

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 4 September 2013 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 14 August 2013 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 48/13/0018 - Erection of 2 No. single storey dwellings with demolition of existing structures at South View Court, Monkton Heathfield, West Monkton, as amended.
- 6 26/13/0004 - Variation of condition no. 2 (materials) to application No. 26/10/0001 at Grange Farm, Nynehead
- 7 24/13/0036 - Erection of 5 dwellings with garaging, car parking and vehicular access at Land off White Street, North Curry.
- 8 24/13/0032 - Outline application with all matters reserved for a residential development for 30 dwellings and associated public open space and allotments at Land to the North West of Overlands, North Curry.
- 9 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.
- 10 30/13/0030 - Erection of glazed link structure, alterations to lean-to utility room and rear facade at Knights Farm, Blagdon Hill.
- 11 30/13/0029/lb - Erection of glazed link structure, alterations to lean-to utility room and rear facade at Knights Farm, Blagdon Hill.
- 12 Planning Appeals- The latest apeals lodged and appeal decisions received.

Tonya Meers
Legal and Democratic Services Manager

13 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.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



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



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

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

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

Planning Committee Members:-

Councillor B Nottrodt	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor J Allgrove	
Councillor C Bishop	
Councillor R Bowrah, BEM	
Councillor 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

SEC PROPERTIES LTD

ERECTION OF 2 NO. SINGLE STOREY DWELLINGS WITH DEMOLITION OF EXISTING STRUCTURES AT SOUTH VIEW COURT, MONKTON HEATHFIELD, WEST MONKTON, AS AMENDED.

Grid Reference: 325737.127061

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:

(A2) DrNo 2912/1 Site Plan As Existing
(A2) DrNo 2912/2 A Site Plan as Proposed
(A3) DrNo 2912/5 Rev A Site and Location Plan
(A3) DrNo 2912/6 Plans and Elevations as Existing
(A3) DrNo 2912/7 Sketch Floor Plans received 17/05/13
(A3) DrNo 2912/8 Sketch Elevations received 17/05/13
(A2) DrNo 2912/9A Site Plan received 12/06/13

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

3. Before any part of the permitted development is commenced, the hedges to be retained on the boundary of the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge (unless otherwise agreed in writing) and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health.

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. The bathroom windows in the south eastern elevation shall be glazed with obscure glass to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers.

6. 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 further window/dormer windows shall be installed in the north eastern, north western or south western elevations of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents.

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), no additional rooflights/velux windows, no extension, no conservatory, no loft conversion, no garage or any outbuildings shall be carried out or erected without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area or cause loss of amenity to neighbours.

8. The area allocated for parking and turning on the submitted plan (2912/9A) shall be properly consolidated, surfaced, drained and marked out before the dwellings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted and for the owners/occupiers of the flats at Southview.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway.

9. No dwelling shall be occupied until spaces have been provided within the site in accordance with the plan 2912/9A for bicycles to be parked.

Reason: In the interests of highway safety.

10. The existing levels of the land, as shown on plan 2912/8, upon which the building

is to be erected shall not be increased in height to facilitate its construction unless with the written permission of the Local Planning Authority.

Reason:- To ensure that the proposed development does not have an adverse effect upon the amenities of the adjoining occupiers.

11. (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.

12. The development hereby permitted shall not commence until such time as details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of preventing flooding and to ensure that the site is adequately drained.

Notes to Applicant

1. *WESSEX WATER* – advises that :
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.

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

2. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.
3. The Drainage Officer advises that the applicant should carry out a Porosity test as detailed in Building Research Digest 365 (September 1991) to ensure that soakaways will work. 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 Governments 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. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

The proposal is to erect a pair of single storey dwellings on land to the rear of properties site fronting the A3259. The existing buildings, which are used as a butchers shop and stores, would be demolished. The originally submitted application plans and Design and Access Statement failed to show/describe Redstones House; this property was then shown on the plans, but the Design and Access Statement was not amended.

Parking for 4 vehicles has been shown at right angles to the hedge boundary with Middle Cottage. Following discussions 2 parking spaces for Southview have now been shown, one to the rear of Southview and one adjacent to the Almshouses. The proposal sought to retain the existing boundaries. However the original plans showed a 1.8m timber screen to the north-eastern boundary to Middle Cottage. Amended plans now show the existing hedge retained.

Amended plans were submitted which rearrange the rooms of proposed plot one. Each property would have two bedrooms, bathroom, lounge/diner and kitchen. The fenestration to the west towards the Almshouses/allotments would be restricted to roof lights alongside the Almshouses and windows facing the boundary to the allotments. There would be lounge/diner and bathroom windows facing the garden area of The Firs; two bedroom windows facing the side/garden of Redstones House; a lounge/diner and bedroom window would face the new amenity space/parking area to the northwest. Other windows will face the internal courtyard. In addition the materials have been altered to be brick with concrete tiled roof. (The walls were originally shown as render.)

The bedrooms to plot 2 will be approx 5m from the garden of Redstones House, the main windows in that property face south east towards the side/front of The Firs, and faces the site obliquely from these main windows; the site can be seen from looking out of the first floor rooflight facing south west. Plot one is approximately 18m from Southview, and is approximately 6m from the Almshouses.

SITE DESCRIPTION AND HISTORY

The site is to the south-east and to the rear of dwellings which front the highway (A3259). The occupiers of the two flats at Southview and Middle Cottage currently use the existing parking area. There is a building which is used as a retail and 'trade' Butchers (suppliers to hotels and catering establishments) and two other store buildings to the rear of the site. The site has 13 marked parking spaces and access to the road between Southview, which is two flats, and the Almshouses, which are slightly higher than the site (the side window cills are level with the top of the boundary wall); there are allotments to the south east of the Almshouses. The site is bounded by the fences, walls and hedges of the surrounding dwellings.

The site slopes down from the main highway from height of 52.09m down to the furthest point being at 49.93m. The slope of the site results in the surrounding properties being sited at a higher level and the existing boundaries are given as 1.8m in height.

History:

48/07/0031 – change of use of garden to from additional parking/turning area to be used in conjunction with shop, approved, 10/07/07;
48/00/0043 – erection of extension to form meat preparation area and cold store and extension to customer parking and turning area, approved 09/01/01;
48/91/0020 – conversion of Southview to two flats, approved 20/06/91 subject to conditions to provide and maintain parking and turning areas and a plan showing 3 parking spaces for the 2 flats.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – no objection

I refer to the above-mentioned planning application received on 2nd April 2013, to which I have the following comments relating to amended information submitted relating to the proposed scheme which was received in my department on the 4th June 2013 to which I have the following observations on the highway and transportation aspects of this proposal:-

The proposal is located inside Development Limits for West Monkton, therefore the principle of this development is not in question.

The site is situated along West Monkton Road a Class 1 highway to which a 30mph speed limit applies. Whilst carrying out a site visit I noted that West Monkton Road is a well utilised route, connecting traffic from Taunton to the A38 (Bridgwater Road).

The proposed development is in-line with the Somerset County Council – Parking Strategy as it provides the optimum level of parking for each dwelling. The Highway Authority raised concerns that the proposal would see vehicles displaced onto the publicly maintained highway, this has now been clarified and provision has been made with the site to accommodate the existing property known as ‘South View’.

With regards to vehicle turning although constricted vehicle turning is achievable. However, I would request that the area shown on the amended Drawing No. 2912/9, shown as planting in the place of the existing butchers outline, should be removed, to aid vehicle turning further.

The Highway Authorities main concern relates to the substandard vehicle access onto West Monkton Road, which provides limited width and poor visibility. The erection of two dwellings has the potential to generate 12-16 vehicle movements a day (TRICS). With my email to the Local Planning Authority dated 30th April 2013, I raised concerns over the existing vehicle movements of the butchers and whether it was comparable or lower than proposed intended use of the site. Which would result in the Highway Authority recommending a refusal reason to the Local Planning Authority as the development would see an increase of a substandard access.

However, I am in receipt of a traffic analysis report submitted by the Agent on behalf of the applicant, which informs me that the proposed dwellings are likely to be less intensive than the existing butchers use on the site. Additionally, any Heavy Good Vehicles/Vans that previously were associated with the Butchers that stopped on the publicly maintained highway interrupting the free flow of traffic along West Monkton

Road in proximity to the site will now cease.

Although the site access is considered substandard, it would be unreasonable for the Highway Authority to object given that the proposal is a reduction in vehicle movements. Therefore, if the Local Planning Authority is likely to grant permission of the proposal I would require a condition to be attached to keep the area allocated for parking and turning clear of obstruction and used other than for parking and turning of vehicles in connection with the development

WEST MONKTON PARISH COUNCIL – Object

The Parish Council strongly opposes this application as a seriously concerning number of necessary details and information have not been included in the application. The proposal represents an overdevelopment of the site. The location plans are inaccurate in terms of neighbouring properties. There is no datum level given relevant to the ground levels shown; so no elevations shown which also show the gradient of the site, hence the elevations shown are not a true representation of what is proposed. Walls and boundaries have been shown which are not under the developers ownership. The true height of the buildings needs to be made clear, the application states 'single storey' dwellings yet the drawings show velux windows in the roof. The site currently is subject to flooding, partly due to the gradient of the site sloping away from the main A3259. The levelling necessary on the site if the proposals were to be given permission would certainly result in flooding on some part of the site, with attendant run off into neighbouring properties. The change of use raises concerns about highways access and car parking. The current access onto the main A3259 is difficult, two dwellings would increase the amount of car usage. Currently cars from the neighbouring properties park on the site, those cars would be displaced by the application and would have to park on the A3259 or in Heathfield Drive. Heathfield Drive has already been reported to Highways as being too congested by parked cars to allow ready access for emergency vehicles – there is a sheltered housing community at the far end of Heathfield Drive. The site would not have sufficient room to allow access for emergency vehicles. The Parish Council strongly objects to this application and urges the Planning Officer to visit the site to see the gradient and access and proximity of the neighbouring properties.

comments on amended scheme - Highways access issues have not been addressed by the amendments – has the angle of sight been checked as per SCC access calculations? Parish Council strongly recommends that Somerset County Highways are consulted over this access onto the A3259. The traffic movements presented in the amended documents are disputed by local residents, since the butchers shop is open 5 mornings a week and then slightly into the afternoon on a Saturday, whereas resident and visitor parking to the proposed dwellings will be 24/7. No arrangement has been offered for the vehicles currently parking on the site that will be displaced. The issues of traffic congestion in Heathfield Drive have already been described, and should in any event be known to the Planning Authority. The amended drawings continue to be incomplete in the detail shown: the indicative hedge shown is actually abutting an existing hedgerow; the car parking space indicated as current is not one. The difference in levels on the site is shown on the amended drawing but there is still no datum level against floor levels or damp proof course. The Parish Council strongly recommend that the issues of flooding at the boundary of the site are addressed again, as the amendments still do not show how the flooding issues are to be resolved (the

site floods and the adjacent gardens flood). The Parish Council have been led to believe that the main sewer runs through the site, but submitted plans do not show this nor is any cognisance given to the three metre rule: the Parish Council strongly urges that the location of the sewer is identified and appropriate action taken. The Parish Council recommends that Wessex Water is consulted. The Parish Council continues to object to this high density development. Certain of the contentious issues could be resolved by a Planning Officer visit to the site, and the Parish Council strongly recommends that a site visit should be made.

comments on amendments to parking layout: It is appreciated that this is the third time the application has come back to the Parish Council for comment, and the Parish Council remains concerned that the application is based on accurate facts and figures. The Parish Council could not see any amendments to the drawings which indicated the datum level for ground height, how the various slopes on the site would be levelled, and how the current flooding issues on the site and neighbouring properties would be rectified and not exacerbated by the proposed buildings and their curtilage. Having been told that a mains sewer runs through the site, the Parish Council remains unclear about what measures will be put in place to ensure adequate access and conformation with appropriate regulations. The revised parking layout seems very tight and over - optimistic; and again raises the question about adequate access and egress for emergency services to the site. The access onto the A3259 remains a major concern regarding this application, and the Parish Council would wish to see a thorough analysis of the suitability of this site for the type and number of dwellings proposed to be squeezed onto the site. The Parish Council would draw attention to the vehicles currently parking on the site that would be displaced by the development. The amended plans show parking spaces labelled 1,2,3,4, which it is assumed are for the proposed 2 dwellings being called Southview Court. There are two further car parking spaces labelled Southview: are these two spaces for South View and Middle Cottage – current users? Parking outside their houses is not an option as the houses front onto the A3259, and there is no room for on road parking. The boundary of the site against 'The Firs' is still incorrect. The pedestrian access to Middle Cottage from the car parking area should be retained, it has been in regular use in excess of 25 years. The Parish Council wishes to endorse all the previous comments it has registered in connection with this application.

DRAINAGE ENGINEER - I note that surface water is to be disposed of to soakaways. However there appears to be limited ground area for these to be located. The applicant should carry out porosity tests as detailed in Building Research Digest 365 (September 1991) to ensure that the soakaways will work and no planning approval should be given till such assurances are given.

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

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

BIODIVERSITY - no comments

Representations

5 Letters of OBJECTION on original application:

Traffic/parking

- Inadequate parking for the development and the existing residents who park in the current car park;
- Dangerous egress onto main road;
- Poor visibility for vehicles;
- Resident who has parked within the existing carpark for many years will not have a space within the scheme and may have to park in a dangerous place on the main road;

Amenity/character

- A proposal for a bungalow on adjacent site (now Redstone House) was refused as being out of character;
- Inappropriate materials;
- Overdevelopment;
- Loss of light to properties;
- Loss of privacy/overlooking to existing properties;
- Loss of privacy/overlooking to proposed properties
- Boundary to the Almshouses may be undermined;

Flooding

- The site regularly floods, if properties built on this site, this will impact on neighbouring gardens which already flood regularly;
- Possible flooding effect on neighbouring buildings as a result of developing the site;

Levels

- Plans do not show ground levels;
- Concern about change in levels within the site;
- Height above ground level is not clear;

Wildlife

- There are colonies of slow worms in all the surrounding properties;

Inaccuracies on plans/application

- Inaccurate plans not showing Redstone House (although is shown on later plans);
- Inaccurate plans in terms of position of buildings and boundaries;
- Design and Access Statement does not mention Redstone House;

Other

- Is it possible to change from commercial use to residential;
- The land at the end of Middle Cottage was turned into a car park without planning permission, this was granted retrospectively;
- Southview is also owned by the applicant;
- The council has already supported the development of substantial areas of Monkton Heathfield, however the residents are struggling with the increase in traffic and

- properties, with no improvement in the infrastructure;
- No need for further housing;
- Require time limits on construction times;
- Concern over storage of builders' materials/vehicles;
- Concern about damage to existing boundaries/fences/hedges;
- Compensation due to devaluation of properties;
- Lack of consultation;
- Removal of hedge which does not belong to applicant but adjoining property;
- Existing pedestrian gate to site should remain;
- Potential damage to existing trees;
- Potential damage to adjacent properties;

5 addresses with objections on revised plans (several letters/emails from each address/occupant)

- All Previous comments still apply;
- Existing parking area is not correct;
- Concern about safety of children if private gate is moved;
- No permission has been sought to move the private gate;
- Request for planning officer to meet all the affected residents;
- The Design and Access Statement has not been updated;
- Plans showing boundaries to The Firs and Redstones House are still incorrect;
- Concern emergency services will not be able to access the site;
- The figures for the amount of traffic using the butcher's car park is misleading as it is usually shut by 1.30pm most days;
- There is only one car parking space shown for the two properties at Southview;
- Agent is bypassing the proper planning procedure;
- The revised parking layout is unacceptable, as you cannot see vehicles coming into the site;
- Flooding issues still not resolved;
- County Council's comments delayed on website;
- Parking cannot take place where shown due to existing buildings on site;
- Information provided to SCC that motorists speed through West Monkton;
- The information supplied about the butcher's traffic is inaccurate, it is not open 8 hours, and the busiest days are Fridays and Saturdays;

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 CP4 - TD CORE STRATEGY - HOUSING,
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 M4 - TDBCCLP - Residential Parking Provision,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £2 158

Somerset County Council (Upper Tier Authority) £540

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £12 949

Somerset County Council (Upper Tier Authority) £3 237

DETERMINING ISSUES AND CONSIDERATIONS

The application site is within the settlement limits of Monkton Heathfield, with direct access from the A3259. The site is already developed and in use as a butchers shop and stores.

