

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 16 October 2013 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 25 September 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 49/13/0025 - Erection of two Health Care Facilities comprising of a 28 bedroomed locked rehabilitation unit (c2) and a 28 bedroomed low secure facility (c2a) with associated access and works at Wiveliscombe Business Park, Wiveliscombe (amended scheme to application 49/11/0053), with additional information and amendments received august 2013.
- 6 35/13/0007 - Erection of 4 no. agricultural buildings, formation of hardcore pad and formation of vehicular access with associated infrastructure on Land off Cockland Hill, Wellisford, Stawley.
- 7 24/13/0037 - Outline planning permission for a residential development of up to 45 dwellings, attenuation pond, children's play area and formation of access on Land at Windmill Hill, North Curry, as amended.
- 8 Miscellaneous Item  
38/12/0265 - Erection of 7 Detached dwellings on land to the rear of 14-28, Stoke Road, Taunton.
- 9 E/0135/38/13 - Unauthorised change of use from Sui Generis to a1 at 43-45 East Reach, Taunton
- 10 E/0160/38/12 - unauthorised signage at the former Westgate Inn, 1 Westgate Street, Taunton
- 11 Planning Appeals - The latest appeal lodged and appeal decision received.

Tonya Meers  
Legal and Democratic Services Manager

31 October 2013

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

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

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

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

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

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



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

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

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**Planning Committee Members:-**

Councillor B Nottrodt (Chairman)  
Councillor S Coles (Vice-Chairman)  
Councillor J Allgrove  
Councillor C Bishop  
Councillor R Bowrah, BEM  
Councillor E Gaines  
Councillor C Hill  
Councillor M Hill  
Councillor L James  
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

CMS DEVELOPMENTS

**ERECTION OF TWO HEALTH CARE FACILITIES COMPRISING OF A 28 BEDROOMED LOCKED REHABILITATION UNIT (C2) AND A 28 BEDROOMED LOW SECURE FACILITY (C2A) WITH ASSOCIATED ACCESS AND WORKS AT WIVELISCOMBE BUSINESS PARK, WIVELISCOMBE (AMENDED SCHEME TO APPLICATION 49/11/0053), WITH ADDITIONAL INFORMATION AND AMENDMENTS RECEIVED AUGUST 2013**

Grid Reference: 308872.127648

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Subject to the applicant and operator entering into a Unilateral Undertaking in respect to the operation of the facility and police attendance/responsibilities:-

Recommended Decision: Conditional Approval

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

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

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

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

(A3) DrNo A09.002L (PA)001/PA4 Site Location Plan  
(A1) DrNo A09.002L (PA)001/PA3 Site Location Plan  
(A1) DrNo A09.002.L (PA)002 Site Master Plan  
(A1) DrNo A09.002L (PA)003/PA3 Site Plan  
(A1) DrNo (9)200 Rev D Proposed Drainage GA  
(A1) DrNo (9)201 Rev C Details of Attenuation Pond and Outfall  
(A1) DrNo (9)202 Rev A Proposed Surface Drainage Details Sheet 1  
(A1) DrNo (9)203 Proposed Site Drainage Layout Plan  
(A3) DrNo S947/(9)203 Proposed Site Drainage  
(A1) DrNo 09.002E (PA) 020/PA3 Elevations Low Secure Care Facility  
(A1) DrNo 09.002E (PA) 025/PA3 Elevations Locked Rehabilitation Facility  
(A1) DrNo 09.002E (PA) 030/PA3 Sections Low Secure Care Facility  
(A1) DrNo 09.002E (PA) 035/PA3 Sections Locked Rehabilitation Facility  
(A1) DrNo 09.002S (PA) 040/PA3 Site Sections  
(A1) DrNo A 09.002.L(PA)002/PA6 Site Master Plan with cycle parking  
(A1) DrNo A 09.002.L(PA)015/PA5 Floor Plans of Rehabilitation Facility  
(A0) DrNo G01042SX Site Survey

(A3) DrNo 09.002.L(PA)050 3D Model View Low Secure Unit  
(A3) DrNo 09.002.L(PA)051 3D Model View Entrance View of Rehabilitation Facility  
(A3) DrNo 09.002.L(PA)052 3D Model View Garden View of Rehabilitation Facility  
(A3) DrNo 09.002.L(PA)053 3D Model View looking northeast  
(A3) DrNo 09.002.L(PA)054 3D Model View looking southeast  
(A3) DrNo 09.002.L(PA)055 3D Model View looking northwest  
(A3) DrNo 09.002.L(PA)056 3D Model View looking southwest  
(A3) DrNo A 09.002L (PA)015 Floor Plans Rehabilitation Facility  
(A3) DrNo S947(9)301B Proposed General Arrangement of Proposed Section 278 Works  
(A0) DrNo P109-2196-A Lighting Proposals  
(A0) DrNo 13-41-01 and 02 Landscape Proposals  
(A3) DrNo 13-41-03 Landscape Sections  
(A3) DrNo A09.002L(PA)002 PA6 Site Master Plan

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

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

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

4. The premises shall comprise of 2 separate Units.

One Unit shall be used for the purposes of a C2 Mental Health Rehabilitation Residential Facility and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

One Unit shall be used for the purposes of a C2A Low Secure Residential Mental Health Hospital Facility and for no other purpose (including any other purpose in C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order for the Local Planning Authority to assess the impact of an alternative use on the level of parking required and amenity of local residents.

5. The buildings shall not be occupied until a means of vehicular access, the

works to the B3227, the cycleway and footpath, and bus laybys have been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6. The area allocated for parking and cycle parking on the submitted plans shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles/cycles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway and to provide cycle parking facilities.

7. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

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

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

9. There shall be no floodlighting to the buildings hereby approved without the prior written consent of the Local Planning Authority.

Reason:- In order to help protect the wildlife in the area, and to minimise the amount of lighting on the edge of Wiveliscombe.

10. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of SLR Consulting Ltd's ecological appraisal dated February 2013 and emergence bat surveys on individual trees if required and include:
  1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
  2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance;
  3. Measures for the enhancement of places of rest for dormice and nesting birds.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect wildlife and their habitats from damage.

11. No development approved by this permission shall be commences until a full operation and maintenance strategy has been submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme. The strategy shall thereafter be implemented.

Reason: this information is required for the future maintenance in order to avoid environmental amenity problems.

12. The development hereby permitted shall be carried out in strict accordance with the details and plans within the approved Flood Risk Assessment (prepared by ACEIS and dated January 2013).

Reason: To ensure that flood risk is not increased and to protect water quality through the use of SuDs.

13. Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The

Plan shall include measures to protect wildlife during the construction of the surface water drainage infrastructure serving the development. The Construction Method Statement shall include details of how risks of water pollution shall be minimised during the construction phase of the development. The Environmental Management Plan and Construction Method Statement shall be implemented in accordance with a timetable to be submitted and agreed with the Local Planning Authority.

Reason: To prevent pollution of surface waters and to protect and enhance the biodiversity value of the local watercourses.

#### Notes to Applicant

1. The Biodiversity Officer Advises:-

1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

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

3. Bats may be roosting in trees on site. Bat boxes could be incorporated within the scheme.

The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

2. The Environment Agency advises that:

There is an inference in the FRA that the system for this development may be used to serve any future development. How this will be achieved would need to be detailed in any subsequent application. The surface water drainage pond is located very close to the existing watercourse along the southern boundary. The package treatment plant for foul drainage disposal may require a Permit or Exemption from the Environment Agency. The applicant should visit our website at the following link for more information:

<http://www.environment-agency.gov.uk/business/topics/water/110593.aspx>

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

## **PROPOSAL**

This is an application for a Care facility at Wiveliscombe Business Park

There will be two main buildings sited to the east of a new tree lined access road, south of the B3227. The northern most building will be the two storey locked rehabilitation facility, with the single storey low secure facility to its south. There will be a 3m high landscaped bund alongside the new access road and running along the southern boundary, topped with a 2m high acoustic wall. Each building will have its own carpark to the front with landscaped grounds to the rear. There will be a 1.8 m open mesh fence on the eastern and northern boundaries. The low secure facility will have a 3.6 m fence surrounding the building and grounds.

