additionally, it should be mentioned that the Highway Authority seek that any new access gates are set back a minimum distance of 5.0metres from the adopted

highway. This is to enable vehicles to pull clear from the highway whilst in operation, without becoming a hazard on the carriageway interrupting the free flow of traffic.

Internal Arrangements: Drawing No. 1473/13/6, details the internal site arrangements of the proposed dwelling. As mentioned previous vehicle turning onto an unclassified highway is not necessarily required, to which the submitted site layout does not incorporate. Bishops Hull has been identified as a 'Zone A' for vehicle parking provision.

The proposed four bedroomed dwelling is provided with the appropriate level of vehicle parking (one space within the garage and two in the parking area, which is likely to result in vehicles having to reverse out onto the publicly maintained highway to exist the site when at capacity.

Furthermore, as part of the Somerset County Council – Parking Strategy, new residential dwellings are required to provide cycle parking provision to promote sustainable modes of transport, based on one space per bedroom (therefore four). This has not been demonstrated as part of the proposal. However, there is scope within the site to accommodate this facility.

Conclusions: It is of the Highway Authority's opinion that the scheme would require the following amendments to be considered acceptable; the removal of the proposed access for the existing dwelling known as 'Uplands' and the retention of its existing access.

An area allocated to be kept clear from obstruction over land within control of the applicant (blue-line) set 2.4metres back from the carriageway edge and 2.0m above the adjacent carriageway level on the centre line of the access and extending to a point on the nearside carriageway edge along the site frontage to the South and North of the access.

Removal of the access gates from the scheme or set back the appropriate distance, preventing vehicles from waiting on the publicly adopted highway becoming an obstruction to all highway users.

If the amendments above are not forth coming it maybe considered appropriate to recommend refusal for the following reason:

The proposal is contrary to Policy DM1 of the Taunton Deane Core Strategy (adopted Sep 12) since the proposed access to the new dwelling does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

HERITAGE - Verbally advised that proposals would not have any adverse impact upon the setting of the adjacent listed building. The existing bungalow has already resulted in an adverse impact and the proposals, being set back, will not give rise to any significant additional harm.

DRAINAGE ENGINEER - No objection. Note for soakaway construction recommended.

WESSEX WATER - No objection. Standard comments and notes to application provided.

Representations

5 letters of SUPPORT from local residents making the following planning related observations:

- Precedent has been set for new building with the Permission site directly behind Uplands and new builds within existing plots;
- There are many different designs in properties along Bishops Hull Road, from detached, terraced, two storey, bungalow, old and new, with homes built in a variety of plot sizes.
- The property will not look out of place;
- Living behind the property on the Kingslake Estate I see no reason why the proposal should not go ahead. It will not intrude on any ones view and am sure the listed wall has been taken into consideration in the design;
- Uplands is most affected by the recent new development. The plot would not be out of place in the village as houses have a varied range of styles;
- Given the size of the new housing development and its proximity, it cannot be said that the proposals are too large for the site;
- A clear precedent has been set with the Persimmon homes development regarding plot size to property ratio and this proposal falls within that ratio;
- The proposal does not affect any adjacent properties and does not have any visual impact with regard to street frontage; regarding height, again there is little visual impact as the proposal is set well back from adjacent properties and road frontage;

6 letters of OBJECTION from local residents making the following planning related observations:

- The proposed dwelling is far too large for the plot designated to it; a bungalow on such a plot might be acceptable;
- The dwelling is very close to the listed wall that marks the Conservation Area boundary; the proposal will impact on the setting of the adjacent Listed former URC Chapel;
- A two storey red brick house crammed into a space too small will be detrimental to the ambience of the Conservation Area which we ought to protect;
- The principle of a dwelling on the site is acceptable but concerned over the size of the proposals, being adjacent to a bungalow;
- The dwelling is squashed in and out of character with houses two metres away within the Conservation Area
- Being close to the bungalow Uplands, the dwelling size looks out of proportion; permission should be given for a single storey dwelling;
- Though recent housing has added nothing to the beauty of the area this should not be used as a reason to allow further deterioration of the environment;
- The proposal will lead to a loss of light and view to Laurel House, impinging upon amenity;
- The Listed boundary wall is in poor condition and excavation works are likely to destabilise the wall to an extent that it may collapse; if any collapse occurs the applicants should be made to rebuild using the old bricks and not new bricks or a

wooden fence with it being the Conservation Area boundary.

PLANNING POLICIES

CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP8 - CP 8 ENVIRONMENT,
NPPF - National Planning Policy Framework,
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)	£1079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£2474
Somerset County Council (Upper Tier Authority)	£1619

DETERMINING ISSUES AND CONSIDERATIONS

The application site is within the settlement limit of Bishops Hull. The site is considered to be relatively sustainable and in such locations, Policies SP1 and CP4 of the Taunton Deane Core Strategy support the general principle of providing new residential development, inclusive of small infill plots. The proposed dwelling will be within a close proximity of Uplands and the United Reformed Church, the latter of which has had works undertaken in relation to planning permission for a change of use to a dwelling. The proposal is considered to be of a design and position within the site that will not materially harm residential amenity within the area.

Having regard to the above, the pertinent issues to consider are impact of the design scale and layout upon visual amenity, highway safety and the impact of the proposal upon the adjacent Conservation Area and 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".

Design Scale and Layout

The proposed dwelling will comprise a traditionally designed two storey building located on a plot of land between a bungalow to the South and a two storey former Church to the North; to the Southwest are two storey newly built dwellings. The area comprises a wide range of building design and finished materials. There are areas large estate development such as the new Persimmon development to the Southwest, whilst traditional properties can be found to the East of Bishops Hull Road.

The two closest properties, being Uplands and the former Taunton United Reform Church are more linear in form than the proposed dwelling. On close inspection, it can be seen that the proposed dwelling has taken the general design principles of Uplands and transformed this into a two storey building; the sloping roof and projecting gable are characteristics of Uplands as can be seen when viewed from the highway. There have been both objections to and support for the proposals referring to the design of the building, however I consider this to be an appropriate design given the wide range of building types within the area and the lack of a distinct local vernacular along Bishops Hull Road.

As with design, objection has been received in relation to the scale of the dwelling. Whilst Uplands is single storey in height, the area is dominated by two storey buildings. The adjacent former Taunton United Reform Church is two storey and the proposed dwelling will provide an appropriately scaled infill development between the bungalow and the former Taunton United Reform Church. A building of the scale proposed can be accommodated within the site as demonstrated on the submitted plans and there does not appear to be to be any demonstrable harm from a dwelling of this scale as to warrant refusal.

In relation to layout, the proposed scheme is considered to be appropriate; by setting the dwelling behind the principle elevation of the adjacent property (Uplands), there is sufficient scope to provide the necessary amenity spaces without adversely affecting the street scene. The layout maintains the general arrangement of dwellings to the West of the highway. The layout does have a slightly cramped appearance to it on plan form but such is not to say that consequently there will be any demonstrable harm to visual amenity.

In relation to visual amenity, the proposals are not considered to result in any significant adverse impact. When viewed from along the highway South of Uplands or North of the former Church, the dwelling will be largely screened by existing buildings due to its positioning backward of the existing building line. This positioning will also largely eradicate any clear visual indication of a cramped development as the building will not be prominent. Notwithstanding, even were the building to be seen along the street scene it would not adversely affect visual amenity. The representations received from neighbours and Parish Council are noted, however the overall design scale and layout of the proposed development is considered to be acceptable and such will not result in any significant adverse impact upon visual amenity within the area. The proposals therefore comply with Policy DM1 of the Core Strategy.

Highway Safety

The Highway Authority have objected to the proposed development due to a lack of appropriate visibility splays across the site frontage for the proposed dwelling. It considers adequate parking and turning space to be provided. Additional bicycle storage and matters relating to the positioning of gates can be dealt with by way of conditions.

It is important to note that Bishops Hull Road is an unclassified highway and subject to a 20 mph speed limit. The fall back position of the refusing the proposals on highway grounds would be for the access to be provided under permitted development rights prior to applying for planning permission. This fall back is given some weight in terms of the principle of providing a new access.

It is accepted that the visibility splay obtainable across the site frontage is below standard and that to secure a splay to the South, restrictions would have to be placed over adjoining land, which is currently owned by the applicants. Notwithstanding, the amended plan allows for acceptable visibility to be provided to the South and this can be controlled by way of a planning condition. Visibility to the North is more restricted with a splay of approximately 2.4m x 11m being obtainable. Whilst such is below standard the highway is subject to numerous traffic calming measures and it is considered appropriate for the amount of current (and future) traffic movements. The speed limit is 20mph and vehicles should be accepted as travelling at such speed in general. Traffic from this direction would also be travelling on the far side of the carriageway.

Despite being substandard to the North, it is considered that the development would not cause significant harm to highway safety. Vehicles will be able to see and be seen upon egress and the speed of vehicles is such that conflict on the highway is considered unlikely. Para 32 of the NPPF makes it clear that development should only be refused on transport grounds if the impacts of development are severe.

I do not consider the proposals to result in severe risk to highway safety for the reasons set out above and therefore the proposals do not conflict with Policy DM1 of the Core Strategy of guidance within the NPPF to a degree that warrants refusal.

Impact upon Conservation Area and Setting of Listed Building

Comments have been received stating that the proposed dwelling will have a detrimental impact upon the character and appearance of the adjacent Conservation Area and the setting of the grade II listed Taunton URC, with both of these heritage assets being immediately North of the site.

The proposed dwelling is not considered to adversely effect any designation or heritage asset within the area. The dwelling will be set backward of the adjoining bungalow and this, as noted above, is considered to significantly reduce the visual impact of the building. When viewing the Conservation Area and Listed Building from along the highway South of the site, the proposed dwelling will not interrupt any key view of the Conservation Area or impact upon the contribution that the Church makes to visual amenity within the area.

Concern has been raised as to the potential impact of the development upon the listed boundary wall, whilst any damage would be harmful to the historic environment, the building would be some 2.4 meters from this feature and this is not considered to be a reason to refuse planning permission. The undertaking of

sympathetic on site works is down to site management and if employed, which is to be expected, it will reduce the likelihood of any damage to the wall significantly.

The dwelling will be finished in materials in keeping with Uplands and will not be prominent locally. The development is therefore considered to maintain the character and appearance of the adjacent Conservation Area and preserve the setting of the Listed Building. The proposals therefore accord with Policy CP8 of the Core Strategy and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusions

The proposed development will provide for an additional new dwelling within a sustainable location where planning policy supports the principle of new residential development. No demonstrable adverse impact can be attributed to the proposed development, which is considered to be of an appropriate design, scale and layout and such will allow assimilation into the local area. The benefits of providing an additional dwelling within a sustainable location are considered to outweigh any minimal adverse impact upon highway safety.

Having regard to these matters, the proposals are considered to be acceptable and 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

06/12/0067

TAYLOR WIMPEY C/O

ERECTION OF 3 No DWELLINGS WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD (RESUBMISSION OF 06/12/0007)

Grid Reference: 316321.128881

Full Planning Permission

RECOMMENDATION AND REASON(S)

The recommendation is subject to Members voting to approve both applications 06/12/0067 and 06/12/0068. Without which the public benefit, in the form of upgrading the West Somerset Railway car park (or provision of additional visitor parking), could not be delivered and would therefore change the balance of the planning considerations.

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

Enabling Works

- "Prior to the occupation of the 4th property the applicants will pay a sum up to a maximum £106,311.74 plus VAT to the Council to fund improvements to existing parking provision or facilitate new car parking provision at the WSR facility and as shown for indicative purposes only on plan []]. These provisions are considered necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the Development. WSR shall agree with the Council a suitable scheme or schemes to deal with the expending of the monies for improvements to existing parking provision or new car parking provision, as relevant. This sum will be held by the Council for a maximum period of [10] years from the date of payment, or such other period of time as agreed between the Council and the applicants, and the Council shall have the ability to draw down the monies in their entirety or in parts at any time during that period, to be expended for the agreed purposes. Upon the expiry of the 10 year period, if all or any part of the monies have not been expended for the agreed purposes then the Council shall return any such unexpended sum to the applicants."

Affordable Housing

- 20% provision of affordable housing to be provided on site in accordance with details that shall be agreed by the Housing Enabling Lead. The provision shall be provided as part of the site area for application 06/12/0068.

Community Facilities

- Provision of the LEAP on site and its long term maintenance;
- Contributions of £1454 per dwelling for active outdoor recreation;

- Contribution of £194 per dwelling for allotment provision;

Public Art

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

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 0443-205 D2000 Plans
(A3) DrNo 0443-204 D2000 Elevations
(A3) DrNo 0443-203 DF1735 Plans
(A3) DrNo 0443-202 D1735 Elevations
(A3) DrNo 0443-201 D1400 Plans
(A3) DrNo 0443-200 D1400 Elevations
(A2) DrNo 0443-104 External Works Layout
(A3) DrNo 0443-109 Garages
(A1) DrNo 1127-110 Roads and Sewers Layout
(A1) DrNo 4832-L-01S Soft Landscape Scheme
(A3) DrNo 0443-102 Planning Layout
(A3) DrNo 0443-101 Location Plan
(A3) DrNo 0443-108 Materials Layout
(A3) DrNo 0443-103 Street Scene
(A3) DrNo 0443-105 Vehicle Tracking Layout

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

3. a. 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.

b. 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.

c. 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.

4. Prior to the commencement of the development hereby permitted, the proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to during construction and shall thereafter be maintained as such.

Reason: In the interests of the visual amenities of the area and to ensure that the development does not have an unacceptable impact on other nearby residential properties.

5. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the first dwelling and shall thereafter be maintained as such.

Reason: To prevent any increase in the risk of off-site flooding.

6. No part of the development hereby permitted shall be brought into use until that part of the service road that gives access to it has been constructed in accordance with the plans hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site in the interests of highway safety

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

PROPOSAL

This is a resubmission of a previous application which was refused by the Planning Committee in October 2012. That application is the subject of a Planning Appeal with the Inquiry due to re-open in September 3013.

Planning permission is sought for the erection of three dwellings. The proposed design is very much reflective of the consented development as it is the same developer bringing forward the proposal. The materials are a mixture of slate or tiled roofs and brick or render external finish. The properties will benefit from either a single or double garage. The proposed development would be accessed by way of the consented estate road that serves the wider enabling residential development, which comprises 39 dwellings. The layout and position of the plots has been amended during the course of the application.

The application site currently has outline planning permission for an office building (400sqm). The application is accompanied by two submissions from commercial agents which conclude that the site would not generate demand for office use in this location.

The office development was consented as part of the wider enabling development at Station Farm. This is set out further below, in the planning history.

This application proposes enabling works, secured by way of a legal agreement, to deliver an enhancement of either the existing car parking or for new car parking at the West Somerset Railway. The agent has made the following offer:

"Prior to the occupation of the 4th property the applicants will pay a sum up to a maximum £106,311.74 plus VAT to the Council to fund improvements to existing parking provision or facilitate new car parking provision at the WSR facility and as shown for indicative purposes only on plan []]. These provisions are considered necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the Development. WSR shall agree with the Council a suitable scheme or schemes to deal with the expending of the monies for improvements to existing parking provision or new car parking provision, as relevant. This sum will be held by the Council for a maximum period of [10] years from the date of payment, or such other period of time as agreed between the Council and the applicants, and the Council shall have the ability to draw down the monies in their entirety or in parts at any time during that period, to be expended for the agreed purposes. Upon the expiry of the 10 year period, if all or any part of the monies have not been expended for the agreed purposes then the Council shall return any such unexpended sum to the applicants."

SITE DESCRIPTION AND HISTORY

The application site, measures 0.16 ha, and is located to the west of the tourist attraction of the West Somerset Railway. The Bishops Lydeard terminus of the railway and the railway line form the eastern boundary of the overall development. The rural centre of Bishops Lydeard is located to the north east, with a pedestrian underpass providing access across the A358. The site is accessed off Greenway

Road, to the east of the entrance to the residential development at Greenway, which continues into Station Road and joins the A358.

The relevant site history dates back to 2007 when the developer GADD Homes secured a resolution to grant planning permission for the following applications:

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

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

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

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

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

Those applications were then held in abeyance as the developer went into administration. The applications were formally consented in August 2011 once the technical information on ecological and flooding matters were finalised.

In September 2011, reference application 06/11/0032, Taylor Wimpey sought permission to change the consented house types for their own design and some minor alterations to the layout of the scheme, including the provision of SUDS.

The application carried forward the main enabling works to secure:

- Transfer of land to WSR for the provision of tourism facilities related to the functions of a Heritage Railway;
- Provision of a Tourist Information Facility

and through a Grampian Condition:

- No more than 50% of the open market housing to be occupied until the following highway works had been delivered:
 - Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
 - Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;
 - Provision of a new roundabout at the junction of Station Road and the A358.

In addition there were planning obligations related to the development i.e. affordable housing provision.

The application was approved by the Planning Committee. The transfer of the land known as the 'tourism land' to the WSR has now been executed.

In October 2012, an application to erect 3 dwellings on the site of the approved office

building was recommended for approval by officers and refused by the Planning Committee for the following reason:

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' in that it would lead to the loss of a potential employment use that has an extant consent and that no evidence in the form of marketing has been submitted to demonstrate that such a use is not viable and material considerations do not outweigh the loss of employment land.

That application is the subject of a Planning Appeal with the Inquiry due to re-open in September 3013.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL –

The Council objects to the proposal on the following grounds:

- Since there has been no change to this application, the Council's comments on 06/12/0007 still stand.
- The Council does not feel that the applicant has tested the local employment market sufficiently. The Council feels that the applicant should look at all forms of employment for which the site could be used.
- The Council wishes to point out that vacancies in employment buildings at nearby Broadgauge Park are rare and short lived, which does not agree with the applicant's assessment of the employment market in Bishops Lydeard.
- The Council is not aware of any spare employment land within the village.
- The Council finds the statement that there is a lack of an employment market within the village questionable.
- The Council would like to know what proportion of the proposed new houses would be social houses.

SCC - TRANSPORT DEVELOPMENT GROUP – comments on previous application:

The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for most of its residents daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the NPPF and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National park Joint Structure Plan review (Adopted April 2000), and policy S7 of the Local Plan.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the benefits of this application or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

The amended layout is shown within drawing number 0443-102. The garage sizes now have dimensions 6m x 3m and can be considered as part of the overall level of parking provision.

Off-street car parking for plot 42 is now located adjacent to the dwelling. However, the proposed driveway is not perpendicular to the highway and is shown to be at an angle. This would make it very difficult for vehicles to reverse onto the highway.

The proposed level of off-street parking provision is still considered to be unsatisfactory and does not accord to the Somerset County Council Parking Strategy. The guidance states that each of the dwellings should have three spaces. Although it is acknowledged that the site is not in a particularly sustainable location, therefore it is accepted that this is a justification for providing additional parking for plots 40 and 41.

The shortfall in parking provision for plot 42 is considered to be unacceptable. This shortfall, combined with the poor alignment to the driveway, is likely to result in an increase in vehicles parking on the highway, to the detriment of highway safety.

It is therefore recommended that the planning application is refused permission for the following reason:

- Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000).

WESSEX WATER –

New water supply and waste water connections will be required from Wessex Water to serve this proposed development.

LANDSCAPE - The proposals are acceptable subject to the implementation of landscape proposals.

BIODIVERSITY - No objections to the change of use from office buildings approved to proposed residential dwellings.

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.

20% provision of affordable housing to be provided on site in accordance with details that shall be agreed by the Housing Enabling Lead. The provision shall be provided as part of the site area for applications 06/12/0068 and 06/12/0067 or across the wider consented development under application 06/11/0032.

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

ENVIRONMENT AGENCY – no comments on this application but commented on previous application:

No objection subject to the imposition of conditions addressing: finished floor levels; surface water drainage scheme; and, contamination

HERITAGE – No observations

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - no comments on this application but commented on previous application:

There are limited or no archaeological implications to this proposal and we therefore have no objection.