Traffic issues

Given that there is no restriction to that particular user or occupant, the buildings could be used for any retail use and there could be substantially more customer traffic than at present. The Somerset County Highway Authority's officer has advised that there is a substandard vehicle access onto West Monkton Road, which provides limited and poor visibility. The erection of two dwellings has the potential to generate 12 – 16 vehicle movements a day. The submitted traffic analysis report shows that the proposed dwellings are likely to be less intensive than the existing butchers use. Additionally any heavy goods vehicles that were previously associated with the butchers that stopped on the public highway interrupting the free flow of traffic along West Monkton Road in proximity to the site will now cease. Although the site access is considered substandard, it would be unreasonable for the Highway Authority to object given that the proposal is a reduction in vehicle movements.

Parking

The amended plans now show two car parking spaces for each of the two proposed dwellings, and two spaces for the existing Southview flats, one to the south east side of Southview itself, the other alongside the south western boundary in the space of the existing butcher's shop. There is space for cycle parking. Objectors have claimed that there was an informal agreement with the previous occupier of Middle Cottage, that she could park in the butcher's car park which has been carried forward to the current owner. However as this was informal the applicant does not have provide any replacement. If this resident has any written agreement, this must be pursued privately. The proposal meets current standards.

Amenity/character

Any new building is bound to change the character of the area. Whilst the properties around are mainly two storey, the Almshouses are single storey, so the current proposal is not unlike that development in general height. The plot sizes will be different from other properties, as garden size tends to relate to time when properties are constructed, and to an extent the size of plot available. The proposed dwellings will have compact gardens, some of which will be private and parts of which can be overlooked by the two storey dwellings around the site. It is usual for there to be some obtuse overlooking from neighbouring dwellings into other residents' immediate gardens. It is not considered that there will be any undue loss of amenity, loss of

outlook or loss of privacy to the residents of the surrounding properties from the erection of these single storey dwellings. The scheme is not considered to be overdevelopment. The materials will be brick rather than render, the use of brickwork is considered to be more appropriate. The rooflights will be lighting the kitchen and dining rooms not at first floor level.

Flooding

There is a public sewer running through the site and separate agreement would need to be obtained from Wessex Water to build over this.. The drainage officer has no records of flooding in this area. The agent has advised that he will address any drainage issues at Building Regulations stage. It would also be appropriate to use a planning condition requiring drainage details to be submitted and approved prior to any development taking place. This would ensure that the development would have an acceptable and achievable drainage strategy prior to any work commencing on site..

Levels

The proposal is for two single storey units at the south eastern side of the site, which is at the lowest point of the site. The plans include a cross section, and the plans show the proposal having its south western side at the existing site level. This will result in the north eastern side being slightly higher (0.5m) than the existing level. Given these factors, and that the building is single storey only, it is not considered that the height of the building will impact on the neighbours. It is proposed to include a planning condition to ensure that site levels are not subsequently altered without prior approval.

Wildlife

The local residents claim that there is wildlife on the site, namely slow worms, but the wildlife survey indicates otherwise.

Plans

The original plans did not show Redstones House, but the amended plans show this property. Design and Access Statements are no longer required for this type of application so any omission is not now relevant. There are some minor discrepancies between plans, mainly due to the changes between the scales used. The latest revised layout plan (1:200) shows the proposal in relation to Southview, but does not show the surrounding properties. The revised site plan (1:500) submitted shows these properties. It is considered that the siting of the proposal is acceptable having regard to the surrounding properties.

Other

The surrounding area (other than the allotments) is residential and the land on the other side of the main road around Hartnell's Farm will be a large residential area. The allocation of this area, does not result in the Local Planning Authority not having to consider any new applications in the area. If the hedge/trees belong to a neighbour, the applicant will need the requisite permission. Potential damage to properties and moving of an individual's gate are a private matter. The planning officer has visited the site. The information provided by the traffic report has been assessed by the County Highway Authority, but it is not only the numbers of customers that is relevant. The

County Highway Authority's Officer is satisfied that there will be an overall reduction in the number of HGVs accessing the site and parking on the main road. It is acknowledged that the visibility splays are poor and cannot be improved as there are on a third party's land. There is a sewer crossing the site; the applicant and agent are aware of this and will be approaching Wessex Water with the intention of reaching a "building over" agreement.

The payment of the 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.

Conclusion

The overall proposal is considered to be acceptable given the residential nature of this area, the application plans show a single storey building in an area which has some single storey dwellings (almshouses) as well as the two storey dwellings. It is considered that there will be no undue loss of amenity to the surrounding properties from the proposal. The traffic generation has been assessed by the County Highway Authority and is not considered to be unreasonable for the site, albeit that there is existing poor visibility at this location. The site is considered capable of accommodating two single storey dwellings with the associated parking and turning area.

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

26/13/0004

MR M PERSEY

VARIATION OF CONDITION NO. 2 (MATERIALS) TO APPLICATION NO. 26/10/0001 AT GRANGE FARM, NYNEHEAD

Grid Reference: 314397.123553

Removal or Variation of Condition(s)

—

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

(A3) DrNo 13/09/121 Elevations

and the following plans approved pursuant to application 26/10/0001:

(A2) DrNo 13/09/20 Floor plans

(A2) DrNo 13/09/22 Roof and site plan

(A4) Location Plan

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

2.
 - (i) The landscaping scheme submitted to and approved by the Local Planning Authority pursuant to condition (3) of planning permission shall be implemented as part of this development.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy

Policy CP8.

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need in accordance with paragraph 55 of the National Planning Policy Framework.

4. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. 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 (including extensions to the roof) or other alterations shall be carried out to the dwelling other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To enable the Local Planning Authority to control the size of the dwelling, to ensure that it remains commensurate to the needs of the holding, in accordance Paragraph 55 of the National Planning Policy Framework.

6. The garage hereby permitted shall be used only for the parking of motor vehicles in association with the development hereby permitted and shall not be used as any habitable living accommodation.

Reason: To enable the Local Planning Authority to control the size of the accommodation available, to ensure that it remains commensurate to the needs of the holding, in accordance with paragraph 55 of the National Planning Policy Framework.

Notes to Applicant

PROPOSAL

This application seeks to change the approved finish of an agricultural workers dwelling from facing brick to one of render, still under a blue/black fibre cement slate roof.

SITE DESCRIPTION AND HISTORY

The site is an agricultural worker's dwelling that was permitted under application 26/10/0001. Development has commenced on site. The site is an isolated farm between Nynehead and Milverton. A large solar park was permitted earlier this year on land to the north of the main farm complex.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – No observations to make on this application.

NYNEHEAD PARISH COUNCIL – Object – the change from facebrick to render will look very obtrusive within the countryside environment.

Representations

One letter of OBJECTION received raising the following points:

- This large house needs to blend into the countryside.
- Some properties in Nynehead overlook this site which will be seen in the middle-distance as part of a panorama from Langford Budville Church, Milverton church, Willet Hill and the Quantock Hills.
- The large Solar Farm at Grange Farm has already spoilt the countryside in addition to three large barns, mobile chicken houses and soon this house. Good quality facing brickwork similar in colour to the local red sandstone would be more appropriate.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,
DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £1079

Somerset County Council (Upper Tier Authority) £270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £6474

Somerset County Council (Upper Tier Authority) £1619

DETERMINING ISSUES AND CONSIDERATIONS

The principle of development has been established by the previous grant of planning permission and, indeed, development has commenced on site. The application simply proposes to change the facing material from brick to render, so its acceptability will depend on the impact of this change in material.

The Parish Council and one local resident have objected on the basis that a rendered dwelling would be more intrusive in the open countryside than brick. It is true that a white or cream dwelling may stand out more than a darker, more recessive brick. However, there are limited medium-range public vantage points at which the site would be visible from – including the access on the Nynehead-Milverton Road (where the dwelling will be largely below an intervening crest), and a public footpath to the north and east. At close range, the dwelling would be apparent whatever the material and from further afield it would be seen as part of the farmstead. The slate roof would be retained and this would likely be the most apparent feature in the wider views.

Rendered dwellings do form part of the local vernacular for isolated farm dwellings, probably more so than brick, so it is difficult to argue that a rendered finish is somehow inappropriate. It may be more visible in the panorama from the objector's own dwelling, at a medium-range distance from the site, but this is not considered sufficient to warrant refusal of the application.

As this will result in the grant of a new planning permission, it is necessary to reiterate previous planning conditions. A time limit is not necessary, however, as development has commenced.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

HIGDON HOMES LTD

ERECTION OF 5 DWELLINGS WITH GARAGING, CAR PARKING AND VEHICULAR ACCESS AT LAND OFF WHITE STREET, NORTH CURRY

Grid Reference: 332280.125355

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to the receipt of no additional letters raising new issues by 5th September 2013 the Growth and Development Manager in consultation with the Chair/Vice Chair of the Planning Committee shall be authorised to determine in accordance with the following recommendation:

Recommended Decision: Refusal

- 1 The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to policies SP1 and DM2 of the Taunton Deane Core Strategy.

The Council is approaching publication of the Preferred Option of its Site Allocations and Development Management Plan. A number of sites have been promoted as being available for development and, as the overall rural housing target has been met there is no immediate need to bring sites forward in advance of the Plan led system. Rather, approving this application in advance of the plan process could result in development of a less sustainable site than would otherwise occur thus resulting in adverse impacts significantly outweighing the benefits, contrary to policy SD1 of the Core Strategy.

- 2 The proposed development would be detrimental to the setting of Longs House/Cottage (a grade II listed Building) and the North Curry Conservation Area, in particular, the proposed highway access and urban road frontage, the restricted dwelling and plot sizes, its regimented layout, the loss of the surrounding hedge and tree boundary with White Street, contrary to the requirements of the Taunton Deane Core Strategy policies CP8, CP1(h), DM1(d)
- 3 The proposed development would have a detrimental impact on the semi-rural character of the area which forms the boundary between the built form of the development and open countryside beyond and is considered contrary to Taunton Deane Core Strategy policies CP1(g) and DM1(d).

RECOMMENDED CONDITION(S) (if applicable)

Notes to Applicant

PROPOSAL

The proposal is for the erection of 5 dwellings on the northeast corner of White Street and Stoke Road. The plot measures approximately 45m x 56m. The dwellings would front onto White Street and set back between 9m and 11m back from the highway edge. The dwellings would be two storey in height with a traditional design and materials. Part of the site on which the dwellings would be situated would be reduced in level by 0.7m (White Street) and taper back into the site to the rear access and parking which would be at existing site levels. The existing agricultural access would be closed off and a new access created approx 15m to the north. The access would be 5m in width at its junction with White Street and reduce to 4m in width approx 9 m into the site. The formation of the access and provision of visibility splays would result in the loss of the approx 44m of boundary hedge along White Street. The access would lead to the car parking area situated along the north eastern boundary of the site with a garage at the south east of the site behind plot 5. The proposal is for 13 parking spaces equating to 2 each for the terraced units and 3 each for the detached dwellings with an additional space for visitors. The boundary trees and hedge fronting Stoke Road would be managed to retain the main TPO trees within a planted area and the rear boundary hedge would be retained with reinforcement planting where necessary.

SITE DESCRIPTION AND HISTORY

The site is located to the north east of the settlement of North Curry. It comprises a corner plot with Stoke Road to the northwest and White Street to the south west. The site lies outside and immediately adjacent to the settlement limit of the village. To the north and adjacent to the site is a new village recreation ground, set within open grassland. Both the application site and the recreation field are elevated above the adjacent highway. The site's boundary with Stoke Road (NW) is formed by a group of trees, many of which are covered by a tree preservation order (TD880). The tree boundary extends around the corner and along the site's boundary with White Street with fewer trees and a hedgerow further away from the corner. The undeveloped site and its tree/hedge boundaries with the two highways give the street scene the character of open countryside when travelling north east and south east, away from the settlement. This is in contrast with the semi-urban character to the south west and northwest of the site, formed by the built development on that side of the road.

To the immediate northwest and southwest of the site (on the opposite side of Stoke Road and White Street to the site) are two grade 2 Listed Buildings known as The Warren and Longs House/Cottage. The boundary of the North Curry Conservation Area runs along White Street and Stoke Road, including both of the listed buildings and their curtilage but excluding the application site. To the south of the site lies White's Barn, a barn conversion which also lies outside of the settlement limit. White's Barn is located back from the boundary of White Street, at a lower ground level to the application site and only the stone entrance and wooden gates are visible in White Street. Originally the barn would have been linked to the listed Longs Farmhouse which lies on the opposite side of the road to the site.

Currently access into the site is via an agricultural access located to the south west of the site. The access has a slope up into the site with a gate located away from the highway boundary, in line with the boundary hedge.

Planning History – application site

- 24/08/0015 – Erection of 1 dwelling and garage with access off White Street, North Curry. (Full) Planning permission refused on 6th June 2008. Appeal dismissed on 21st October 2008
- 24/10/0034 – Erection of 11 affordable homes and access at White Street, North Curry. (Full) Planning permission refused on 11th March 2011

Planning History – in the vicinity of the site

- 24/06/0041 Change of use of agricultural land to recreational use. Permission granted April 2007 (outline)
- 24/08/0007 Conversion of Barns to form 1 dwelling and garage at Whites Barn, North Curry. Planning permission granted on May 2008 (Full)
- 24/06/0040 Outline Planning application for the erection of 5 dwellings and three affordable dwellings and access off White Street on land to the south of Whites Barn, North Curry

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - I refer to the above planning application, I have the following comments on the newly submitted drawing No. 100 rev B:-

Access Arrangements - The Highway Authority would wish to see a minimum access width of 5.0 metres this is to allow two-way vehicle flows. A width of 4.0 metres is considered insufficient to allow for two-way vehicle flows, meaning that a motor vehicle will need to wait on the public highway to give way to vehicles exiting the site, in a location in proximity to the junction with Stoke Road.

Vehicular Visibility - It is considered that the appropriate level of visibility can be achieved for the development based on Manual for Streets guidance. However, I would require this to be incorporated into the request access drawing detailing the achievable splays to the extremities of the site or the 'Y' coordinates of 43metres.

Parking Provision - Parking provision for the scheme has been amended

Site Parking Provision comparison (Amended scheme drawing No. 100 rev D):

<u>No of Dwelling</u>	<u>Proposed parking</u>	<u>SCC parking requirement</u>
<u>1 x 2 bed</u>		
<u>2 x 3 bed</u>		
<u>2 x 4 bed</u>		
<u>5</u>	<u>13</u>	<u>15.5</u>

Internal Layout - I would require clarification on the future maintenance of the proposed private road.

Refuge Storage - A suitable bin storage facility for the site is provided in proximity to the proposed access.

Cycle Parking Provision - 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. This has not been demonstrated as part of this proposal.

NORTH CURRY PARISH COUNCIL - support the application but consider that the number of trees planted in front of plots 4 and 5 should be increased to a minimum of 4 and a hedgerow of native planting should be maintained to the front of all the houses fronting White Street; Whilst welcoming the increased parking on the site there is concern that tandem spaces are impractical; to reduce run off a permeable surfacing material should be used for the parking spaces and each house should have its own water butt; to improve safety and visibility, a pavement should be provided along Stoke Road from Manor Lane to White Street and from the corner of White Street to Longs Cottage (on the southwest side of the road with the existing width of White Street to be maintained

POLICY - The Planning policy team have profound concerns about the timing of the three planning applications (Overlands, White Street and Windmill Hill). All these schemes are being promoted ahead of the Site Allocations Plan: the proper process for the consideration of potential future site allocations to meet the Core Strategy requirements.

Furthermore, the consequences of approving all three of these applications ahead of the plan would be to prejudge and predetermine the outcome of the plan making process. It would commit North Curry to a quantum of new housing development (around 80 units) which is significantly above that likely to be required by the SADMPP.

Moreover, in the potential granting of these three sites planning permission it is clear that the adverse impacts associated with the development insofar as there is an established need for the quantum of housing proposed would outweigh the benefit of granting consent (as required by policy SP1 of the Core strategy and could propagate unsustainable patterns of development

For the above reasons It would not be appropriate for the planning Committee to undertake its own plan making exercise through weighing of these three sites against one another at Committee since planning applications can only be judged on their individual merits. Indeed there are more than 10 further potential sites that will be considered for allocation through the SADMPP process.

Whilst North Curry Parish Council has undertaken its own early consultation to inform the development of the SADMPP this has not been done under the guise of

Neighbourhood Planning. Crucially this means that TDBC remains ultimately accountable for the identification of appropriate future site allocations to be made in the Village. As such the weight that should be attached to the Parish's findings to-date should be limited.

LANDSCAPE - main concerns :- The proposal will result in a loss of rural character; loss of road frontage hedgerow; the visibility splay will leave insufficient room for a replacement hedgerow; removal of tree and hedge boundary will result in a domestication of Stoke Road; plot 6 is too close to the rear boundary hedgerow; there will be significant level changes detrimental to the landscape character and the proposed open space will not be useful

HISTORIC ENVIRONMENT OFFICER - I agree that a watching brief condition is suitable for this application.