The low secure facility has been designed to minimise visual impact from the B3227 and surrounding area. The materials will be brick, slate roof, stone colour render, timber panelling with aluminium windows. There are large overhanging eaves to incorporate gutters and an element of solar shading and to prevent patients gaining access to the roof. The Locked Rehabilitation Facility has the same materials with more timber panelling on the first floor.

The access road is in the same position as the road previously approved for the development of the whole site as a new Business Park with a new entrance, a protected right turn, a footpath/cycleway link to Wiveliscombe and relocated bus stops. The speed limit will be reduced to 30 mph from Manor Farm. The current proposal will occupy 3 of the 11 acres of the development site.

All patients will be from the NHS and are referred from specialised commissioning groups, from Primary Care Trusts, Case Managers, Bed Managers or from a Consultant Psychiatrist.

Rehabilitation Facility - The agent's Design and Access Statement states that there are no female specialist rehabilitation beds locally, that it is important that these clients be treated close to their home community and family. As part of the care pathway, patients at the low secure hospital may step down to this hospital when the care team consider they no longer require a secure environment. This will cater for adults aged over 18 with a mental illness and/or learning disability who require care in a locked-door environment. The likely services will be female, with a mental disorder such as anxiety, depression, schizophrenia, and/or personality disorder; and/or a mild learning disability/developmental disorder.

Low Secure Facility - The agent's Design and Access Statement states that the South West Commissioning Group has identified material numbers of patients who are being treated in secure hospitals across the UK due to the absence of sufficient facilities in the South West region. The Department of Health advises that patients should be treated at the lowest possible level of security and close to home.

Currently there are local women separated from their families due to a lack of suitable care regionally. This will be for adults over 18 with a mental illness and/or learning disability who require hospital care in a secure environment. Patients are detained under the mental health act, with a mental disorder such as anxiety, depression, schizophrenia, and/or personality disorder and/or a mild learning disability or developmental disorder such as Autism and Aspergers syndrome.

The Application is accompanied by a

- Design and Access Statement,
- Transport statement,
- Travel Plan,
- Flood Risk Assessment,
- Ecological report,
- Acoustic report,
- Arboriculture report,
- Environmental Performance Statement
- Landscape Strategy
- Statement of Community Involvement
- Odour Constraints assessment (having regard to the Vion abattoir and meat production facility and the Wessex Water treatment works)

These reports, statement and plans conclude that the proposal is appropriate to the area, won't result in a material increase in daily trips above the consented uses; is in a sustainable location and is accessible by several modes of travel including bus services; won't result in loss of protected species or any trees; has included PV panels and incorporates sustainable design principles to deliver an environmentally responsible scheme; and will not detrimentally impact on the approved uses within the remainder of the site or be impacted by them or the existing uses close to the site.

Local residents raised a number of issues at the meetings held in November last year, including the wrong site for this type of use, the potential upsetting noise emanating from the abattoir, poor transport links, lack of housing for the new staff, concern about the type of patients and the nature and behaviour of visitors which could bring crime to the town, concern about threat to the established community, loss of the business area; some residents also gave support to the scheme.

### Revised details

Additional information and amended plans have been received. Comments raised by local residents have led to confirmation that the reports, submitted with the previous application are also relevant to the current application and contain up to date information. The use of the units has been clarified, details of the proposed landscaping, fencing, lighting and additional car parking spaces, now 70, have been submitted. The red line has been amended to include the proposed footpath/cycleway and new bus lay-bys; these were included in the details on the original application, and had previously been approved in earlier applications. In addition there are responses to concerns raised by local residents.

The staffing details have been submitted, this includes nurses, healthcare assistants, therapists, a doctor, housekeepers and admin staff. The total is 120,

which the operator considers half will be sourced from commuting distance from Wiveliscombe and half from internal/external relocation. The general clinical positions, including healthcare assistants and clinical nurses, admin and support will primarily be sourced locally or from commuting distance of Wiveliscombe.

The landscaping scheme now has full details of the proposed planting around the site, including new trees and shrubs along the eastern boundary which faces farmland to the east of the town, southern boundary which is to the adjacent site, western boundary to the new access road and some new planting to the northern boundary which is with the existing treed boundary. There are details of the planted (with climbers) bunds with the acoustic fence which will face the new access road and the southern boundary, with a gap for access into the site. This is designed to reduce noise from the remainder of the employment site to the new units. There is about 10m of planting between the back edge of footpath to the acoustic fence, which includes a line of lime trees and extensive shrub planting. A mounded area, reaching 2m in height, is also shown to the east of the northern unit, which will help screen the units from the east.

The lighting plan shows that the main areas to be lit are the two car parks. There will be some bollard lighting to the rear, on the paths and in the courtyards. There are no plans for floodlighting.

Additional information on the Flood Risk Assessment, includes comments that although the originally submitted Flood Risk Assessment contains reference to PPS25, the NPPF and supplementary technical guidance notes retains key elements of PPS25, including the emphasis on the sequential test to prove the suitability of a development location in directing development from areas at high risk of flooding.

There are also details about the drainage ditches in the area, the drainage consent notes that there appears to be a number of discharges to the western and northern ditch which do not have the appropriate discharge consents. The current application does not propose to link with the western and northern boundaries, the flow of surface water from the site will be to the southern stream. The developer will undertake further discussions with the Environment Agency, Wessex Water and the council's Drainage Officer to progress the SUDS scheme.

An Odour report has recently been submitted directly to Wessex Water in respect of the Treatment works and a detailed assessment of potential odour emissions. It concludes that the predicted odour exposure at the proposed development site is well below the agreed criterion for protection of amenity and below the more stringent criterion applied in some instances in the UK, and it is therefore unlikely to lead to complaints, significant pollution or significant detriment to the amenity at the proposed development site.

## **SITE DESCRIPTION AND HISTORY**

The site is the Wiveliscombe Business Park, an 11 acre site on the east side of Wiveliscombe, just to the south of the B3227. The site is currently an agricultural field, with the access also serving the Wessex Water Treatment works; the nearest point of the works being approx 170m from the edge of the main application site.

The Vion abattoir and meat processing unit with its access from Sandy's Moor, is sited approx. 220m to the west of the site. Manor Farmhouse (Listed Building) is approx. 200m to the east, with its associated agricultural buildings to the west of the Farmhouse. The nearest residents are in Ashbeers, approx. 66m to the north-west of the site. It is approx. 700m to the traffic lights in Wiveliscombe.

### Relevant Planning History

49/03/0039 - 13,000sqm B1(c), B2 and B8 uses, including a condition for the construction of a 3m wide footway/cycleway along the southern side of the B3227, to link the site with the existing network of footways in Wiveliscombe. Granted 01/10/03.

49/06/0071 - 12,250 sq m B1(c), B2 and B8 uses, with the same condition to construct a footway/cycleway, and to close the existing access. Granted 25/06/08.

49/11/0031REX - 'extending the time limit' on 49/06/0071. Granted 16/08/11.

49/11/0053 - erection of two health care facilities comprising a 28 bedroomed locked rehabilitation unit (C2) and a 28 bedroomed low Secure Hospital (C2A) with associated access and works. Application was withdrawn.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - In regards to this scheme the applicant has provided a Transport Statement to assess the traffic impact. From the details provided in Table 5.3 it is apparent that the proposed scheme would see a reduction in vehicle movements in the AM and PM peak. However in terms of the daily trip comparison it is apparent from Table 5.4 that there would be an increase of 17 vehicle movements during the day although the majority of these are outside what is considered to be the peak periods. The applicant has indicated that they consider that this increase to be negligible. It is the Highway Authority's opinion that this proposal would still see an increase in vehicle movements over what had been previous permitted for this site.

In terms of access the applicant has indicated that this will remain identical to that which had been previously permitted. The access arrangements will consist of a standard 'T' junction with a right hand turn lane. Although there is no objection in principle to these works it does not appear that the applicant has submitted drawings detailing the highway works. As a consequence the Highway Authority cannot provide full comments on whether the proposed access details are acceptable until a set of highway drawings have been submitted. The applicant should note that these works would need to be subject to a legal agreement. In addition it was noted from viewing drawing A09.002.L (PA)003 Rev PA3 that the red line does not meet the adopted highway as a consequence the proposal does not have access to the highway.