DRAINAGE ENGINEER – No objections subject to applicant confirming that the application does not increase the area of impermeable surfacing proposed originally by the proposed office space

NATURAL ENGLAND – Standing advice

The protected species survey has identified that the following European protected species may be affected by this application: Bats, Hazel Dormice and Great Crested Newts.

Our standing advice sheets for individual species provide advice to planners on deciding if there is a 'reasonable likelihood' of these species being present. They also provide advice on survey and mitigation requirements.

Representations

2 letter of SUPPORT (from a single household) which raise the following issues:

- There would be no issues with parking
- Do not want to see a pub/restaurant and offices as these would generate disturbance
- Support the provision of a LEAP on the housing site

3 individuals OBJECT which raise the following issues:

- Application was previously refused – What has changed?
- Not enough parking for plot 42 and will result in on-street parking
- Plot 41 should be south facing

- The access road is too narrow
- All previous comments should apply.

Previous comments included:

Principle

- If the applicant is so bothered about providing social and economic benefits to the location and immediate area then surely this would be better achieved by providing the offices (and the subsequent employment opportunities) as originally planned – rather than housing;
- Developers priority is profit driven;
- LPA should make a stand and represent their electorate;
- Original plan should be adhered to and then perhaps developers would stop including things in their original applications that they never had any intention of doing;
- TDBC Officers now accept the original office location was ‘inadequate and lacked coherence with its setting’ – why was the original plan approved;
- Local residents broadly supported the original application on the basis it provided employment opportunities;
- Further growth in Bishops Lydeard needs local employment, including small scale start up businesses, and will enable the village to be more self sufficient;
- Faster broadband coming to Bishops Lydeard will increase the viability of creating businesses;
- If offices are not viable then a different employment use should be pursued;
- There should be no automatic use of this employment land if offices are unviable at this time;
- Any economic benefit in terms of contributions should be put forward on the basis of the office floor space 4,520 sq ft and the UK Government recommended occupancy rate (110sq per person) – employing 41 staff. At an average salary of £26,871 that would equate to a contribution to the economy of over £1 million. Any benefit should therefore be judged against this context.
- No S106 contributions are offered;
- No onsite green space/play areas;
- Don't be surprised if further houses are proposed on the site of the public house;
- Previous applications considered pre NPPF.
- Localism – the Parish Council have expressed their objection to the scheme;
- Existing employment at Bishops Lydeard is at capacity;
- Market will pick up and we should be set to capitalise with a ready supply of employment land;
- The developer does not need to build a speculative employment;
- None of the existing industrial units in Bishops Lydeard are located on main roads and the inference that the site is not visible and therefore will not be attractive is not supported by fact;
- No financial contribution to WSR within the application;
- The offer of a financial contribution does not enable their development;
- The primary justification for this development was to promote tourism at the terminus of the WSR. This incorporated a hotel/pub/restaurant, brewery, take-away, cycle hire, museum, train sheds and offices. In order to ‘enable’ some of these facilities, the developer proposed to construct 39 dwellings;
- It is the dwellings that are the enabling development not the financial

- contribution;
- With the eradication of all of the non-residential uses from this supposed mix use development, the question is ‘what is it that these dwellings are supposed to be enabling?’
- £50,000 towards surfacing a car park is way off the mark to compensate the local economy for the loss of these commercial premises; as previously stated the value of salaries in the permitted office accommodation would exceed £1 million;
- Whilst the applicant has promoted additional public open space as a benefit this is effectively compensatory, not additional given the plan to convert the existing car park at the railway into a car park;
- In any case such development would need planning permission and any perceived benefit from its use as a car park cannot be taken into consideration;
- Determination must be made on the basis of the benefit of resurfacing the car park and not any possible increase in capacity that could be permitted in the future;
- The railway will not attract one single additional visitor on the basis that its car park has become smoother.

Detailed Matters

- Plot 42 has only 1 parking space allocated – this is over 20 yards from the house entrance;
- It will not be used by the residents who will then park on the narrow road and pavement adjoining the plot, blocking the entrance to plot 20.
- A parking space should be allocated in the rear garden of plot No. 42 or the house re-sited further back to allow a parking space at the front.
- The entrance to the cul-de-sac for plots 21, 22, 40 & 41 is too narrow. Drivers will mount the pavement outside plot 20 to gain access. I suggest the front boundary line to plot 41 is taken back in line with plot 42, enabling a safer and wider entrance to the cul-de-sac.
- Plot 41, the dormer windows need to be south facing to gain maximum amount of daylight into the rooms.

PLANNING POLICIES

CP8 - TD CORE STRATEGY - ENVIRONMENT,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP4 - TD CORE STRATEGY - HOUSING,
 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,
 DM4 - TD CORE STRATEGY - DESIGN,
 EC22 - TDBCLP - Land West of Bishops Lydeard Station,
 M4 - TDBCLP - Residential Parking Provision,
 CP2 - TD CORE STRATEGY - ECONOMY,

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)	£3,237
Somerset County Council (Upper Tier Authority)	£809

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£19,423
Somerset County Council (Upper Tier Authority)	£4,856

DETERMINING ISSUES AND CONSIDERATIONS

This application has been somewhat delayed in being presented to Members as a result of protracted discussions with the developer to ensure the development mitigates any planning harm.

The Parish Council and local residents have expressed their objection to the loss of the office, or employment land. The consented scheme for office development is a material consideration and any loss of such land would need to be balanced in the decision-making process.

The site is not allocated for office use or employment, other than could be considered in association with any tourism facilities. Its delivery was not previously considered to be fundamental to achieving the aims of the allocation. In other words there is no phasing or S106 requirement to deliver the office and it has no direct connection to the railway. Its provision was put forward as part of the subsidy which would deliver the transfer of the tourism land and tourism facilities. The transfer of land has been secured.

Nevertheless, there is a consented scheme for employment and its loss needs to be considered. The Parish and local residents express strong concern to the loss of employment land and suggest that alternative uses should be considered. There is a viability argument to delivering office development as identified by commercial agents and, in part, accepted by the Council's Economic Development Manager. The alternative would be to require the developer to demonstrate that an alternative employment use could not be achieved.

Saved Local Plan Policy EC9 'Loss of Employment Land' is applicable and states:

'Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.'

In addressing whether there is any overall benefit regard must be had to the retained Policy EC22 of the Local Plan – Land West of Bishops Lydeard Station which states:

'Land west of Bishops Lydeard Station is allocated for recreational and tourist development.

Complimentary recreation and tourist development will be permitted which:

- *support the tourist potential of the West Somerset Railway; and*
- *respect the character and setting of the station buildings, including Slimbridge.*

The main aim of the policy is the improvement of facilities for visitors at Bishops Lydeard terminus. The supporting text encourages proposals which enhance the tourist potential of the railway. Therefore proposals for further facilities to meet the needs of existing visitors to the WSR will be encouraged.

There are a range of examples provided including, café, picnic facilities, restaurant, pub or gift shop, and associated facilities to encourage greater use of the railway, such as railway-related exhibition area or museum, craft shops or workshops or other interpretative facilities.

The provision of office development is not an objective of the Policy. The policy seeks to improve the existing facilities at the terminus. The Council have been in dialogue with the WSR to understand their priorities. Now that the WSR have secured the land they are able to seek heritage funding and begin fundraising to deliver the tourism facilities i.e. museum, carriage shed. However, one of their most immediate pressing issues is that of parking provision. Two options have been considered. Firstly, it is possible to secure an appropriate contribution for the existing car park to be re-surfaced, drained, landscaped, and, importantly marked out. This would provide a more efficient use of the car park facility for the WSR to manage and be an improvement for patrons of the railway, in general accordance with the objectives of Policy EC22. It is currently managed by staff who direct the parking of vehicles as best they can. Alternatively, the same value of contribution could be used to provide a new staff car park and free up the existing staff car park to be made available for visitors. This could amount to an additional 50 car parking spaces which could increase visitor numbers and spend at the WSR. This is also considered to accord with the objectives of Policy EC22.

In terms of the principle of residential development outside of the settlement this is considered acceptable, in the context of the consented enabling development and the wider benefits that will be delivered.

It is therefore considered that the loss of the office building (or other employment use) is acceptable having regard to the primary objective of the allocation which is to support the tourist potential of the WSR.

Design and Layout

In terms of the planning layout and design of the proposed dwellings the scheme would integrate with the consented scheme. It is considered that there would be no unreasonable adverse impact on the amenity of nearby residents.

The Highway Authority has now raised an objection on the level of parking provision.

However, the scheme would accord with the Local Plan provisions of 1.5 spaces per dwelling. There is also a technical concern to the car parking space to Plot No. 42 not being perpendicular. However, the submission is accompanied by a vehicle tracking plan which demonstrates that it is feasible to use the parking space. Furthermore, as this at the end of the cul-de-sac it is not considered to be so harmful to highway safety as to warrant a refusal on this ground.

Conclusion

The concerns of the Parish Council and local residents are understood and noted. However, the loss of employment land needs to be balanced against the objective of Policy EC22. The allocation seeks to improve the facilities at Bishops Lydeard terminus. The parking issue has been identified by WSR in discussions with officers as a high priority. Those improvements will provide a tangible benefit to support the long term growth of the WSR.

As such it is recommended that permission be granted.

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

CONTACT OFFICER: Mr B Kitching Tel: 01823 358695

06/12/0068

Taylor Wimpey UK Ltd

ERECTION OF 6 NO DWELLINGS WITH ASSOCIATED GARAGES AND PARKING, LANDSCAPING AND PROVISION OF OPEN SPACE AT LAND AT STATION FARM, BISHOPS LYDEARD (AMENDED SCHEME TO 06/12/0036)

Grid Reference: 316278.128988

Full Planning Permission

RECOMMENDATION AND REASON(S)

The recommendation is subject to Members voting to approve both applications 06/12/0067 and 06/12/0068. Without which the public benefit, in the form of upgrading the West Somerset Railway car park (or provision of additional visitor parking), could not be delivered and would therefore change the balance of the planning considerations.

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

Enabling Works

- “Prior to the occupation of the 4th property the applicants will pay a sum up to a maximum £106,311.74 plus VAT to the Council to fund improvements to existing parking provision or facilitate new car parking provision at the WSR facility and as shown for indicative purposes only on plan []]. These provisions are considered necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the Development. WSR shall agree with the Council a suitable scheme or schemes to deal with the expending of the monies for improvements to existing parking provision or new car parking provision, as relevant. This sum will be held by the Council for a maximum period of [10] years from the date of payment, or such other period of time as agreed between the Council and the applicants, and the Council shall have the ability to draw down the monies in their entirety or in parts at any time during that period, to be expended for the agreed purposes. Upon the expiry of the 10 year period, if all or any part of the monies have not been expended for the agreed purposes then the Council shall return any such unexpended sum to the applicants.”

Affordable Housing

- 20% provision of affordable housing to provided on site in accordance with details that shall be agreed by the Housing Enabling Lead. The provision shall be provided as part of the site area for application 06/12/0068.

Community Facilities

- Provision of the LEAP on site and its long term maintenance;
- Contributions of £1454 per dwelling for active outdoor recreation;

- Contribution of £194 per dwelling for allotment provision;

Public Art

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

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 PL100 Location Plan
(A3) DrNo PL101 Rev B Site Plan
(A3) DrNo PL102 Street Scene 1 & 2
(A3) DrNo PL110 House Type 1400 Floor Plans
(A3) DrNo PL111 House Type 1400 Elevations
(A3) DrNo PL112 House Type 1735 Floor Plans
(A3) DrNo PL114 House Type PA33 Floor Plans
(A3) DrNo PL115 House Type PA33 Elevations
(A3) DrNo PL116 House Type PA22 Floor Plans
(A3) DrNo PL117 House Type PA22 Elevations
(A3) DrNo PL118 Typical Garage Plan and Elevations
(A3) DrNo PL119 Boundary Details Sheet 1 of 2
(A3) DrNo PL120 Boundary Details Sheet 2 of 2
(A1) DrNo 1127-110 Rev L Roads and Sewers Layout
(A1) DrNo 1127-120-1 Engineering Layout 1 of 2
(A1) DrNo 1127-120-1-S38 Rev N Section 38 Plan 1 of 2
(A1) DrNo 1127-120-1-S104 Rev L Section 104 Plan 1 of 2
(A1) DrNo 1127-120-2 Rev K Engineering Layout 2 of 2
(A1) DrNo 1127-120-2-S38 Rev K Section 38 Plan 2 of 2
(A1) DrNo 1127-120-2-S104 Rev K Section 104 Plan 2 of 2
(A1) DrNo 1127-130 Rev J House Setting-Out

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

3. a. 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.

b. 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.

c. 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.

4. Prior to the commencement of the development hereby permitted, the proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to during construction and shall thereafter be maintained as such.

Reason: In the interests of the visual amenities of the area and to ensure that the development does not have an unacceptable impact on other nearby residential properties.

5. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the first dwelling and shall thereafter be maintained as such.

Reason: To prevent any increase in the risk of off-site flooding.

6. No part of the development hereby permitted shall be brought into use until that part of the service road that gives access to it has been constructed in accordance with the plans hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site in the interests of highway safety

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

accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

8. Prior to the occupation of the 3rd dwelling, the public open space and children's play area hereby permitted shall be fully laid out and capable of use in accordance with details that shall previously have been submitted to and approved by the Local Planning Authority. The public open space and children's play area shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the children's play space is provided to an acceptable standard

Notes to Applicant

PROPOSAL

This is a resubmission of a previous application which was refused by the Planning Committee in October 2012. That application is the subject of a Planning Appeal with the Inquiry due to re-open in September 2013.

Planning permission is sought for the erection of six dwellings and the provision of an on-site LEAP. The proposed design of the dwellings are very much reflective of the consented development as it is the same developer bringing forward the proposal. The materials are a mixture of slate or tiled roofs and brick or render external finish. The properties will benefit from a double garage.

The application site currently has outline planning permission for a public house with associated car parking. The proposed development would be accessed from Greenway Road by way of the consented estate road that serves the approved residential development, which comprises 39 dwellings.

This application proposes enabling works, secured by way of a legal agreement, to deliver an enhancement of either the existing car parking or for new car parking at the West Somerset Railway. The agent has made the following offer:

"Prior to the occupation of the 4th property the applicants will pay a sum up to a maximum £106,311.74 plus VAT to the Council to fund improvements to existing parking provision or facilitate new car parking provision at the WSR facility and as shown for indicative purposes only on plan []]. These provisions are considered necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the Development. WSR shall agree with the Council a suitable scheme or schemes to deal with the expending of the monies for improvements to existing parking provision or new car parking provision, as relevant. This sum will be held by the Council for a

maximum period of [10] years from the date of payment, or such other period of time as agreed between the Council and the applicants, and the Council shall have the ability to draw down the monies in their entirety or in parts at any time during that period, to be expended for the agreed purposes. Upon the expiry of the 10 year period, if all or any part of the monies have not been expended for the agreed purposes then the Council shall return any such unexpended sum to the applicants."

SITE DESCRIPTION AND HISTORY

The application site is located to the west of the tourist attraction of the West Somerset Railway. The Bishops Lydeard terminus of the railway and the railway line form the eastern boundary of the overall development. The rural centre of Bishops Lydeard is located to the north east, with a pedestrian underpass providing access across the A358. The site is accessed off Greenway Road, to the east of the entrance to the residential development at Greenway, which continues into Station Road and joins the A358.

The relevant site history dates back to 2007, when the developer GADD Homes secured a resolution to grant planning permission for the following applications:

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

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

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

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

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

Those applications were then held in abeyance as the developer went into administration. The applications were formally consented in August 2011 once the technical information on ecological and flooding matters were finalised.

In September 2011, reference application 06/11/0032, Taylor Wimpey sought permission to change the consented house types for their own design and some minor alterations to the layout of the scheme, including the provision of SUDS.

The application carried forward the main enabling works to secure:

- Transfer of land to WSR for the provision of tourism facilities related to the functions of a Heritage Railway;
- Provision of a Tourist Information Facility

and through a Grampian Condition:

- No more than 50% of the open market housing to be occupied until the following highway works had been delivered:

- Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
- Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;
- Provision of a new roundabout at the junction of Station Road and the A358.

In addition there were planning obligations related to the development i.e. affordable housing provision.

The application was approved by the Planning Committee. The transfer of the land known as the 'tourism land' to the WSR has now been executed.

In October 2012, an application to erect 5 dwellings on the site of the approved office building was recommended for approval by officers and refused by the Planning Committee for the following reason:

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' together with Taunton Deane Local Plan Policy EC22 'Land west of Bishops Lydeard Station' in that it would lead to the loss of a potential tourist/employment use that has an extant consent and no evidence in the form of marketing has been submitted to demonstrate that such a use is not viable and material considerations do not outweigh the loss of the tourist/employment use.

That application is the subject of a Planning Appeal with the Inquiry due to re-open in September 2013.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL -

The Council objects to the application on the following grounds:

- The Council does not see anything in the amendments to change its original view of the application, therefore, the Council's comments on 06/12/0036 still stand
- The original application was not in the local plan and was granted on the basis of the tourism and employment opportunities that it offered to the Bishops Lydeard area, these are being removed if houses are built instead of commercial properties.
- If the applicant feels that a pub/restaurant may not be viable on the site, the applicant should consider other commercial opportunities for the site.
- The applicant stated in their submission for application 06/12/0007 that they felt that a prominent site was necessary for commercial operations; this site is in a prominent position and therefore fits the applicant's own view of a viable site for commercial opportunities.
- The Council feels that the current economic climate is not a sensible time to make judgements on the viability of commercial businesses.
- Additionally, the Council notes that in the Planning Statement, the applicant states that policy CP2 of the Core Strategy does not apply to the application. Policy CP2 states, 'Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the

overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site'. Stating that CP2 does not apply does not demonstrate that the benefit of this proposal outweighs the disadvantages of the loss of potential employment on the site. The applicant must justify why CP2 does not apply, rather than merely stating that it does not.

- Policy SP1 of the Core Strategy states, 'Major Rural Centres are identified as Wiveliscombe and Bishops Lydeard. These settlements will provide the focus for essential facilities within rural communities, this will include an appropriate balance of housing provision, small-scale employment and other local services'. The Council does not believe that this application represents an appropriate balance of housing and small-scale employment provision.
- The Council notes that no effort has been made by the applicant to market the site for commercial use.

SCC - TRANSPORT DEVELOPMENT GROUP – comments on previous application:

No objection in principle. Identifies detailed matters re: location of lighting units; surface water drainage on to the highway; and, visibility splays.

The planning officer will be aware of conditions attached to the original consent which require off-site works to be completed prior to the occupation of fifty percent of the open market dwellings on the site. This development will be in addition to those consented and therefore it is requested that a Grampian condition be attached to ensure that none of the dwellings sought under this application are occupied prior to the off-site highway works being fully delivered and open to traffic.

Conditions sought: all vehicles leaving the site shall not emit dust or deposit mud, slurry or other debris on the highway etc; provision within the site for the disposal of surface water so as to prevent its discharge on to the highway; development shall not be brought into use until that part of the service road which provides access to it has been constructed; gradients not steeper than 1:10; where garage doors are of an up-and-over type there shall be an area of hard standing at least 6m in length.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – commented on previous application:

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.

ASC - CRIME PREVENTION DESIGN ADVISOR -

Comments submitted to the original scheme remain applicable. In respect of the proposed Public Open Space, communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow good supervision from nearby dwellings. The POS in this scheme is overlooked by dwelling No. 46 and to a lesser extent by No. 45, perhaps this could be improved by slightly re-orientating No. 45. Features to prevent unauthorised vehicular access to the POS should also be implemented.

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.

20% provision of affordable housing to be provided on site in accordance with details that shall be agreed by the Housing Enabling Lead. The provision shall be provided as part of the site area for applications 06/12/0068 and 06/12/0067 or across the wider consented development under application 06/11/0032.