CONSERVATION OFFICER -

1. The planning history for the site is well documented (2 x Planning refusal, 1 x appeal dismissal);
2. The site is acknowledged as being semi-rural in character and well screened;
3. Large listed buildings exist to the SW (Longs House) and to the NW (19 and 20 Stoke Road, (The Warren))
4. Despite the proposal to reduce site levels within the site, the erection of 6 dwellings will have a different impact on the setting of the listed buildings, as compared to the one dwelling previously dismissed on appeal;
5. I note that highways are requiring a larger access and wider visibility splays than currently shown. This along with the promoted footpath and block paving for the access, will erode the sites semi-rural character
6. The proximity of units 1-3 to the existing roadside boundary, is very likely to result in future erosion of the hedgerow, thus further eroding the sites current character
7. Slate is a common material to the area and is therefore considered appropriate. Clarification as to what is proposed for the ridges is required
8. Units 1-3 are proposed to be stone, a common material in this location.. Brick corbelling and decorative brick coursing below eaves are again shown but this time with a brick course also abutting the roof on gables. As before, the latter should be removed from the design. As above deeper timber fascias would be more appropriate. I note the materials for windows and doors are "to be agreed"
9. Units 4-5 are proposed to be rendered, again not an uncommon material. Brick corbelling and decorative brick coursing below eaves however is not a common feature and neither are bay windows and should therefore be removed. What are the horizontal features in the render over the windows? Deeper timber fascias would be more appropriate. I note the materials for windows and doors are "to be agreed"
10. Unit 6 is proposed to be brick, which is acceptable. Observations above on detailing and features applied equally to this unit
11. Design symmetry – the mixture of materials and features result in an eclectic design which is not synonymous with the local design.

Views on amended plans

I have looked at the amended plans for the above, received via e-mail dated 12 August 2013 and have the following comments:

1. Points 1, 2, 3 and 4 of my consultation response dated 1 August 2013, still apply.
2. Good to see that plots 1-3 are set further back from White Street.
3. A low lias wall to White Street, with planting behind, is an improvement.
4. Is block paving still proposed for the access road? (The latter, as noted previously, is not deemed appropriate).
5. Point 7 of my consultation response dated 1 August 2013, still relevant.
6. Noted that brick corbelling and decorative brick banding, as suggested, have been removed from the designs.
7. There are still horizontal lines above windows and doors. No explanation for this feature has been given. If it is meant to be representative of lintels, they should abut the openings, not be sited a short distance above. In any event, given the promoted designs of the units, lintels would not be exposed.

It is important to note that, as acknowledged in the submission, whilst officers have entered into pre-application discussions and have made detailed comments on the proposals, this does not imply that there is tacit support for the principle.

BIODIVERSITY - The proposal is for the erection of six dwellings on land off White Street, North Curry. The proposal involves the removal of 20 m of hedgerow adjacent to White Street. The site comprises of semi improved grassland managed by occasional mowing, with boundary hedges and broad leaf woodland along the NW boundary. EAD carried out an ecological assessment of the site in June 2013. In addition Caroline Wright carried out a Great Crested Newt survey in May 2013. These surveys have identified the wildlife and potential wildlife on the site and I raise no objection to the proposal subject to a planning protected species condition as recommended.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST –

The application area lies within the North Curry Area of High Archaeological Potential, which includes the core of the medieval village. It therefore lies within an area of archaeological potential, on the edge of a settlement known to have been in existence by the late Saxon period at least. Further to this, the heritage assessment concludes that the original medieval settlement may well have extended further to the east of its current limits, possibly encompassing the site. While the surrounding landscape contains few known sites of a date earlier than the medieval period, it seems unlikely that the area had not been previously settled and exploited.

The proposed development therefore has the potential to affect a heritage asset. For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted

NATURAL ENGLAND - No objection although an assessment of biodiversity interests is required.

WESSEX WATER - water supply and waste water connections will be required for this development

DRAINAGE ENGINEER - rain water is to be disposed of via soakaways and water butts. Soakaways should be constructed in accordance with the required standards. All porosity tests should be undertaken and approved prior to construction work on site

HOUSING ENABLING - 25% of the new housing should be affordable homes this equates to just over 1 dwelling within a scheme of 5 houses. The requirement is for 1 discounted open market dwelling to be sold at 70% of the open market values plus a contribution of £17,814.

Financial contributions will be ring fenced for developing the affordable home elsewhere within Taunton Deane Borough.

SCC - FLOOD RISK MANAGER - Surface water should be disposed of via soakaway and permeability of the soil will need to be carried out prior to the granting of planning permission to ensure this is feasible. Soakaways will need to cope with the 1 ; 100 year rainfall + climate change. Flow paths for design events should be shown to ensure no property flooding as a result of the proposals.

Representations

Cllr Edwards – . .

There are a significant number of sites being considered across the Borough many of which will not be allocated but have to be considered as part of the SADMPP. The Council undertook the initial "issues and options" consultation earlier this year and has recently published for consideration the additional potential sites consultation and it is now for the Council to consider its "Preferred options" in the Autumn which will then need to be fully consulted on before being finalised in advance of being inspected and then finally adopted.

There have been a number of planning applications submitted recently, which I consider are premature to that process and I would strongly suggest that these applications are refused so that the engagement can take place with the community to therefore arrive at the most sustainable and appropriate plan which relates to the size and need of the community.

Cllr Stone –

My comments are made firstly against the background of being in the middle of the preparation of a new Local Plan for Taunton Deane with a policy of allocating between 30 and 50 house in North Curry. Secondly, they are made in the light of the work which North Curry Parish Council have done over the past two years to come forward with the housing site allocations which meet the approval of the majority of Parishioners.

Given that North Curry has to allocate land for new housing for the Local Plan 2013- 28, the application site is a reasonable one to contribute to the required number. The six houses proposed seems to be an acceptable number for this site, being more reasonable than the 11 house in one previous application and the single house in another, both of which were, understandably, refused by the Planning Committee.

Following the development of the sports field on the land behind the application site during the past 5 years, the White Street site is now more obviously within the village envelope, having houses on all the 3 other sides of the site. It has therefore become a more obvious infill site which can help to meet the Local Plan allocation requirement.

This site has been identified in the Parish Council's own emerging Parish Plan as being one of several small sites which is suitable for new housing to meet the Local Plan requirement. This plan, which is being prepared for submission to Taunton Deane as the sites preferred by the Parish Council and Parishioners, is stalled at present as a result of the submission of 4 applications in North Curry for a total of 85 houses. Copies of the draft plan have however been submitted to Planning officers and key TDBC Councillors as this plan received the support of approx 66% of those who responded (138 of 198 responses).

I am pleased to see that the layout in the application has most of the housing fronting onto White Street which is a feature of much of the traditional housing pattern in North Curry. The layout shows provision of more than 2 car spaces per house and this should ensure that there is no parking on White Street itself. It is important that the provision of impermeable hard surfaces should be kept to a minimum and paved areas should be designed to allow surface water to pass through. The developer may need to contribute to the improvement of the drainage system in Stoke Road if the development of the site is considered to generate more run off into the existing road drains. These drains are recognised as being inadequate and contribute to flooding in parts of the village.

As the listed Longs House is further along White street I feel that it is desirable that more trees and a new native species hedge should be provided along the road in front of the two detached houses. There is plenty of space here. The car parking spaces are presently shown to be surfaced with tarmac. This should be changed to a permeable surface such as 'grasscrete'.

I am pleased to see that the application includes the retention of the existing tree group along Stoke road which will help to screen the development. Thought should be given to the future ownership and management of this tree group. Should the whole group be protected with a Tree Preservation Order ?

Finally, there is concern amongst Parishioners about the dangers to pedestrians coming from White Street into Stoke Road as this is a narrow part of Stoke road with no grass verges. The development should contribute to the cost of creating a section of pavement between White Street and Manor Lane which would also improve the visibility

from White Street. The pavement should extend down White Street, on the opposite side to the development, as far as Longs Cottage. This will provide a significant length of pavement which will make the road safer for pedestrians.

23 Letters of OBJECTION have been received raising the following points:-

- The proposal is outside of settlement and against policy.
- Policies should not be ignored.
- Two previous proposals have been refused and there has been no change in circumstance that would override those reasons, which are still relevant and should be applied again
- Whilst some of the village is considered appropriate for a conservation area, planners are proposing a massive amount of development which is at odds with that
- The infrastructure is not suitable for such a scale of development
- The roads around the corner and into White Street are used for the parking of cars on both sides creating a hazardous place for pedestrians to build 6 extra houses and add additional traffic is folly and would add to the traffic danger at that point.
- White street is used by pedestrians, buses, tractors, and cars accessing Morris Way, Longs Field, Barton way, Overlands, Helland, and the new sports facility and the additional development will exacerbate the already dangerous situation
- New housing is being built at Longs House and combined with the application at Overlands will result in additional traffic and increase the risk of an accident
- Whilst the site is shown in the Parish plan any approval must have regard to the fact that White Street is a country lane and the area around the application site is frequently congested with parked cars and heavily used by tractors
- The developments will result in more traffic in the centre of the village when it is already overcrowded and dangerous already
- The junction of Stoke Road and White Street is dangerous and unsuitable for more traffic
- Tandem parking spaces are impractical and there is no visitor/service parking spaces.
- There is insufficient parking for the development and where garages are proposed they will be used for storage rather than parking.
- Access and parking is poor and if allowed there should be no more than four houses on the site.
- Earlier this year surface water ran along White Street towards its junction with Stoke Road (which was approx 18" deep with water) almost flooding Longs Cottage (listed building with its door below the level of the highway. The new access into the site will be located opposite to Longs Cottage and, with the elevated nature of the site, could result in surface water from the site actually flooding Longs Cottage.
- Surface water from North Curry flows down towards Broad Lane where there is already significant flooding the additional surface water from the proposed development sites must be properly dealt so that it does not exacerbate the flooding this is likely to require significant improvement to the existing drainage system including the receiving ditches downstream of Broad Lane
- The proposed dwellings will totally overlook and overshadow Longs Cottage resulting in a loss of privacy and amenity for its occupants.
- The proposed dwellings on plots 1-3 will not be subservient to Longs Cottage which will be overlooked by the proposal

- The first floor windows of the proposed dwellings will look into the garden of Longs Cottage and Longs House and would have a detrimental impact on their privacy.
- The site should be lowered to make the new houses less dominant and overpowering especially to existing residents
- It would be great to see some modern architecture rather than modern boxes with fake pillars
- The development of the site would result in the loss of boundary hedgerow and would have a detrimental impact to the setting of the adjacent Listed Building.
- The undeveloped site and its boundary hedgerow and trees is a home for a range of birds and other wildlife and this will be lost if the site is developed.
- The proposal would result in a change to the hedge and tree boundary resulting in the loss of the rural character of the lane, an essential feature of this part of the village
- The development of this site will result in a massive increase in noise and disturbance from the site both during construction and in the long term, when occupied.
- The village often only has one route in and out, when the moor is flooded and that is unsuitable for large increases in traffic due to its width, on the original playing field
- When the moor was flooded earlier this year there was considerable congestion at Thornfalcon which will be even worse if new housing is allowed is it really sensible to put more pressure on the rush hour traffic?
- It is already difficult to get an appointment to see a doctor with patients already having to wait a week for an appointment and the attached car park is often overflowing into Greenway;
- There should be a larger car park for the medical centre
- This (and the other two sites in North Curry) is the wrong site with too many dwellings coming at once.
- The village school is already overcrowded with three portacabins and I question whether there is adequate space to expand – the village children deserve better facilities and space.
- Applications at Windmill Hill, Overlands and White Street are too many houses in too quick a period of time
- Development should blend in with the character of the village not change it
- There is no employment in the village and all new residents will need to commute
- There are three applications for housing in North Curry and these should be considered together not individually allowing them to be viewed holistically rather than piecemeal as together they will amount to 81 new dwellings with increased risks of flooding ; traffic and safety; in and result in unacceptable pressure for existing services and a change to the character of the village

9 letters in SUPPORT of the principle (5 of these have qualified that support with concerns that either flooding or traffic issues need to be resolved) have been received raising the following points:

- The Parish plan accepts that development must take place but proposes a number of smaller sites such as this to enable organic growth and the local views should be given considerable weight
- A small site of 6 dwellings is more easily assimilated into the village than larger developments
- Small development are a better way to increase housing in the village

- As the village has grown gradually over the years through small developments and some infilling I consider that a number of small developments is preferable to the proposed developments totalling 81 houses. Such a speed and level of growth cannot be absorbed by the community without a loss of community feeling,
- Whilst this site has a measure of support from local residents, 6 houses is too many for the site and proposes inadequate facilities for parking and servicing of the new units
- Whilst not living in North Curry but nearby I understand the North Curry has to accommodate additional dwellings and I consider that the current application offers a range of house types and affordability and has dwellings which front onto White Street as elsewhere in the village
- Parish Council concerns, in part have been taken on board and although outside the settlement limits with a history of planning applications and subsequent to the recreation grounds and Morris Way permission the site has been identified in the Parish Plan as an ideal position for new development
- The trees on the site are small and replaceable whilst the green space adjacent to Stoke Road is retained as a barrier to Stoke Road
- This proposal would enable the provision of a footpath along White Street which would in part solve the problem of a pedestrian link to the village centre.
- The Parish support a number of smaller sites in preference to the larger sites that are proposed.
- The settlement limit is out of date and needs to be altered to accommodate the additional development expected by the Local Plan, in anticipation the parish council have developed a parish plan which identifies this site for development.

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,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 CP4 - TD CORE STRATEGY - HOUSING,
 EN23 - TDBCLP - Areas of High Archaeological Potential,

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) £5,955

Somerset County Council (Upper Tier Authority) £1,489

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £35,732

Whilst the payment of the new homes bonus is a material consideration in the determination of the application, officers consider that it should be attributed limited weight.

DETERMINING ISSUES AND CONSIDERATIONS

Local Plan Policy

Planning Policy and Government Guidance requires all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The applicants refer to paragraph 14 of the NPPF claiming that, as the development plan is silent on the allocation of sites at North Curry permission should be granted for the development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the poles in the National Planning Policy Framework.

The Taunton Deane Core Strategy contains policies for the development of the Borough. The policies are listed above. Within the document major sites for housing development have been identified in detail. Reference has been made for the need to allocate additional small scale housing within minor centres, such as North Curry, via a Small Sites Allocation Plan

The Core Strategy policy SP1

*“Minor Rural Centres are identified as Cofford St Luke, Creech St Michael, Milverton, **North Curry** and Churchinford. New housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units and will be **small scale allocations, sites within the development boundary (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries.** For these settlements a total allocation of at least 250 new net additional dwellings will be made through the Site Allocations and Development Management DPD”*

The Small Sites Allocation Plan is currently being produced and potential sites have been identified and are in the process of evaluation before the preferred options plan is published later this year (expected Oct to Nov this year).

Considering the above, the development plan is not silent about the future development in minor centres although it is silent with regard to the allocations for the location of development. Therefore Paragraph 14 of the NPPF is relevant and this advises that:

“where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

The benefits of providing housing in the minor rural centres is clear and it is necessary to consider whether the adverse impacts of granting permission significantly and

demonstrably outweigh these benefits. The comments of the Planning Policy Team and the recent paper considered by the LDF Steering Group (report on rural centre housing distribution) raises significant concerns about the quantum of development in North Curry and, in light of the number of potential sites identified that to determine this application in advance of the assessment of all options would be inappropriate, and as such, the application is unacceptable on the grounds of prematurity.

This is a particular area of concern and there would be significant adverse impacts of granting planning consent for a quantum of development which the minor rural centre might not be able to sustainably accommodate. It is important that whichever site (or sites) are developed, they are chosen through a process that considers all of the benefits and potential impacts in relation to each other. The issue of prematurity is key to the determination of this application and officers are satisfied that the benefits of granting planning permission do not significantly and demonstrably outweigh the issue of prematurity in this case.

It follows that the proposal should be assessed against the guidance contained within the NPPF and the policies contained within the approved Taunton Deane Core Strategy. Notwithstanding the above, even if the development plan was considered to be silent I consider that the proposal is contrary to the National Policy Framework where one of the Core Planning Principles is the need to conserve historic assets and good design is a key aspect of sustainable development.

As a result of this report I consider that the site lies beyond the settlement limits of North Curry and its development would be contrary to policies SP1, DM1(d), DM2 and CP8 of the Taunton Deane Core Strategy.

Impact on the Listed building and Conservation Area.