Further to the proposed highway works set out above it is understood that part of the previous proposal required a pedestrian/cycleway link to the centre of

Wiveliscombe plus the installation of two bus lay-bys. No detailed plans have been submitted to show the proposed works. As a consequence the Highway Authority would need detailed design drawings to be submitted for Safety and Technical Audit and would need to be subject to a S278 legal agreement.

The applicant has provided a Travel Plan as part of the submission. This has been passed to Somerset County Council's Travel Plan Co-ordinator for audit. At present this audit has not been completed so I am not able to provide a substantive response on the merits of the submitted Travel Plan. Once this audit has been completed the report will be submitted to the Local Planning Authority.

Turning to the internal site arrangements the proposal has made provision for 59 parking spaces within the site. This is broken down into 43 spaces for the low secure facility and 16 spaces for the locked rehabilitation facility. Since the previous planning application was permitted Somerset County Council has now adopted a new Parking Strategy for the county. For a C2 Use the new strategy requires that parking is provided on a ratio on 1 space per 6 bedrooms. As a consequence the site should provide a maximum of 10 parking spaces and not the 59 spaces that have been proposed. The Highway Authority would usually require the applicant to amend the scheme to reflect the required parking standards. However it is apparent from the details provided and the sites location that the level of parking required by the Parking Strategy would not be adequate to serve this proposal. As a consequence it is felt that the level of parking proposed is considered to be acceptable. Therefore to conclude although there is no objection in principle to this proposal however the Highway Authority would require the applicant to submit detail drawings of the access arrangements and also the proposed off site highway works before we can provide a full and substantive response on this proposal.

#### *WIVELISCOMBE TOWN COUNCIL -*

- The application is not properly described in the application forms to the extent that it is both highly misleading and should not be considered at all by the Borough Council.
- The application does not conform to Policy SP1 of the Council's Core Strategy in that the employment envisaged is large scale. Very few of the employees would be likely to come from Wiveliscombe itself in view of the specialised nature of the work.
- The application does not conform to Appendix E (Saved Policies) of the Site Allocations Development Management Policies Plan in that the proposal is for large scale buildings.
- The site is in an unsustainable location for a Regional facility.
- There is insufficient parking on site for staff, visitors and deliveries.
- The development will lead to the loss of land identified for business, industrial and warehousing use. In particular, bearing in mind the residential nature of the development, it will restrict the type of industrial use that can be undertaken in its vicinity.
- The surrounding environment is unsuitable for a residential development of this type because of noise and odour.
- The proposal would have a seriously detrimental effect on the visual amenities of the area, particularly as this site will be extremely prominent on

the approach to Wiveliscombe from the East. Security fencing and lighting are hardly suitable for an approach to Taunton Deane's Gateway to Exmoor.

- There is a definite fear of crime that might be caused by this proposal.
- The local Fire Brigade are not trained and do not have the personnel to deal with evacuation or an emergency at this type of unit.
- This application has attracted huge comment in Wiveliscombe and 98% of those doing so have opposed it.

*NATURAL ENGLAND* - Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The consultation then advises on the NPPF, green/brown roofs, landscaping, Local Wildlife Sites, SUDS, and nesting and roosting sites.

*BIODIVERSITY* - The site mainly consists of an arable field bordered by heavily overgrown wet ditches and hedgerows on three sides, including the road.

To the west of the site are industrial units and a sewage works, to the south and east is improved pasture and to the north is the B3277. A disused reservoir, dry at the time of survey in 2011, is located approximately 50 m west of the survey area.

SLR Consulting carried out an Ecological Appraisal of the site in February 2013, based on an earlier survey carried out by SLR in May 2011, and by Andrew McCarthy Associates in December 2006 which identified potential for great crested newts, dormice and water voles. Further surveys of these species were undertaken in 2007 with negative findings. The site does not appear to have significantly changed since initial surveys were carried out.

Protected sites - Holme and Clean Moor SAC is located approx 1.5km to the south of the site. There are also twelve Local Wildlife sites within 2 km of the site.

Bats - No buildings are located within the site and nearby industrial units to the west were considered to offer only low potential for bats. Mature and semi mature trees on site, however had features of potential value for bats and so should be retained. If this is not possible then specialist surveys, including emergence surveys, should be carried out on individual trees. If bats are found to be present in any tree, an EPS licence will be required to carry out work. As at least ten species of bats have been recorded within 4km of the site, it is likely that bats use the hedgerows, woodland strip and ditches for foraging and commuting. Any proposed lighting for the development should be sensitively designed to minimise light spill on these corridors.

Badger - No evidence of badger was found.

Otter - No signs of otter were found although there are a number of otter records within 2km of the site. The stream to the south has low potential to be used by otters.

Water vole - The stream and wet ditches were heavily shaded so provided sub optimal habitat for water vole.

Dormouse - No signs of dormouse were found. The habitat remains unchanged from 2007 when dormouse surveys were carried out, also with negative findings. I support, however the surveyor's recommendation that a precautionary approach with regards to dormice be made to establish the site entrance from the B3227.

Birds - The vegetation on site is suitable for nesting birds and the surveyor noted several old nests in trees. Any works to vegetation should take place outside of the bird nesting season. I support the surveyor's recommendation for the erection of bird boxes on existing trees throughout the site.

Great crested newt - No great crested newts were found

The lighting plan is difficult to interpret. There should be a balance between site safety and low light levels (which are preferable for wildlife). All Lighting should be directed away from hedges.

*PLANNING POLICY* - no response

*POLICE ARCHITECTURAL LIAISON OFFICER* – initially objected but subsequently withdrawn

Avon and Somerset Constabulary working with Ivy Willenhall limited have signed a Memorandum of Understanding to mitigate the Policing concerns raised by the proposed development.

This MOU covers protocols relating to the operation of the facility and the setting up of a

Police/Operator liaison group with set responsibilities. It also sets out operational responsibilities concerning missing persons, general risk management, the attendance of emergency services, death/suicides of patients, mobile telephones, abuse/harassment, the control of illicit substances, reporting of crimes/incidents, bomb/fire threats, the supervision of arrested persons, extraordinary events, the use of cctv and the exchange of information.

Avon and Somerset Police would like the following condition granted by TDBC planning: " CMS Development Limited and all those deriving title from them shall be bound by the Memorandum of Agreement made between the Chief Constable and Avon and Somerset Constabulary and Ivydene Willenhall Limited dated...."

With the granting of this legally binding condition of the memorandum of understanding, Avon and Somerset police withdraw any objection to the granting of this planning application.

*DRAINAGE ENGINEER* - I have no objection to this proposal subject to the

following being made condition of any planning approval and that the information required is provided and agreed before any works commence on site.

No development approved by this permission shall be commences until a full operation and maintenance strategy has been submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

*WESSEX WATER* - Wessex Water has not been contacted since the previous application was withdrawn and our concerns regarding odour issues have not been addressed. We note that the same Odour Assessment has been submitted with the revised application and confirm we wish to object to this current application on the same grounds as previous.

We recommend consultation with the Environmental Health Officer; Wessex Water require a full and comprehensive assessment, with odour sampling, to confirm the risk of odour nuisance and the impact upon residents and employees' amenity.

*comments on additional full odour sampling report:-*

In response to our concerns the applicant commissioned a further odour report based upon full odour sampling. The report has been completed and appraised by our process scientist who has responsibility for odour matters (Odour Constraints Assessment Stage 2 Detailed Modelling SLR Ref: 402-03162-00004). We can advise that we concur with the findings of the report and withdraw our objection on the basis that proposed development will fall outside of the predicted 5 odour unit / m<sup>3</sup> contour. Our position will be re-evaluated if any further development is proposed closer to the sewage treatment works.

*LANDSCAPE* - My main concerns are the lack of screen planting along the eastern boundary of the site which would be visually intrusive when approaching Wiveliscombe from the east and the lack of landscape detail. I understand plans will be submitted during the course of the application.

*ECONOMIC DEVELOPMENT* - As the Council's Economic Development Manager I am very pleased to see this development come to the fore, and am entirely supportive of it. The development would have two enormous economic benefits to Wiveliscombe, which I would summarise as follows:

Firstly, the attraction of a major employer to the town in a sector which the Borough Council has itself recognised as a future growth area, namely, healthcare. I am informed that the development will directly create around 120 jobs, which will be at different levels in the organisation, and will draw upon a range of local skills. Furthermore a business of this scale will support other local businesses, be they in the development and construction of the unit in the short term, or in the longer term operation of the care facility. Contractors supplying

cleaning, maintenance, transport, security, landscaping and many other such services will be drawn upon to support the operation, sustaining local businesses and jobs in the Wiveliscombe area.