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

LEISURE DEVELOPMENT – comments on previous application

The proposal for an additional 6 family size dwellings will create need for children's play. A contribution of £2,688.00 per each of the additional dwellings should therefore be made.

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

A contribution of £194.00 per dwelling should be sought for allotment provision along with a contribution of £1,033.00 per dwelling towards local community hall facilities.

All the above should be index linked.

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

HERITAGE – No objections

LANDSCAPE - Subject to suitable landscaping the proposals are acceptable, however, the road frontage landscaping needs 'beefing up' and the proposed park needs further consideration and planting. Maintenance plan required for the open space.

BIODIVERSITY - Change from public house to residential development is insignificant from an ecological perspective. Development should seek biodiversity gain and therefore condition recommended to secure bat/bird boxes within the development.

WESSEX WATER - No objection. New water supply and waster water connections will be required from Wessex Water to serve this proposed development. It is important the development undertake a full site survey of the site and surrounding land to determine the local drainage arrangements and to contact Wessex Water if a sewer may be affected.

ENVIRONMENT AGENCY – commented on previous scheme:

No objection subject to imposition of conditions re: finished floor levels no lower than 51.8m AOD; contamination.

DRAINAGE ENGINEER – It appears that the total impermeable area for the proposal is less than that in the original planning application and its FRA and will not have an adverse effect on the attenuation system proposed.

NATURAL ENGLAND – have provided standing advice

Representations

2 letter of SUPPORT (from a single household) which raise the following issues:

- There would be no issues with parking
- Do not want to see a pub/restaurant and offices as these would generate disturbance
- Support the provision of a LEAP on the housing site

7 individuals OBJECT which raise the following issues:

- Application was previously refused – What has changed?
- Noise and disturbance from construction works.
- When are the off-site highways works going to take place?
- All previous comments* should apply.

*Previous comments included:

Principle

- Local resident's strong objections ignored and now yet more housing – where will it end?
- This is the last remaining non-residential element of the mixed use development permitted; Those uses were previously considered justified and viable as they were consented;
- The intention all along has been to deliver housing only;
- The consented scheme was put forward on the basis that it would benefit tourism associated with WSR;
- Taunton Deane's record on so called 'enabling developments' in this village is lamentable – Sandhill Park is used as an example of 'how not to do enabling development';
- Local residents trust lessons have been learnt;

- The original development was subject to consultation and justified on the basis that its non-residential elements – the inn, the restaurant, the brewery, the cycle hire, the take-away, the employment land, the museum, the train sheds – would all boost tourism associated with the railway. What has happened to these elements?
- The residential elements were proposed to enable public benefit, without which it would have been refused;
- The Council must therefore resist the loss of the non-residential elements;
- If it is accepted that a public house is not viable then an alternative employment or tourism use should be examined first;
- The site has road frontage;
- It should be noted that Broadgauge Business Park is at capacity;
- What has happened to the uses i.e. the cycle hire, take-away, brewery? I am aware of one brewery who would move tomorrow if available;
- Rather than support the existing service provision in the village the development would place further strain on local services, including the doctors surgery and school. None of the developments have contributed to education;
- No evidence that the village needs further residents to remain viable;
- What exactly is proposed to support WSR?
- The loss of employment consents runs into millions of pounds per year. This is the benchmark that the switch to residential use should be measured;
- The Government identify the need to boost the economy. The temporary benefit associated with the construction of houses is insignificant when compared with long-term employment and/or tourism uses.
- The offer of a financial contribution does not enable their development;
- The primary justification for this development was to promote tourism at the terminus of the WSR. This incorporated a hotel/pub/restaurant, brewery, take-away, cycle hire, museum, train sheds and offices. In order to 'enable' some of these facilities, the developer proposed to construct 39 dwellings;
- It is the dwellings that are the enabling development not the financial contribution;
- With the eradication of all of the non-residential uses from this supposed mix use development, the question is 'what is it that these dwellings are supposed to be enabling?'
- £50,000 towards surfacing a car park is way off the mark to compensate the local economy for the loss of these commercial premises; as previously stated the value of salaries in the permitted office accommodation would exceed £1 million;
- Whilst the applicant has promoted additional public open space as a benefit this is effectively compensatory, not additional given the plan to convert the existing car park at the railway into a car park;
- In any case such development would need planning permission and any perceived benefit from its use as a car park cannot be taken into consideration;
- Determination must be made on the basis of the benefit of resurfacing the car park and not any possible increase in capacity that could be permitted in the future;
- The railway will not attract one single additional visitor on the basis that its car park has become smoother.

Loss of Public house

- There is no justification for the loss of the public house, other than it would compete with WSR – was this not obvious when consent was granted?
- Why would the 200,000 people who use the WSR annually not support a public house in this location?
- Has the public house been marketed or its viability assessed? This has not been tested;
- The Bell Inn did not go into receivership in 2011; it was sold by the owners who paid too much based on high borrowing costs;
- Enterprise Inns have struggled to attract permanent tenants at the Lethbridge Arms due to unreasonable rent expectations; The tenants will not make a penny from the sale of the car park;
- The land sold off will be worth more than Enterprise paid for the whole site including the pub;
- If the Lethbridge Arms is struggling it is nothing to do with this site;
- Disappointing the Council have asked for a viability report to justify why the public house should not be built but did not insist on the impact of the disposal of the majority of the car park and garden on the continued viability of the Lethbridge Arms;
- Loss of the public house at Cotford due to 'idiosyncrasies' of the landlord and is due to re-open;
- Given that permission was given with the full support of the WSR, what has altered to give rise to now having a 'detrimental effect on the retail facilities at the WSR', why is this only now apparent?
- Having regard to the above, it is accepted that the licensed trade is experiencing difficult trading conditions; however, what has changed in 12 months?

Residential Amenity

- Ongoing problems during construction work, including: noise, digging up the road, and traffic delays for residents of Greenway;
- Still no bridge work or roundabout carried out;
- Loss of rural outlook;
- Loss of privacy;
- Increase in flooding;

PLANNING POLICIES

CP8 - TD CORE STRATEGY - ENVIRONMENT,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP4 - TD CORE STRATEGY - HOUSING,
 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,
 DM4 - TD CORE STRATEGY - DESIGN,
 EC22 - TDBCLP - Land West of Bishops Lydeard Station,
 M4 - TDBCLP - Residential Parking Provision,
 CP2 - TD CORE STRATEGY - ECONOMY,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£7,034
Somerset County Council (Upper Tier Authority)	£1,759

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£42,206
Somerset County Council (Upper Tier Authority)	£10,552

DETERMINING ISSUES AND CONSIDERATIONS

The main issues for consideration are the loss of the public house, provision of residential development outside the defined settlement boundary and whether the financial contribution to improve parking facilities at the West Somerset Railway sufficiently mitigates any harm from failure to provide a public house.

Loss of public house

The public house development formed one of five applications granted on land west of Bishops Lydeard railway station. The scheme formed part of a mix of proposed uses. The public house scheme itself was not however part of the S106 agreement. The supporting text to Policy EC22 which allocates land for recreation and tourist development lists, in the supporting text, a public house as a use that would be acceptable. However, the original developer went into administration and the issue is whether there is any prospect of a public house being delivered.

Policy CP3 of the Core Strategy (iv) states that, with regards to facilities such as a public house:

'Proposals which would result in the loss of such services will not be permitted where this would damage the vitality and viability of a settlement or increase car travel by local residents unless it can be independently proven to be unviable for re-use for local service provision'

The applicant has submitted a commercial report which outlines the difficulties in delivering such a use in the current market. Furthermore, it is noted during discussions with WSR they do not support the provision of a public house as this would be in direct competition with their business. As the objective of Policy EC22 is to support the tourist potential of the railway the non-delivery of the public house is not considered to be harmful to the viability of the railway. In terms of the loss of a potential community facility there are existing public houses in the village of Bishops Lydeard and therefore its loss is not considered to be significant in this context.

The Council have been in dialogue with the WSR to understand their priorities. Now that the WSR have secured the transfer of land they are able to seek heritage

funding and begin fundraising to deliver the tourism facilities i.e. museum, carriage shed. However, one of their most immediate pressing issues is that of parking provision. Two options have been considered. Firstly, it is possible to secure an appropriate contribution for the existing car park to be re-surfaced, drained, landscaped, and, importantly marked out. This would provide a more efficient use of the car park facility for the WSR to manage and be an improvement for patrons of the railway, in general accordance with the objectives of Policy EC22. It is currently managed by staff who direct the parking of vehicles as best they can. Alternatively, the same value of contribution could be used to provide a new staff car park and free up the existing staff car park to be made available for visitors. This could amount to an additional 50 car parking spaces which could increase visitor numbers and spend at the WSR. This is also considered to accord with the objectives of Policy EC22.

Outside Settlement

In terms of the principle of residential development outside of the settlement this is considered acceptable in the context of the consented enabling development and the wider benefits that will be derived.

It is therefore considered that the loss of the public house is acceptable having regard to the primary purpose of the allocation which is to support the tourist potential of the WSR. In addition, the proposal will provide public open space in the form of a LEAP within closer proximity to the enabling residential development and the residents of Greenway. This will also ensure there is no requirement to deliver the LEAP on the WSR land.

Design

In terms of the planning layout and design of the proposed dwellings the scheme would integrate with the consented scheme. It is considered that there would be no unreasonable adverse impact on the amenity of nearby residents.

The on-site provision of a LEAP is a planning benefit which will provide a facility that is in closer proximity than the existing play area to both residents of the scheme and those in Greenway. The existing play area will be maintained for older children.

Ecology

The Council's Nature Conservation Officer is satisfied that the proposals would have no adverse impact on ecology.

Highways

Revised plans have been submitted to address the comments of the Highway Authority. Members will be updated of any further response received.

Other matters

There has been a question as to where this development leaves the other tourism related uses such as the micro-brewery; creative industry centre, cycle hire centre and an ice cream kiosk. These were specifically identified under application 06/07/0027. The later Taylor Wimpey scheme, 06/11/0032, amended that consent only in so far housing elements of the scheme. There would be a marginal reduction

in land available but this application would not prevent such uses coming forward in some form. However, its delivery is not part of the previous S106, as amended.

This does not affect the land transferred to the WSR and its intentions to deliver the museum and carriage shed. Indeed what it will do is provide some certainty to the railway that the LEAP will not be provided on their land.

Conclusion

The concerns of the Parish Council and local residents are understood and noted. However, it is considered the loss of the public house would not adversely affect vitality and viability of the village. Furthermore, consideration is given to the objective of the allocation which is to support the enhancement of facilities at WSR. The provision of parking is an important resource for the WSR and the improvements to the parking provision will provide a tangible benefit. The scheme will also deliver on-site open space and play equipment to serve the needs of the development and in closer proximity to the existing community.

As such it is recommended that permission be granted.

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

CONTACT OFFICER: Mr B Kitching Tel: 01823 358695

MS POWER PROJECTS LTD

INSTALLATION OF SOLAR PV ARRAYS AND ASSOCIATED WORKS WITH A CAPACITY OF UP TO 9.5 MEGAWATTS OF POWER AT LAND NORTH-WEST OF RITHERDENS FARM, BRADFORD ON TONE AS AMENDED

Grid Reference: 318871.124294

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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 RITH002 02 PV Layout - Ground Installation Mounting Details Fixed Tilt System

(A3) DrNo RITH005 01 Boundary Fence Details

(A3) DrNo RITH003 01 CCTV Camera Installation

(A3) DrNo RITH004 01 Transformation Enclosure

(A4) Site Location

(A0) DrNo RITH0001 v07 Site Layout Plan

(A1) DrNo TDA1905.01C Landscape Strategy.

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.

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 Wildlife Matters Consultancy Unit submitted report, dated December 2012 and Ecological Management Plan dated 03/07/13 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. 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 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. Before the commencement of any development a survey/assessment of archaeological remains on Site (by way of trial trenching) shall be submitted to and agreed by the Local Planning Authority. Thereafter the developer shall afford access at all times to any archaeologist nominated by the Local Planning Authority, and shall allow him to observe the excavations and record items of interest and finds.

Reason: To ensure protection of the archaeology of the borough.

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.

8. The development hereby permitted shall be carried out in strict accordance with the following approved documents and plans:
 - Letter from Ambiantal to the Environment Agency (dated 18 June 2013);
 - Site Layout Plan (dated 08 July 2013 Ref: RITH0001 Version 06; and
 - Emails from Ambiantal to John Herrington dated 15 and 19 July 2013.

Reason: To ensure that there is no increased flood risk to the adjoining land and to prevent pollution of the water environment.

9. Within 3 months of the grant of this permission, an operation and maintenance manual for the development and its associated drainage infrastructure shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be maintained in strict accordance with the details of the approved manual.

Reason: To ensure that there is no increased flood risk to the adjoining land and to prevent pollution of the water environment.

10. Within 3 months of the grant of this permission, a re-instatement plan shall be submitted to, and agreed in writing by, the Local Planning Authority. The reinstatement plan shall include:
 - A timetable for the completion of all temporary construction works and the removal of all associated works and structures from the site; and
 - Details of how the site will be restored to agricultural grazing land, to include planting and any phasing arrangements.The development shall be constructed and maintained in strict accordance with the details of the approved plan.

Reason: To ensure that the site does not increase surface water run-off onto surrounding land as a result of soil compaction and degradation caused by construction activities land and to prevent pollution of the water environment.

11. No development shall take place within 8m of the top of bank of the unnamed watercourse along the eastern boundary of the site.

Reason: To protect the biodiversity value of the watercourse.

12. No development shall commence until a construction environmental management plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall ensure that pollution risks during the construction of the development are minimised. The development shall be constructed in accordance with the details approved.

Reason: To prevent pollution of the water environment.

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

Reason: To protect wildlife interests and the visual amenities of the area.

14. Temporary visibility splays are to be provided as part of the construction phase. To which, there shall be no obstruction to visibility greater than 900millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access

and extending to points on the nearside carriageway edge 90metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network.

15. 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.

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

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network.

17. Prior to the commencement of development a traffic management plan providing details on the delivery of the photovoltaic panels and equipment to the site shall be submitted to and approved in writing by the Local Planning Authority and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In addition prior to the commencement of development a site access plan providing details on the delivery of the photovoltaic panels and equipment to the site shall be submitted to and approved in writing by the Local Planning Authority and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network.

18. 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 4 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.

19. 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.

20. (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) Alongside the above details, a landscape management scheme, which also contains details of the existing hedges and proposed actions to those hedges, shall be submitted to and approved by the Local Planning Authority, and the approved landscape scheme shall be retained and maintained for so long as the development remains in existence.

Reason: To ensure that the proposed development provides some landscape mitigation and does not harm the character and appearance of the area.

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. Somerset County Council Highways Authority advises:

Where works are to be undertaken on or adjoining the publicly maintained highway, a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Mrs Maureen Atwell, Transport Development Group, Environment Dept, County Hall Taunton TA1 4DY, or by telephoning him on (01823 355645). Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The applicant should be advised that at least seven days before access works commence the Highway Service Manager Taunton Deane Area Highways Office, Burton Place, Taunton must be consulted.

Under Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.

As part of the development, appropriate temporary signage in proximity of the site should be installed prior to the commencement of construction, to notify all highway users of the potential hazards that will be associated with the development.

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.

4. Somerset County Council Rights of Way section advises:-

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

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

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

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

If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided.

5. The developer is strongly advised to inform all contractors, workers, agents and all visitors to the site not to use the road in/from Rumwell to access the site due to its unsuitability.

PROPOSAL

The proposal is for a series of PV modules with a peak capacity of 9.5 Megawatts of power to be supplied directly to the electricity sub station. This is equivalent to the amount of power required for more than 2000 homes. The site is 20.6ha, comprising in three fields, divided by hedgerows, it is currently Grade 3 arable farmland. The panels will be 1.6m by 0.9m mounted in 2 rows, with the max height about 2.5m above ground. The panels will face south, cover less than 25% of the total site area (applicant's figures), be set back from the site boundaries by distances of between 5 and 8m, the latter where the site abuts a watercourse on part of the east boundary. There will be up to 7 green coloured transformer enclosures and a grid connection cabinet; these will be 7.5m by 3m by 3m high. The site will be enclosed by a 2m high green fence which will follow the existing mature field boundaries and public footpaths and a series of CCTV cameras. All fences will allow the passage of larger mammals such as badgers, foxes and hares. A construction compound is proposed at the north east corner of the site, this will be about 1 ha and used for delivery area and compound. This area will return to agriculture on completion of the construction.

Construction is likely to take approx. 10 weeks, with 9 – 10 deliveries per day in the second to fifth weeks. Subsequent to the construction, maintenance and security checks, and panel cleaning will occur through the year. The land will have a grass and wildflower mix, and be used for sheep grazing. Existing trees and hedges will be retained. Landscape mitigation includes allowing existing hedgerows to grow to a height of 3 – 3.5m to improve natural screening, the introduction of new hedgerows, planting of a small new Oak copse to the north of the site. The agent has considered plating hedges on either side of each public footpath, but the views from the public meeting was that such enclosure would create a 'corridor' effect and should be avoided.

The application is accompanied by a Design and Access Statement, Flood Risk Assessment, an Archaeological desk-based assessment, a habitat survey, a landscape character and visual impact assessment, a construction traffic management plan, and a public consultation report. The Archaeological desk-based assessment notes that there are 21 Grade II Listed Buildings within 1km of the site, that there will be no physical effect on any Designated heritage assets as a result of the scheme, that the setting of Grade II Listed Building - Easton Lodge about 130m east of the site will be unaffected. There is potential for buried features of prehistoric and pre-medieval date within the site. There may be some potential for Mesolithic artefacts. The principal heritage interest in the site comprises cropmarks identified from aerial photos.

Amended plans have altered the location of the proposed access road and site

compound, increased the buffer strips alongside the public footpaths to 20m in total width, increased the area of the proposed copse on the northern part of the site to 35 Oak trees, introduced hedges to both sides of 'hedgeless' footpaths and to the south of the middle footpath, reduced the number of panels in the areas to the north east on Greenlands and north east of Huntersmead, and introduced 2m wide swales in 4 lines across the site. The proposed fences will be grey not green. Further technical information to the Environment Agency and the Council's Biodiversity Officer have also been submitted along with a supplementary Traffic Management Plan. The new access to the site will be from the west side, well to the south of properties in Hele. The suggested delivery hours will be 09.30 to 16.00.

The agent has agreed that there will be an additional area undeveloped to the west of the site, south of the middle footpath. This is in order to help protect some of the archaeology. Additional areas around the fringes will have wildflower/scrub 'planting'.

SITE DESCRIPTION AND HISTORY

The site is to the north west of Ritherden's Farm, east of Hele, south of the large electricity substation, south east of Upcott, and west of the road between Upcott and Rumwell. Three public footpaths cross the site. The boundaries to the fields are formed by hedges, with a couple of mature trees. The site is part of a farming estate of approx 240ha.

There is no relevant planning history.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BRADFORD ON TONE PARISH COUNCIL - the Public Consultation process has not been carried out within the parish of Bradford on Tone. A 'Drop-in' session followed by a public open meeting has been arranged. You will appreciate that there has been much opposition to this proposal. The Parish Council suggest this application is deferred for a decision to allow proper and proportionate consultation to take place. Suggest no sooner than August for a Committee decision.

Subsequent to public exhibition and meeting; the Parish Council supports the concerns raised in relation to:

1) The proposed road to be used during construction works is very busy and includes narrow bends. There is a considerable use by horse riders as there are no public bridleways in the parish of Bradford on Tone. Road safety is a genuine concern of local residents.

There are alternative routes of access which have been suggested to the applicants. The route which would cause minimal impact on the environment and residents would be across the fields (opposite Binham Bridge Farm).