Planning permission was refused and dismissed on appeal in 2008 for the erection of one dwelling on the site. The inspector considered that the site related more to the open space than the built form of the village and would not form a natural rounding off of development in the area. Furthermore he agreed that the development of one dwelling at the far north west of the site would detract from the setting of the Longs House, a grade 2 listed building and that given the need to provide for visibility into the site he considered that the scheme would detract from the semi rural character of the area and adjacent to the boundary of the Conservation Area. The current proposal is for 3 x 2 bedroom 2 x 4 bedroom dwellings with car parking and driveway. This takes up a significantly greater portion of the site than the one dwelling and results in a transformation in the street scene from rural to urban and, as a result, this would have a significantly greater detrimental impact on the setting of Long's House and the Conservation Area than the appeal dismissal. The National Planning Policy Framework identifies the protection and enhancement of the historic environment as one of the three dimensions to sustainable development and it is one of the identified Core Planning Principles. In determining planning applications Planning Authorities are advised

“great weight should be given to the assets conservation. The more important the asset, the greater the weight. Significance can be harmed or lost through alteration or destruction of the Heritage Asset or development within its setting”.

The Taunton Deane Core Strategy policies reflect Government advice in respect of development proposals and historic assets. In particular Policy CP8 states that Taunton Deane will conserve and enhance the historic environment and will not permit development that would harm those interests. I consider that the proposal would have a significant impact on the character of the street scene and land use opposite to Longs House. Indeed I refer to the applicant's submitted Heritage Statement para 5.1.1 "the proposed development...will have an inevitable impact on the character of the northern end of White Street and the setting of the grade II Listed Long's House which stands opposite the site." The statement goes on to explain how the impact can be reduced but does not at any point state that the impact would conserve or enhance the Heritage Asset as required above and it is the opinion of the Conservation Officer and Planning Officer (and by the previous planning inspector to a lesser scheme) that the impact on the setting of the Heritage Asset is unacceptable in this case.

The representations for or against the development of this site do not consider the impact on the setting of the Listed Building or Conservation Area issue. In this they are, in planning terms, seriously flawed as Government and local policy require these issues to be given great weight when considering planning applications.

Impact on the street scene and character of the area

The application site comprises a small oblong shaped grassed area surrounded by a mix of hedge and hedge and tree boundaries. The site is approximately 2m above the level of the adjacent White Street and as such creates a rural character marking the outside edge of the settlement. Land to the east of the site has been formed into a recreation area and its sloped boundary adjacent to Stoke road retains an open rural character. Due to the position of the highway, the form of built development opposite, the change in ground level and the position of the site leaving the settlement this area has a semi rural appearance which creates the character of the area when viewed from the public highway - Stoke Road and White Street.

The proposed development would result in a significant change to this character. The boundary hedge along White Street would be removed to provide visibility splays and the level of the site adjacent to the highway would be reduced by approximately 0.7m. This would create a more open aspect and result in the loss of the screening of the site when viewed from White Street. As such all development taking place on the site will be open to view along White Street and looking down White Street from Stoke Road. This would result in a more urban character detrimental to the character of the area.

The proposed houses, fronting onto the highway, would be set back approx 90m from the highway in an effort to reduce the detrimental impact of the development on the street scene and setting of the listed building, however I consider that the quantum of development would create an urban character for the site completely transforming the street scene and removing the rural context of the listed farmhouse opposite.

The development requires the formation of a new access which would be 5m in width and provide a standard estate style entrance into the site. This would narrow after 8m to 4m in width but would afford views of the side of the houses and access road into the site. The new boundary stone wall would be set back approximately 2 m back from the highway edge and would provide an open boundary to the road. Again this would completely urbanize the visual character and amenity of the site detrimental to the

semi-rural character of the area.

The proposal would thin out the treed boundary of the site with Stoke Road but this would retain the trees covered by the TPO and would be unlikely to result in a significant change to the visual amenity of that area in the long term.

Given the above I consider that the development would have a significant and detrimental impact to the semi-rural character and street scene of the area. Furthermore that impact would be significantly greater than the previous appeal scheme which the Inspector dismissed partly due to the loss of that character.

Highway Impact

The proposed development has now been reduced from 6 to 5 dwellings. The current agricultural access would be closed and a new site access provided approximately 15m to the northwest. In order to provide an acceptable access the existing boundary hedge would be removed and all structures that would interfere with visibility set back behind the required visibility splay. Whilst the visibility distance looking towards Stoke Road is restricted it is considered that given the likely speed of traffic so close to the junction the proposal would be acceptable.

Somerset County Council has introduced new parking standards for development in rural areas depending on the size of the dwelling. The proposal would provide 13 parking spaces which would provide 2 spaces each for the 2 and 3-bedroom dwellings, 3 each for the 4-bedroom dwellings and 1 visitor space and this has been agreed with the Highway Authority. The parking would be provided to the rear of the dwellings adjacent to the rear boundary of the site.

Many of the representations raising objections and support for the development are concerned about the impact of the proposal on pedestrian and vehicle safety at the junction of Stoke Road and White Street and some, including the Parish Council, have requested the provision of a footpath. In response the Highway Authority consider that the proposed highway access and parking are acceptable. There are no footpaths from the junction into the village centre and the provision of a short unconnected section along the application boundary in White Street is not considered reasonable in those circumstances. Whilst a formal footpath is not a requirement for this development the set back of the Lias Wall would result in the provision of a grassed area which, whilst not provided for that purpose, could provide an informal off road safety strip for pedestrians should an emergency arise.

Ecological impact

The application includes appropriate and up to date ecological surveys of the site. These establish that the site is suitable for bird nesting and foraging habitat, hedgehogs and that the trees on the site have potential for roosting bats. A single outlier Badger sett was recorded on the edge of the broad leaved woodland and five further animal holes were recorded along the north east boundary of the site. There was no evidence of crested newts in the crested newt survey.

The development of the site would result in the loss of approximately 750sqm of poor semi-improved grassland and 20m of species poor hedgerow. The planted broad leaved woodland and the remaining hedgerows would be retained. As the quality of

these areas is species poor the impact of the proposed development on the habitat is considered as negligible. It is recommended that the retained woodland adjacent to Stoke Road and remaining boundary hedgerows are protected during construction.

It is possible that any reptiles present at the time of construction could be injured or killed and appropriate care will need to be exercised to avoid this depending on the timing of the works nesting birds could also be affected.

The Biodiversity Officer considers that the proposed mitigation is acceptable subject to an appropriate condition.

Archaeology

The site lies in an Area of high Archaeological Potential and is likely to impact on a heritage asset. An assessment of the impact of the proposal has been submitted with the application. This report considers evidence for Saxon and Medieval archaeology in the area but concludes that there is no indication of the presence of significant archaeological heritage assets within the application site. As a precaution the report suggests that an archaeological watching brief during the construction period is secured and this has been agreed by the County Archaeologist.

Drainage

Whilst the site lies within the Somerset Levels and Moors the site itself does not lie within a flood risk area. Representations have referred to surface water flooding in White Street around its junction with Stoke Road and residents of Broad Lane (approx m to the north east of the site) are concerned that any additional surface water draining from the site will exacerbate the flooding in those areas. The applicant has undertaken soil porosity tests to establish whether soakaways would be appropriate. The results are awaited and will be reported to the planning committee (provided they are available) in the update sheet.

North Curry Parish Plan

The Parish Plan was put together by North Curry Parish Council but did not follow the recognised procedures for the consideration of the allocation of land for development and cannot be given the weight attributable to a properly structured, considered and approved neighbourhood or local plan and as such is seriously flawed.

In considering sites for development The Parish Plan makes no reference to any consideration of the impact of development on the Historic asset of North Curry (North Curry Conservation Area and Listed Buildings), or on Nature Conservation Interests and it only offered a hand picked selection for the public to consider rather than all available land offered for development.

The Parish Plan has been referred to by a number of the representations regarding this development and the question of how much weight should be attached to it is therefore important. Given the restricted nature of the survey work and criteria used to consider the sites included by the Parish the final document is considered to be of limited weight especially in this case where the impact of development of the site on the historic assets (setting of the Conservation Area and Longs House grade 2 Listed), considered to be important in both the Government's NPPF document and Local Plan policies

Planning Appeal

An application for the erection of one dwelling was refused in 2008 and subsequently dismissed on appeal. The main issues of the appeal were:

- (i) Whether the scheme would accord with the housing policies of the development plan
- (ii) The effect on the character and appearance of the locality including the effect on trees protected by a Tree Preservation Order (ref: TD880), the adjacent North Curry Conservation Area and the setting of Listed Buildings.
- (iii) The effect on nature Conservation Interests.

At the time of the appeal the Inspector was aware of the extant outline planning permissions for the use of land to the east as a recreation use (24/06/0041) and the erection of 5 dwellings on land further south along White Street (24/06/040). Indeed the appellant argued that the latter permission had set a precedent for development to the North of White Street.

In his decision the Inspector concluded:

- That the site was outside of the settlement limit and contrary to the Development Plan for the area (Structure Plan policy STR7 and Local Plan policy S7) and that the contribution to the Deane 5 year housing supply (which was established as available by TDBC) and the Morris way precedent argument put forward by the appellant was not sufficient to outweigh the development plan,
- That in spite of the sympathetic design and materials of the scheme, the proposal would be harmful to the character and appearance of the locality
- That the character of the site plus the recreation area form a substantial break in development and provide the area around the junction of Stoke Road and White Street with a semi-rural quality and that the appeal site relates to that open space and cannot be said to be a natural rounding off of development.
- That whilst the dwelling would be set into the ground and only glimpsed from Stoke Road, the garage, access and visibility requirements along White Street would partly detract from the setting of Longs House Listed Building
- That the whole scheme would detract from the semi rural quality of the area adjacent to the boundary of the Conservation Area
- He also concluded that, on the basis of the ecological surveys submitted with the appeal indicating 4 Badger sett entrances on the site; slow worms and a grass snake at the site, he was not convinced that the mitigation measures would be appropriate and he therefore concluded that the scheme would be harmful to Nature Conservation Interests.

Unlike the appeal decision the current application includes an appropriate Historic Assessment of the site and an up to date ecological survey report, which were not included in the appeal application. The Historic Assessment does not conclude that the proposal would conserve or enhance the setting of the Listed Building or Conservation Area but acknowledges that reduction in ground levels among other design details might reduce the impact. The submission of the ecological survey report is welcomed and as a result, the ecological objection to the proposal has been overcome.

In terms of the other objections to the proposal, whilst the development plan is now the

Taunton Deane Core Strategy, the need for new development to maintain or enhance the setting of a Listed Building, Conservation Area and street scene is still a requirement of the policies for the consideration of this application. Furthermore the advice within the National Planning Policy Guidance attributes great weight to the need for development to maintain or enhance the setting of a heritage asset - Listed Building and new development is required to be in keeping with the character of an area.

In my view the impact of the current application on the semi-rural character of the area, the Longs House and Cottage Listed Building, Conservation Area and street scene would be significantly greater than the refused scheme and for those reasons is unacceptable and should be refused.

Conclusion

The applicants suggest that the lack of identified sites in North Curry and the Parishes support for the site should be given significant weight in considering the current application and it is their view that this should outweigh the planning appeal decision and detrimental impact on the rural character of the area, setting of the listed building and Conservation Area. I do not agree with this assessment.

The NPPF and Core Strategy policies attach great weight to the need for new development to conserve and enhance historic assets such as Listed Buildings and their settings. Indeed this feeds into the very essence of sustainability, to protect the environment today for the enjoyment of the future generations. The NPPF and Core Strategy policies also require development to integrate and be in keeping with the character of the area. Given the previous appeal decision whereby the impact of a much smaller development with less impact on the character of the area, listed building and Conservation Area were considered to be unacceptable I consider that the weight given to those planning considerations of this proposal clearly outweigh the other planning consideration mentioned by the agent.

The SADMPP will take into account the preferences of the North Curry Parish Council Plan into its considerations but the absence of all available sites in that work and importantly the lack of any consideration of the detrimental impact of the development of the site on the setting of the Listed Building and Conservation area or the conclusions of the appeal decision will need to be taken properly into account in that assessment.

Whilst the Planning Authority have worked with the applicants to produce a scheme which minimised the detrimental impact of the development such amendments cannot overcome the strong planning objections to the detrimental impact of the proposal on the character of the area and the setting of historic assets.

Considering the detrimental impact of the development to the rural character of the area and street scene, the setting of the Conservation Area and the setting of Longs House/Cottage (listed grade II) the proposal is considered to be unacceptable and it is recommended that this application is refused.

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

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

WEST OF ENGLAND DEVELOPMENTS (TAUNTON)

OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR A RESIDENTIAL DEVELOPMENT FOR 30 DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE AND ALLOTMENTS AT LAND TO THE NORTH WEST OF OVERLANDS, NORTH CURRY

Grid Reference: 332227.125131

Outline Planning Permission

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RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to policies SP1 and DM2 of the Taunton Deane Core Strategy.

The Council is approaching publication of the Preferred Option of its Site Allocations and Development Management Plan. A number of sites have been promoted as being available for development and, as the overall rural housing target has been met there is no immediate need to bring sites forward in advance of the Plan led system. Rather, approving this application in advance of the plan process could result in development of a less sustainable site than would otherwise occur thus resulting in adverse impacts significantly outweighing the benefits, contrary to policy SD1 of the Core Strategy.

- 2 The proposal does not provide a suitable means for securing the appropriate affordable housing and community and leisure facilities, maintenance of on site facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan or education contributions and therefore would be contrary to policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained policy C4 of the Taunton Deane Local Plan

RECOMMENDED CONDITION(S) (if applicable)

Notes to Applicant

1. Although the reason for refusal includes one relating to the lack of a Planning Obligation under s106 of the Town and Country Planning Act, this has been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal.

PROPOSAL

Planning permission is sought, in outline, for a development of 30 houses, in 2 phases. The proposal shows a mixture of attached, semi-detached and terraced properties, 8 of which are clearly identified as affordable units (4 in each phase). The proposal shows a central spine road through the site with separate pedestrian movement channels. The southern part of the site includes an area for allotments. The north of the site has a large public open space allocated forming a buffer between the proposed dwellings and the adjacent grade II* Listed Building - 'Manor Farm' other listed structures and the North Curry Conservation Area. Landscaping is indicated, with a strong emphasis on boundary hedging where the site would border the open countryside. However, the submitted layout is clearly only illustrative as the proposal seeks permission with all matters to be reserved.

Vehicular access into/out from the site is shown off Overlands only with further pedestrian access shown to the public footpath bordering the north of the site. No pedestrian or vehicular access is shown to Canterbury Drive.

The application states that the whole site would be developed in 2 phases. Phase 1 has 18 dwellings and is the part of the site in the south-eastern portion of the development proposal. Phase 2 is in the north-west of the proposed site and has 12 dwellings. The planning statement accompanying the proposal states that there would be a period of at least 5 years between the completion of phase 1 and the commencement of phase 2.

The application includes a Design and Access statement/Planning Statement, a flood risk assessment, an ecological survey, a tree survey, vegetation appraisal and constraints, a travel plan statement, and a transport statement.

SITE DESCRIPTION AND HISTORY

The proposal site is an area of land of approximately 2.34 hectares in size, to the south of the public footpath linking Stoke Road with Overlands and running parallel with White Street, on the south-eastern edge of North Curry.

The land is currently outside of the settlement limits as defined in the 'Settlements Limit Review' forming part of the Adopted Core Strategy for which a consultation process was undertaken earlier this year. However following a further consultation process on the allocation of sites for housing development, a further document entitled 'Consultation on Additional Potential Sites and Settlement Boundary Changes' has been produced which shows the current application site as being an additional potential site. This document is currently out for consultation.

There is no previous planning history of development proposals on this specific plot of land and no pre-application enquiry was made for the current proposal. However, the LPA is currently in receipt of two other applications for residential development in North Curry. Application 24/13/0036 seeks consent for 5 residential dwellings on land off White Street in North Curry and is also on this agenda. Application 24/13/0037 seeks outline planning permission for up to 45 residential units on land at Windmill Hill. Additional information received is currently being assessed on this application and the

matter should come before members at the second meeting in September.

Applications for Planning and Listed Building consent are also currently being considered for the conversion of outbuildings at Manor Farm, Stoke Road (immediately adjacent to the current application site) to form residential dwellings and ancillary uses. These are concurrent application and are awaiting an opinion from English Heritage (given that it affects Listed Buildings). So the decision is still pending.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NORTH CURRY PARISH COUNCIL - Have responded and make the following key recommendations:-

- Needs a flood attenuation scheme
- Needs a pedestrian access to village facilities and suggests along the line of 9 Acre Lane.
- Needs additional parking for vehicles in Overlands.

Would constitute 'overdevelopment' of the Overlands area, unless phase 2 is accessed through Canterbury Drive, and extra facilities provided at the school and the health centre.

PLANNING POLICY TEAM - The application site is situated outside the existing settlement limit in open countryside. Hence the proposal is not consistent with the adopted Taunton Deane Core Strategy Policies CP8, SP1 and DM2.