Secondly through the creation of a catalyst to bring forward the development of the Wiveliscombe business park. Without a large 'anchor' occupier the developer's ability to afford the necessary infrastructure and servicing to the 9 acre site would be severely restricted. The proposal will therefore bring a prime employment site to the market, enabling the creation of new businesses and the relocation of others from other parts of Wiveliscombe and further afield.

I am convinced that the development proposed would have only positive benefits to the economic wellbeing of Wiveliscombe, and therefore Taunton Deane.

*ENVIRONMENT AGENCY* - confirm that we have no objection to the application subject to conditions and notes being imposed upon any permission granted.

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE* - no reply

*NHS SOMERSET, SOMERSET PRIMARY CARE TRUST* - no reply

*ENVIRONMENTAL PROTECTION CONTAMINATED LAND* - no reply

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* –

#### Re Noise

The site is close to some existing industrial premises, and it is also adjacent to a site for a new business park which could have industrial uses. The Noise Survey includes monitoring of the existing noise levels on the site of the proposed residential facility to estimate background noise levels. Noise measurements were taken of activities on the existing industrial unit. To estimate potential noise levels from the new business park measurements were taken at industrial businesses that could relocate to the park (including a brewery and other industrial premises).

The measured data was used to estimate noise levels at the proposed residential facility from both existing and potential noise sources. The estimated levels were compared to noise criteria for internal noise levels and the report states that the proposed criteria for internal noise levels are achievable. The report assumes that the windows in the residential units will be partially opened.

There is a planning condition relating to noise on one of the existing industrial premises and a condition on proposed new business park. These require the noise from the site not to exceed a given level at any residential premises. The assessment compares the estimated noise levels from the business park to the background noise level and concludes that these conditions can be met.

## Comment

The background noise survey was carried out was for a limited period; however, the levels are roughly what would be expected in this area. The assessment of potential noise from the new business park is based on a number of assumptions about the type and frequency of noise that could come from businesses that may be on the site. As the site is not developed this is a reasonable way to estimate levels, although it is hard to say how accurate this would be.

It would be expected that noise emissions from the development at the new business park would be addressed during its development, for example, in the layout and design of any units, the location of any noisy plant and controls on the hours of any noisy activities. I note that the plan of the proposed development shows a bund/fence on the south and west sides of the site, although there are no details. This could provide some attenuation of noise from existing sources and from any new operations on the business park.

## Re Odours

The SLR Report confirms that there are a number of potential sources of odour in the vicinity, in particular the abattoir and the sewage treatment works. It notes that the nearby abattoir has a permit from the Environment Agency which includes conditions relating to odours. While there have been historic problems with the odours it states that these have been addressed and that improvement works would be carried out to the satisfaction of the Environment Agency.

Regarding the sewage treatment works, as there is no objective information about the odours from the treatment works it is hard to comment on whether or not this will be a problem. There seems to be a difference of opinion between Wessex Water and the applicant on this, and whether further monitoring is required.

It would be useful to have some information about whether anyone has been at the development site, when the wind is coming from the direction of the sewage works to see if they can smell anything from the works (or any other premises).

It should be noted that if an objective report is submitted that includes odour modelling Environmental Health will not be able to comment on the accuracy of any assumptions that are made about odour emissions from various operations at a treatment works (Wessex Water would be in a better position to comment on this). Also, the modelling that can be used is rather specialised and we do not have the software or data to verify this.

If there are any problems with odours the Environmental Health Section has a duty to investigate complaints to determine if the odour is persistent or severe enough to be causing a statutory nuisance. If the odours are causing a nuisance Environmental Health can require the persons responsible to take action to abate the nuisance, however, we can only require that they use best practicable means, so if this is already in place no further action would be taken (even if there was an on-going nuisance).

*comments on additional information:*

- Odour Constraints Assessment Stage 2: Detailed Modelling. September 2013. SLR. This is in addition to the report that has already been submitted with the application (Odour Constraints Assessment. Stage 1 Review. October 2011. SLR) on which I commented in my memo of 5<sup>th</sup> June 2013.

The Stage 2 report provides more detail on potential odours from the sewage treatment works. It assesses the potential impact of the existing Wessex Water sewage treatment works on the development site. The report identifies the sources of odour at the treatment works and estimates the odour emissions from the site. It then models the likely impact of the odours at the development site by comparing estimated odour levels with criteria based on the percentage of time that a set level of odour is exceeded.

The report concludes that predicted emissions from the treatment works are unlikely to lead to complaints, significant pollution or significant detriment to the amenity at the proposed development site.

#### Comment

The report does not contain any subjective assessment based on visits to the development site to see if there is a smell from the treatment works.

The assessment method uses the concept of the European Odour Unit (ou<sub>E</sub>), which is based on multiples of the detection threshold of the gas in question. This is a way of trying to quantify the subjective area of people's response to odours. The criteria quoted are those that are referred to in a recent statement by the Chartered Institute of Water and Environmental Management (CIWEM).

The assessment makes assumptions about the odour emissions from the treatment works. These should be checked by Wessex Water as Environmental Health cannot comment on their accuracy. Environmental Health are also not able to comment on the modelling that was carried out, as we do not have the data or software to do this.

If future resident at the site are affected by odours from the treatment works the Council has a duty to investigate them as a potential statutory nuisance. If the odours are persistent or severe enough to be causing a nuisance the Council could require the water company to take steps to abate the nuisance. However, if the company are taking all reasonable steps to control the odours (best practicable means) then no further action could be taken.

Note that if any mitigation or improvements to the sewage treatment works are required TDBC Environmental Health do not have the technical expertise to decide what these should be. Any work would have to be agreed between the developer and Wessex Water and, if a third party view is needed, a suitable expert should be consulted.

*ENGLISH HERITAGE* - We note that the application area is in proximity to a number of designated heritage assets, including the Conservation Area at Wiveliscombe and the Scheduled Monuments known as the Hillfort on Castle Hill (ref.1016498) and Camp South of Manor Farm (ref. 1006167).

The proposals therefore have the potential to impact on the setting of these designated assets and so affect their significance. However, the information included with the application combined with a review of our records makes it clear that there would not be any substantial impacts to the settings of designated heritage assets if the proposals were to be implemented. This is largely due to the screening effect of the local landscape.

We are therefore of the opinion that the proposals would not result in a significant impact to designated elements of the historic environment and, consequently, we have no objection to the proposals. We do suggest that the applicants are advised to contact Steven Membery of SCC Heritage Team with regard to possible impacts to non-designated archaeological assets that may survive within the application site.

*SOMERSET WILDLIFE TRUST:* support the findings in the appraisal, and support the recommendations, in particular the retention of the existing trees, and the design of any external lighting scheme to prevent light spillage, improvements in existing hedgerows and provision of bird boxes.

## **Representations**

2 letters of SUPPORT which raise the following issues:

- People with learning difficulties and/or mental health issues are well accepted in this caring community;
- Some local people have spread fear and misinformation about the scheme;
- It will bring employment;
- A boost to local shops and trades-people;
- Health care services should be publicly owned and not run for profit, but a significant amount of healthcare is privately provided, there is no evidence of failings in care by this organisation;
- This is a significant investment in Wiveliscombe;

1 letter of NO OBJECTION to living near a secure unit, but there is concern that the site is close to the abattoir and as you can hear the squeal of pigs in the building from Nordens Meadow, the clients will become upset by such noise;

54 letters of OBJECTION to the original submission–

### Policy issues/unsustainable location

- An unsustainable location, added carbon impact;
- This is not the place for a regional facility, it should be in a town or city;
- Central and Local Government have encouraged development in sustainable locations, all planning policy indicates that this should continue, this site is in an unsustainable location, contrary to all policy;
- The majority of staff and visitors will have to drive to the site;