2) Taunton Deane Planning Authority should carefully consider whether this is an appropriate use of a significant acreage of good agricultural land. Certainly without exception all the Hele residents present at the 25 June meeting emphasised that this proposal would have a significant adverse visual impact on the landscape character of the area and would become a dominant and permanently present

feature of life in Hele for the next generation.

Whilst it appears that both national and local planning policies have a presumption in favour of renewable energy developments this must surely be an unacceptable impact on the local landscape and community.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development is located on land associated with Ritherdens Farm. Having carried out onsite observations and studied the information submitted as part of the planning application, I have the following comments relating to the amended Construction Management Plans for the proposed development.

It is noted from the Taunton Deane Borough Council website, there have been objections to the development, specifically relating to the construction phase of the proposed development. The Highway Authority take the view insofar that the development, once works are completed that traffic movements associated with the development would be minimal and that it is in the Highway Authority's interest that guidance is put in place to safe guard the existing highway network.

Originally, the development sought access from an existing agricultural field gate off of Wheaton Lane a designated unclassified highway to which the National Speed Limit applies. The route requires vehicles to travel approximately 4km from the A38 through Hele. The majority of traffic will utilise Hele Road, which has no vehicle weight restriction in place and is sinuous in nature. Furthermore, the Highway Authority had concerns over the junction from Hele Road to Wheaton Lane, given its poor alignment and narrow nature.

Having had consulted with the Transport Consultant on behalf of the applicant, the Highway Authority discussed the potential of providing a temporary access to be used by construction traffic over the period of ten weeks during the construction phase.

This has resulted in the relocation of the site access during the construction phase, to be positioned off of Hele Road approximately 1.5km from the A38 (Wellington Road).

Construction Route: The proposed construction route as indicated within the amended Construction Traffic Management Plan is considered acceptable. Access to the site is obtained via Wellington Road a designated Class 1 Highway. Construction vehicles will then exit onto Lower Stoford Lane a classified unnumbered highway to which the National Speed Limit applies. Vehicles will then exit off of Lower Stoford Lane onto Hele Road again a classified unnumbered highway to which the National Speed Limit applies, to which the proposed site access is situated approximately 1.0km to the North. Additionally, it should be noted that on route to the site there is a designated bridge, reference No. 1280703 (Binham Bridge), I have liaised with the Somerset County Council Structures Team and can confirm that there is no weight restriction on this structure.

The reasoning for amending the site access is to minimise the disruption of the highway network in a rural location where carriageway widths in certain locations cannot accommodate two-way vehicle flows.

Site Access: The amended site access an existing agricultural field gates as detailed within the Construction Management Plan section 2.5, is to be altered to accommodate the vehicles associated with the construction phase. Whilst no detail drawing of the access has been submitted a suitably worded condition can be applied to allow the access to be constructed with the appropriate surfacing, width and radii.

In terms of vehicular visibility I would insist that temporary splays are provided as part of the new access. Given the location of the site and that it is considered to be within a rural location, I would apply visibility splays from DMRB (Design Manual of Roads and Bridges). Temporary visibility splay coordinates of 2.4m x 90m either side of the access would need to be implemented given that the vehicles associated with the development are slow moving HGV's. Once works are completed the temporary splays would be reinstated with the existing hedgerow/vegetation at the same time as the access. Exiting the site vehicles will return to the A38 the same route.

A wheel wash facility will be required to minimise the spread of material from the area of the excavation and in addition the site roads will be regularly cleaned. These steps will ensure that material will not be transferred to the public highway.

Vehicle Movements: Vehicle movements during the construction phase are to over a period of ten weeks. Section 3 'Construction Traffic' of the Construction Traffic Management Plan details the anticipated level of vehicle movements during the construction phase. It is indicated that the construction phase will result in approximately 300 HGV movements, therefore theoretically the construction phase is likely to generate 600 movements over the ten week period, which would see approximately 12 vehicle movements per day. It has also been discussed that any vehicle movements associated with the site will take place outside of the peak hours to minimise disruption on the surrounding highway network.

Highway Network – Condition Survey I would wish to see a highway condition survey imposed, this should be carried out to ensure that any damage that occurs to the public highway and rights of way, can be directly attributed to construction vehicles associated with the construction of the photovoltaic park. In the event of any damage to the public highway, repair costs would need to be met by the applicant. I would expect the condition survey to begin from exiting off of the A38 to the site access. I would advise that contact with the Taunton Deane Area Highways Office will need to be made relating to the submission of the condition survey.

Other Considerations: Furthermore, it is noted that my colleagues within the Rights of Ways Team have raised concerns relating to the public rights of way/footpaths in proximity and within the proposed site. It should be noted that the provision within the amended Construction Traffic Management Plan Section 2.9, indicates that these rights of way will continue to be open to the public during construction.

Finally, I would add that as part of the development appropriate temporary signage in proximity to the site during the construction phase will be erected to notify all highway users of the potential hazard that will be associated with the development.

Post Construction: In terms of maintenance the photovoltaic park requires minimal attention, therefore traffic associated with the development once completed will be negligible.

As a result, the Highway Authority has no objection to this proposal subject conditions.

BISHOPS HULL PARISH COUNCIL - no response received .

SCC - RIGHTS OF WAY - confirm that there are public rights of way recorded on the Definitive Map that run through the site at the present time (footpaths WG 3/14, WG 3/15 and WG 3/16) Any proposed footpaths must not encroach on to the width of the footpaths.

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.

LANDSCAPE - I generally agree with the landscape assessment of the site and the likely impacts. However, there are a significant length of public footpaths that either cross the site or look directly into it that will have significant and adverse impacts on the viewers' enjoyment of the landscape character of the area such as the views from Stonegallows. There are also a number of views from gateways where there will also be significant impacts. The proposed mitigation will reduce the impacts slightly but not in any significant way. I recommend that if the development is acceptable in planning terms, that at least 20m width (eg 10m either side or 20m one side should be allowed free of development where PF crosses the site. These areas should be carefully planted with low scrub and grassland to help maintain some amenity for walkers.

Re amended plans –the revised scheme will help to provide some landscape 'relief' to users of the PROW and soften the impact of the security fencing once the planting is established. My preference is for black rather than green security fencing.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - no response

DRAINAGE ENGINEER - object to the application as the Flood Risk Assessment does not fully address the potential increase in flooding downstream. There is loss of existing permeable grassland across the whole site will occur. Further information required. Porosity tests required.

ENVIRONMENT AGENCY - Initially OBJECTED to the application at this time because the Flood Risk Assessment (FRA - prepared by Ambiental Nov 2012) does not currently demonstrate that the potential risks of surface water runoff flooding from the development have been appropriately assessed and can be fully mitigated.

In particular, the submitted FRA needs to address the following:

Some attempt to quantify the increased impermeable area generated by inverter buildings, access tracks (hardened does not imply fully permeable), and mini piles needs to be made from our experience with dealing with other solar PV developments in the Taunton Deane area. It is not acceptable to simply argue that there is no increase in impermeable area as a result of the development, notwithstanding that construction activity can potentially compact the existing soil horizons.

Given point 1 above, the FRA should at the very least promote some form of swale and / or bund features to facilitate detention capture of any resultant runoff and the slightly concentrated runoff from the PV panels themselves. These can typically follow contours or perimeters of the site, as deemed appropriate.

The FRA should provide some information on soil type, and existing infiltration characteristics. The FRA should promote good soil management practices during construction, and also specify the nature of the vegetation cover reinstatement below the panels at the completion of construction.

Re amended plans - 1

The agent has provided additional information to support the above planning application in various emails between 18 June – 08 July 2013. On the basis of this additional information we WITHDRAW our previous OBJECTION subject to CONDITIONS being imposed upon any permission granted.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - the applicant has submitted an archaeological DBA that indicates a reasonably significant heritage asset is present on the site in the form of a double ditched enclosure identified by aerial photography. Also the applicant states that a geophysical survey will take place. Therefore the proposal is likely to impact on a known heritage asset and potentially as of yet undiscovered assets. However, there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This will involve the geophysical survey and most likely a field evaluation as indicated in the National Planning Policy Framework (Paragraph 128).

BIODIVERSITY - The site comprises of three intensively worked agricultural fields which are species poor. The fields are enclosed by a network of species rich hedges. There are no buildings on site. There are ditches on site but no ponds Wildlife Matters Consultancy Unit carried out an Extended phase 1 habitat survey of

the site in August 2012. Findings of the report are as follows

Protected sites - There are no protected sites nearby, the nearest SSSI being Langs farm 2.2km away.

Badgers - A badger sett was found in the light woodland that has grown up around the north fence of the site adjacent to an electricity station. I agree that a 15m buffer zone should be made around the sett. I do not support the option to erect panels closer to the sett using ballast slabs. I consider that a pre- construction check for signs of badger activity should take place prior to any works taking place.

Bats - The surveyor states that there are no buildings or trees on site that might attract roosting bats, but the photographs show a large oak tree adjacent to fields 1 and 2. This tree along with the hedges will be retained. The surveyor considered it likely that bats forage along the hedgerows. I support the proposal for the site to be unlit.

Dormice - There was no evidence of dormice on site.

Reptiles - The surveyor concluded that there was little potential for reptiles on site.

Breeding birds - The hedgerow network provides nesting and foraging habitat for a number of birds. The surveyor recorded eleven species of bird on site. There were no Schedule 1 birds present.

The surveyor recognises that, there is potential for ecological impacts to arise during construction and operation of the solar farm and that there are opportunities to increase the site's biodiversity.

This is a large site so I would expect to see more biodiversity gain than suggested. The surveyor has recommended wildflower grass sowing (sometimes difficult to establish beneath the shade of panels), and the provision of bird and bat boxes. Should permission be granted I would like to see wider buffers to the wildlife features surrounding the site and an area of landscape planting.

In accordance with NPPF I would expect to see wildlife protected and accommodated in this development both during and post construction and so suggest a condition if planning permission is granted.

I am inclined to believe the local residents with regard to owls and newts. There should be wider buffers to wildlife features and would expect to see more biodiversity gain.

Further comments on amended plans

I note that the submitted Ecological Management Plan contains additional biodiversity enhancements. However I still consider there should be significantly more landscape planting proposed on site. I concede that an Ecological Clerk of Works will not need to be on site throughout the installation of the whole contract.

HERITAGE - The submitted archaeological desk based assessment (DBA) does include the historic built environment in the locality and identifies 21 listed buildings

within the study area. The closest to the development site is Stone House/Easton Lodge, which is 130m to the west.

Having studied the position of the nearest listed buildings and assessed the proposed development against the criteria set out in *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* and English Heritage *The Setting of Heritage Assets*, I can find no reason not to concur with section 8.1.7 of the DBA. On the basis of the material submitted I therefore consider that the setting of the nearby listed buildings would not be affected by the proposed development to a degree that would harm their significance.

DIVERSIONS ORDER OFFICER - the public footpaths WG3/14 and 3/15 will be affected if planning consents are granted. There is a possibility that Public Footpath WG 3/16 will also be affected.

Representations

21 Letters/emails of OBJECTION (some residents have sent 2 or more submissions)

Visual impact/amenity

- Significant visual impact to a wide area;
- Visual impact to the many users of the public footpaths;
- Loss of agricultural landscape;
- Change to industrial landscape;
- Views of the Blackdown, Quantock and Brendon Hills would be lost as footpaths are enclosed;
- This area already has the electricity sub station and 19 associated pylons, further industrial type development should be refused;
- There are 21 Grade II Listed Buildings in the area, these must be affected;
- Brownfield sites should be used;
- The policy of commitment to renewable energy targets is noted, but it shouldn't be at the expense of "our beautiful countryside";
- This will be an eyesore for 25 years;
- This area is a part of a special landscape area;
- The views taken for the submitted report are very selective, and minimise potential impact;
- The Planning Committee should come and view the area from Stonegallows and the footpaths;
- High security fencing and CCTV cameras will turn this area into a prison camp;
- It is unlikely that sheep will be kept to control the grass, so it is likely to be sprayed off, so more herbicides into the watercourses;
- The panels will dominate the area;
- This area which separates Taunton from the countryside and Wellington should be designated as Green Belt;
- The proposal is contrary to much of the NPPF;
- The area has remained similar for over 150 years, the field boundaries are those of 1897 OS map;
- Greg Baker the Energy and Climate Change Minister states that Central Government is preparing to introduce new guidelines to prevent inappropriate developments on green field land;

- The whole area is rural and is needed for the expanding population of Taunton, not to forget the addition of the massive Comeytrowe development;
- Concern that if this goes ahead, the land will be industrially allocated land;
- Not only are there the panels, but also the CCTV poles, the Grid Connection Cabins and Transformation Enclosures;

Traffic

- Local roads totally unsuitable;
- Accidents are bound to happen on the narrow lanes;
- There is a designated cycle route, and these lanes are used by cyclists, horse riders and pedestrians;
- The development at Halse resulted in 10 more than the estimated figure of road movements;
- The reports do not mention the HGV deliveries of stone, hardcore for access and storage area, and labourers' cars;
- In addition there will be deliveries of plant, machinery and equipment;
- The roads are not wide enough for two HGVs to pass;
- There are blind bends on the lanes;
- As contractors have not yet been appointed, the estimates of traffic will be inaccurate;

Agricultural land issues

- The land is grade 3, which should be retained as agricultural;
- Profit motives of the farmer;
- Loss of farmland in exchange for an annual subsidy for a solar PV company;
- Will increase need to import fodder crops from other areas;
- There should be a policy on the Grade of agricultural land on which PV arrays are acceptable, as in Devon;
- The loss of 50 acres of land just to supply 2,000 homes is a high price;
- Cereal production in the UK is down and imports are up, the land should be retained as agricultural land;

Consultation

- Bishops Hull parish were notified and a public meeting held, but the Bradford on Tone Parish Council was not notified;
- Local residents did not know anything about the proposal;
- Additional time is required to consider the scheme;

Wildlife

- Disturbance to wildlife;
- No mention of the River Tone in reports, with its wildlife;
- There are Barn Owls in the area, not reported;
- There are newts, including great crested newts, in the area;
- There are little owls and woodpeckers in the area;
- Wildlife will be disturbed and hindered by the fencing;

Flooding issues

- There is a history of flooding in the area, which is contrary to the submitted

- report;
- Flooding impact;
- There should be an independent flood report;
- The footpath and track leading to it by Huntersmead floods and is impassable at times, so the report is misleading;
- The panels will increase run-off and add to flooding in the area;

Noise

- No noise survey has been submitted;
- Low frequency disturbance will occur which can affect sleep patterns and have other health impacts;
- Noise from construction works;
- Noise of pile driving;

other

- Theft of the panels;
- In order to deter thefts the site would have to be constantly floodlit;
- Impact on Health;
- Children's bedroom is less than 100m from panels – possible impact from radiation and other health issues;
- It is understood that value of homes is not taken into account, but this will severely impact values;
- All new homes should have PV panels;
- Archaeology is important, the full survey is needed prior to any decision;
- The panels will be coming from China and the labour from Germany – what about the local economy;
- There has been little research on effects of PV panels on the health of people living nearby;
- If the panels are damaged; chemicals which are a health issue will be released;
- The Council has a duty of care when considering how such developments affect residents;
- No benefit to the local community;
- Who pays for any damage to residents' property if damage is caused?;
- The efficiency of converting solar energy to electricity is poor, being less than 20%, the Planning Committee should send a message that destroying productive agricultural land and replacing with inefficient technology is wrong;
- Forthcoming technology built into new houses will be more efficient than PV panels;
- MS Power Projects operates from a serviced office not its own property, and has not filed any accounts, so is without substance or history;
- If permission granted, there should be a legal agreement to ensure compliance with conditions;
- No one in the area is in favour;
- Potential damage to gas main and water mains under the roads;

1 letter of SUPPORT received

- Renewable energy is for the benefit of the environment and future generations;
- The proximity to the National Grid power station is the obvious location;
- This is preferable to a nuclear or coal fired power station;

- Wildlife will thrive in the undisturbed 50 acres.

Other respondents

Somerset Wildlife Trust:

There are some inconsistencies in the Ecological reporting terms of creating buffer strips, request the detailed recommendations in Appendix if permission is recommended.

CPRE:

Is not opposed to solar PV installations, but believe that their scale and location must be considered against their environmental impact. Concern about the loss of the best and most versatile agricultural land, grades 1, 2, or 3a; Local Planning Authorities should seek to use the areas of poorer land in preference to that of higher quality. Central Government has reaffirmed the importance of protecting our soils in June 2011. An independent agricultural land classification should be completed before the application is considered if the grade of land is in dispute. Such a large scale and intrusive installation cannot be regarded as an enhancement to the landscape character of the area. The proposal is contrary to Policy CP8. There are 3 public footpaths crossing the site, the proposal which provide valuable access to the open countryside for the community at a time when such access is recognised as making an important contribution to physical and mental wellbeing.

Additional comments – energy minister Greg Barker has stated that the Government intends to provide guidance... solar farms should “not be in any place and not at any price. I want UK solar targeted on industrial roofs, homes and brownfield sites, not in our beautiful countryside... we mustn't lose support by deploying enormous arrays in the wrong places. Our new planning guidance will make this clear” the proposed site is in open countryside, in view of the Minister's statement and the forthcoming Government guidance on solar farms the CPRE believe that it would be inappropriate for this development to proceed and that it should be refused.

13 Additional or altered comments on application as amended (3 responses from previous objectors, 10 new objectors).

- Amendments make no difference to the objections;
- Potential damage to properties with vehicles using the lane from the A38 to Ritherdens Farm;
- Believe that the new route is via A38 and Rumwell to Ritherdens Lane – this is a very narrow lane with bends and no overtaking areas, a parked or broken down vehicle on this route would cause chaos;
- Drivers often travel too fast on these narrow lanes which have restricted visibility;
- It is difficult to turn into/out of this lane;
- Pointing out the debate in Parliament in respect to large scale solar arrays, this should be taken into account;
- The need for green energy does not override the planning concerns of local communities;
- Regarding the Nynhead site, there have been problems with lorries larger than the passing places, the site is an eyesore, looks like an industrial estate;
- Cheap manufacture causing pollution in China;
- Need to keep power stations ticking over to support the grid when cloudy;
- Need to use industrial buildings' roofs or brownfield sites;

- Impact on Listed Building and its setting;
- The amended proposal will do nothing to mitigate the serious detrimental visual impact on the site itself and the surrounding area;
- The soil is clay based and if the rain is not allowed to land evenly, the soil becomes channels and flooding will occur;
- Having visited a Solar Farm site, the ground under the panels was barren and dried up;
- The application is being rushed through prior to changes in Central Government policy.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 ROW - Rights of Way,

July 2013. DCLG "Planning practice guidance for renewable and low carbon energy".

LOCAL FINANCE CONSIDERATIONS

These do not apply to this development

DETERMINING ISSUES AND CONSIDERATIONS

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, Policy CP8 relates to Environment 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.

Policy CP8, Environment - “The Borough Council will conserve and enhance the natural and historic environment, and will not permit development proposals that would harm these interests or the settings of towns and rural centres unless other material factors are sufficient to override their importance.....Unallocated greenfield land outside settlement boundaries will be protected and where possible enhanced. Development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. Development outside settlement boundaries will be permitted where it will:

- Be in accordance with national, regional and local policies for development within rural areas.....

- Be appropriate in terms of scale, siting and design; and

- Protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements.....”

CLG has just published “Planning practice guidance for renewable and low carbon energy”, which is a series of guidelines, which are broadly similar to those existing. The main points are that the effective use of previously developed land is encouraged, that if a proposal involves greenfield land, that it allows for continued agricultural use and /or encourages biodiversity improvements around arrays. The proposal does allow for sheep grazing and the buffer zones should encourage biodiversity.