The boundary of the site touches the settlement limit at three points; although these areas are at opposing ends of the site. North Curry has essential services and facilities, including primary school and village hall (both 880 metres from the site), post office & general store, pub as well as other retail uses including coffee shop, hair dressers (c.500m from the site). A bus stop is within 400 metres of the site; providing 13 services between 9:10 and 18:48 to Taunton.

North Curry is identified as a Minor Rural Centre in the adopted Taunton Deane Core Strategy. The Policy SP1 identifies requirements across the five minor rural centres over the period up to 2028 as a total allocation of at least 250 new net additional dwellings to be made through the Site Allocations and Development Management DPD. In line with the adopted TDBC Core Strategy, new housing development will include an appropriate balance of market and affordable housing together with some live-work units and will be small scale allocations, proportionate to the role and function of North Curry, sites within the development boundary (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries. Affordable housing will be in line with adopted Core Strategy Policy CP4 and proportionate to the settlement.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council is in the process of progressing the Site Allocations and Development Management Policies Plan (SADMPP). The Council published an Issues and Options document for the SADMPP in January 2013 and a public consultation event took place in North Curry on the 30th January 2013. This site was not proposed as a potential allocation during that consultation, as it had not been promoted to the Council.

Issues coming out of the consultation included: scale and proportion of development,

phasing of development, character and setting of the village, traffic impacts on already congested roads and as a result of new development, flood risk, capacity of existing services & facilities.

The site was promoted to the Council in March 2013. It has since been published as part of the Additional Potential Sites Consultation which runs until 9th August 2013. After the consultation closes the Council will review all 15 sites promoted in North Curry. A significant number of these sites will not be needed and given the number of sites, the sensitivities about development in North Curry and that the SADMPP will be subject to extensive community engagement prior to adoption it would be preferable to deal with this site through the SADMPP in arriving at the most sustainable option(s) to meet the requirements of policy rather than pre-empting of the Plan-led process. For these reasons the current proposal is contrary to Policies CP8, SP1 and DM2 of the Core Strategy and should be resisted.

SCC - TRANSPORT DEVELOPMENT GROUP – no objection

Traffic Impact.

An AM peak survey has been carried out at the assess potential trip generation. From this the applicant has estimated that the trip generation for the proposed residential development would be approximately 20 movements per peak hour. This is considered to be reasonably consistent with what would be derived from TRICS. Therefore the Highway Authority is satisfied that the estimated levels of vehicle movements are considered reasonable.

There are some narrow points along White Street however forward visibility is relatively good. Whilst the additional traffic from the development may mean occasional additional delay, it is doubtful whether the impact could be considered sufficiently severe to raise objection on traffic impact grounds. However careful consideration should be given to the impact of additional traffic on non-motorised users.

Consideration of existing pedestrian and cycling facilities, and public transport, are considered in paragraph 2.12 onwards of the Transport Statement. However the TS avoids the issue of the lack of a footway at the northern end of White Street or on Stoke Road. Whilst an alternative public footpath is mentioned, its suitability in darkness or poor weather should be questioned. It is therefore far from obvious that access for non-motorised users, particularly pedestrians, to the centre of North Curry is suitable. As the proposal will generated additional traffic onto the network it is likely that this issue will be exacerbated. Under these circumstances the Highway Authority would expect the TS to propose mitigation measures to overcome this issue.

As this is an outline application the applicant has stated that all car parking and cycle parking will be in line with Somerset County Council's Parking Strategy. The applicant is urged to also take into account of Somerset County Council's requirements for the need for motorcycle parking and also electric charging points.

Therefore to conclude in terms of traffic impact it is unlikely that the level of movements proposed would be considered significant enough to justify an objection

on these grounds. However the further consideration should be given to the potential impact on pedestrians and other road users and would also require the applicant to look at whether there are any mitigation measures that can be applied that would address these concerns.

Travel Plan

There are still a number of outstanding issues. The Travel Plan Management Fund budget is to implement the ongoing promotional measures, such as the Sustainable Travel events, and not to implement the physical infrastructure, Green Travel Vouchers, or other measures that will be in place/prepared prior to occupation. The proposed contribution per household would not be near sufficient to cover these measures. It is suggested that a budget of £500 per annum (£2,500 over the five year TP period) should be made available for the Travel Events and any additional printing costs etc.

In terms of the Site Specific Travel Information Leaflet at present there is no commitment from the applicant to provide this.

The proposed Notice Board should be provided during construction/prior to first occupation

The inclusion of Electric Vehicle Charging points within the Action Plan does not provide a strong enough commitment. The Highway Authority requires the installation of EVC points and this point is clarified in Somerset County Council's Parking Strategy. The number of motorcycle parking spaces has now been provided, but there is still no commitment to ground anchors for locking vehicles to. These should be provided during construction.

There has been some additional information provided for cycle parking, but still not enough detail on whether the enclosures will be of a sufficient size to accommodate the number of cycles to be stored inside them – i.e. garages should have at least 1500mm access between the side of the car and wall of the garage, and for storage, an additional 1000mm length (min) or 650mm width (min). The TPS should also cover size and access to sheds (which should be hard standing access and have Sheffield stands inside. These should be provided during construction.

Please note that the Highway Authority would require any future submission to take into account the details set out above and the Travel Plan as agreed will need to form part of any S106 agreement for this site.

Estate Roads

The applicant should be aware that the internal layout of the site will result in the laying out of a private street and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. At the point where the development will tie into the existing carriageway, allowances shall be made to resurface the full width of Overlands where it is disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may have to be taken to ascertain the thicknesses of the existing bituminous macadam layers. The applicant should also make sure that the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its

junction with Overlands. At the point where the proposed development joins Overlands there will need to be a 6.0m junction radii together with visibility splays based on dimensions of 2.4m x 43m in either direction. There shall be no obstruction to visibility greater than 300mm above the adjoining carriageway level and the full extent of the splays will be adopted by Somerset County Council.

The application site appears to consist of two separate phases. If there is to be a delay in the commencement of phase 2 after the completion of phase 1, then it will be necessary for a temporary turning head to be constructed at the end of phase 1 the dimensions for which are set out in the 'Estate Roads in Somerset – Design Guidance Notes'.

Plots 1-3 within phase 2, appear to be served via a private drive. The applicant should note that current Somerset County Council Policy states that only two dwellings should be served via a private drive. The extent of adoption between plots 6 and 7, to obtain a suitably turning head, will need to be agreed during the S38 agreement audit process. In general terms the applicant should make sure that no doors, gates, low-level windows, utility boxes down pipes or porches are to obstruct footways/shared surface roads. The adopted Highway shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes and steps.

To satisfy Advance Payments Code (APC) legislation, the proposed footpath link that runs along the northern and western boundaries of plots 26-30 could be adopted by Somerset County Council. It will need to be suitably constructed, drained and lit. The site will need to provide adoptable forward visibility splays based on a length of 14m, will be required on the inside of all carriageway bends throughout. There shall be no obstruction to visibility greater than 600mm above adjoining carriageway level within these areas.

The applicant will need to apply for a Section 50 licence under the NRSWA (Sewer Connections) 1991 to undertake work within or adjoining the public highway. The applicant would need details on the surface drainage for the site. The applicant should not presume that a right of connection to an existing highway drain will be granted. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to Somerset County Council. Finally surface water from all private areas, including parking bays and drives will not be permitted to discharge onto the prospective public highway.

The Highway Authority has assumed that the parking court yards between plots 6 & 7, plot 12 and allotment 1, to the north of allotments 5 & 6 and between plots 17 & 18 will remain within private ownership. The width of the entrances to these areas should be a minimum of 4.1m to allow for two-way vehicle passing. The applicant should also make sure that all private drives serving garages shall be constructed to a minimum length of 6.0m. Tandem parking bays should be a minimum of 10.5m in length and any parking bays immediately in front of any form of structure shall be a minimum of 5.5m in length.

From reviewing the plans the Highway Authority has aspirations for the potential to provide a footway/cycleway link onto Canterbury Drive, although this might not be

achievable due to potential land ownership issues.

Flood Risk Assessment

As the site currently contains no formal surface water drainage system the proposed surface water management strategy is to discharge surface water run-off into the ground via permeable paving and soakaways. It should be noted however that the Highway Authority will not consider adoption of a road constructed as a permeable pavement and therefore should the roads be offered for adoption then an alternative means of surface water disposal should be considered.

Conclusions and Recommendation

Therefore to conclude the proposal is unlikely to have a significant traffic impact to warrant an objection on these grounds. However the applicant is urged to take account of the increase in vehicle movements on pedestrians and other road users. In terms of the Travel Plan the applicant will need to address the points raised and submit an amended version. The Travel Plan would need to be secured via a legal agreement. Finally in terms of the estate road layout, it is accepted that this is an outline application, but the applicant is urged to take into account the comments made above before submitting more detailed drawings.

Therefore based on the above information no objection is raised to this proposal but if the LPA were minded to grant planning permission the following conditions will be required:-

1. The appropriate cleaning of contractors vehicles leaving the site so as not to emit dust or deposit mud, slurry or other debris on the highway.
2. The proposed estate roads and accompanying highways facilities to be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins.
3. The proposed roads, including footpaths and turning spaces shall be constructed to ensure that each dwelling is properly served before it is occupied.
4. The gradients of the proposed drives to the dwellings shall be no steeper than 1 in 10.
5. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained and a drainage scheme submitted to and approved in writing by the Local Planning Authority.
6. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority, and then implemented in full.
7. There shall be an area of hard standing at least 6m in length where the doors are of an up-and-over type.

COMMUNITY LEISURE - Requires the provision of 600 sq. m. of both equipped and non-equipped children's play facilities. The existing village facilities are in excess of the prescribed maximum walking distance for the under 8's and so could not be considered for a financial contribution towards improvement/expansion. On this basis, a 'LEAP' (an unsupervised play area equipped for children of early school age) should be provided on site to a size of at least 400 sq. m. with the balance (200 sq. m.) being

made available for general play.

In addition, contributions would be required as follows:-

- £1,574 per dwelling towards active outdoor recreation;
- Provision of land for allotments (as proposed);
- £1,208 per dwelling towards local community hall facilities; and
- a public art contribution (either through commissioning and then integrating it into the public realm or by a commuted sum) to a value of 1% of development costs.

HOUSING ENABLING - The housing enabling lead supports this application based on need and the comments do not reflect the suitability of the site in terms of planning.

25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% shared ownership. The affordable housing mix has been discussed with the applicant and an indicative mix is:-

Social rented

2 x 1b2p maisonettes with own entrance and separate bathroom (not ensuite from bedroom)

2 x 2b4p house

1 x 3b5p house

Shared ownership

2 x 2b4p house

1 x 3b5p house

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

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

It is recommended that a local connection clause is to be included within the S106 agreement to prioritise the homes for local people.

CONSERVATION - As originally submitted, the Conservation officer commented that he could not support the application because of the inadequate information included with the 'Heritage Impact Statement'. He noted that this is a sensitive site as it adjoins North Curry Conservation Area and there are a number of listed buildings nearby. Most affected would be the adjoining Manor Farm which is grade II*. However, on the basis of a revised 'Heritage Impact Statement' the Conservation Officer has withdrawn his concerns stating that on balance it is his opinion that the Listed Building would not be harmed by the proposal, and although its setting would be affected, this has already been compromised by land sales and other development. The Conservation Area would not be adversely affected by the proposal.

ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND) – E.H. note that the proposal site is immediately adjacent to the grade II* listed Manor Farm, and there are other listed buildings nearby. The site also adjoins the North Curry Conservation Area. On this basis, E.H. see the site as being sensitive in heritage terms and the proposal could clearly have the capacity to adversely impact upon the neighbouring heritage assets. They stated that the originally submitted ‘Statement of Historic Significance’ did not give any information upon which to assess the impact of the proposals upon the heritage assets. Without significantly better information, they recommended refusal, on the basis that it has not been proven that the proposal would not have a detrimental affect upon the grade II* building and possibly other heritage assets.

The applicant has now commissioned and submitted a new Statement of Historic Significance. E.H. highlight the heritage significance of Manor Farmhouse as including its location at the periphery of North Curry and its historic role as an agricultural entity at the edge of the village. The ancillary buildings surrounding the site provide its immediate working farmstead setting, while the open character of the land surrounding the farm defines its relationship with the historic agricultural land holdings, thus forming its wider setting. It is acknowledged that this land is no longer in the ownership of Manor Farm; however its open character preserves an understanding of the farms original outlying location and the historical association it once had with the wider landscape. The applicants have acknowledged the potential for this development to impact negatively on Manor Farm, a result of which is the inclusion of a green buffer in the sites layout plan. In our opinion this buffer will do little to mitigate the harm caused by the loss of the open landscape surrounding the heritage asset. A development of this size will see the village extended southwards, enveloping the farmstead and separating it from its agricultural setting. The cumulative impact of previous development to the east of the site has already had a substantial impact on the setting of the building and it is therefore felt that any further encroachment should be resisted.

E.H. also make the point that the proposal is currently being reviewed as part of the Planning Policy processes, and that this application does not conform to the process as well as being contrary to adopted policies CP8, SP1 and DM1 of the adopted core strategy

E.H. conclude that the proposal should be refused for the following reason:

A development of this size and position should be resisted due to the level of harm it would cause to the significance of the Grade II* listed Manor Farmhouse and its setting. The development will alter the open agricultural character of the land surrounding Manor Farm and further envelop the site, which will impact on the visual, historic and contextual relationship between the farm and the wider setting. It is also our understanding that this development does not comply with the Taunton Deane Borough Council Strategic Policies as detailed above and should not be granted permission on this basis.

NATURAL ENGLAND - If carried out as proposed, the proposal would not affect North Curry Meadow SSSI. No objection to proposal as it is unlikely to affect any European protected species. The Developer would however need to use the

'Protected Species Standing advice'. Also recommends the applicant considers opportunities for enhancing biodiversity and enhancing the character and local distinctiveness of the surrounding natural environment.

BIODIVERSITY - The proposal is for an outline application for residential development of 30 dwellings and associated public space and allotments at Overlands, North Curry. The site consists of improved grassland surrounded by species poor hedgerows. Michael Woods Associates carried out an Ecological Survey of the site in May 2013.

Findings of the report are as follows

Protected sites - North Curry Meadow SSSI is located 0.5km to the east, Curry and Hay Moors SSSI is located 1 km to the north and West Sedgemoor SSSI is located 1km to the south east

Badgers - Two badger runs were noted and a badger dung pit, which indicate use of the site by badgers

No active badger setts were found on site but the surveyor found an old sett along the west hedgerow, occupied by fox. I support the proposal to monitor this sett.

Provided that badgers do not move back to the sett it can be closed without a licence. In the absence of badgers a precautionary approach involving the installation of one way gates and regular monitoring visits are needed until the ecologist is certain that the foxes have left. If badgers move back to the sett, it can only be closed between July and November with a licence.

Bats - There were no trees on site suitable for roosting bats; however commuting and foraging bats are likely to use the grassland and hedgerows. Any lighting should be sensitively designed.

Dormice - Hedgerows on site are not characteristic of dormice habitat and there is a lack of connectivity to the wider countryside.

Amphibians - There were no ponds on site and the land was intensively farmed offering little potential for Greater Crested Newts

Land immediately to the west (pasture beneath a redundant orchard) as well as the hedgerows on site may provide suitable terrestrial habitat for amphibians

Reptiles - The hedgerows and field margins have potential to support slow worms

Birds - Hedgerows on site provide potential for nesting and foraging birds. The field habitats were considered unsuitable for ground nesting birds. Any vegetation clearance should take place outside of the bird nesting season

I support the ecological enhancements made in the report and suggest the a planning condition for protected species:

SOMERSET WILDLIFE TRUST - In general we would support the findings in that

survey. In particular we would fully support the proposed enhancements specified at 6.5.3, 6.5.1 (duplicated numbering here), 6.5.4, 6.5.7 and 6.5.8. These include the provision of bat and bird boxes, the use of species-rich grass seed in the proposed parkland/grassland area and the enhancement of the hedgerows with native trees and other plants. We would also fully support the proposal at 6.4.8 which says that external lighting should be kept to a minimum in order to prevent disturbance to local bat populations. We would request that all of these proposals should be incorporated into the Planning Conditions, if it should be decided to grant Planning Permission.

ENVIRONMENT AGENCY - Initially raised objection to the application because they considered that the risks of increased flooding to and from the site had not been adequately assessed or addressed. Thus the application did not meet the requirements of the NPPF or the Council's Adopted Core Strategy policy CP8. The Flood Risk Assessment (FRA) had not given details or calculations to show how or indeed whether the proposed soakaways would work. The EA were not therefore certain on the likely flood risk to the proposed development itself and neighbouring existing uses that might arise from the proposal.