- Concern about distance to nearest manned police station for response times;
- Concern that the units are too small, if they are serving the southwest, then surely they are too small, thus the size of the buildings will increase;
- If there is no need for employment land, the site should be used for a housing site;
- The area should be used for local jobs only;
- This planning application has already been rejected overwhelmingly by the people of Wiveliscombe;
- Should be in Norton Fitzwarren where there are more buses;
- There should be no building on this Greenfield site;
- The site should be retained as industrial employment use only;
- The approved uses are B1, B2 and B8, can't see how these can work alongside C2 and C2a, people should not be housed on an industrial estate;
- If this is built, industrial users will not wish to relocate to this site;
- This site was supposed to be for relocations from other sites in Wiveliscombe, one unit has expanded its use on its current site and another has retired;
- During the winter Wiveliscombe is cut off by snow and ice;
- Wiveliscombe has been cut off many times in all directions by flooded roads;
- Wiveliscombe already has two care homes for the mentally and physically disabled, and a residential nursing home, which are appropriate, but this is too large and inappropriate;
- This unit should be near to or next to a motorway junction;
- No list of search nor list of alternative sites has been given;
- This is to kick start the development of the site and not for benefit of the town;
- Once one unit is built, other similar units will follow;
- Current low crime rates are at risk;
- The facilities are too large for a town the size of Wiveliscombe, they should be in a major town or city;
- PPS1 and the Structure Plan have been quoted as stating that the natural and historic environment should be protected;
- Precedent, once built the units will become prisons;
- The area is suitable and safe for families and retired people, the site is unsuitable for the use proposed;
- It is in an area which should be protected for bats, thus is contrary to wildlife policies;
- The whole scheme is really for Class C2A;
- As recently as June 2011, permission was granted for B1, B2 and B8 uses, other uses are inappropriate;
- Planning circular 08/2010 Annex B states that a new C2A development ... needs good road links for staff, visitors and deliveries and space for car parking as well as good public transport links".....these needs are not in place;

### Occupants of the facilities

- The offenders could be criminals, paedophiles or similar, and thus be a danger to local children;
- Local residents would feel insecure in their own homes due to the types of people likely to be accommodated;
- The 'rehabilitation' unit will not introduce people into a realistic society, the town is not like being in the middle of a large town or city;
- Existing residents and vulnerable people staying at Sharpe House may be put at risk by residents of the unit when they walk into town;

- The buildings will have too many people to assimilate into the community, people who have suffered mental illness and are in need of rehabilitation need to feel welcome and part of a community where they can be assimilated;
- The range of facilities shown is limited as compared with those offered in larger towns, which have the infrastructure and services to help their short term residents;
- There is no written evidence from NHS Somerset partnership of the demand and support for the proposals;
- The type of occupier will change over time;
- The developers claimed in the Gazette that the facility would be for people with Asperger's and Autism, but the criterion will be those who have been detained 'in the interests of their own health or safety, or to protect other people';
- Many users will have come from High Secure and Medium Secure facilities and may have addictions and conditions such as schizophrenia;
- The web site of the operator gives a guide to the types of mental health care, and these include suicidal behaviour or serious self harm, such patients should not be located next to an abattoir, sewerage works, busy main road, such uses are not compassionate or sympathetic to the patients;
- Some of the patients will be violent and will threaten the local residents;
- Drug dealers will be attracted to the town as there are rehabilitating but potential targets;
- Some patients once rehabilitated may wish to stay in Wiveliscombe but would find it difficult with high house prices/rents and therefore the Council or Housing Associations would have to find them homes, and there is already a long waiting list of local people;
- The units' residents may be noisy which will have an adverse impact on the neighbouring residents;

### Traffic/transport issues

- The public transport is inadequate and unreliable – no bus on Sundays and only one an hour weekdays and Saturdays, this is insufficient for visitors;
- Visitors and staff will not use buses, this will result in an increase in car usage in the area;
- The information in the transport study is incorrect, the bus numbers are different to those quoted, one bus service is very irregular;
- All staff would have to be resident in Wiveliscombe to avoid unnecessary journeys by car;
- Inadequate parking on site;
- Parking on yellow lines and in dangerous locations will increase and will not be policed;
- The public transport does not run in the evenings and at weekends;
- Any car journey from Taunton will go through several accident black spots, this will increase traffic through these;
- The developers should provide a train and bus station transport link;
- There should be a study of the potential users and their visitor's locations;
- The local road already shows wear by large lorries;
- Poor quality of roads to the west of the town;
- The site is not easily accessed from either motorway junction;
- It is a £35 taxi fare each way to Taunton station;
- Wiveliscombe was cut off last winter due to snow and ice; how would staff reach the units?

- The Warwick scheme identified in the submission has good transport links unlike this site;
- No staff are going to cycle or walk to this site at night or in the winter, the transport plans submitted are therefore not an accurate reflection of the situation;
- The traffic report does not include data for weekends, evenings or school holidays, so is not an accurate prediction of journeys;
- Traffic and parking in the town will increase and become more of a problem;

### Employment issues

- How many local people will be employed?
- Will people have to move to Wiveliscombe as there are insufficiently skilled people locally?
- There is a need to use local suppliers to boost the local economy;
- Concern the scheme will put off local developers from the remainder of the site;
- There is already an issue in Wiveliscombe finding sufficient staff for old peoples' homes;
- The abattoir/meat processing plant, described as an opportunity for local employment, has less than 2% of local origin;
- At the developers meeting, the representative advised that 25 fully qualified mental health nurses will be required on a 24 hour basis, this will mean 100 registered nurses per day;
- There is already a shortage of nurses in the area;
- Examples given of severe problems when there is inadequate staffing in a similar unit;
- Only cleaners and maybe gardeners will be local people;
- The existing local residential care home for the elderly and a residential care home for older teenagers and young adults with severe learning difficulties currently find it difficult to recruit local people, most applicants come from Taunton, Bridgwater and Minehead and all have to drive as the bus services do not marry up with shift patterns;
- The Warwick appeal site was justified on reason that it would provide jobs for existing local people, this is not similar to Wiveliscombe;

### Visual impact/wildlife issues

- The developer had stated that there would be minimal visual impact, and there was a requirement for the industrial/business park to have extensive landscaping on the eastern boundary, it is not shown on these plans;
- Any trees on the boundary should not overhang the boundary;
- Proposed large industrial fence along the eastern boundary is inappropriate and out of keeping with the rural area;
- The buildings will be too large for the site;
- Tourists to the town will be put off by these buildings at the entrance to the town;
- Tourists will not stop in Wiveliscombe;
- The Police will require the site to be illuminated, this is contrary to the Biodiversity Officer's comments that the development of the site should be sensitively designed to minimise light spill...:
- Lighting the area will be detrimental at night;
- Loss of trees for access and for the new bus stops;
- The bats have been ignored;
- No information on hibernating wildlife which may be disturbed during

- construction;
- There are barn owls within 2 miles of the site;

### Location

- Locational issues/proximity to schools, abattoir, and/or sewerage works
- Concerns about public safety given the site is within a half mile of a junior and senior school and a nursery;
- Sewerage works and abattoir are adjacent to the site - these are not suitable 'neighbours' for people with mental health issues;
- Foul smells from the abattoir will upset patients;
- The lorries carrying animals to the abattoir are obvious and will be upsetting to the patients;
- If the breweries move to the adjoining site, there will be even more inappropriate smells;
- The Wessex Water treatment works were sited in that location to be away from residents;

### Local facilities

- The local GP service cannot deal with current local needs;
- Concern about impact on local GP surgeries;
- The bank is part time only;
- There will be an increased need for more retained staff at the fire station;
- The nearest police station will soon be Bridgwater, not even Taunton - that is too far for fast response;
- The local police response is via a PCSO and is currently overstretched;
- The Ambulance response time was recently 45 minutes;
- What is the protocol of evacuating the unit if a fire breaks out?