Visual Impact

There will be significant visual impact to existing residents of several properties in Hele. The site is a matter of metres from their boundaries. Amendments to the areas of arrays have taken the nearest arrays slightly further away, but the residents will still look out from their dwellings and their gardens and see the arrays. The nearest arrays would be 100m away from Greenlands (dwelling and 80m to the garden) and 100m to no 4 Stonehouse Cottages. This cannot be further mitigated unless a substantial tree belt were to be introduced and this in itself is likely to be overpowering to those residents and has not been sought. Other dwellings are at various distances further away, but will see the arrays across the fields. There are

some intervening trees and hedges, but in winter when there is no vegetation cover, the arrays will be clearly seen.

There will be significant visual impact for users of the three public footpaths. Whilst the developer has agreed to have wider buffer zones, and to retain existing hedges, the visual impact will still be significant. There will be views of the site from various field gates, but the most noticeable viewpoint will be from Stonegallows Hill. The whole site will be visible from this elevated point, and when viewed from the public footpath which runs from Stonegallows Hill towards Wheaton Farm.

Whether this visual impact will be detrimental will depend on perception. The local residents who have objected all consider the impacts to be detrimental.

If granted the area will change its rural character. The solar farm will have an "industrial" appearance rather than a rural appearance; there will be small structures within the site, fencing, CCTV cameras and associated poles. In the Taunton Deane Local Plan Stonegallows Hill was designated as a Special Landscape Feature. This designation, along with the other Special Landscape Features, do not appear in the Taunton Deane Core Strategy. The site itself is not in an Area of Outstanding Natural Beauty, and although it may be possible to see it from both the Blackdown Hills and Quantocks Areas of Outstanding Natural Beauty, this in itself does not make the proposal unacceptable. Given the distance to individual Listed Buildings there will be no detrimental impact on those buildings or their setting. The Archaeology is being further investigated, and can be conditioned. The agent has been in direct discussion with SCC Historic Environment Officer, and is agreeable to a condition as the results of the trenching has not yet been submitted.

Visual impact is important, and the effect of a large area of altered landscape cannot be underestimated. There is a balance to be struck between the need to protect local landscapes, the detrimental visual amenity for some local residents, local walkers and ramblers and the need to provide a renewable energy supply.

Traffic

Concerns have been raised about the use of the lanes to and from the original site entrance, (turning south in Upcott just after passing the electricity station). This route was considered to be too long and use an unsatisfactory 'sinuous' route including the junction of Hele Road to Wheaton Lane which has a poor alignment. The amended route is only approx. 1.5km from the A38, as compared with 4km for the original. It also avoids Upcott and some of the right angle bends in the area. The site compound will be close to the entrance. This area will be reinstated at the end of the project. This revision will help overcome some of the concerns from residents. Some objectors have thought that the new access will be through Rumwell, this is not and has never intended to be a route to the site. All construction sites have associated traffic generation. Such traffic is a consequence of such sites, and is temporary in nature. The new access and site compound are considered preferable to that originally proposed. Appropriate conditions are recommended, with a note regarding the use of other routes, but the Local Planning Authority cannot ensure that workers use only one route.

Agricultural land

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. The Taunton Deane Core Strategy does not have a policy on the use of particular Grades of agricultural land. 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.

Consultation

A small area of the southernmost field only is within Bishops Hull Parish, the remainder is within Bradford on Tone Parish. The agent held a meeting with the Bishops Hull Parish Council and Borough Councillor for that area, and did not consult Bradford on Tone Parish Council. As a result the first local residents knew of the proposal was the consultation letter from Taunton Deane. Residents have now had since mid May to respond to this planning application and their comments have been reported above. Although applicants are encouraged to carry out pre-submission public consultation, it is not a requirement and the quality of any consultation is not a material consideration.

Noise

Noise has not been raised as an issue on any of the existing operating sites. The Environmental Health Officers have not raised noise as an issue for previous applications for solar farms.

Wildlife

The Biodiversity Officer considers larger areas should be set aside for mitigation and that these should be for wild flowers. The area set aside for the badger and other mitigation measures are accepted.

Flooding

The agent has been in direct contact with the Environment Agency and the council's Drainage Officer in order to resolve the drainage issues. The amended plans which include swales are acceptable.

Other issues

Theft is an issue for the operators, there will be security fencing and CCTV cameras. Environmental Health Officers have not cited any Health issues with this type of application. There may be alternative acceptable site, but each application is dealt with on its merits. The Local Planning Authority cannot insist that the jobs are for local people or that the panels are manufactured locally or even in Britain. Effect on

property value/price, any damage to individuals' property or underground services, the 'standing' of the applicant are not matters the Local Planning Authority can take into account. The application has not been rushed through ahead of possible changes in Central Government Policy. Whilst all (but one) letter is an objection, this in itself does not mean a proposal is unacceptable, the determination of applications is based on adopted Planning Policies. This does not mean that objector's comments are ignored, local opinion is important, and is taken into consideration, but Members need to give weight to all relevant aspects.

Conclusion

At present Central Government's policy is to encourage the use and supply of renewable and low carbon development; Taunton Deane Core Strategy CP1 accepts large free standing installations subject to certain criteria, including potential impact on the landscape. CP8 seeks to protect the environment. The newly published Government "Planning practice guidance for renewable and low carbon energy" does not change the overall policy on Solar Farms, it sets out guidelines, which are broadly similar to existing. Reports have indicated that Policy may be about to change, but as yet there is no agreed new Policy. Therefore a balance has to be struck between the overall benefit of renewable power installations to society as a whole and the visual impact to local residents and walkers using the three public footpaths which cross the site.

It is considered that there will be little visual impact on the local roads and users of those roads. Most residential properties in Hele, Upcott and Stonegallows Hill or other areas surrounding the site will not be directly affected, as the distances are such that the visual impact is significantly less than for walkers using the public footpath network. The visual impact of the installation will be significant to some residents who are close to the site.

It has been shown above that, with the exception of visual/landscape impact the other impacts detailed above can be adequately mitigated and controlled by condition. The revised access and construction compound will help alleviate some of the earlier objections to the traffic impacts of the proposal. It is accepted that there will be some permanent (for the life of the permission at least) harm to views from some dwellings and their gardens, the public footpaths which cross the site, and the other footpaths in the area. However, this must be balanced against the wider carbon reduction that would occur nationally from the increased uptake of renewable energy. A development of this scale would produce an amount of electricity and, as such, it is considered that the benefits are significant and, in this case, outweigh the identified, limited, harm. With regard to these matters, it is recommended that planning permission is granted.

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

CONTACT OFFICER: Ms K Marlow Tel: 01823 356460

38/13/0129

241 LEISURE LTD

CHANGE OF USE OF SHOP UNIT (A1) TO CREATE CAFE/BAR/BISTRO (A3/A4) USE, NEW SHOP FRONT AND CANTILEVERED TERRACE TO THE SIDE AT 2 BRIDGE STREET, TAUNTON

Grid Reference: 322665.124866

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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 J48/01 Existing Ground Floor Plan
(A3) DrNo J48/02 Existing River Elevation
(A3) DrNo J48/03B Proposed Ground Floor Plan
(A3) DrNo J48/04A Proposed Bridge Street Elevation
(A3) DrNo J48/05C Proposed River Elevation
(A3) DrNo J48/06 Existing Bridge Street Elevation
(A3) DrNo J48/07 Location and Block Plans
(A3) DrNo J48/08A Terrace Plan
(A3) DrNo J48/09 Existing and Proposed North West Elevations
(A3) DrNo J48/10 Terrace Elevations

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 and the doors design 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. Details of any external lighting to the terrace area shall be submitted to and approved in writing before the terrace is brought into use.

Reason: In the interests of wildlife and the amenity of the area.

5. The development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (FRA – prepared by Harcombe Environmental Services and dated 20 June 2013) and the following specific measures:

1. The soffit level of the terrace shall be no lower than 15.55m AOD, and
2. An Otter ledge shall be provided in accordance with the details set out in paragraph 3.2.2. prior to the use commencing.

Reason: To ensure that the development is appropriately resilient to flooding and does not increase flood risk elsewhere and to protect and enhance the natural environment and habitat of the River Tone.

6. No part of the building shall be used or occupied for the purposes hereby permitted under this planning permission until a Flood Evacuation Plan and an Operation and Maintenance Manual has been submitted to, and approved in writing by, the Local Planning Authority. The Manual shall include details of how the terrace will be maintained to ensure that flood flows are not impeded by the structure or associated debris. The Manual shall also include details of appropriate access routes for emergency maintenance and operations during a flood.

Reason: To ensure that flood risk is not increased elsewhere.

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. Flood Defence Consent (FDC) will be required for the both the permanent and temporary works within 8m of the River Tone. As part of the FDC application, please provide us with the drawings submitted with this planning application and a method statement detailing how the decking will be built. FDC applications can now be submitted electronically at the following address:

Bridgwater.FDCs@environment-agency.gov.uk

PROPOSAL

The proposal is to change the use of the ground floor of the existing premises from retail to cafe/bar/bistro (an A3/A4 use), to provide a new shopfront with balustrading and folding doors and to extend to the side with a terrace projecting over the river.

SITE DESCRIPTION AND HISTORY

The property is on the corner of Bridge Street adjoining the river and has a modern glazed shopfront. There is a side window onto the river and the ground floor has a retail use with a nightclub use on the two floors above.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection: -

- Site located within walking distance of Taunton town centre with numerous car parks

HERITAGE - Following comments: -

- Key building in Taunton and prominently sited close to town.
- Although not listed, or within a conservation area, the building is in a sensitive position and changes are likely to impact on the wider streetscape.
- Not convinced cantilevered terrace would enhance river frontage but main concern is height of the signage on the Bridge Street elevation, which exacerbates recent history of poor signs attached to this building.

ENVIRONMENT AGENCY - No objection to amended scheme: -

- Condition soffit level; otter ledge; Operation and Maintenance Manual.
- Note to applicant that Flood Defence Consent will be required.

POLICE ARCHITECTURAL LIAISON OFFICER - Following comments: -

- Stated CCTV will be installed. System should monitor vulnerable areas including entrance/exit, bar, external terrace etc.
- Also that SIA staff will be employed during weekend evenings and other peak times to ensure customer safety.
- Appear to be good sight lines between the bar and entrance/exit, entrance to toilets/private dining, external terrace.
- Internal lighting should be compatible with CCTV.
- Local Inspector and Sergeant may wish to comment from an operational policing angle.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Following comments: -

The application is to change the use of the premises from a shop to an A4 use (drinking establishment), and to construct an open terrace on the façade over the river. The application form does not include the proposed hours of opening for the premises, although the Design and Access Statement (March 2013) says that the proposed opening hours are 09:00 – 00:00 Sunday to Thursday and 09:00 – 02:00

Friday and Saturday.

There are a number of residential premises nearby and so there is the potential for noise from the premises to affect residents.

The information with the application does not provide any detail on whether it is proposed to have music at the premises, although it is likely that there would be some. It should be possible for the operator of a premises to control the level of noise from music so that it does not disturb neighbours; if there is poor sound insulation or the doors and windows are open then the volume should be reduced. I would recommend that there are no speakers outside the building on the proposed terrace. (N.B. If it is proposed to have music or other regulated entertainment at the premises the operator would have to apply for a Premises Licence from Taunton Deane Borough Council Licensing. It is possible to impose restrictions on the type and hours of entertainment and have conditions relating to noise on a Premises Licence).

There could also be noise from people using the proposed river terrace, which has the potential to disturb residents, particularly later in the evening and at night. This can be harder to control than noise from music, therefore, I would recommend that the use of the terrace is restricted later in the evenings, in particular after 11:00pm. Any control measures should take into account the use of the terrace as a smoking area.

PROJECT TAUNTON - Supports application: -

- Unit in secondary retail area, formerly a furniture outlet and has been vacant for some time.
- Wider town context, a general wish to see retail retained in this area. However, proposed development would complement the riverside location, provide an additional leisure offer and improve the street scene, which would have a beneficial effect on this area.

Representations

Cllr Mrs L Lisgo: OBJECTS

As a Councillor for the Lyngford Ward I would like to raise an objection to the above planning application regarding the extension of the Okoko nightclub. My objection is based on insufficient regard being given to the negative impact on those living in adjoining properties.

12 letters of OBJECTION: -

- Residential area as much as commercial, 23 residential flats in Hammets Wharf; change of use not appropriate in this area.
- Existing noise complaints for OKOKO nightclub.
- Further noise from proposal, 7 nights of the week.
- OKOKO does not abide to licensing conditions; operating without due care to its neighbours.
- Already disturbed by nightclub.
- Objection to late opening hours; no reason to open later than nearby Coal

- Orchard pub which closes at 11pm.
- Not insulated and no noise protection
- Opening hours requested for 9am - 12am (mon-thurs) and 9am - 2am (Fri-sat), would generate noise from outside terrace for nearby residents; new door to terrace would be open in summer generating further noise.
- Terrace is a health and safety risk for late night users; users of terrace may throw litter into the river, polluting water, killing fish and making it dangerous for schools to bring children canoeing.
- Permission not given until noise from nightclub is within agreed levels for 12 months and licence to operate bar restricted to 10pm each day.
- No objection to day time cafe, bar, bistro.
- Clever means to extend OKOKO over all floors.
- Concern about waste collection, often disturb by existing commercial waste collections at 5.15am and other activities before 7am.
- Flooding: -FRA accuracies, future maintenance of rock revetment; river management; flood defence; FRA shows states no historic flooding since 2009 but does not mention dangerous levels from last year that breached at Morrisons.
- 'Taunton Food and Wine' sell alcohol until 4am, Bridge Street is already becoming the alcohol centre of Taunton.

1 letter of SUPPORT: -

- Like to see development of this nature enhance the town, situated near the bridge it would be nice to look down the river.
- At this end of the building (Bridge Street) it is around the corner from the flats at the rear, meaning sound would be diffused by its location, which is already by the main high street.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 CP8 - CP 8 ENVIRONMENT,
 T21 - TDBCLP - Secondary Shopping Areas,
 EC16 - TDBCLP - New and Altered Shop Fronts,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 F1 - TTCAAP - Developments within the Floodplain,

DETERMINING ISSUES AND CONSIDERATIONS

Use

2 Bridge Street is located within the Secondary Shopping Area of Taunton town centre. Within the secondary area a variety of uses are allowed beyond that of A1 (retail) and such uses include cafes, restaurants, takeaways, financial and professional services and would include public houses. As such, the proposed A3/A4 (public house) use is considered acceptable in this location.

Whilst the application has been submitted by the same operators as the OKOKO nightclub above the proposal, there is no indication that the application is to extend

the nightclub. The submitted plans show no link between the two buildings and an amended location plan has taken the nightclub entrance out of the application site.

Amenity

The main concern from residents is regarding potential noise from the proposal and the existing noise from the nightclub.

The Environmental Health Officer has been notified of the proposal and does not object to the application. Possible noise from the terrace from open doors could be controlled by reducing the volume of any music playing, a premises licence would control and impose conditions relating to noise. The Environmental Health Officer has also recommended that the terrace should not be used after 11pm. Again this could be controlled by a condition on the licence rather than a specific planning condition.

Based on the above comments, the proposed use is not considered to be detrimental to the amenity of the neighbouring properties. Notwithstanding any outstanding issues regarding the nightclub, the proposed A4 is within the town centre, adjoining a nightclub, and in close proximity to other public houses. There is no reason why this proposal should generate any noise beyond that of existing uses, and noise can be controlled by licensing.

An amended plan has shown a possible location of a flue, if required for the kitchen, this flue is hidden from public view and is on a side elevation with an existing ventilation system. There is no reason that is if the flue is fitted with the correct equipment that any noise or odour would not be detrimental to nearby residential properties.

The lighting of the terrace in respect of any evening use is considered important to control in respect of the amenity of the area and an appropriate condition to address this is recommended.

Heritage

With regard to the conservation officers comments, the signage shown on the submitted elevation drawings does not form part of this application. Separate advertising consent would need to be required for the signage.

There has been no objection from the conservation officer with regard to the terrace and its relationship with the listed bridge. While the terrace will be seen from the bridge and will be viewed from the south side of the river, it is not considered that such views would adversely impact on the bridge. As such, the proposed terrace is not considered to harm the setting of the listed structure and accords with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Flooding

The provisions within the flood risk assessment adequately mitigate the risks of

flooding for this particular development when considering the proposed use and the scale of development. There will be no increase in risk of flooding to property, and the resultant increase in people within the floodplain can be satisfactorily addressed through emergency planning. The increased risk of flooding to others has been addressed by setting the soffit of the patio above the Town Bridge (an existing restriction).

The Environment Agency has not objected to the proposal and has conditioned the soffit level and a otter ledge, both shown to be provided on the amended plan; a further condition is required to show an Operation and Maintenance Manual to include how flood flows will not be impeded by the structure or associated debris. Separate Flood Defence consent will also be required from the Environment Agency.

Conclusion

The use is considered an acceptable one in policy terms given the location within the secondary retail frontage it would comply with retained policy T21 of the Local Plan. The scheme is not considered to detract from the setting of the listed bridge and the Environment Agency consider the development would be acceptable from a flood risk perspective. Amenity of local residents can be protected by licencing of the premises and the scheme is considered to be one that can be supported.

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

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

48/13/0040

MRS J BREEZE

ERECTION OF DWELLING AT 49 GREENWAY, MONKTON HEATHFIELD

Grid Reference: 325373.127191

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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 PL-1 Location Plan
- (A3) DrNo PL-2 Site Plan
- (A3) DrNo PL-3 Block and Roof Plan
- (A3) DrNo PL-4 Proposed Floor Plan
- (A3) DrNo PL-5 Proposed Elevations
- (A3) DrNo PL-6 Proposed Garage and Store
- (A3) DrNo PL-7 Indicative Site Sections

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

3.
 - (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.

4. The area allocated for parking and turning on the submitted plan, drawing number 2026-PL-3, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that an appropriate level of parking.

5. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 2026-PL-3, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety.

6. At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan Drawing No. 2026-PL-2. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: To preserve sight lines in the interests of highway safety.

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

Reason: In the interests of highway safety.

8. The development hereby permitted shall not be commenced until details of a strategy to safeguard protected **species** has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of **Country Contracts** submitted report, dated **May 2013** and include:

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

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

Reason: To protect and accommodate wildlife.

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 additional window/dormer windows/rooflights shall be installed in the **northern, eastern or southern** elevations or the roofspace of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions or loft conversions/extension shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does have an adverse impact on the adjoining properties.

11. 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 living room side window and first floor ensuite windows to be installed in the **northern and southern** elevations of the dwelling 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 or as a means of escape). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings.

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

Reason: In the interests of highway safety in accordance.

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

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

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

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

The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process .

3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Wessex Water advises:
Water Supply and Waste Connections
New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul sewer system.

PROPOSAL

The proposal is to erect a detached dwelling with garage and new access drive to the rear of No 49 Greenway. The access to the new dwelling will be to the south of no 49, with the original drive and a turning area for the original property (to the north). The proposed dwelling would be single storey, rendered with two bedrooms and ensuites in the concrete tiled roof. There is a distance of approx. 22m between no 49 and the proposal.

Due to the angle of the property at no 47, its rear elevation partially overlooks the rear garden of No 49. The distance from the rear of no 47 to the front of the proposed dwelling is approx 24m. The rooms that no 47 would face would be a hall, study and utility, with a small secondary downstairs bedroom window under a porch. The main windows of the proposed dwelling would face west.

A Protected Species Survey has been submitted which found no evidence of bats roosting on the site, but that bats may forage and commute over the mature trees towards the western boundary.