The required level of information and detail has now been submitted and on the basis of this new information EA now withdraw their previous objection subject to the following obligations and conditions being imposed upon any permission granted:

The applicant's agent Spring Consultancy have carried out investigations which indicate that some of the previous flooding issues in North Curry have been compounded by existing infrastructure at Manor Barton and Stoke Road. The capacity of this drainage system, which is intended to receive surface flows from the development, causes us concerns. We consider that even if flows from the development are severely restricted, this will not mitigate flood risk if the system is almost totally blocked. We do, however, consider that there could be a viable package of off-site improvements which could both alleviate the existing surface water experienced and ensure that flows from the new development can be safely managed once they have left the site. Such a scheme should be secured within a Section 106 Agreement attached to any permission, with responsibility for delivering and maintaining these works clearly set out. The details of any improvement scheme should be agreed in consultation with your Drainage Engineer and the Lead Local Flood Authority (Flood Manager Steve Webster at Somerset County Council). The principles of such a scheme are set out in Spring Consultancy's email of 29 July 2013 and include replacing the pipe in Manor Barton with one at Manor Farm, ultimately leading to a stone culvert (which has its own maintenance issues) in Stoke Road. This would not prevent flooding on Stoke Road, but it would improve conveyance, which would in turn mean any flooding is shallower and not as pro-longed. We do ask the obvious question of whether there is a scheme which could direct flows back into the drainage system and avoid overland flooding of Stoke Road. This could be investigated as part of any detailed scheme.

In addition to the above, surface water rates and volumes will still need to be managed on site through the following planning condition:- "No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy shall ensure that surface water run-off is attenuated on

site at a rate no greater than 2 litres per second per hectare. The strategy shall include details of phasing, and maintenance following completion. The development shall subsequently be constructed and maintained in accordance with the details approved".

REASON: To ensure that flood risk is not increased by attenuating both surface water rates and volumes through the use of SuDs in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

SOMERSET DRAINAGE BOARD - The site lies outside the board's operating area however any surface water run-off generated will clearly enter the Board's district and discharge to the Moor area of West Sedgemoor and ultimately onto the River Paret. The Board would hope to receive satisfactory details and assurances regarding the restriction of flow, volume and long term maintenance regime of the infrastructure proposed. The Environment Agency will also need to agree the design principles of the surface water strategy and if appropriate consent any modification.

The proposals to be agreed will need to strictly limit any proposed discharge to the receiving system and at least mimic the existing 'greenfield run-off' from the land, with an emphasis on betterment and any variation or modification will need to be agreed. Particular attention should be paid to the control of the volume of the discharge from the proposed site as well as flow rates.

The Board would suggest and encourage the use of Sustainable Urban Drainage Systems (SUDS) within the surface water disposal design strategy, with emphasis on the use of infiltration techniques to reduce the impact on the downstream receiving systems. The site would appear to provide good opportunities for communal SUDS arrangements to be designed and operated in tandem with the public open space. Any scheme proposal must be robust and maintainable to ensure agreed and restricted run-off to the receiving systems.

Within the FRA produced to support the application there are a number of likely surface water disposal measures proposed. Any surface water strategy is not complete until the maintenance liabilities of the various parts of the proposed surface water strategy including any storage facilities are clearly identified. Details of the design and the liability of the of the various surface water drainage infrastructure will need to be included within the design and the strategy maintenance of storage volumes be maintained to the highest standard to ensure uncontrolled discharges are not experienced.

SCC DRAINAGE ENGINEER - Objected to the proposal as originally submitted on the following grounds:-

- No porosity tests have been carried out to ascertain whether or not the suggested soakaways and permeable paving would be a suitable means of treating surface water flows on site. Wessex Water have confirmed the availability of surface water sewers but there is a limit on the receiving capacity. Some form of on site attenuation may be necessary.
- 'SUDS' solutions have not been investigated.
- Overland flow exceedence routes indicate that flows are directed towards existing housing.
- No details are included on how any surface water drainage system is to be maintained for the lifetime of the development.

The Drainage Engineer has been consulted on the revised detail now submitted and concludes that there appears to be ways forward to deal with surface water run off from the site. There are in fact several viable options now put forward. The County Engineer is happy that these could be covered by a condition attached to any planning approval granted. This condition should request that a full surface water drainage design package be submitted to and agreed by the Borough Council, the County Council and the Environment Agency before any works commence on site.

SCC - ARCHAEOLOGIST - There are no records of any archaeological activity on site as it lies outside of the medieval core of the village and I see no evidence of prehistoric or Roman activity nearby. Therefore, it appears that there are no archaeological issues on this site.

SCC - RIGHTS OF WAY GROUP - Confirms the existence of Public Rights of Way (PRoW) over the site. Reminds that either a stopping up or diversion order would be required before the development could proceed and that the PRoW must remain open and available until the Order has come into effect.

SCC - EDUCATION -

Primary provision

Our rule of thumb (agreed with all Somerset District Councils) that 150 dwellings of whatever mix yields 30 primary-aged children indicates that 30 dwellings would yield 6 primary aged-pupils.

The Net Capacity of the school is currently 149 based in five classrooms, with a sixth classroom “netted off”, i.e. excluded from capacity. This classroom is housed in a poor condition (category “C”) temporary building which we are proposing to remove without replacement when it becomes a “D” condition. (All three of the temporary buildings on site will be re-surveyed in the Autumn). Depending on the timing of any new housing, and the rate of deterioration of the temporary building, this building may or may not be available as additional capacity in the future.

The Number on Roll at the Primary School at the October 2012 Census was 135 and our current forecasts indicate a slightly declining roll through to 2017. However, First Admissions (FAd) for September 2013 are higher than predicted in the forecasts (19 actual against 14 forecast) and so I have adjusted the Forecast accordingly:

Sept 2013 = 129 +5 FAd = 134
2014 = 127 132
2015 = 124 129
2016 = 124 129
2017 = 119 124

Nonetheless, on the basis of the current Net Capacity and the adjusted forecast pupil roll, the potential additional 6 pupils arising from 30 dwellings could be physically accommodated within the present capacity of 149 without the need to add a classroom. However, there might be an organisational challenge for the school should

there be disproportionate numbers in different age groups.

Secondary provision

For secondary, our rule of thumb is that every 210 dwellings of whatever mix will yield 30 secondary-aged children, so the number of pupils arising here would be 5. The catchment school is Taunton Heathfield which is consistently oversubscribed and is forecast to continue to be so. We would, therefore, be seeking financial contributions towards the provision of additional places based on the most recent DfE cost multiplier of £18,469 per place, which equates to £92,345.

Early Years provision

Provision of places for 3-year olds and some 2-year olds is now a statutory requirement and where there is insufficient capacity at existing providers, we would seek developer contributions towards expanding those places. However, we would not be seeking contributions in this particular case.

Representations

There have been many representations received in connection with this application - 71 representations in OBJECTION and 6 representations in SUPPORT or general agreement.

Cllr. Edwards has specifically written in his capacity as Executive Councillor for Planning. He wishes this following opinion to be taken into account. *"There are a significant number of sites being considered across the Borough many of which will not be allocated but have to be considered as part of the SADMPP. The Council undertook the initial "issues and options" consultation earlier this year and has recently published for consideration the additional potential sites consultation and it is now for the Council to consider its "Preferred options" in the Autumn which will then need to be fully consulted on before being finalised in advance of being inspected and then finally adopted. There have been a number of planning applications submitted recently, which I consider are premature to that process and I would strongly suggest that these applications are refused so that the engagement can take place with the community to therefore arrive at the most sustainable and appropriate plan which relates to the size and need of the community."*

Members of the public who have written in OBJECTING to the proposal have expressed the following views:-

Flooding issues

- The land is prone to flooding (e.g. last winter)
- Need to see an engineering solution for drainage and flooding
- Flood risk assessment is incomplete and makes flawed assumptions
- No percolation tests have been undertaken to determine the nature and extent of any SUDS scheme

- FRA relies upon cursory inspections and out of date information
- There are inaccuracies in the FRA
- There is a concentration of springs rising in the area
- Parts of Stoke Road often flood making the road completely impassable. This will worsen with increased traffic flow and the water runoff from the proposed site.
- The problems with flooding lay with poor drainage at Home Meadow
- Who will maintain the attenuation pond and keep it rubbish free

Highways and transportation issues

- The proposal will lead to congestion in the area
- The lanes are too narrow, overcrowded and dangerous now without adding 60 or 70 more vehicles.
- A358 Taunton to Ilminster road is already overburdened at peak hours
- A possible future link to Canterbury Drive is unacceptable
- Increased traffic down White Street would be a hazard
- Building works and builders traffic will cause problems
- The proposed entrance/exit is not good enough
- The installation of cross-roads at the end of Overlands is unacceptable
- Quality of existing road at Overlands would not take the extra traffic proposed
- Having only 1 point of access, through Overlands to White Street is unacceptable
- Access would be better off Canterbury Drive than Overlands
- Travel plan says Overlands serves 16 dwellings but in fact it is 23
- There is no safe pedestrian route from the site to the village centre
- Most new residents would commute and the additional traffic would be too much for the existing roads into and out of the village
- The school and health centre cannot cope with existing vehicular demand without additional demands
- The site is not within an acceptable walking distance of the village facilities
- White Street is missing pavements
- Children walking to school from Overlands would be at increased risk due to an increase in vehicles and lack of footpaths
- Public transport provision in the village is poor
- Needs good public access to foster community cohesion and security
- Proposal would result in the loss of footpath north-east to south-west across the site
- Stoke Road has no street lighting

Visual and amenity issues

- Loss of countryside amenity
- This is not in keeping with the village
- The visual impact of the development will alter the character of North Curry
- Smaller parcels of development as espoused in the Parish Plan would blend in with the character of the village, not change it.
- Houses should be in the south and the open space/allotments in the north to keep all of the houses together
- layout needs to be firmed up so it can be shown to meet Parish and Borough design standards
- Development will detract from views to the south
- Undue impact on 8, 9, 11 and 12 Overlands
- This massive development is not complimentary to the conservation status of much of the village

Planning policy issues

- The proposal is premature as not part of original SADMPP (Jan 2013) or SHLAA (2011) and so the application should be withdrawn, reconsultation undertaken and then the proposal could be resubmitted
- The proposal makes a mockery of the Parish Council survey and the Borough's Core Strategy
- In the spirit of "localism" the Council has put forward a strategy that reflects local priorities and aspirations and delivers real benefits to local communities
- Vision before strategy before detailed plans
- Local views are being ignored, particularly as expressed in the parish Plan
- 30 units would take up the complete Minor Rural Centres allocation for North Curry
- The combination of all the proposals for housing in North Curry would use up on-third of the 'Rural Centres' allocation which is intended for 5 villages
- Was not shown on the village plan drawn up by the parish Council which favours small infill sites and not large estates
- There is no evidence of need for this development in the district plan and this will lead to deleterious development
- There are better sites for development identified in the Parish Plan
- This is virgin farmland outside of the settlement policy area
- Large sudden growth would destroy the village. Needs to be smaller organic growth as per the Parish Plan
- The NPPF requires Councils to favour brownfield sites for new development, especially housing
- This is a greenfield site
- The proposal is contrary to policy CP5 and SP1 because the developer has made no effort to pay for the expanded facilities required
- It appears that the Council has failed to introduce a Local Plan that would regulate development
- We expect the Council to follow the intent of the Localism Act 2011 and allow communities to say where new development should go and what it should look like
- Wants assurance that no decisions will be made relevant to North Curry until the new local plan is in place
- There is no requirement for the homes to be built as soon as possible
- We want the Parish Council development plan to be adopted as this represents the democratic views of local residents

Capacity issues

- This is too many houses for the village; The scale is too large
- With all the other planned developments, this proposal will be too much for North Curry
- The infrastructure in North Curry is not suitable for such sudden growth
- The road, sewerage and drainage systems are already overloaded
- There is not enough space at the local school for additional family homes
- Can the school site provide an additional classroom?
- Health centre is already at capacity
- Existing village facilities are overstretched
- Small developments of 1 or 2 houses on brownfield sites maybe acceptable, but this large development should not go ahead
- The decision to make the village a growth area is 'based on trumped up criteria and

complete incompetence'.

Biodiversity and wildlife issues

- Impact on wildlife - there are badgers and bats present
- Land was traditional pasture supporting a lot of fauna and flora

General and other issues

- The housing proposed is too dense and the rate of development would be too fast
- 4 additional affordable units is not fair trade for the loss of the countryside
- The proposal is of no benefit to the local community
- Does not address the general principles of the Parish Plan
- The overwhelming response from Parishioners when consulted as part of the Parish Plan was for a number of small sites over a 15 year period
- The applications at North Curry should be considered holistically rather than on an individual basis
- The prospect of this number of houses being built is totally disproportionate and will risk a wholly disproportionate threat to the stability and social cohesion of the village
- Could the levies (*money gained from approving the scheme - s106, New Homes Bonus etc*) be clouding judgement?
- Must protect the historic and townscape setting of the grade II* farmhouse and buildings
- How would TDBC enforce the proposed phasing
- Need arrangements for the upkeep and management of allotments and Public Open Space
- The boundary between the site and no. 12 Overlands is the fence not the hedge.
- Incorrect boundary demarcation with Manor Farm
- The proposal does not heed the opinions of locals
- The Parish Council knows what is best for the village as most of them have lived here for a long time
- "Many people feel powerless in the face of the dominance of the Taunton Deane Planning Authority"
- Should be considered alongside other proposals for North Curry
- Should be dealt with at Committee
- There is a huge void between the local scene in North Curry and the Committee Room somewhere in Taunton
- If outline planning permission is given then full planning permission becomes a formality
- Villages like North Curry are part of the historic, scenic and social fabric of the country and should not be built over, suburbanized and ruined by growth
- A duty of care is incumbent upon the Council particularly on the issue of flooding
- The wishes of those who live in North Curry should be taken into consideration

Of those letters generally in SUPPORT the following views have been expressed:-

- The land is logical for development as it is well located to services and facilities
- 30 dwellings at 2.43 dwellings per hectare equals 13 dwellings per hectare which is appropriate for a village like North Curry
- The overall density proposed is in keeping with other schemes for village development

- This is a sustainable location for development
- The development at Overlands might be acceptable as this could blend into the layout of the village
- Support s the proposal as it preserves the Listed barns and conserves features of Manor Farm
- No objections as the proposal will provide social housing, allotments and will not overlook existing properties
- The local community needs more affordable housing
- The village needs to continue to grow in order to support the school, shop and other local activities
- Scheme will give life to village school, shop and community in general
- Flooding is not resultant from this site but inadequacies with drainage on neighbouring sites
- "I support the application as it was recommended to me by Members of the Parish Council, and having elected this group, I trust them to make a considered decision on behalf of the village"
- The proposal is for a good sized development for the village, in a good location which can be sensitively incorporated into the village, with a well thought out layout
- Most items raised as objections can be dealt with by way of condition

PLANNING POLICIES

S5 - TDBCLP - North Curry Settlement Limits (HISTORIC),
 EN15 - TDBCLP - Demolition Affecting Conservation (HISTORIC),
 EN23 - TDBCLP - Areas of High Archaeological Potential,
 ROW - Rights of Way,
 EN14 - TDBCLP - Conservation Areas,
 EN12 - TDBCLP - Landscape Character Areas,
 CP4 - TD CORE STRATEGY - HOUSING,
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
 CP8 - CP 8 ENVIRONMENT,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,

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) £ 34,612

Somerset County Council (Upper Tier Authority) £ 8,653

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £207,672

Somerset County Council (Upper Tier Authority) £ 51,918

DETERMINING ISSUES AND CONSIDERATIONS

Policy considerations

Local Plan Policy

Planning Policy and Government Guidance requires all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The applicants refer to paragraph 14 of the NPPF claiming that, as the development plan is silent on the allocation of sites at North Curry permission should be granted for the development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the poles in the National Planning Policy Framework.

The Taunton Deane Core Strategy contains policies for the development of the Borough. The policies are listed above. Within the document major sites for housing development have been identified in detail. Reference has been made for the need to allocate additional small scale housing within minor centres, such as North Curry, via a Small Sites Allocation Plan

The Core Strategy policy SP1

*“Minor Rural Centres are identified as Cottford St Luke, Creech St Michael, Milverton, **North Curry** and Churchinford. New housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units and will be **small scale allocations, sites within the development boundary (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries.** For these settlements a total allocation of at least 250 newnet additional dwellings will be made through the Site Allocations and Development Management DPD”*

The Small Sites Allocation Plan is currently being produced and potential sites have been identified and are in the process of evaluation before the preferred options plan is published later this year (expected Oct to Nov this year).