### Other

- No facilities for any visitors;
- Detrimental impact on house prices;
- Not against this type of proposal, but consider this to be the wrong place for it;
- Financial gain of the developer with no thought to the local residents;
- House purchased because Wiveliscombe was a quiet, safe small town, this will change to the detriment of the amenities of the residents;
- Ashbeers, opposite the site, has been identified in the local plan as a suitable location for additional housing, this will be at risk;
- No guarantee that any local companies will build or supply the units;
- The site should not be referred to as 'Manor' as this could cause confusion with the adjacent Manor Farm;
- Noise from the unit could disturb farm animals;
- Risk to farming activities from wrongly routed visitors and patients;
- Flooding issues from stream on adjacent land, and in relation to a possible increase in water flow;
- The Flood Risk Assessment did not consider the flow of water from the ditch over neighbouring land;
- Manor Farm will be at greater risk from flooding by the building of these units;
- Potential impact on an adjacent National Monument;
- Insufficient numbers of people have been informed, another public meeting is

- necessary;
- The Parish Council will support this scheme as it promises to aid development, but the Parish Council will be ignoring the majority of local residents;
  - The Design and Access Statement fails to mention the residential development of Lion D'Angers/Nortons Meadow or the nearby school;
  - There is a 62 beds class C2/C2A under construction in Bridgwater for and an approval for 70 patient scheme at Chelston, suggests there will be a surplus in the area;

Mental illness is unfairly and inappropriately stigmatised within society, however the business plan for this project is underdeveloped and irresponsible

### comments on the additional information/amended scheme

27 letters of OBJECTION; all responses reiterate the previously submitted comments:

Additional comments:-

- Would have been preferable to have all the information at the start of the application;
- Consider the Town Councils' comments to be representative of the local opinions;

1 letter supporting the concept of provision of psychiatric units but considers the site is not good enough for the patients, that objections will come from the new units against any new development.

1 letter continuing to support, with the closure of the abattoir, this removes a cause for objection and shows a need to stimulate the economy.

### **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
SD1 - SD 1 TDBC Persumption in Favour of Sustain. Dev,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
WV3 - TDBCLP - South of Taunton Road Employment Allocation,

### **LOCAL FINANCE CONSIDERATIONS**

not applicable

### **DETERMINING ISSUES AND CONSIDERATIONS**

#### Policy issues/unsustainable location

The NPPF states that the purpose of the planning system is to contribute to the

achievement of sustainable development; it gives three dimensions to this, and economic role, a social role and an environmental role. Sustainable development involves seeking positive improvements, including making it easier for jobs to be created in towns and villages. It seeks to build a strong, competitive economy, including (para 22) avoiding the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Whilst it is not thought that this is the case on this larger site, it does indicate that Central Government does support flexibility in uses. The NPPF emphasises that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, and that Local Planning Authorities should apply the presumption in favour of sustainable development.

The site is on the eastern edge of Wiveliscombe, which has been identified as an allocated employment development site since the Taunton Deane Local Plan and which has had planning permission for employment uses. The site is therefore appropriate for development. The change of use of the site from the previously approved industrial uses requires permission, but the approved use of the site for B1, B2 and B8 uses does not preclude the Local Planning Authority from considering alternative uses. The Taunton Deane Core Strategy does not have sites or areas allocated for every possible use class, each application has to be judged as to where it is appropriate having regard to Central Government advice and prevailing policies. Given that permission has already been given for employment uses, without the requirement for those employers to restrict their workers to local people only, consideration should be given to other types of employment/business. The overall site still has permission for B1, B2 and B8 uses.

There was an application for erection of Low/Medium Secure Residential and Treatment/Care Facility (Use Class C2a - Secure Residential Institutions) with associated car parking and landscaping at land at Westpark Business Park, Chelston, Wellington, which was approved by Committee in November 2011. This permission was on land which had previously had B1, B2 and B8 uses approved on site. It was acknowledged that care facilities include a significant amount of employment opportunities and inward investment into the area.

At that time Members were advised that; Circular 02/2006 provides guidance on, inter alia, amendments to the Use Class Order, which came into force in June 2006, including the definition of a new use class C2A – Secure residential institutions.

The guidance states, para 84, that (in respect of secure residential accommodation):

*These types of development require a large area of ground. Such uses need good road links for staff, visitors and deliveries and space for car-parking as well as good public transport links. They also provide a significant number of long-term jobs for local people. For these reasons such institutions may not easily be accommodated within existing residential land allocations. The Secretary of State considers that the physical requirements and employment-generating aspects of these schemes are an important consideration and that despite their residential classification, location on land allocated for employment uses is appropriate.*

It is considered that the principle of a secure care facility, by reason of the factors referred to above, would not conflict with the objectives of Taunton Deane Core

Strategy.

### Occupants of the facilities

The perception of fear of disorder and anti-social behaviour and the effect that may have on residents' living conditions is a material planning consideration. In the context of the general acceptance of need for mental health facilities, a key consideration is to locate such facilities appropriately having regard not only to the accessibility to centres of population but also with regard to the clinical needs of patients. There has been a shift away from locating facilities in isolation from people, services and activity. Part of a patient's ongoing treatment is for controlled re-integration with society. The arrangements for the provision of health care must be weighed against the perception of fear of crime and disorder on local residents having regard to all factors.

The updated information gives a full description of the potential occupants. There is a need within communities to provide facilities for people at all stages in life; this includes nurseries, schools, colleges, employment, shopping, leisure, clinics, hospitals and residential care homes etc. The location of such facilities can cause issues with the communities in which they are located, most will have traffic comings and goings from staff, users and visitors, noise from school/college pupils and sports grounds, spectators using sports grounds. These uses all require sites, not many of which will have been identified in a Local Plan or Core Strategy. It is accepted that there will be concerns about the residents, but it is considered that having regard to the submissions from the applicant and agent and subject to condition, the 'type' of user is acceptable in this location.

The independent regulatory body for all health and adult social care in England is administered by the Care Quality Commission (CQC). The developer would require a license from CQC before the building could be brought into operation for its intended use. There are security standard guidelines to facilitate service registration by the Care Quality Commission (CQC). It is the CQC who have the powers and duty to assess the facilities provided, competency of staff, and level of care provided. The CQC also have a wide ranging and stringent enforcement policy, including the ability to withdraw a license or initiate prosecutions against organisations or individual members of staff.

In summary, it is the Care Quality Commission who has the duty for regulating the management and operation of low/medium secure facilities. There is no evidence to suggest all the required safeguards would not be in place. It is considered reasonable to rely on the proper management and operation of those responsible for the facility, as held accountable by the relevant authorities. On balance, having regard to the security measures proposed (and the requirements of CQC as the regulatory body for providing secure health care) it is considered that it would be difficult to substantiate a refusal on perception of fear and disorder.

The applicant, agent and identified operator have been in detailed discussions with Avon and Somerset Police and have compiled a Memorandum of Understanding, which has now been signed by relevant parties. The police wish that this is conditioned, however such a document would not meet the criteria set down by Central Government for conditions. Therefore a Unilateral Undertaking is considered the most appropriate way to achieve the aim of having the support of the

police for this application.

### Traffic/transport issues

The site is some distance from the train and bus station at Taunton. The applicants have agreed to provide a minibus to pick up staff and visitors from agreed locations. Given the visiting by appointment system, visitors will not turn up unexpectedly and arrangements made for their transfer from public transport. This minibus link will aid the accessibility of the units. The number of parking spaces has been increased to 70 for both units, indicating possibly most staff are likely to drive to the site. Staff from Wiveliscombe itself may also drive to the site, although the new footpath and cycleway give the options to walk/cycle. This situation appears similar to any employment use on site. Whilst the site was originally identified as there was a need for businesses in Wiveliscombe, there was no restriction on the occupiers/users on that site.

In respect to the issues of snow and flooding on the roads, the Operator is aware of the situation and given the site is adjacent to the main road, does not consider this to be an issue, and the facility will have procedures to cater for such events. Weather related access/lack of access is not an issue which has been material in the consideration of other applications. Applications on sites within flood zones is material, this site is not within an Environment Agency Flood Zone.

### Employment issues

The agent expects a minimum of 120 fulltime equivalent positions, in addition to the local trades people who will be required to provide landscaping, building maintenance, laundry, food and consumable supplies. Training for clerical posts will be given, and the agent hopes that as the facility matures, and increasing number of the skilled posts will be filled by local people. The operator, 'Choice' has confirmed, that it is committed to appointing local personnel wherever possible and at the outset, this will require a high level of acclimatisation and training.

### Visual impact/wildlife issues

The previous outline approval showed industrial buildings adjacent to the eastern boundary of this site. These plans were illustrative plans but the buildings could have been of a large size, depending on the eventual occupier. The proposed buildings are not considered to be unduly large or unacceptable in this location. There is articulation in the buildings which may not have been the case with an industrial structure. In due course the landscaping will help soften the impact of the buildings, however in the short term there is bound to be some visual impact as is the case with any new building. The low lighting to the eastern side of the buildings should result in less impact on wildlife and the introduction of a mounded area to the northern part of the eastern area will also help soften views. Any wildlife in the area is likely to have been disturbed by any building on the site. The fencing around the site will be integrated within the landscaping in due course. It is not considered that the proposal would cause any significant visual impact in the long term once the planting has been established.