SITE DESCRIPTION AND HISTORY

The site is the existing rear garden of no 49. There were a number of trees in the garden including two copper beeches and a poplar, but these were felled prior to the application. The front boundary is marked by a hedge. A drive and garage are located on the northern side of no 49. The whole site measures approx. 19.4m (at the application site boundary) by 64.5m. The application site measures approx 19.4m (in width) by 24m (in length). The site slopes up from 31.41m at the front hedge to 32.63 to rear of the proposed dwelling and 32.50m just in front of it. There is no relevant planning history.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL - The access to the proposed property is extremely narrow, and indeed may preclude certain types of car from passing down the drive between the walls of the two existing properties. Such a situation will increase the likelihood of on street parking, which has to be rejected as the access is situated on a very dangerous bend on Greenway, along which vehicles travel very quickly. The closeness of the walls to this entrance drive will reduce visibility for egress, as they are the walls of houses number 47 and 49, and therefore the height of those bungalows. The application is NOT for a single storey dwelling (see likely issues), but for a chalet style house with dormer windows to the rear and windows on the upper storey in the gable ends. The proposed property will be able to look into the neighbours houses and gardens, and thus their right to privacy and family life is jeopardised; the more so because the neighbours on each side of no 49 use the full length of their gardens for leisure and recreation, and the upper floor of the

proposed chalet bungalow will overlook these activities. Use is made of the full extent of the adjacent gardens to this application site because the area is richly populated with bats and other creatures, and the property owners have summer houses etc at the ends of their gardens from where they can watch the bats flying across the fields to their gardens, as the sun goes down and the light fades. This application would have a detrimental effect on the bats' flying and hunting patterns as the light emanating from the windows of the proposed house (most particularly the dormers) could not be directed and screened in such a way that the bats would not be affected. Whilst there are no TPOs on the trees in the garden, it is regrettable that three mature and apparently healthy copper beech trees were felled immediately before the application was registered at TDBC, so the application is already having a detrimental effect on the local environment. The bat activity is significant and has been monitored, reported on and measures put in place to accommodate it in the proposals for the development site on land to the west of Greenway (see Core Strategy) which lies at the end of the gardens in this part of Greenway. Quoting the several examples of bungalows set behind others (see likely issues) is not applicable, as those examples are further up Greenway where the space between the bungalows is wider and therefore the 'behind' properties have wider access drives between the road fronting properties, the 'behind' bungalows do not overlook the neighbours as the gardens are of various different lengths and generally the bungalows are set much closer behind the roadside dwelling – not at the end of the garden - and the bungalows quoted as examples are all genuinely single storey without development in the roof. This application has to place the proposed dwelling at the end of the garden of number 49 to enable it to fit the site, so it is at odds with the examples quoted. In short, this application represents an inappropriate use of a residential garden (see NPPF para 53).

SCC - TRANSPORT DEVELOPMENT GROUP - - The proposed development is situated in within development limits therefore the principle of development is acceptable in this location.

The proposal is located to the rear of No. 49 Greenway, to which vehicular access is proposed off of Greenway a classified unnumbered highway to which a 30mph speed limit applies past the site frontage.

In detail the application seeks to erect a residential property. Having carried out a site visit and studied the submitted information, the scheme will see the formation of a new vehicle access for the proposed property. It is considered that the width, location of the access and the provision of vehicular visibility shown on Drawing No. 2026-PL-2 is acceptable.

Referring to TRICS (Trip Rate Information Computer System) the estimated vehicle movements for a single residential unit is approximately 6-8 movements per day. It is noted that there will be increase in vehicle movements along Greenway, however, the Highway Authority consider that the surrounding highway network can accommodate the traffic levels that are likely to be generated by the development.

Commenting further on the scheme, West Monkton is identified as a 'Zone B' for parking provision therefore the Somerset County Council – Parking Strategy (adopted March 2012) states the following requirement for Zone B parking provision:- 3 bedroom – 2.5 car spaces. It is considered that the submitted block

plan Drawing No. 2026-PL-3 details provision of parking inline with the Somerset County Council – Parking Strategy and provided by sufficient vehicle turning.

Furthermore, as part of the Somerset County Council – Parking Strategy, new residential dwellings are required to provide cycle parking provision to promote sustainable modes of transport, based on one space per bedroom (therefore three). I am satisfied that the development is capable of providing the appropriate level of cycle parking provision on site.

As a result, the Highway Authority raises no objection to this proposal subject to conditions.

WESSEX WATER - Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

LANDSCAPE - subject to suitable landscaping, I recommend some larger growing trees at the end of the garden such as Birch and decorative apple - along the rear boundary and some similar species tree planting along the southern boundary, the proposals are acceptable.

BIODIVERSITY - the development area is largely maintained lawn with trees and shrubs. On the western boundary are three large trees; the survey was carried out in May 2013. The surveyor found no signs of bats in any of the surveyed trees or structures on site. However it is likely that bats forage and commute over the mature trees on the western boundary of the site. Reptiles – no significant habitat to support reptiles, but for the established compost heap at the SW corner of the site. Birds, the vegetation on site provides nesting potential for bird species. Any removal of vegetation should be timed to avoid the bird nesting season. I support the suggestion to provide nesting boxes for birds. Hedgehogs, during the course of the survey evidence of hedgehog was noted.

PLANNING POLICY - no response.

DRAINAGE ENGINEER - I have no knowledge of flooding here. Property has stated that it will drain to soakaways, therefore standard soakaway note required.

Representations

Ward Councillor (Cllr Mrs Umi Palmer):

- The character of the area is of 1960s bungalows, this would be a change in that character;
- It would compromise the privacy of the adjacent properties particularly no 47

Greenway;

- The plot is on land that rises and is close to the top of a ridge and as a result the building would be clearly visible from Hestercombe House Grade I Listed Building;
- A similar development at no 63 to the north is single storey yet remains highly visible;
- The access route is very narrow. Apart from the disturbance to neighbours with 2/3 cars using the drive, there is a risk that emergency services could not access the property;
- The access is located on a road junction and a stretch of road notorious for speeding and as a rat-run;
- Questions on the viability of the project;
- Due to the nature of the soil and the gradient, surface water flow could reasonable be a problem to the adjacent properties to the west;
- A smaller building of single storey, 2 bedrooms with less visibility from the west might be more appropriate.

4 identical letters stating that the proposal is not a development in keeping with the area and will undermine the character, environment and nature of this road and residency. If allowed it could set a precedent for further developments to be granted.

5 other letters of OBJECTION (including 2 from adjoining neighbour) received which raise the following issues

Amenity/Character

- Overdevelopment of site;
- Too dense;
- Previous developments in Greenway have been 2 bed single storey bungalows;
- Will be able to see the proposed new dwelling from property;
- Out of character;
- Peaceful rear gardens will be lost;
- Dormer windows in the first floor result in the proposal being too high;
- The garden slants so the proposal is nearly behind no 47 as 49;
- Previous backland proposals have all been single storey;
- Previous developments had more space or were for specific family members;
- Adjoining property has purchased land to the rear to reduce the impact of any development in the area and to avoid being on an estate;
- The garden is extensively used throughout the year;
- There is a large extension to rear of no 47 which is not clearly shown;
- The dwellings in Greenway were built in various sizes to allow for different sizes of family, not for additional buildings in gardens;
- Blot on the landscape;
- Visual impact;
- Overshadowing;
- Oppressive and intrusive building in neighbouring garden;
- Rooflights will allow vision out and loss of privacy;
- Noise during construction;
- The application site is at a higher level than the adjacent dwellings, therefore there will be overlooking into garden and property;

Traffic/parking

- Inadequate parking space which will lead to on street parking on a dangerous

- bend;
- There has been a significant increase in traffic in the area in the last 20 years and on street parking will increase danger of accidents;
- Greenway often used as a short-cut to Hestercombe or to bypass traffic;
- Drivers frequently speed along this road;
- Visibility splay shows adjacent hedge being cut back – this will not be authorised;
- There is a business in the area, where the employees attend to collect their jobs, and they park along Greenway;
- Numerous schoolchildren, dog walkers and families with young children walk along Greenway daily;
- The drive is in an unsocial location, adjacent to neighbour not applicant;

Wildlife/trees

- Loss of wildlife;
- Loss of 10m high copper beeches is deplorable, and has already led to a loss of wildlife;
- Light pollution will affect bats;

Other

- Financial gain of applicant who is moving from the area;
- There is already a large housing development in the area;
- Water run off is a problem in this area, at times of heavy rainfall, water flows through the garden of no 51 out onto Greenway;
- Concern about damage to foundations;
- General disruption and stress;
- The proposal should be refused;
- consider that the plans are inaccurate and there is a lack of detail;

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 CP8 - CP 8 ENVIRONMENT,
 CP4 - TD CORE STRATEGY - HOUSING,

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)	£1,079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
Somerset County Council (Upper Tier Authority)	£1,619

DETERMINING ISSUES AND CONSIDERATIONS

The site is within settlement limits of Monkton Heathfield. The area to the west is in the Taunton Deane Core Strategy is shown as an area for development as part of Monkton Heathfield urban extension. The principle of considering a residential scheme is accepted as the site is within settlement limits.

The area may have originally been built in a particular style with particular sizes of dwelling, but over time many extensions have been built and the character has changed already. Some new dwellings have been built in rear gardens in Greenway. At the time there was objection to these, but they have become part of the established buildings. If there is sufficient space for 'backland' development without detriment to the amenities of occupiers, these have been approved in the area and in the borough as a whole. The fact that the building may be seen from Hestercombe, around 2km away, or any other location is not a reason for refusal.

The area is of sufficient size to take a three bedroomed property (one bed on the ground floor). There are two bedrooms within the roofspace with moderate sized dormers. It is not considered that the resulting building is too high or out of character with the area. The proposal will not overshadow or overpower the dwellings on either side, given the relative positions of the dwellings, their outbuildings and garage. Whilst the site is at a slightly higher level than the original dwelling, this difference is not considered so significant as result in such loss of amenity to warrant refusal.

There will be some effect on the amenities of the adjacent property's gardens in terms of vehicle movements alongside those gardens. This is a common issue for backland or tandem type development where there is no separate rear access. A judgement needs to be made as to whether this would result in a significant loss of residential amenity. However this is not considered to be unacceptable in an built up area and there are examples of similar development at the northern end of Greenway

The proposed new property does not have any upper floor habitable room windows looking into existing properties or their gardens. The proposed property has main windows facing west into what will be new residential development in due course. Given to distances between the existing and proposed properties of over 19m, whilst there may be perceived overlooking, however the distances meet the Local Planning Authority's usual standards. It is not considered that there will be overlooking from an obscured rooflight in the northernmost roof slope serving an ensuite bathroom or the obscure glazed southern gable window. Therefore it is not considered that there will be any overlooking or loss of privacy from windows. There may be issues in the future when new dwellings are sited to the west.

The removal of well growing, decent healthy trees is regretted, but as these were in a back garden and not subject to TPO they could have been felled at any time. Replacements will be sought, although it will be many years before these will reach the height of removed trees. The wildlife survey found no bat roosting sites, but given the significant bat roost at Hestercombe, bats are likely to forage in the area. There is also evidence of a hedgehog. A suitably worded condition is suggested.

The County Highway Authority has considered the proposal and finds it acceptable, subject to conditions. Cycle racks are shown in the garage and there is sufficient turning/parking area. Access for emergency vehicles is not considered to be an issue.

The payment of New Homes Bonus is a material consideration in the determination of this application, however officers consider that it should be attributed limited weight in this case. Several of the other concerns which have been raised which are private matters between residents or are not planning issues.

It is not considered that the proposal is overdevelopment or that there will be an unacceptable loss of privacy. There will be some disturbance as a result of the proposal to the adjacent rear gardens, and some residents' outlook will be altered. Construction periods will result in some noise and disturbance to residents. However given similar schemes have been accepted, that the land to the rear will be developed in due course, the proposed siting and design is considered to be acceptable.

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

51/13/0003

MR D CLAPP

DEMOLITION OF DWELLING AND ERECTION OF REPLACEMENT DWELLING AT SALTMOOR, BURROWBRIDGE (AMENDED SITING AND DESIGN FOLLOWING REFUSAL OF APPLICATION 51/12/0010).

Grid Reference: 335316.130853

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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 21253/01A Ground Floor Plan, North South and West Elevations and Garage Details

(A1) DrNo 21253/02 Rev A First Floor Plan, Block Plan and East Elevation

(A1) DrNo 21235/01 Elevations and Floor Plans (Existing building)

(A4) Location Plan

(A4) Block Plan

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

3. 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 extension, further garage or dormer windows/roof extension shall be carried out without the further grant of planning permission.

Reason: The dwelling is a replacement dwelling, which already takes into account the possible extensions which could be built to the then existing dwelling. The construction of further extensions or building needs to be considered having regard to this factor.

4. 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.

5. (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.

6. Before any works are undertaken, photographs of all elevations internally and externally in black/white and colour shall be produced and a copy of the photographs shall be deposited with the Local Planning Authority, at the end of the demolition.

Reason: To ensure protection of the history of this building and the borough.

7. 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 Contacts protected species** submitted report, dated **February 2013** and include:

- Details of protective measures 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 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. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts and related accesses **have** been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect **and accommodate wildlife**.

8. The area allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced and drained the dwelling is 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 and turning of vehicles clear of the highway.

Notes to Applicant

1. The Environment Agency advises:- Any works within 8m of the top of bank of the Saltmoor Main Drain or within 8m of the toe of the flood defences along the River Parrett will require a Flood Defence Consent from the Environment Agency. Consent forms and guidance can be obtained by visiting our website at the following link or by contacting Virginie Ba:
<http://intranet.ea.gov/knowledge/enquiries/nccc/11426.aspx>
2. The application site benefits from the Environment Agency's free flood warning service. The applicant should ensure the property is signed up by calling on 0845 988 1188.
3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. 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.

5. 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 a favourable status for these species that are affected by these species that are affected by this development proposal.
6. It is expected that there will be substantial landscaping between the Main Drain and the access/parking area for the new dwelling.
7. 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

The application is for demolition of existing dwelling and erection of a replacement dwelling at a site, which is variously known as Peppards, or Langfords or Saltmoor, (which is also the name of this area). The existing building is a 2 storey cob structure with clay tiled roof approx. 6.4m in width and restricted head room in both ground floor and upper floor rooms. There are old extensions to either end of rendered over brickwork. The existing building has two bedrooms with large landing reached by a narrow and very steep staircase and four main rooms on the ground floor. It is in a poor state of repair, with some walls crumbling. The size of the habitable floorspace (measured externally) is approx 172.6sqm.

The proposed siting of the replacement dwelling is approx 15m from the Saltmoor Main Drain. An area for parking and turning is shown between this drain and the position of the dwelling, with the proposed garage to the north of the proposed dwelling. The new dwelling would be a roughly 'T' shaped five bedroom building with balcony facing east. The building is to be approx. 600mm above existing ground level with steps and slope up to ground floor level "to avoid flooding". It would be constructed in stone with brick quoins on the ground floor and cedar cladding at first floor level on the east and west elevations, with both the north and south gables in brick, with a tiled roof. A soakaway, a treatment plant and a salvage tank are shown in the garden/orchard to the east and south of the proposed dwelling. No details of existing trees or proposed boundaries have been submitted.

The proposed dwelling would be approx 18m by 6.7m with a 3.3m easterly projection at ground floor which is 4m at first floor (with a balcony), there is a 1.4m projection to the west elevation at ground floor, with the upper floor having partially restricted headroom due to the raking of the roof. The total floor area including the balcony measures 291.6sqm. The Flood Risk Assessment states that "as this is a replacement of an existing dwelling that is prone to flooding the application ought to be encouraged. The redevelopment allows for the raising of floor levels by 600mm to prevent flooding occurring whilst the use of beam and block floors will reduce the pressure of flooding on surrounding areas."

The agent has stated "the house uses stone thus creating a rural barn like appearance. When combined with large areas of glass the house takes the form of a barn conversion which is appropriate for a rural setting. The stone walls are to be

complimented by cedar boarding to give a contemporary appearance to the building and by brick quoins and gables to match other barns nearby.”

The revised siting follows advice from the Environment Agency, to move the new building away from the Main Drain and the River Parrett. The proposed dwelling would be approx. 50m from Rells Orchard and approx. 22m from the River Parrett.

SITE DESCRIPTION AND HISTORY

The road to the site passes the Coronation Hall towards Moorland and Huntworth. The site is to the south-east of the Saltmoor Pumping Station, a Grade II Listed Building. The north-eastern boundary of the site is parallel to the embankments of the River Parrett. The nearest residential property is Rells Orchard to the south-east, with which the application site shares access from the road. The existing vacant building is approx. 70m from Rells Orchard and 105m from Riverside Farm

The site is within Flood Zone 3, in open countryside, outside settlement limits, adjacent to the River Parrett and Saltmoor Main Drain (one of the drains to the pumping station). Policy DM2 Development in the Countryside applies, specifically section 5 – Replacement Dwellings, when only if the residential use of the existing building has not been abandoned, it would be uneconomic to bring the dwelling to an acceptable state of repair, is a one for one replacement and is not substantially larger than the existing dwelling.

Planning History:

There is no planning history of extensions, although the original dwelling has been extended in the past, presumably pre 1947. A certificate of lawful development was submitted to seek clarification on the size/amount of extensions which could be built without the need for planning permissions, ie permitted development. These ‘extensions would allow 89.66sqm of additional floorspace.

51/12/0010 - Demolition and replacement of replacement dwelling at Saltmoor, refused on the basis of being out of character by reason of materials, size and design being inappropriate and unacceptable, refused 11/04/13. *The floor area of this proposal was approx 355sqm.*

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BURROWBRIDGE PARISH COUNCIL - the Parish Council strongly object to the granting of permission of the new build because it is completely out of character with any other building in the vicinity. It is too big, too high and construction materials inappropriate.

SCC - TRANSPORT DEVELOPMENT GROUP - Previous comments apply (51/12/0010) - It is noted that the current development is situated outside any Development Limits, however the proposal will not significantly increase the occupancy of the site so the principle is not in question.

The site is located along Moorland Road a designated Classified Unnumbered

highway to which the National Speed Limit applies. In detail the application seeks to demolish the existing property and erect a new four bedroom dwelling as a replacement. Having made a site visit and studied the supporting information submitted with the application, the proposed dwelling will make use of the existing access onto the Moorland Road, which is considered acceptable as the development will not see a material increase in vehicle movements.

The existing vehicle parking and turning area will remain as existing which provides a suitable parking and turning for the replacement dwelling. The turning area provided will allow motor vehicles to turn within the site and exit onto the highway in a forward gear. As a result, the Highway Authority raises no objection to this proposal subject to condition.

ENVIRONMENT AGENCY - No objection provided the provided that the new property is built in accordance with the submitted Block Plan and FRA.

We are really pleased to see that the comments we provided for application 51/12/0010 have been included in this new proposal. Whilst we can't guarantee that these measures will completely protect any new property from flooding because of the high flood risks in this area, we consider that the applicant has taken all reasonable steps to protect their property and make the site as sustainable as possible. We would be more than happy to offer further advice on potential flood resilience measures.

WESSEX WATER - no response

DRAINAGE ENGINEER - I note the Environment Agency's comments on the original refused application 51/12/0010 regarding repositioning the dwelling and required flood resilience measures. These measures appear to have been taken on board and are reflected in this latest application. In this case the Flood Risk Assessment dated 5/6/13 should be made a condition on any approval given.

BIODIVERSITY - no bats were found in the building, but there were potential bat roosts in gaps between the roof tiles and roofing felt, so potential roosts will be lost when the building is demolished. No signs of nesting birds, but there was vegetation offering potential. Otters and badgers are known to be active in the area. Condition suggested.

HERITAGE - Whilst the proposed replacement dwelling has been sited further away from the listed pumping station and the design amended, my comments in relation to application 51/12/0010, are still largely applicable and are reproduced below:

I have seen this building from the road, on several occasions, when visiting the listed pumping station and thought it appeared interesting and likely of some age. These views were confirmed when we gained access on 4 March. It is clearly several hundred years old, with evidence of cob construction and replacement of the same in brick. There are clear structural problems, evidenced by significant bulging on the front wall, buttresses to the rear and cracking in numerous places. Roof

spread is also evident and the removal of the majority of a substantial chimney stack at ground but not first floor, will clearly not have helped the structural stability. The accommodation is poor and this coupled with the structural problems and lack of clear evidence of any significant historic fabric or features, leads me to the opinion that, the building is not of listable quality. It is however of local interest and if demolition is approved, I consider a recording condition would be appropriate.