Considering the above, the development plan is not silent about the future development in minor centres although it is silent with regard to the allocations for the location of development. Therefore Paragraph 14 of the NPPF is relevant and this advises that:

“where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

The benefits of providing housing in the minor rural centres is clear and it is necessary to consider whether the adverse impacts of granting permission significantly and demonstrably outweigh these benefits. The comments of the Planning Policy Team and the recent paper considered by the LDF Steering Group (report on rural centre housing distribution) raises significant concerns about the quantum of development in North Curry and, in light of the number of potential sites identified that to determine this application in advance of the assessment of all options would be inappropriate, and as

such, the application is unacceptable on the grounds of prematurity.

This is a particular area of concern and there would be significant adverse impacts of granting planning consent for a quantum of development which the minor rural centre might not be able to sustainably accommodate. It is important that whichever site (or sites) are developed, they are chosen through a process that considers all of the benefits and potential impacts in relation to each other. The issue of prematurity is key to the determination of this application and officers are satisfied that the benefits of granting planning permission do not significantly and demonstrably outweigh the issue of prematurity in this case.

It follows that the proposal should be assessed against the guidance contained within the NPPF and the policies contained within the approved Taunton Deane Core Strategy. Notwithstanding the above, even if the development plan was considered to be silent I consider that the proposal is contrary to the National Policy Framework where one of the Core Planning Principles is the need to conserve historic assets and good design is a key aspect of sustainable development.

As a result of this report I consider that the site lies beyond the settlement limits of North Curry and its development would be contrary to policies SP1, DM1(d), DM2 and CP8 of the Taunton Deane Core Strategy.

Flood risk and drainage.

Many of the representations express great concern on this issue. An initial consultation response has been received from the Environment Agency and they raise objection on the basis that the risks of increased flooding to and from the site have not been adequately assessed or addressed. This would not meet the requirements of the National Planning Policy Framework, nor would it meet the requirements of policy CP8 of the Adopted Core Strategy. This is much in line with the consultation comments received from both the Somerset Drainage Board Consortium and the Drainage Engineer at Somerset County Council. The Agent has addressed this issue and further drainage information, including infiltration tests, storage volume calculations, greenfield run-off rates and an overall drainage strategy plan, have been submitted. The Environment Agency has now withdrawn their objection on this basis, and are stating that the proposal would be acceptable subject to works which could be ensured by means of non-standard conditions attached to any planning approval.

Third party representations have consistently made the point that the land is liable to flood, citing last winter as a case in point. It is claimed that there are a springs rising in the area, which would contribute to any difficulties with flooding. The Agent is clearly of the opinion that any difficulties with flooding in the past are not as a result of drainage inadequacies within the application site. The Applicant has offered to improve the drainage in the lane to Manor Farm to overcome the problem in that area. He also refutes the existence of springs in the area stating that there is no evidence of this.

Impact on heritage assets (Listed Building & Conservation Area).

The County Senior Historic Environment Officer states that there are no records of any archaeological activity on the site, nor prehistoric or Roman activity nearby. On this

basis he is not objecting and there will be no need to place a 'watching brief' as a condition of any approval.

The proposal site is immediately adjacent to the grade II* listed Manor Farm. The barns and cartshed some 10 metres west of Manor Farm are listed as grade II in their own right. There are other listed buildings nearby. The site also adjoins the North Curry Conservation Area. These factors mean that the site is sensitive in heritage terms and the proposal could clearly have the capacity to adversely impact upon the neighbouring heritage assets.

The North Curry Conservation Area Appraisal Document (adopted and published in September 2007) identifies the adjacent conservation area as being within 'character zone 2', where "*a high proportion of buildings are of considerable size and massing, but well balanced by open space*". Building density tends to be low in zone 2. The document also identifies that one of the principal negative features upon the character and appearance of the Conservation Area is "*the development of modern houses around its fringes*". The document states that this has undermined the historic character and appearance of North Curry. It goes on to state that "*the volume of such housing (built as small estates as opposed to being individual pieces of infill) does mean that it has very perceptible impact upon the scene*". Any consideration of this current proposal will need to be mindful of such a negative outcome and ensure that it did not replicate the negativities of past development.

The starting point for such a consideration is always to review the submitted 'Statement of Historic Significance'. Although one did form part of the original submission, the document was somewhat perfunctory and did not give any information upon which to assess the impact of the proposals upon the heritage assets. The document should have explained the special qualities, character and significance of the neighbouring Listed Buildings and Conservation Area, summarising what is important about the buildings, place in general and its historical assets. Both English Heritage and the Council's Conservation Officer have advised that without significantly better information, they would recommend refusal on the basis that it has not been proven that the proposal would not have a detrimental affect upon the grade II* building and possibly other heritage assets.

The Agent has subsequently commissioned a suitable qualified specialist to produce an appropriate and detailed 'Statement of Historic Significance', which has now been submitted for consideration. This document concludes that the proposal would sit comfortably adjacent to and adjoining the conservation area and would not be detrimental to its setting. It also concludes that the proposal would have little if any impact upon the significance (including setting) of Manor Farm house. The Heritage Impact Statement acknowledges that there would be some impact upon the other listed buildings given their proximity to the development, it states that they are far less significant than the Manor Farm house itself and so the impact upon their setting is considered to be acceptable causing little harm. Based on this the Council's Conservation Officer is not now raising any objection to the proposal.

However, English Heritage have a differing view and have concluded that the proposal should be refused for the following reason:

A development of this size and position should be resisted due to the level of harm it would cause to the significance of the Grade II* listed Manor Farmhouse and its setting.

The development will alter the open agricultural character of the land surrounding Manor Farm and further envelop the site, which will impact on the visual, historic and contextual relationship between the farm and the wider setting.

It is considered that this is a further issue which relates to the prematurity argument and the need to consider all potential impacts of each site as part of a comprehensive site selection process.

Affordable Housing.

Under Core Strategy policy CP4 there is a requirement for 25% affordable housing on site which the applicant has shown. This equates to 8 dwellings which will be secured through a legal agreement with a local connection clause to ensure priority is given to local people in housing need. Further details are given in the section commenting on the observations of the Housing Enabling Lead.

Public Rights of way (PRoW).

There are a couple of Public Rights of Way that affect this site. The primary route which is part of the East Deane Way, skirts the eastern boundary of the site. There is also a PRoW that traverses the middle of the bottom half of the site. The existence of these PRoW's is a valid and material consideration. The Agent has indicated that the applicant would seek a diversion order to realign the two PRoW's rather than seek a stopping up order, and has provided details of the proposed realignment in both cases. A suitably worded condition placed against an approval to ensure that no development took place unless a diversion order was granted would be sufficient to meet the requirements of statutory regulations in this regard.

Highways and access issues.

Many concerns have been expressed about the proposal in relation to access, and the local road network. The general gist of the concerns relate to the chosen point of access into the site and its perceived inadequacy due to poor highway widths along Overlands and White Street often as a result of parking on the road, together with areas of missing pavement along White Street and a lack of street lighting. The Parish Council have also expressed their written concern that the proposal would amount to an overdevelopment of the site unless access could be gained through Canterbury Drive for phase 2. Traffic calming measures would need to be incorporated into any street design if this were to be agreed in order to avoid the route being used as a 'rat-run'. The views of the Highway Authority are key and they have concluded that the proposal is unlikely to have a significant traffic impact to warrant an objection on these grounds

Wildlife and biodiversity issues.

It would appear, based on the evidence submitted, that there are no insurmountable concerns with either wildlife or biodiversity issues. Neither Natural England, the Somerset Wildlife Trust, nor the Council's Biodiversity officer are raising any substantive objection. That said, there is general agreement that there will need to be a 'watching brief' particularly in respect of possible (or otherwise) badger activity from the identified badger runs, dung pit and old setts. Care will need to be taken in respect of

lighting at the site and a lighting strategy will probably be required in order to prevent light pollution or spill that could interfere with commuting or foraging bats. Officers are of the opinion that all of these matters could be dealt with by way of carefully worded conditions, and some have been suggested in the ecological survey. The Agent has accepted this. However, the Agent has been made aware that if any further research required does show that the proposal would adversely impact upon any wildlife or protected species, then this could seriously impact upon the applicant's ability to implement the scheme (if permission were to be granted), or at the least may involve major expense and time in mitigation.

Phasing of development.

The application suggests completion of the proposal in two phases. The Design and Access Statement states that there would be at least a five year gap between the completion of phase 1 and the commencement of phase 2. The Agent maintains that this has been incorporated as part of the proposal because it was the way the Parish Council had indicated that development of the site should proceed. The Parish Council have not confirmed this in any correspondence with the LPA. Officers do not consider that the Council should commit to development that far in the future at this stage, particularly given that it is currently consulting on its preferred housing site allocation. If permission were to be granted, then this would have to be contingent on a comprehensive development, encompassing all of the issues and facilities referred to in the application, and this is unlikely to occur with such a long time split between each phase. In any event, planning applications are generally granted for either a 3 or 5 year time period and that is because circumstances and considerations can change quite considerably after that length of time. It is therefore not considered appropriate to agree to such a long delay in phase 2 starting.

The Agent has stated that the Applicant would prefer to stick to the phasing as stated in the submitted proposal, but would be prepared to consider a shorter or no time period, but had applied on the basis of a minimum of 5 years gap between phases in order to meet the requirements of the Parish Council.

'Heads of Terms' for items to be covered under a Planning Obligation.

The Council has not as yet adopted its Charging Schedule under the Community Infrastructure Levy Regulations. The draft charging schedule was examined in public on Wednesday 24th July, but the Examiners report is not likely to be published until September. Until that time, the Council will continue to ask for a contribution towards the cost of all on-site and off-site facilities that might be required in order to make the development acceptable. Such matters would need to be guaranteed by way of a Planning Obligation under s106 of the Town and Country Planning Act. This will necessitate a legal agreement in order to guarantee the items required. Such an agreement will need to be entered into before any planning permission could be issued.

The following matters would need to be addressed in the legal agreement:-

Affordable Housing – The application suggests that 8 of the 30 proposed units should be affordable. This is in line with current Council policy CP4 of the Core Strategy. However, the legal agreement will need to confirm where these units should be positioned, and the exact form of tenure, all of which is detailed above in the comments

made by the Council's Housing Enabling Officer. The applicant has accepted this

Leisure and Recreation – This is charged on all developments of 6 houses or more, and so is applicable in this instance. The Community Leisure officer has pointed out that the walking distance to the existing play facility for the village adjacent to the school would be in excess of the required maximum walking distance for the under 8's, even if a link were gained through Canterbury Drive. Therefore the recommendation is that a Locally Equipped Area for Play (LEAP) for the under 8's of at least 400 sq. m. is provided on site, or the land allocated and money provided for the Council to provide such a facility. The Community Leisure Officer has also asked for a contribution of £1,574 per dwelling towards the provision of active outdoor recreation, and £1,208 per dwelling towards local community hall facilities. These figures would need to be index linked and spent in locations accessible to the occupants of the dwellings. A public art contribution is also requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to value 1% of the development costs. The applicant wishes to keep his options open by building into the Agreement the ability to either provide play facilities on site or by providing the relevant financial contribution towards an off-site facility. Legal advice will need to be obtained on whether it is possible to have such an 'either or' clause in a Planning Agreement.

Education – A common theme in the representations received is the fact that the existing village school is at capacity and would need to be expanded to cater for any increase in dwellings within the village. The Education Authority does not agree with this (see above). Whilst no contribution would be due for pre or primary school education, a contribution

Highways and Transportation – The observations of the Highway Authority are still awaited. Nevertheless, in addition to their standard technical comments, it is expected that they would cost any additional transportation infrastructure, traffic calming measures, footpath improvement schemes within the village, sustainable transportation measures and items within the agreed green travel plan that they may consider necessary to make your scheme acceptable. Early discussions with the Highway Authority indicate that there is unlikely to be much 'off-site' works required if at all.

Additional matters – It is considered that any legal agreement would also need to include measures for the provision and maintenance of the public open space and allotments that are being proposed. It may also be prudent to refer to the need for a footpath diversion within any legal agreement. This is all agreed by the Applicant.

Any legal agreement that may be required (if Members are minded to grant permission) will also need to address the issue of phasing.

Conclusion.

The Parish Council consider that the proposal would constitute 'overdevelopment' of the Overlands area, unless phase 2 is accessed through Canterbury Drive, and extra facilities provided at the school and the health centre. They also point to the need to improve flood attenuation, pedestrian access and parking as part of the proposal.

The Highway Authority concludes that the proposal is unlikely to have a significant traffic

impact to warrant an objection on these grounds. In terms of the Travel Plan the applicant will need to address the points raised and submit an amended version, which will eventually need to be secured via a legal agreement. In terms of the estate road layout, it is accepted that this is an outline application, but it is suggested that the plans should be altered to meet specific requirements. Basically, the Highway Authority is not raising any objection to this proposal but has suggested conditions to be applied should the LPA be minded to grant planning permission.

It is commonly agreed by the relevant experts that biodiversity issues could be overcome and dealt with by way of appropriately worded conditions, although a 'watching brief' would need to ensure that the identified badger setts remained inactive.

Those responsible for drainage have now agreed, following the submission of further evidence and details, that there would not be any substantive objection on drainage or flooding grounds, but a full drainage strategy would need to be submitted and approved before any development commenced (via an appropriately worded condition).

A diversion order would be needed to deal with the new line proposed for part of the Public Rights of Way.

The Education Department at the County have stated that the existing village school would be likely to have capacity for the number of children of primary school age that this proposal would generate. Other ages would need to be the subject of contributions to improve facilities under a Legal agreement.

Community leisure are not objecting, but suggest the provision of an unsupervised play area equipped for children of early school age and would require contributions as part of any Planning Obligation.

Housing Enabling, have suggested the tenure type for affordable housing requirements should the application be approved.

However there are still some consultees that remain unconvinced and are recommending refusal. English Heritage are still of the opinion that the proposal would cause harm to the Grade II* listed Manor Farmhouse and its setting. The development would in their opinion alter the open agricultural character of the land surrounding Manor Farm and further envelop the site, which will impact on the visual, historic and contextual relationship between the farm and the wider setting. They also cite policy reasons for refusal.

Most significantly, the application is considered to be prejudicial to the legal framework and progress of the Local Plan process. The Planning Policy Team has profound concerns about the timing of this application ahead of the Site Allocations Plan. The clear preferred route for consideration of the relative benefits or otherwise of this site is through the SADMPP process. On this basis, a decision to refuse the proposal on the grounds of 'prematurity' is considered to be appropriate. It is concluded that the Council should decide the application in line with the Core Strategy and the 'genuinely plan led' process as espoused in paragraph 17 of the NPPF and recommend refusal.

In preparing this report the Planning Officer has considered fully the

implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr. J. Burton Tel: 01823 356586

20/13/0024

MS K HOWARD

ERECTION OF TIMBER FOREST CLASSROOM, FORMATION OF CAR PARK AND AN ASTRO TURF PLAY AREA AT THE GRANGE, KINGSTON ROAD, KINGSTON ST MARY

Grid Reference: 322241.129473

Full Planning Permission

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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 1801.001 Rev A Appraisal and Landscape Plan

(A1) DrNo A-02 Rev A Scheme Proposals

(A3) DrNo A-03 Block Plan

(A4) DrNo 3434 Location Plan

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

3. Prior to the parking area hereby permitted being brought into use, the cycle rack facility capable of accommodating up to 14 cycles shall have been repositioned within the site, in accordance with details, which shall have been submitted to and agreed in writing with the Local Planning Authority. The cycle shelter shall thereafter remain available and not be used for any purpose, other than for the storage of cycles in connection with the development hereby permitted.

Reason: To provide for the parking and storage of bicycles, in order to promote sustainable travel.

4. The area allocated for parking and turning on the submitted plan, drawing

number A-02 rev A, 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: In the interests of highway safety.

5. The proposed protective fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be undertaken in accordance with the notes stipulated on Drawing 1801.001 Rev A.

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

Notes to Applicant

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

PROPOSAL

The Grange is a substantial stone C19 Grade II listed building with a part plain clay tile/part artificial slate roof, within the Conservation Area and Area of High Archaeological Potential of Kingston St Mary. The site fronts the main road running through Kingston St Mary and to the north and east are residential properties.

The property occupies a large site with an area of hardstanding for parking, extensive gardens and there are protected trees close to the boundary with the road. Two large two storey annexe buildings lie within the curtilage of The Grange and fronting the road is a low wall and black metal railings.

Planning permission was granted in January 2012 for the change of use of the site to a C2 education facility with boarding accommodation for use by Taunton School. This application now seeks planning permission for the erection of a forest classroom, an octagonal timber building set amongst the trees to the east of the main house; an extension to the car parking area, which would provide an additional 8 car parking spaces to the rear of annex 2; and an astro turf all weather playing surface (11m x 22.1m) to the south-west of the main building.