### Location

The applicant has been in contact with Wessex Water in respect to the location in respect of the treatment works, and whilst ideally there is an area where no development should be allowed near a treatment works, the site has been allocated for development for several years. In respect to the noise and or smell which allegedly comes from the pork processing factory, the new buildings will have the bund with acoustic barrier and there will be double glazing to the buildings' windows, such that there will be a degree of protection from the potential noise of the eventual industrial units. The recently submitted odour report has concluded that the predicted odour exposure at the proposed development site is well below the agreed criterion for protection of amenity and it is therefore unlikely to lead to complaints, significant pollution or significant detriment to the amenity at the proposed development site. Wessex Water has withdrawn the original objection and confirmed that it concurs with the findings of the odour report. On this matter the proposal is acceptable.

### Local facilities

The agent has confirmed that the facility will have its own resident and visiting doctors and GP and they will not require support from the local NHS practices. The operator is aware of the distance to nearest hospital and is happy to commit to the site and "will invest in excess of £10m building the facility and bringing employment and business growth to Wiveliscombe and the surrounding areas". It is not considered that there will be any detriment to the facilities in the town or surrounding areas.

### Other

Wiveliscombe already has two mental health facilities within the town one treating autism and the other learning disability, the current proposal is larger than these homes, but is significantly smaller than the planned 75 bed medium secure facility in Wellington.

The previous approvals have not been implemented. The current applicant is the owner and developer who secured the earlier permissions, that developer would not seek permission for this scheme if the greater site were unable to be built. The current lack of development of the business park site is due, according to the agent, to the lack of site infrastructure, and finance together with the general economy. This proposal will provide the start of the access road, and enable the remainder of the site to be developed. Patients leaving the low secure unit will either go into a Locked Rehabilitation Unit or will be relocated to another facility. Patients leaving the Locked Rehabilitation unit will generally go back to their home town, it is the Operator's experience that most patients are anxious to return to their family and friends, therefore the agent does not accept there will be a social or housing problem created.

The Taunton Deane Local Plan Policy WV3 - Employment related to the whole site, and the specific wording includes, "a maximum to be developed within the plan period, subject to the provision of access from the existing employment site, landscaping belts on the northern and eastern boundaries and a landscaping scheme incorporating the stream along the southern boundary. Large scale buildings and major office developments will not be permitted. The original 'target' was 2011". To date, whilst permissions have been granted, no development has

started. The policy envisaged the site being unsuitable for large-scale buildings whose visual impact would be detrimental to the character of Wiveliscombe and the surrounding landscape. This policy has been retained in the Taunton Deane Core Strategy. Whilst it was anticipated construction work would commence well before now, the general economic climate has resulted in many potential developments being halted. It is not considered that the proposed buildings are 'large-scale' to be out of character with area. Some agricultural buildings and complexes of buildings can be large scale. The landscaping and bund will help screen the new buildings.

Whilst there has been a significant level of objections received, there are no issues or matters raised from residents which would be of such weight as would warrant refusal of the application. The Town Council has in the past supported employment and development of this site, but objected to the original submission.

### Conclusion

The proposed buildings will provide a regional facility with significant employment generation and inward investment to the local economy. It is considered that the design and scale of the facility is acceptable and would not detract from the appearance of the future business park or wider landscape setting. There is no objection from Wessex Water in terms of the proximity to the Treatment Works. Given the existing and proposed landscaping, the 'entrance' to Wiveliscombe will not be detrimentally affected. The economic benefits need to be weighed against the perceived and expressed fears of local residents. Whilst those concerns expressed are understood it is considered that having regard to need for the facility, the security and licensing requirements to operate the facility and the duty of the regulatory body (CQC), together with the economic benefits, there are sufficient reasons to grant planning permission.

**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**

35/13/0007

MR & MRS M VELLACOTT

**ERECTION OF 4 NO. AGRICULTURAL BUILDINGS, FORMATION OF  
HARDCORE PAD AND FORMATION OF VEHICULAR ACCESS WITH  
ASSOCIATED INFRASTRUCTURE ON LAND OFF COCKLAND HILL,  
WELLISFORD, STAWLEY**

Grid Reference: 308607.121676

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 100-01 Location & Block Plan  
(A1) DrNo 100-02 Existing and Proposed Access  
(A1) DrNo 100-03 Building 1 (Sheep Building)  
(A1) DrNo 100-04 Building 2 (Young Stock Building)  
(A1) DrNo 100-05 Building 3 (Finishing Building)  
(A1) DrNo 100-06 Building 4 (Straw Barn)  
(A1) DrNo 100-07 Proposed Site Sections  
(A1) DrNo 100-08 Site Plan

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

3. Before the works hereby approved are begun, a phasing programme for the removal of the existing farm structures to be relocated and replaced shall have been submitted to and approved by the Local Planning Authority. The phasing programme shall include details of how and when the agreed structures will be removed from the site, noting that all of the rubble or debris shall be completely removed from the site and disposed of in an environmentally safe and appropriate manner, and how the land will be made good in a manner to be agreed with the Local Planning Authority. The works

agreed shall then be carried out strictly in accordance with this phasing programme and the details it provides for.

Reason: To ensure that the environmental impact of this proposal is minimised and the visual amenities of the area are not adversely affected in accordance with the National Planning Policy Framework and Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

4. All services to be provided to the new farm buildings shall be routed underground taking on board the need to avoid the canopy of any tree, or as may be agreed in writing with the Local Planning Authority, and the land above the routing returned afterwards to its former state or such state as may have been agreed by this permission.

Reason: To ensure that the environmental impact of this proposal is minimised and the visual amenities of the area are not adversely affected in accordance with the National Planning Policy Framework and policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

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

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

6.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. It is expected that the landscaping scheme will follow the strategy and conclusions given in the initial landscape and visual appraisal prepared by FPCr Environment and Design Ltd. (revision B, June 2013) submitted as part of the proposal, but will also include a detailed method statement for the realignment of the roadside hedgerows.
  - (ii) The approved scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the

character and appearance of the area in accordance with Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

7. The proposal hereby granted shall be carried out strictly as specified in the 'General mitigation measures' proposed in the 'Ecological and protected species survey', prepared by Eco-check consultancy ltd., and dated February 2013. This document forms part of the permission hereby granted and the further survey work it requires and the timing for works specified will need to be carried out in full as stated under the supervision of a competent and suitably qualified expert.

Reason: To ensure that all ecological matters are appropriately addressed and taken account of as required by European and National legislation and to ensure accordance with the National Planning Policy Framework and the adopted Taunton Deane Borough Council Core Strategy Policies CP8 and DM1 (c).

8. All external lighting required at the site shall be implemented in accordance with plans and details that shall previously have been submitted to and approved by the Local Planning Authority. It is expected that the details to be submitted will show a lighting strategy on site strictly in accordance with the Bat Conservation Trust's publication *Bats and lighting in the UK* [BCT, 2008] and in accordance with the recommendations of the terms prescribed in the 'General mitigation measures' forming part of the 'Ecological and protected species survey', prepared by Eco-check consultancy ltd., and dated February 2013, hereby approved.

Reason: To ensure that light pollution is kept to a minimum and light spillage avoided in order to protect the general amenities of this remote rural area and to ensure that all protected species managed in accordance with European and National legislation and to ensure accordance with the National Planning Policy Framework and the adopted Taunton Deane Borough Council Core Strategy Policies CP1 (d), CP8 and DM1 (c, d and e).

9. Before the hard surfaced areas hereby approved are constructed and used, or at such other time as may have been agreed in writing with the Local Planning Authority, full details of their colour, type and texture shall be submitted to and approved by the Local Planning Authority. The development shall then be completed strictly in accordance with these approved details and retained as such at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the Local Planning Authority the opportunity to assess this element of the proposal and ensure that it is appropriate in accordance with Policy DM1 of the adopted Taunton Deane Core Strategy (2011 - 2028).