New Build:

There is very little stone in the existing building and certainly not enough to be reused as proposed. Stone is not a common material to the locality and I would therefore suggest that its use is inappropriate, as is the timber cladding. Brick is the common material with slate for roofs. The submission does not explain why a purported "converted barn" design is advocated. Given the scale of the existing dwelling and its modest fenestration and small openings, the proposed dwelling would have a very different impact in the landscape and in turn, provide a very different setting for the modest but listed, pumping station.

SOMERSET DRAINAGE BOARDS CONSORTIUM - no response

PARRETT CONSORTIUM DRAINAGE BOARDS - no response

Representations

4 letters of OBJECTION received

Amenity

- The size is too large;
- The new dwelling will tower over existing properties;
- Loss of privacy from balcony;
- The building will be overbearing;
- The building will be 2.5m higher than the existing property;

Character/materials

- The proposed barn conversion especially with its extensive areas of wood cladding and glass is out of character with the area;
- Most buildings in the area which have wood cladding are agricultural not domestic;
- There are no stone and timber clad dwellings in Saltmoor, this building will be unsightly;
- It should be red brick and with less bedrooms;
- It will be seen well above the river wall;
- It pays little attention to the adjacent Listed Building;
- There is no barn to convert, so why have a pastiche of a so called barn conversion;
- None of the examples given by the agent of where stone has been used is relevant;
- There has never been a need to raise this house by 600mm;
- This site has not flooded;
- There are no stone or brick barns in Burrowbridge;

Other issues

- The revised plan is no improvement on the original scheme;
- The current proposal is contrary to Policies DM1, DM2 and CP8;

Other comments

- Agree that the building must be rebuilt but the new property must be in keeping with the surrounding area and in proportion to the plot;
- The parking is an improvement on the original plan.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
F1 - TTCAAP - Developments within the Floodplain,

LOCAL FINANCE CONSIDERATIONS This is not applicable as this is a replacement dwelling.

DETERMINING ISSUES AND CONSIDERATIONS

The proposal is for a replacement dwelling. The Conservation Officer has assessed the existing building (inside and outside) and has concluded that the building is not of listable quality. There are clear structural problems, evidenced by significant bulging on the front wall, buttresses to the rear and cracking in numerous places. Roof spread is evident and the removal of the majority of a substantial chimney stack on the ground but not first floor. However it is of local interest. The adjacent building, the Saltmoor Pumping Station, is a Grade II Listed Building and its proximity has implications on any new property.

The proposal is an amended scheme to that which was refused under delegated authority. The current proposal has a smaller floorspace (was 355sqm now 286 as measured), the large gable to the west and linked garage with room over have been removed, brick has been introduced to the two end gables, and the siting has been moved eastwards.

The current proposal is not considered to have any detrimental effect on the setting of the Listed Building, and the revised siting satisfies the Environment Agency. Whilst the building will be elevated above current ground levels, the dwelling is sufficiently distant from the adjacent properties such that there will be no overlooking and no overbearing effect, and it will be such distance from the river so as not to be overbearing on it or the adjacent road. The size of the dwelling has been reduced such that it is more in line with the size of the existing with possible "Permitted Development" extensions. These elements of the proposal are now acceptable and appropriate for the site.

The agent is unwilling to further amend the design or his use of materials. In the NPPF, section 7, advises that the Government attaches great importance to the design of the built environment. Planning Policies should....ensure that

developments “respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.” “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.” The Local Planning Authority has to balance the individual design from agent with the character of a particular area, having regard to Central Government advice. The agent has emphasised the use of stone in the area, but it is on the Church, the ruins on the Mump and only a few other buildings in the immediate area. There is significantly more use of stone for dwellings and farm buildings in neighbouring villages and hamlets. Timber cladding is used more for outbuildings and garages around the area. Such restrictive use of these materials in this area does not result in an unacceptable design for the dwelling. Thus whilst there is an acknowledgment that the design and materials are not characteristic of the immediate area, that there are few barns in the area, and thus a ‘barn conversion’ is not necessarily appropriate, the current proposal is significantly better than the previous proposal and is considered acceptable.

The new dwelling will be set further back from the roadside and will be higher with modern floor to ceiling heights, and its design is very different from the existing old squat cob cottage. The overall scheme is considered an acceptable replacement dwelling albeit one that would not necessarily be seen as a former barn that has been converted. The proposal is considered to meet the criteria in Policy DM2 (5) - replacement dwellings in open countryside, and is appropriate in terms of scale, siting and design and will not exacerbate flood risk in accordance with Policy CP8. On balance, the proposal is therefore acceptable.

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

**ERECTION OF COMMUNITY CHURCH AND CAFE AT ROGERS WALK,
COTFORD ST LUKE**

Grid Reference: 316851.127292

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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 P/01 rev A Site Plan
(A1) DrNo P/02 rev B Proposed Floor Plans
(A1) DrNo P/03 Proposed Roof Plan and Sections
(A1) DrNo P/04 Proposed Elevations
(A1) DrNo P/05 Proposed Steps Section

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

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

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. The western most (left hand) first floor window on the South West elevation

shall be obscured glazed and non-opening. The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

5. Prior to its installation, full details and a specification of the proposed 'plant for heat pump' together with a noise assessment detailing the impact on neighbouring property shall be submitted to and approved in writing by the Local Planning Authority. The approved details and any required mitigation detailed in the assessment or required as part of the approval of those details shall be implemented before the plant is brought into use and shall thereafter be maintained as such. The plant shall not be subsequently changed, upgraded or altered without the prior approval of the Local Planning Authority.

Reason: To protect the amenities of nearby residents in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6.
 - (i) Before any part of the development hereby permitted is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, together with measures to protect the existing trees off the north and northeastern site boundaries 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 (including the protected off-site trees) 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. Before the development hereby permitted is brought into use, provision shall be made for covered and secure cycle parking facilities for at least 8 cycles, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

8. Prior to the building hereby permitted being brought into use, full details of the proposed means of enclosure and gates to the northeast of the proposed 'Safe Play Space' and the southwest of the proposed 'Sanctuary Space' shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be implemented prior to the building being brought into use and shall thereafter be maintained as such.

Reason: In the interests of the visual amenities of the area and to improve security of the site in the interests of preventing disturbance to neighbouring residents in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. No external lighting shall be installed without the prior approval of the Local Planning Authority.

Reason: To protect the amenities of neighbouring residents in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10. With the exception of the Sanctuary Space, the building shall not be occupied other than between the hours of 09.00 and 22.00 Monday to Saturday and 08.00 and 20.00 on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring residents in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

PROPOSAL

This application is described as the erection of a 'community church and cafe'. Some comments have been received questioning how a community church differs from any other church and that this is to give the impression that the proposal is a more 'community based' project. However, it is considered that this distinction (if there is any) is not relevant to the consideration of the planning application, albeit that the application states that the building would be available for private hire in a similar way to a community hall and it is suggested that the cafe would provide a new public amenity at the heart of the village.

As submitted, the application proposes a building containing a large hall, store and vestry, with adjoining cafe. Kitchen and WC facilities would be provided alongside this at ground floor level. Above the cafe would be two meeting rooms and an office, together with a plant room for the heating system.

Outside, but accessible under cover would be a 'sanctuary space' – a small room where people can sit, intended for personal reflection. A wide canopy would provide covered access to the front of the building and connect the main hall with the

sanctuary.

The building would be a 1.5 storey building with a mono-pitched roof sloping away from the southeast. Photovoltaic panels would be installed on the roof. The building would be constructed from brick and would and presents a 21st century design approach with large areas of glazing in the front elevation (northeast) and simple fenestration for the remainder. The sanctuary space would be contained within a round tower off the eastern corner of the main building.

As originally submitted, the application proposed two disabled parking spaces accessed directly from Rogers Walk, crossing the pedestrian/cycleway. No on-site turning was proposed. The application has subsequently been amended to remove these parking spaces and, therefore, provide no on-site parking. It should be noted that at the time of writing a re-consultation on these amendments is underway, although the consultation period will have expired by the committee meeting. Members will be advised of any further representations received to the amendments at the meeting.

SITE DESCRIPTION AND HISTORY

The site comprises a broadly rectangular area of land. It is fairly flat, although it does have a slight slope down to the southwest, away from the shared footpath/cycleway that borders the site to the north. A vehicular access point exists between Rogers Walk to the north up to the footpath/cycleway where it terminates. To the northwest, the land slopes up steeply to the co-op supermarket and car parking area that lies between the supermarket and the Chapel public house slightly further to the west.

To the southeast, the site borders existing dwellings in Roger's Walk, the gable end of the end terrace facing the site behind a close boarded fence. The end wall of the dwelling is blank and is approximately 1.5m off the site boundary.

To the southwest, a brick wall and timber fence separates the site from adjoining parking area. Between these parking areas the blank gable end of a coach-house dwelling sits right on the site boundary. Off the western corner of the site is a 2.5 storey block of flats and in the centre of the north western boundary is a garage, accessed from outside the site, so presenting blank elevations to the site.

The site was identified in the original Cotford St. Luke master plan as part of the commercial centre of the village. Subsequently, the central area was re-configured, the 'village street' being given over mainly to the Roger's Walk dwellings and the site re-identified as a site for a public house under application 06/02/0062. The pub was never forthcoming, and in 2004 (06/04/00390), permission was sought for the erection of 4 dwellings. This application was refused and subsequently dismissed at appeal following a public inquiry. In dismissing the appeal, the Inspector agreed that a pub use was unlikely to be forthcoming as the proposed pub site was no longer in a prominent location. However, he felt that it would be wrong at that early stage in the village's life to allow the only remaining central development site to be given over to residential use, favouring its retention for potential development for commercial or other uses in the community benefit.

In the following years, two broadly similar applications, 06/07/0012 and 06/08/0024 have been approved for a proposed mixed use building accommodating commercial or community uses at ground floor and 13 flats spread over 2.5 storeys. However, this scheme has not been developed and the site remains vacant. The adjoining chapel has been converted to a public house.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – The proposal is located within an existing residential cul-de-sac known as Rogers Walk therefore the principle of development is considered acceptable.

The site is located on land adjacent to an existing Footway/Cycleway, which at present is unadopted. Rogers Walk the primary carriageway and residential cul-de-sac also at present is unadopted. A 30mph speed limit applies past the site location, however it is likely that vehicle speeds in this location are reduced due to sinuous nature of Rogers Walk. Additionally, it was noted from onsite observation that there were numerous vehicles parked along the Roger Walk adjacent to allocated off street vehicle parking.

Redline/Access to the Highway/Rogers Walk Adoption: It should be noted that from the submitted block plan drawing that the applicant's red line drawing does not meet the publicly maintained highway, so technically the proposal does not have a permitted means of access to the highway. Clarification will be needed with regards whether the applicant has a right of access over this land.

Rogers Walk is currently unadopted. However, it is to my understanding that Rogers Walk is proposed to be adopted providing it meets SCC's standards, this also relates to a section of Footway/Cycleway leading past the development site.

The proposal seeks access off of an existing hardsurfaced service access and over a pedestrian footway/cycleway. Using this existing service access as a formal access point for the Church gives me concerns. The Highway Authority would not wish to see any pedestrian or cyclist conflict with vehicles.

It is estimated that the access strip is approximately 12metres from the site boundary to the carriageway edge (Rogers Walk, Service access and footway/cycleway). Parking on Drawing No. P/01 is shown to be perpendicular without area allocated to vehicle turning. I have concerns that this arrangement as it may lead to vehicles manoeuvring on the pedestrian footway/cycleway instead of reversing back out onto Rogers Walk, which would be hazardous.

Whilst vehicle turning is not necessarily required (Rogers Walk is likely to be adopted as unclassified) onto an unclassified highway. Vehicles in this location will be reversing out into traffic which is likely to be in direct conflict with the food store service yard where deliveries take place.

Vehicle Parking Provision: The proposed development provides two vehicle parking spaces which are have been designated as disabled bays. This indicates the proposal provides no designated vehicle parking, which is not considered

acceptable. The Highway Authority would not wish to see the vehicles in connection with this development parking along Rogers Walk or any of the surrounding publicly maintained highway neither would it be considered acceptable for vehicles in connection with the proposed church parking within the private car park for the food store off of Graham Way.

As Cotford St Luke has been identified as a Zone B region within the Somerset County Council – Parking Strategy the following parking provision requirement should be applied to the proposed development. This would be 1 space per 25 square metres, requiring 14 spaces to be provided for this building.

Whilst I appreciate that the development is aimed at the local residents of Cotford St Luke and that there is an element of sustainability for the community, I have serious apprehensions over the allocated vehicle parking proposed with the development (2 disabled). I would not wish to see vehicles parked on the highway in this location albeit Roger Walk is yet to be adopted.

Cycle Parking Provision: Additionally, the Somerset County Council – Parking Strategy does not provide any specific standard on the provision for cycle parking for the proposed use. Taking a pragmatic approach in applying the appropriate level of cycle parking I would consider that the cycle parking provided as part of the scheme (8) is acceptable, albeit not detailed on the submitted drawings, this would need to be clarified.

As a result given the constraints of the site I do not consider that adequate parking provision can be made on the site which will lead to vehicles parking on the publicly adopted highway. Additionally, the Highway Authority considers that the access over the shared footway/cycleway is hazardous to pedestrians and cyclist. Therefore, I recommend refusal of this application to the Local Planning Authority for the following reasons:

1. On the information currently available, the Local Planning Authority is not convinced that a safe means of access to the site from Rogers Walk can be achieved. The proposal therefore does not meet the requirements of Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted Sep 12).
2. The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted Sep 12).
3. Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted Sep 12).

COTFORD ST LUKE PARISH COUNCIL -

COMMENTS ON ORIGINAL APPLICATION:

The Parish Council supports the Application but asks for details of the proposed development to be reconsidered and changed for the following reasons:

Access/Egress to the Two Disabled Parking Bays: Access to the two disabled parking bays will be made from Rogers Walk by driving over the single width drive and over the public footpath/cycle path.

Egress from these bays will be made in one of two ways:

- By manoeuvring out of the disabled parking bays by reversing onto the public footpath/cycle path; stopping the vehicle and then driving forward to gain access to the single drive and onto Rogers Walk or
- By reversing out of the parking spaces over the public footpath/cycle path and the single drive into the vicinity of the Co-op shop delivery/service yard where deliveries take place and then reversing onto the highway (Rogers Walk) where there may be oncoming vehicles

The Centre is a public building and as such it must comply with the Health and Safety at Work Act 1974. In particular; Section 3 (1) of the Act (the general duty of employers to persons other than their employees) states '*it shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons who are not in his employment are not thereby exposed to risks to their health or safety*'. Section 3 (1) of the Act requires the Architect to take into account the vehicle egress hazard + its associated risks, and design this hazard out. Both means of egress are hazardous to pedestrians and cyclists using the public footpath/cycle path; to other drivers driving along Rogers Walk highway and to employees of the Co-op who may be making deliveries or working in the delivery/service yard.

There will also be times when an articulated lorry is stationary on the Rogers Walk highway; waiting to unload to the Co-op or actually being unloaded and the access/egress to the disabled parking bays will be obstructed.

Furthermore; the Road Traffic Act 1988 section 34 states that a driver must not drive on or over a pavement except to gain lawful access to property or in the case of an emergency.

The Parish Council is deeply concerned with the present vehicular egress arrangements which it considers to be extremely hazardous to people. People and vehicles should not be able to conflict with one another. An alternative site layout with onsite parking arrangements (including turning circle) should now be considered by the Applicant.

The BSI Standard '*Code of Practice for the Design of Buildings and Their Approaches to Meet the Needs of Disabled Person*' states that disabled parking should be 2400mm by 4800mm with a 1200mm wide marked access zone between spaces and a 1200mm wide safety zone for boot access. Two disabled parking bays are indicated on Plan P/02 with an access zone between the bays. There is no 1200mm wide safety zone for boot access marked on Plan P/02 and using a ruler; the layout of the bays + access zone between the bays do not seem to meet width and length guidance in the BSI Standard

The existing street lighting column and the unlit Give Way sign and column are adjacent to the public footpath/cycle path. There is also a second unlit Give Way sign and column on the corner of the single width drive with warning markings on

the tarmac. These three columns will impede the access to/egress from the two disabled parking bays even though the Design and Access Statement (P11) states that *'warning markings on the tarmac and illuminated Give Way signs onto and off the development site provide a safe access crossing'*. Also; one set of warning markings will be eradicated when the disabled parking bays and safety zone for boot access is laid

Highway and Parking Arrangements: Rogers Walk and Graham Way are already congested with resident on-street parking; especially in the evenings and at weekends. Graham Way is also on the bus route. Cotford St Luke is in Zone B region within SCC's Parking Strategy which requires for a Place of Worship, Church Hall or Public Hall; 1 car parking space per 25m² floor space. Other than the two disabled parking bays; there is no dedicated car parking at the actual Centre

The Design and Access Statement (P8) states that *'parking on the car park adjacent to the shop that is within 35 metres of the entrance will provide parking spaces on the site with level access into the building'*. This car park is presently in the private ownership of Bovis Homes. Unless there is a legal agreement between the Applicant and Bovis Homes with regards to access/egress and use of its car park, this statement cannot be relied upon. In the future; another owner may prohibit access/egress and use of the car park. It is not known where cars belonging to the congregation and others visiting the Centre are going to park; if the car park is not available to them

There is no Traffic Impact Assessment submitted with the Application. Whilst the Applicant argues that its congregation and others will walk or cycle to the Centre; this argument is fundamentally flawed. The Design and Access Statement (P7) states *'that the Centre is to be a meeting place for the community (outside services, social services/family support, client meeting place for home workers, and low cost meeting rooms for community groups)'*. All of whom will have cars to transport equipment etc. Also; there is no indication where those attending christenings, weddings and funerals at the Centre will park their vehicles. There is no suitable parking available on Graham Way or Rogers Walk which will enable others from within or outside Cotford St Luke to park their vehicles

Noise: The Design and Access Statement P7 states that *'the dedicated Sanctuary Space will have 24 hour access'* and on P13 *'an accessible sanctuary for the community'*. The Application for Planning Permission Form states that the hours of opening for the Community Church and Café will be Monday to Saturday 9.00AM to 10.00PM; and on Sunday and Bank Holidays from 8.00AM to 8.00PM. There may be activities during these opening times that will create noise pollution.

Also; the dedicated Sanctuary Space and the rear of the Centre will be unsupervised outside of these opening times. Access to the rear of the Centre is not restricted from the front of the building (in the vicinity of the Sanctuary Space there is a low retaining wall and a footpath between the Sanctuary Space and Hall) and the wooden fence at the rear of the Centre is presently climbed over by youths. Noise pollution may arise from those who should not be at the Centre; outside of the stated opening times.

The Parish Council is concerned that noise pollution may arise which will affect residents in the locality of the Centre.

The Parish Council then makes various comments on civil matters for the information of the applicant, draws attention to discrepancies in the application and comments that some of the applicant's claims regarding their pre-application consultation exercise are misleading.

FURTHER COMMENTS ON AMENDED SCHEME:

The Parish Council still supports the Application and reiterates the comments that it previously made in its letter (19 July 2013). The Parish Council is now concerned that the amendment made to the site layout means that now there is no onsite parking at the Community Church and Café.

The Parish Council is also concerned that disabled persons who can only travel by car to the Community Church and Café may be precluded from accessing it, if the two disabled parking bays at the Co-op car park are in use. Also; it will be further distance from the Co-op car park to the front door of the Church or Café for wheelchair users or those with walking difficulties to travel. This new parking arrangement may preclude some disabled persons from accessing the new building which is not in accordance with the requirements of the Equality Act 2010.

WESSEX WATER – New water supply and waste water connections will be required from Wessex Water. Provides advice on connection.