During the processing of the application the query was raised with the agent as to whether any mitigation could be proposed to overcome the concerns raised regarding noise. The agent confirmed that no mitigation is proposed.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

KINGSTON ST MARY PARISH COUNCIL - Support subject to measures being taken to mitigate the noise to neighbouring properties.

In light of there being no mitigation proposed, the Parish Council have confirmed that there are some concerns regarding noise and disturbance to local residents.

SCC - TRANSPORT DEVELOPMENT GROUP - The development seeks the construction of an astro turf play area, formation of additional vehicle parking area and erection of a classroom. A specific use of the site being used in connection with Taunton School for boarding accommodation for students, it is considered that there will be no significant increase in traffic.

The site is located along Kingston Road a designated classified unnumbered section of highway to which a 30mph speed limit applies. It was observed whilst carrying out a site visit that vehicle speeds are lower than the allocated speed limit due to the traffic calming measures along this section of highway and the limited width of the carriageway.

As part of the development the site will see the inclusion of 8 additional vehicle parking spaces taking the total site provision to 20. The Highway Authority sees the provision of additional vehicle parking as betterment to the existing internal layout.

It is assumed that the proposed astro turf facility is to be used for the boarding residents of The Grange. Therefore, it is considered that the development proposes no additional vehicle movements. I would request that the astro turf facility is to be used only by the applicant. Finally, I do not consider that the proposed 'woodland' class room will result in any additional vehicle movements to and from the site. No objection, suggest conditions.

LANDSCAPE - Subject to implementation of scheme with tree protection as proposed, landscape and tree impacts should be acceptable.

HERITAGE - No objection.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comments received

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - Comments awaited at the time of writing

Representations

Four letters received OBJECTING on the grounds of:

- Since school established suffered considerable noise nuisance from in excess of 40 young children and staff playing/sporting activities in the garden, shouting, screaming and cheering, often from 4.30 until 8.30pm each evening. Noise has forced occupiers of Cala to leave garden and go indoors/close windows and occupiers of Grange lodge have had to close windows in hot weather to get young children to sleep.

- Noise particularly disruptive and unreasonable during summer school, even intrusive when indoors with windows closed.
- Proposal to establish permanent play area would intensify use and increase opportunity for outdoor sport and activities throughout year, further creating disturbance which is already unbearable, would perpetuate a totally unacceptable noise hazard.
- At present noise thought to improve in winter months when too dark or ground wet but astro turf no doubt with lighting would exacerbate situation making conditions intolerable for immediate neighbours all year round.
- No attempt made to use land at western end of site where buildings would partly shield domestic premises from noise. Suggest swapping astro turf and parking area so noise masked by buildings.
- Originally told that sporting activities would take place at main Taunton School site. Lawn at the Grange is neither adequate or suitable for type of recreational use to which it is being put by number of students accommodated at the site. Consider play/sporting activities must be limited to Taunton School's own playing fields or Kingston Village Playing Field.

Two letters received in SUPPORT on the grounds of:

- Cannot see any reason why proposed play area will create additional noise. Play surface is located some distance from the road. Welcome increased provision for pupils that astro turf and forest school building will provide.
- Planned on site car parking will alleviate current pressure/strain on already inadequate off-road parking in centre of village that increased car population.
- Taunton School and headteacher have been a welcome addition to the village. Welcome extended to the community has been experienced by many members of village.
- Observed benefits to pupils of primary school from interaction with overseas students

Two letters received raising the following points:

- Do not see that the plans will result in increased noise levels, would concur with recommendation of parish council,
- Taunton International School (TIS) are anxious to work with the village and co-operate on this issue. They have made considerable effort to open their doors.
- TIS has already been beneficial to Kingston St Mary Primary School and staff are anxious to continue to be an active and positive part of our lives. Hopes of developing shared links/activities with Primary School and links with church developing positively. This brings considerable enrichment into Kingston Community, just as we hope to add enrichment to the TIS community.
- Car parking has been provided in church car park but there are times of considerable pressure, would help greatly if cars accommodated at The Grange.
- Hope for an outcome sensitive to local community cohesion and enable us to continue building on and benefitting from the relationships and activities we are already enjoying.

Letter received from Principal of Taunton International School raising the following points:

- The children who live at The Grange have all organised sport at Taunton School main campus and continue to do so.
- Application for multi-use surface to play on as lawn of The Grange is not suitable.

- Surface is for children to play on, not organised sport.
- No floodlighting as one person suggests.
 - Considered reasonable that young children at boarding school are allowed to play outside at what is their own home, as long as this does not go on too late in the evening.
 - Play only takes place until 8pm at latest, in summer light, this is not considered to be unreasonably late.
 - Surface on which they play does not affect the level of noise, so this will stay the same, regardless of whether the application is granted.
 - We have invited all those who find this unacceptable to visit us for negotiations/open dialogue on what is a reasonable time for children to stop playing and go inside, to minimise noise that people are experiencing. Prepared to be flexible.
 - Car parking proposed is a direct response to those in the village who do not wish staff to park on roads.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

The proposed astro turf will lie alongside the existing parking area, separated by the hedge. It would be green in colour and will therefore appear similar in appearance to the existing grass and is not therefore considered to change the appearance of the site significantly or harm the setting of the adjacent listed building. The site is very well screened from public viewpoint with a high wall on the roadside boundary. The proposal would not therefore be viewed from outside of the site and would have no adverse impact on the conservation area. The astro turf has been located to take account of the adjacent trees and the landscape officer is satisfied that the proposal would not result in an adverse impact on the long term health of the trees.

The proposed parking area would continue the existing parking area to the rear of the annex building. It would therefore be closely related to the existing building and being a reinforced grass surface is not considered to harm the semi-rural appearance of the property or conservation area. Being located to the rear of the annex, it is well within the site, away from public viewpoint and is screened from the listed building. The provision of the additional car parking area will involve the removal of the cycle shelter, which was a condition of the earlier consent. It is stated that it is intended to reposition this within the site to suit the schools requirements and a condition has been attached to ensure that this occurs, in order to encourage sustainable modes of transport.

In terms of the timber forest classroom, this would lie well within the site, amongst the trees. This has again been carefully positioned and the landscape officer is satisfied that the proposal would not harm the adjacent trees, subject to the proposed tree protection. The proposed structure would be of timber construction and would therefore appear in keeping with the woodland environment. The structure would not be visible

from public viewpoint nor result in any adverse impact upon the character of the conservation area and is a sufficient distance from the listed building to avoid any impact upon it's setting.

The County Highways Authority raise no objection to the proposal and in fact regard the increased parking facilities as betterment to the site. A number of objections have been received regarding noise from children playing within the site. It is understood that sports lessons have taken place and will continue to take place at the main Taunton School Campus. The requirement for the astro turf area is for recreational purposes after school hours. This is currently taking place in the same area of the garden but in wet weather, is damaging the lawn. It is acknowledged that neighbours are experiencing noise and disturbance from the existing situation, i.e children playing in the school grounds after hours, which is an activity associated with the existing use of the site, for which planning permission has already been granted. It is pertinent to note that it is generally customary to regard issues associated with noise and disturbance emanating from pupils as a matter for the headteacher of the school.

The main issue for consideration is therefore whether the proposed astro turf would exacerbate the situation, to the detriment of the living conditions of the occupiers of nearby properties. The children and staff playing in the garden area will no doubt result in some noise. This is however already taking place in a similar area to that proposed for the astro turf, the astro turf would simply avoid damage to the lawn.

Concerns have been raised that the provision of astro turf would increase the use of the garden area. The use of the garden for recreational purposes, which does emit some noise, is highly likely to continue to take place, whether or not the astro turf is permitted. An objector raises concern that lighting will enable the pitch to be used beyond the times that the garden is currently used. It is however important to note that no lighting is proposed, the proposal is simply the laying of an alternative surface. As such, it is not considered that the hours of use of the astro pitch would be significantly beyond that of the current situation. On this basis, the proposed astro pitch is not deemed to result in a significant increase in noise and disturbance to the occupiers of neighbouring properties that would lead to material harm to their living conditions. Accordingly, it is considered that these matters cannot be given sufficient weight to justify the refusal of planning permission.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

30/13/0030

MR A STEWART

ERECTION OF GLAZED LINK STRUCTURE, ALTERATIONS TO LEAN-TO UTILITY ROOM AND REAR FACADE AT KNIGHTS FARM, BLAGDON HILL

Grid Reference: 321151.118653

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 0112_LB_05 Rev A Existing & Proposed Elevations - Glazed Link
(A1) DrNo 0112_LB_06 Rev A Existing & Proposed Plans - Glazed Link
(A3) DrNo 0112_LB_08 Artist Impressions
(A3) DrNo 0112_LB_01 Site & Location Plans

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

Notes to Applicant

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

PROPOSAL

Erection of glazed link structure, alterations to lean-to utility room and rear facade.

SITE DESCRIPTION AND HISTORY

Knights Farm is a late medieval house with a significant amount of its original fabric and features surviving. It was listed at Grade II in 1986. The outbuilding, which is curtilage listed, probably dates to the C19 and has been converted to domestic accommodation (30/10/0020, 30/10/0023/LB, and 30/12/0014/LB). This application, and the parallel 30/13/0029/LB, is to create a physical link between the two buildings.

This application comes before planning committee as the agent is related to a member of staff.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PITMINSTER PARISH COUNCIL - No comments

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

SCC - RIGHTS OF WAY - No response received.

Representations

None received.

PLANNING POLICIES

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

DETERMINING ISSUES AND CONSIDERATIONS

Although listed at Grade II, Knights Farm is a building of high significance and is as sensitive to change as many higher graded buildings. Link extensions are seldom acceptable between listed houses and outbuildings as such links are always going to be modern interventions which, as there are no historic precedents, are problematic.

In this case, the distance the link would need to bridge between the later outshoot to the rear of the house and the outbuilding is short, approximately 2.5m. The visual impact from the south would therefore be quite low. The scheme, including the internal alterations to the lean-to, would not result in the loss of any historic fabric to either building and the proposed removal of the rear lean-to canopy would be a positive outcome.

There is no impact identified to the amenity of neighbouring properties and no comments or objections have been received.

On balance, any harm to the significance of these listed buildings caused by the proposed link would be minimal and outweighed by the removal of the lean-to canopy. The scheme would preserve the character and appearance of the listed buildings and in line with local and national policy and guidance it is recommended that planning

permission is approved.

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

CONTACT OFFICER: Mr N Pratt Tel: 01823 356492

30/13/0029/LB

MR A STEWART

ERECTION OF GLAZED LINK STRUCTURE, ALTERATIONS TO LEAN-TO UTILITY ROOM AND REAR FACADE AT KNIGHTS FARM, BLAGDON HILL

Grid Reference: 321151.118653

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo 0112_LB_01 Site & Location Plans

(A3) DrNo 0112_LB_07 External Joinery Details

(A3) DrNo 0112_LB_08 Artist Impressions

(A1) DrNo 0112_LB_06 Rev A Existing & Proposed Plans - Glazed Link

(A1) DrNo 0112_LB_05 Rev A Existing & Proposed Elevations - Glazed Link

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

3. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: colour of aluminium frame.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Section 16 of the Planning (listed Buildings and Conservation Areas) Act 1990, and the relevant guidance in Section 12 of the National Planning Policy Framework.

4. The windows and doors hereby permitted to the utility room shall be timber and

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

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Section 16 of the Planning (listed Buildings and Conservation Areas) Act 1990, and the relevant guidance in Section 12 of the National Planning Policy Framework.

Notes to Applicant

PROPOSAL

Erection of glazed link structure, alterations to lean-to utility room and rear facade.

SITE DESCRIPTION AND HISTORY

Knights Farm is a late medieval house with a significant amount of its original fabric and features surviving. It was listed at Grade II in 1986. The outbuilding, which is curtilage listed, probably dates to the C19 and has been converted to domestic accommodation (30/10/0020, 30/10/0023/LB, and 30/12/0014/LB). This application, and the parallel 30/13/0030, is to create a physical link between the two buildings and alter the later outshoot to the house internally.

This application comes before planning committee as the agent is related to a member of staff.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PITMINSTER PARISH COUNCIL - No comments.

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

SCC - RIGHTS OF WAY - No response received.

Representations

None received.

PLANNING POLICIES

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

DETERMINING ISSUES AND CONSIDERATIONS

Although listed at Grade II, Knights Farm is a building of high significance and is as sensitive to change as many higher graded buildings. Link extensions are seldom acceptable between listed houses and outbuildings as such links are always going to be modern interventions which, as there are no historic precedents, are problematic.

In this case, the distance the link would need to bridge between the later outshoot to the rear of the house and the outbuilding is short, approximately 2.5m. The visual impact from the south would therefore be quite low. The scheme, including the internal alterations to the lean-to, would not result in the loss of any historic fabric to either building and the proposed removal of the rear lean-to canopy would be a positive outcome.

On balance, any harm to the significance of these listed buildings caused by the proposed link would be minimal and outweighed by the removal of the lean-to canopy. The scheme would preserve the character and appearance of the listed buildings and in line with local and national policy and guidance it is recommended that listed building consent is granted.

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

CONTACT OFFICER: Mr N Pratt Tel: 01823 356492

APPEAL DECISIONS FOR COMMITTEE AGENDA – 04 SEPTEMBER 2013

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/D/13/2 199034	ERECTION OF TWO STOREY REAR EXTENSION AT FENNINGTON OAKS, KINGSTON ST MARY	The proposed extension by reason of its scale and design details and position fails to respect the character of the existing linear dwelling and would adversely affect the visual amenity and character of the dwelling. As such the development would be contrary to Policy DM1 of the adopted Core Strategy and the retained Policy H17 of the Taunton Deane Local Plan.	13/12/0009	The Inspector considered the main issue in this case is the effect of the appeal proposal on the character and appearance of Fennington Oaks. Although the proposed extension would alter the linear nature of the dwelling at the rear, it would remain as a wholly linear building. She further considered the changes proposed to the building would not be so significant that its original agricultural character would be unacceptably harmed by the position, scale and design of the proposal. The Inspector concluded the proposed extension would not have an adverse effect on the character and appearance of the building and the appeal was ALLOWED with conditions of time, materials and in accordance with the approved plans.

APP/D3315/A/12/2 186593 & 2186656			06/12/0007 & 06/12/0036	Appeals WITHDRAWN on 19 August 2013.
APP/D3315/C/13/ 2196139	GYPSY PLATT, BLAGDON HILL, PITMINSTER		E/0008/30/13 & 30/12/0045	The Inspector confirmed the residential occupation is clearly a breach of planning control, only one caravan being used for this purpose. To remedy this breach the residential use should cease and the caravan that is being lived in should be removed. The enforcement notice will be amended accordingly. A six months compliance period will be given. It is directed that the enforcement notice be varied by deleting the text under section 5 and replacing that with "Cease the residential use of the land and remove the caravan from the land that is being lived in." Subject to the above correction and variation the enforcement notice is upheld and the appeal is DISMISSED.
APP/D3315/C/13/2 198247	CONVERSION OF STORE / GARAGE TO RESIDENTIAL ACCOMMODATION AT THE GLOBE INN, KITTISFORD ROAD, STAWLEY, WELLINGTON	Without planning permission, change of use of the building on the site from storage use in connection with the Globe Inn Public House to residential use by way of domestic occupation.	E/0168/35/12	The Inspector was in no doubt the main use of the building is residential and it is clear the alleged breach of planning control accurately describes the use taking place. He directed that the enforcement notice be varied by extending the time for compliance

				<p>under section 6 from six months to eight months. Subject to this variation the appeal is DISMISSED and the enforcement notice is upheld. Planning permission was refused on the application deemed to have been made under s177(5) of the 1990 Act as amended.</p>
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APPEALS RECEIVED FOR COMMITTEE AGENDA – 04 SEPTEMBER 2013

APPEAL NO	PROPOSAL	APPLICATION NUMBER
APP/D3315/C/13/2203860	CARAVAN AND MOBILE HOME ON SITE AFTER EXPIRY OF TEMPORARY PLANNING PERMISSION AT MILL FIELD, MINEHEAD ROAD, BISHOPS LYDEARD	E/0055/06/13
APP/D3315/A/13/2203580	CHANGE OF USE OF LAND FOR THE SITING OF A TEMPORARY OCCUPATIONAL DWELLING AT HORSE CHESTNUTS, STOKE ROAD, STOKE ST MARY	37/12/0012
APP/D3315/A/13/2203242	ERECTION OF 16,632 SOLAR PV PANELS GENERATING UP TO 4.16MW AT GLEBE FARM, TOLLAND (RESUBMISSION OF 41/12/0005)	41/13/0001