DRAINAGE ENGINEER – No observations to make on this application.

LANDSCAPE – The main building is unlikely to damage or harm TPO tree roots but the proposed car parking and changes to ground levels could have a significant impact on tree roots. More details of ground level changes are required and proximity to root protection areas will be required for a full assessment to be undertaken.

ENVIRONMENTAL HEALTH – Verbally confirmed that the site is unlikely to be contaminated and no condition is required to this effect.

Also verbally confirmed that the requested opening hours are acceptable in a residential area and unlikely to cause disturbance. Likewise disturbance from any outside seating at the cafe is unlikely to lead to unacceptable disturbance.

Further details, together with a noise assessment, of any proposed plant should be submitted and required by condition.

Representations

14 letters of SUPPORT raising the following issues:

- Additional community space is required – the existing shared school hall and tiny community room are not sufficient to cater for the village's needs. The growing village needs another building which can be used for public hire.
- A cafe would be an excellent facility that would help mums to meet up during the day, teenagers somewhere to go after school and many other groups.
- The idea of a 24 hour sanctuary space is a lovely idea.
- The modern building is well designed, eye catching and attractive.
- There wouldn't be a problem with parking as most people would walk. The shop/chapel car parks are never full as the village is small enough for people to walk to events.
- A village the size of Cotford St. Luke needs a multi-functional purpose-built church building to meet the spiritual, social and community needs of those living in the village.
- The building will provide somewhere for people who are lonely, grieving, stressed, isolated, seriously ill, in need or fearful.
- As a new village, Cotford St Luke does not have the benefit of inherited buildings and organisations that encourage community and intergenerational interaction. They need to be built to develop a sustainable and flourishing community.
- As the building is specifically designed to serve the localised community, and environmentally sustainable principles are at its core, it is appropriate and reasonable that it is a pedestrian accessed facility.
- There is plenty of space in the car park beside the shop for those who do occasionally need to drive, which was intended for users of the two plots of land which now form the shop and this application.
- The proposals will enhance the village and provide a central focus, complementing the existing community hall, pub and shop which is already well used and sometimes over-subscribed.
- The local vicar has led the way in stating that the building should not be a church, but a community centre with a designated worship space.

9 letters of OBJECTION/CONCERN (inc. 2 identical) have been received in respect of this application, raising the following issues:

- There is a lack of on site parking. If the building is used much then parking will become a major issue in Roger's Walk, which is already full of cars. People will use the co-op car park and cause trouble there. It is unfair for the church to expect to use the shop car park. It is unreasonable to assume that everybody would walk. Existing traffic from the shop and pub cannot be used to justify more.
- There is already congestion in Rogers Walk and Graham Way.
- Traffic crossing the cycleway/footpath could be dangerous. The path is very busy.
- Deliveries to the co-op would block access to the site.
- The design will be a blot on the village. It is too large a building for the size of the site and will have an enormous visual impact. The roof line is too different to surrounding houses and should be changed.
- The mass, bulk and proximity of the rear elevation would be overbearing on neighbouring residents.
- A building that can hold 200 people will have an enormous impact whenever it is being used.
- It is rumoured that a business plan has only just been started, so the project

- may not be financially sustainable.
- There is no indication of the number of blue badge holders that may visit the site, if the spaces are full they may park anywhere on Rogers Walk.
- The church has been using the community hall which has good parking as required for a busy service.
- This is a proposal by a minority group that will not benefit the community as a whole. Only 3% of the local population are believed to attend the church.
- Do not understand why another facility like this is required as it will make the current village hall and pub less viable. It is unfair to expect a pub with paid staff to compete against a cafe run by volunteers. Query whether research has been done as to whether the building would be used.
- The fence backing onto the Grenville View flats is insubstantial. It will be further weakened by yet more 'vaulting' by youths.
- Reflection and glare from the roof panels may be a problem to nearby residents, especially the upper floor flats.
- There is already considerable noise from the shop and pub.
- Access would need to be maintained for repair of the garage wall on the site boundary.
- Youths would gather in the area in the covered areas provided around the building and this would cause trouble.
- The sanctuary will be used at night for drug dealing, as a toilet and other such activities. It should be locked at night. Query whether the local police have been consulted.
- Shrub planting along the neighbouring boundary previously caused structural problems with the wall.
- Query when the project would start, how long it would be a construction site and what restrictions would be placed on working hours. It should all be built in one phase.
- Query where materials and plant will be stored during construction.
- It will become difficult to sell neighbouring properties.
- There may be disturbance from late night disco type functions.
- Light will spill from the high amount of glass to the front elevation.
- There should be no live or recorded music after 8pm, except for Christmas Eve.
- The front steps will provide an attractive place for skateboarders to practice their skills.
- Query where excavated waste will be exported to.
- The surrounding ground may be contaminated.
- Chairs and tables must not be allowed to spill out to the front as this is a family area.
- Grey window frames should be changed to white which would be more in keeping with surrounding houses.
- No information has been provided to confirm that the building is energy self sufficient – the solar panels could be an unnecessary eyesore.
- The introduction of a place of worship could infringe Human Rights, specifically people's right not to believe in God, who may have purchased their property so as not to have a place of worship intruding on their lives.
- Query whether the Civil Aviation Authority have been consulted with regard to potential glare from the solar panels.
- It has recently been denied that the sanctuary space will be open for 24 hours, so this benefit should not be taken into account.
- There has been no assessment that the development complies with the required Code level for energy efficiency.

3 letters raising NO OBJECTION in principle but raising concerns over:

- Lack of parking.
- The need for the site to be secure – fences/walls must be of a sufficient height to stop them being scaled.
- Fences need to be erected to the south of the sanctuary space and children's play space so that the site cannot be used for antisocial purposes.
- First floor windows at the rear of the building could overlook 17 Grenville View. People congregating in the outside decked area to the rear, may cause disturbance to this property.
- Lighting within the rear hall area should be motion sensed to avoid light pollution to 17 Grenville View.
- Pot plants against the boundary could provide a springboard for those wishing to leap the fence to Grenville View.
- Noise from the plant room could disturb 17 Grenville View.
- Drainage from the toilets must be adequate.

PLANNING POLICIES

CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the impact on the highway network, the design and impact on the visual amenities of the area, and the impact on neighbouring property.

Principle

The site is centrally located in Cotford St. Luke, close to the shop and pub. It is in an area that was always identified for community based facilities or commercial units for the benefit of the community. Despite having permissions for a public house and a mixed commercial/residential scheme, no development has ever been forthcoming.

This is the last remaining development site in the village centre and, therefore, the last opportunity to provide any enhanced community facilities for the settlement. Indeed, this was the reason that the inspector dismissed the 2004 appeal for residential development of the site, reasoning that even though he accepted that a public house was unlikely to be viable, it would be wrong to release the site for

development at such an early stage in the village's life. 9 years later, and with the site having benefitted from planning permission for a commercial development for the last 6 years, there has still be no development on the site.

The submitted application is a full application and, therefore, not bound by the terms of the masterplan which identify the site for a pub or other community based use. Local Plan policies relating to the development of Cotford St. Luke have also now expired and no specific reference exists in the Core Strategy. However, in the interests of ensuring the best possible provision of facilities for Cotford St. Luke, it is still considered that the site should be developed for community uses. The proposed church is considered to be one such use, as it would provide a central meeting point for the community. In addition to the main hall, which would be used for worship and also let out for private hire, the application proposes a cafe on site.

Whilst some people may be put off using facilities associated with the church and so in terms of overall community benefit, secular facilities might be preferable, there is here a willing developer to take forward a proposal for a community based use on the site. Previous attempts to market and develop the site for commercial or community based uses have not come to fruition, despite planning permission's having been in place. In your officer's opinion, it seems that this application proposes a real opportunity for development of the site for a community facility and cafe use that the majority of village residents would be happy to use, even if they did not have a particular association with the church. The principle of the use has the support of the Parish Council and, this adds weight to the acceptability of the use in principle.

Highways

As originally proposed, the application proposed two disabled parking spaces with no other on-site parking provision. Significant concerns have been raised by local residents and the Parish Council about these access arrangements and the low level of parking proposed.

The main concern over the vehicular access to the site was that in the absence of on-site turning, vehicles exiting the site would have to reverse over the public footpath/cycleway before arriving at a bend in Rogers Walk adjacent to the access to the co-op store's service yard. Alternatively, vehicles may seek to use the footpath/cycleway as a turning head so that they could arrive at Rogers Walk in a forward gear. The footpath/cycleway is said to be heavily used and indeed, on one occasion that your officer visited, a considerable number of school children were making their way along the path on foot, bike and scooter.

Given the site layout, and the length of private drive between Rogers Walk and the site it does seem likely that vehicles would have chosen to turn on the footpath/cycleway. Even if they didn't, they would have arrived at Rogers Walk at a location that is not only on a 90 degree corner but where vehicle movements are complicated by vehicles leaving an adjoining parking court and servicing the shop. The Highway Authority objected to the proposal on this basis, fearing a detriment to highway safety and for the reasons described above, the arrangement was considered to be unsuitable.

In light of the foregoing, the plan has been amended, removing all proposed on-site

parking provision from the scheme. The Highway Authority's objection regarding the safety concerns with the access has therefore fallen, but this still leaves the issue of parking provision.

The Highway Authority have confirmed that a building of this scale and use, in this location, should provide 14 car parking spaces. Retained Policy M2 of the Taunton Deane Local Plan sets a similar provision, albeit that this would be a 'maximum' standard.

In terms of parking provision, regard should be had to the planning history. The 2002 proposal for a public house on the site provided no vehicular parking provision. From the plans it would appear that the car park laid out for the shop was intended to be served by this facility. Subsequent to this, the adjoining chapel has been converted to a pub, and this has its own parking provision. Opinions differ between the supporters and objectors to this application as to how busy the car park at the shop is and whether it has capacity to accommodate the traffic from any further development. Your officers have never found any difficulty parking in the car park, however. All of this, of course, is anecdotal, and it is usually considered to be appropriate to require some form of on-site parking provision.

In terms of the shop car park, this car park provides 15 spaces. SCC's parking standard for retail only applies to floor spaces in excess of 1000 square metres. It is understood that this shop is around 245 square metres, serving more as a local top-up supermarket than a large shop where one may go for their weekly shop. Applying the standard for large shops of 1 space per 20m², the shop would require 12 spaces. However, there is an argument that this requirement should be greatly reduced for small shops such as this – a good proportion of trade would be from those passing on foot and it would be primarily for 'top-up' shopping rather than a major shop. Therefore, there is likely to be more trade on foot and for those that do visit by car, the dwell time would be less than for a large foodstore and as such the parking requirement would reduce. It can be seen, then, that at a theoretical level, the shop car park has some additional capacity – at least 3 spaces if the standard for large supermarkets is applied, and in reality given the nature of the shop probably significantly more although it would probably not reach the 14 spaces required by the Highway Authority standard.

It has been shown, therefore, that there is potentially additional capacity in the shop car park that could take up some of the parking requirement for the church. This would also have been the case if the permitted pub were built out on the site – a pub having an only slightly lower parking standard than a D1 use. It has been noted by the Parish Council and some local residents that the church has no control over the car park – indeed, the applicant has been unable to ascertain who owns the car park – and therefore, it could become unavailable to them at any time. Despite the foregoing arguments, this clearly reduces the weight that should be applied to its ability to accommodate any of the parking requirement.

There is then the subsequent planning permissions for a mixed commercial/community use and residential building. These buildings proposed commercial/community use floor space at ground floor and 13 flats. 13 parking spaces were proposed and whilst it was suggested that these would be for all users of the site, it seems most likely that they would be mainly used by the residents, leaving the commercial/community uses without any parking provision.

The applicant argues that the building is intended for use by the local community and, therefore, most people will walk to the site. It is accepted that Cotford St. Luke is a relatively compact settlement and the site is located centrally. Given the type of development proposed, it is likely that most people would visit the site as a single trip, rather than it being linked to other trips and destinations. Such travel behaviour is likely to make walking and cycling more favourable options, especially as parking would be limited and there is uncertain prospect of being able to park near to the site. Your officers consider, therefore, that it is reasonable to accept that a reduced parking standard should be applied, given the particular characteristics of the site location and settlement.

It is true that there may be occasions such as christenings, weddings or other large events that may draw significant numbers of people from outside the village. However, this would be the case whether there was parking on site or not, and it is unlikely that the recommended 14 spaces would be able to accommodate everybody in these circumstances. On these occasions, there would likely be significant overspill onto the public highway, but this is unlikely to be an everyday occurrence.

It is also fair to say that there are churches and village halls up and down the country without any parking provision. True this is a historic situation, growing out of the fact that many churches are hundreds of years old, but all manage to function adequately. Whilst this should not be seen as a reason not to provide any parking, it adds weight in favour of accepting reduced provision.

Having reasoned that that it would be acceptable to proceed on the basis of no parking provision, your officers also consider that there is then an element of planning balance to add to the argument. This site has long been earmarked to provide community facilities. If this is to take the form of some kind of meeting venue and public hall then the footprint of the building will likely be similar to that currently proposed. This site is simply not big enough to accommodate a decent sized community building and associated parking provision. If the Council were to determine that parking should be provided on site, then there is a very real prospect that the site could not be developed for community facilities. The balance is considered to weigh in favour of delivery of the community use over the need to provide parking in the general interests of the community. Whether the building is a church, 'community' church or other secular public hall is, therefore, irrelevant to the parking argument.

Finally, paragraph 32 of the NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Given the location based arguments presented in favour of accepting a reduced parking provision and the likelihood that some parking will be available at the shop (albeit that this cannot be safeguarded), it is considered that the impact on the highway network arising from additional parking provision would not be severe. It is, therefore, recommended that the development is accepted with no on-site parking provision as submitted.

Design and impact on Visual amenity

The application proposes a contemporary design for the building. As a principle, this is considered to be the correct architectural approach for a central community

building in a new settlement. It is intended as a church for the 21st Century and should be built to properly accommodate the needs of the church at the present time. Churches have always been landmark buildings, set aside as distinct from other buildings in the vicinity and there is no reason why this should not continue here.

In terms of the detailing, the building is well designed and proposes to use good quality materials. It also incorporates features to reduce its energy draw from the national grid, such as solar panels. Final details of the facing bricks and can be secured by condition.

The building itself sits fairly low on the site and is only 2 storey's high at its maximum. The mono-pitched roof slopes down from here, so it will appear low in the site and surrounding area, below the height of the adjoining dwellings on Rogers Walk and the 2.5 storey flats off the western corner. The trees on the opposite side of the footway are considered to be sufficiently distanced from the proposed works to avoid damage. It is not, therefore, considered to be detrimental to the visual amenities of the area.

Neighbouring property

There are a number of dwellings in relatively close proximity to the building. In terms of the physical bulk of the building, as noted above it has been designed to sit relatively low in the site and is considered to have limited impact on the adjoining residents. The mono-pitched roof will slope away from the adjoining dwellings on Rogers Walk and consequently it is not considered that it would be overbearing on them. It is also sufficiently distanced from the flats off the western corner of the site.

17 Grenville View is a coach house that sits right on the south western site boundary. Although it presents a blank gable end to the site itself, it has windows facing towards the northwest. Given the close proximity of this dwelling to the proposed building your officers agree with the occupier of this property that the first floor meeting room window has potential to overlook the closest bedroom window. Given that this room would also be served by another window, it is considered reasonable to require the northeastern most one to be obscure glazed and fixed shut. This can be controlled by condition and would prevent any overlooking.

Concerns have also been raised about potential for noise disturbance from the outside play space. However, it is not considered that this would be any more disturbing to neighbouring residents than the permitted pub use, which may have had a beer garden attached. Likewise, it is not considered necessary to restrict outside seating to the front of the cafe. It seems likely that the external play space – outside the proposed cafe would most likely be used by children. They are unlikely to be present on the site in large numbers late into the evening. The application proposes opening hours for the building of 08.00 – 22.00 Monday to Saturday and 08.00 – 20.00 on Sundays and Bank Holidays. Your Environmental Health Officer has confirmed that such is earlier than that generally accepted in residential areas elsewhere. It is not clear whether a licence would be required for events in the building, which would normally be used to safeguard noise from events as there are some exemptions for places of worship. Therefore, it is recommended that a condition restricting opening to that applied for should be imposed in the interests of the neighbour's amenity.

A number of local residents have raised concerns about the prospect of anti-social behaviour. It seems that this has historically been one of a number of sites in Cotford St. Luke which has attracted such behaviour and the fence/walls between the site and Grenville View have frequently been 'vaulted'. In response to local concerns, security gates/fences have been added to the proposal to prevent access to this southwestern boundary from within the site and this is considered to overcome these concerns. It has been suggested that the covered canopy and sanctuary space (which is intended to be available 24 hours per day) may attract people to loiter late at night. However, this would be possible with any community-based building that was closed to general use at these times and it is considered to be mainly a matter for the police. The Police Architectural Liaison officer has been consulted to ascertain if he has any comments regarding the detailed design, but no comments have been forthcoming. If the sanctuary becomes damaged or misused late at night, it seems likely that the church would begin to lock it.

Finally, it is considered that there is limited prospect for significant disturbance from lights within the building, although a condition is recommended that any external lights should be subject to the Council's approval.

In light of the foregoing, the impact on neighbouring residents is considered to be acceptable.

Conclusions

The site has long been earmarked for some form of community based use. The development now proposed is such a use and, despite being proposed by a religious rather than secular group, is considered to provide additional community facilities for the village. It has been shown that the design and impact on neighbouring residents is acceptable. The development does not propose any on-site parking and this is partly due to problems achieving a safe means of access to the site. However, in light of the detailed considerations, above, it is not considered that the impact on the highway network from any increased on-street parking would be severe and that the balance falls in favour of allowing the development to proceed.

In light of the above, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

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APPEALS RECEIVED FOR COMMITTEE AGENDA – 14 AUGUST 2013

APPEAL NO	PROPOSAL	APPLICATION NUMBER
APP/D3315/A/13/2200053	ERECTION OF DWELLING ON LAND AT BIBORS HILL, WATERROW	09/12/0013
APP/D3315/C/13/2199572	UNAUTHORISED BUSINESS RUNNING FROM FARTHINGS FARM, LIPE HILL LANE, COMEYTROWE, TAUNTON	E/0122/42/12

APPEAL DECISIONS FOR COMMITTEE AGENDA – 14 AUGUST 2013

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/13/2 194111	OUTLINE PLANNING APPLICATION FOR THE ERECTION OF A DWELLING IN THE GARDEN OF HEATHCOTE, CREECH ST MICHAEL	<p>The site lies beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine need for a rural workers dwelling . In the opinion of the Local Planning Authority the site is not suitable for housing as the proposal does not constitute a genuine essential need for a rural worker and the proposal would detract from the character of the surrounding environment. The proposal is contrary to Taunton Deane Core Strategy Policies DM1, DM2 and CP8 and advice given in Paragraph 55 of the National Planning Policy Framework.</p> <p>The proposed development would foster a growth in the need to travel and would therefore be</p>	14/12/0039	<p>The Inspector found that the proposed development would neither deliver affordable housing to meet an identified local need nor satisfy any of the other exceptions that apply in rural areas, such as in relation to agricultural workers' dwellings. As such, the development would harm the rural character and quality of the local environment, in contravention of CS Policies DM 1 and CP 8.</p> <p>This is not a sustainable location for new housing having regard to the provisions of the National Planning Policy Framework and CS Policy DM 1.</p> <p>The proposed development would not comply with national and local planning policies on sustainable development in rural areas.</p>

		<p>contrary to government advice given in NPPF, and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 (Adopted: April 2000).</p>		<p>The fact that permitted development rights might allow the erection of large curtilage structures on the site in no way justifies the erection of a new dwelling.</p> <p>In conclusion, the Inspector's findings provide clear and compelling reasons why the development should not be permitted. Therefore the appeal does not succeed.</p>
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