10. None of the agricultural structures shall be used or occupied until sewage and drainage disposal works have been completed in accordance with details that

shall previously have been submitted to and approved by the Local Planning Authority.

Reason: To prevent potential discharge into nearby water courses in accordance with Policy CP1(C) and DM1(e) of the adopted Taunton Deane Core Strategy.

11. At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan drawing No. 100-02. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and to ensure accordance with Policy DM1 of the adopted Taunton Deane Core Strategy.

12. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number No. 100-02, and shall be made available for use before occupation. Once constructed the access shall be retained thereafter in that condition at all times.

Reason: In the interests of highway safety and to ensure accordance with Policy DM1 of the adopted Taunton Deane Core Strategy.

13. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and to ensure accordance with Policy DM1 of the adopted Taunton Deane Core Strategy.

14. Before the development hereby approved is used provision shall have been made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure accordance with Policy DM1 of the adopted Taunton Deane Core Strategy.

#### Notes to Applicant

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

2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. Where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

## **PROPOSAL**

Planning permission is sought in full for 4 agricultural buildings, a hardcore pad, vehicular access and associated infrastructure, in association with a proposed relocation of an existing farmstead. The farmstead requires new sheep and cattle housing, silage clamp and general storage to be provided. The proposal suggests that the new buildings would be located on land to the south-west of the existing agricultural structures, on land currently within the farm holding.

The application includes a 'Landscape and visual appraisal', an 'ecological and protected species survey', a 'Design and access statement' and a planning statement, together with plans and sections showing location, site layout and access. The plans show that access would be off an existing gateway onto the adopted highway at Cockland Hill, due north of Cothay Manor near Lower Wellisford.

## **SITE DESCRIPTION AND HISTORY**

The land is within the existing farm holding, but located within open countryside away from the existing farm structures and farm dwelling. The proposed new 'farm' would have vehicular and pedestrian access onto Cockland Hill which is an unclassified County Highway running approximately in a north/south direction between Higher Greenham and Bathealton. The existing farm buildings and agricultural workers dwelling lie in the hamlet of Lower Wellisford, approximately 1 kilometre away (as the crow flies/across field).

A pre-application enquiry was made last year when it was resolved that the farm business was currently based around the breeding and rearing of sheep, but they were beginning to expand into the rearing of cattle and dairy, with calves being bought from a nearby dairy farm. The existing site had insufficient building space to provide shelter during the lambing season and this pressure was only going to increase as the cattle herd increases in number. It was suggested by the applicant that due to the proximity of the site to the main watercourse running through the

valley there was a high probability of water course pollution if the level of livestock at the site was intensified. That would be contrary to current guidance from the EA and DEFRA. A final issue was said to be that of landscape impact; the site lies within an attractive parkland valley landscape feature; existing buildings are well screened by any further development would have to encroach into the valley landscape to the south which would be visible from neighbouring properties and public vantage points. It was advised that the Council is generally supportive of farm based development subject to landscape impact considerations. The theoretical reasons behind the need to find an alternative site to develop the farming business was accepted but attention was drawn to the fact that there was already a dwelling on the site and that it was preferable to the Council to find a site on the holding that was within a serviceable distance of that dwelling. It was accepted that there would be issues in further developing the existing site however there did appear to be some scope for a narrow linear building adjacent to the existing. The planning officer was advised that the land could be returned to pasture as an option. It was agreed that the topography of the proposed site would likely lend itself to development that would have only limited landscape impact. The site appeared to be generally well screened and the surrounding landscape was likely to provide only limited vantage points of the site. In conclusion, the main issue was seen to be the location of the proposed site and that a strong case would need to be built as to why a new farm development was necessary on the site.

A planning application was received earlier in the summer seeking permission for a permanent agricultural workers dwelling in association with this proposed farm relocation. That application was considered under LPA ref: 35/13/0008. It was refused permission by decision notice dated 21st August 2013 on the grounds that it constituted development outside of settlement limits without a proven genuine rural need, and without having adequately demonstrated that it could be appropriately assimilated into open countryside, all of which made the proposal contrary to adopted national and local policy. In such circumstances, it is the Council's policy to approve temporary residential accommodation for a period of time to allow the 'new' business the opportunity to prove viability, and this may be a sensible way forward, if this current application becomes approved.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *SCC - TRANSPORT DEVELOPMENT GROUP -*

The site is served by an existing agricultural access to which this application seeks to make significant improvements to allow a suitable means of access to the site providing access to proposed agricultural infrastructure.

Drawing No. 100-02, details the proposed access arrangements. Cothay Manor Lane is subject to a National Speed Limit Traffic Regulation Order (TRO), however it is considered that vehicle speeds in this location are significantly reduced due to the narrow nature of Cothay Manor Road. From onsite observations I would estimate that typical vehicle speeds are approximately in the region of 30mph.

Given the proposal is to make use of an existing access, the proposed splays

shown on Drawing No. 100-02 are considered acceptable, which provide a 'Y' co-ordinate of 43metres (taken from Manual for Streets guidance, commensurate with speeds of 30mph). It is indicated that the proposed access provides a 5metre width and incorporates a hard surfaced 10m apron to allow vehicles to pull clear of the existing highway and operate the entrance gates without becoming an obstruction on the adopted highway. The Highway Authority considers the access proposals acceptable.

With regards to the agricultural units, I have no objection to this element of the development. It is likely that there will be a significant increase in vehicle movements generated by the proposal. However, the provisions put forward as part of the application are considered adequate to accommodate the development.

As a result, the Highway Authority raises no objection to the proposals put forward for application 35/13/0007 subject to the following conditions:-

- (1) No obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays.
- (2) The proposed access shall be constructed in accordance with details shown on the submitted plan, made available before use and maintained.
- (3) The gradient of the proposed access shall not be steeper than 1 in 10.
- (4) Provision shall be made for the disposal of surface water to prevent its discharge onto the highway.

The Highway Authority also point out that a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority.

#### *STAWLEY PARISH COUNCIL -*

Stawley Parish Council considered the above applications at its meeting on 6 August following a site visit on 29 July and representations from both the applicants and objectors. We recognise and support the need for the applicants to expand and modernise their farm. This is an important local business that provides a living for a young family and helps with the diversity, sustainability and prosperity of our rural community. The existing farm buildings are clearly inadequate and the applicants have demonstrated the need for the business to expand into new agricultural buildings.

However, the Parish Council does not believe that the applicants have yet demonstrated the need for the new farm to be relocated to the proposed site. In our view, the application site should only be considered for development once all the other possible options have been discounted. Although all the land in the applicants ownership is defined as being 'open countryside' the site they have chosen is, in the Parish Council's view, of the very best quality in terms of local landscape and the most remote from nearby small settlements. It is also close to Cothay Manor, a Grade 1 listed building, and evidence was presented to the Parish Council by Cothay residents suggesting that the application site may be within 400 metres of the curtilage of the Manor House - one of the same reasons given by the applicants' agents for not siting the new farm at its existing location because of proximity to another listed building, Wellesford Manor. The application site is clearly further away from Cothay Manor than the existing farm is from Wellesford Manor but, if it is within the 400 metre zone, it would be difficult to justify this as a reason for not developing on the existing site, particularly as Cothay Manor is a building of

great historic importance and value which is open to the public as a tourist attraction. Wellesford Manor does not fall into the same category.

Before determining the new farm application, the Parish Council therefore believes that Taunton Deane planners should ask the applicants' agents to provide a detailed justification of why this particular site was chosen, the alternative sites considered and why these were rejected. In conducting this analysis to justify the business case for locating the new farm on the application site, we suggest that the applicants need to:

- 1) Address the fact that the Taunton Deane Landscape Character Assessment shows that the application site is in an area classified as 'Farm and Settled High Vale' where the overall strategy is to "enhance the quality of the landscape and, in areas where landscape character is stronger, to conserve those features, elements and characteristics that combine to form a strong and recognisable landscape pattern". The Parish Council's view is that this particular site is located in an area where the landscape character is strong and there are no nearby buildings, so the development of a new farm will interrupt the integrity of the existing landscape.
- 2) Consider the proximity of the site to Cothay Manor and, in particular, whether it falls within the 400 metre zone where the erection of livestock buildings needs special consideration.
- 3) Demonstrate that the risk of polluting the river Tone is significantly lower than at the present location, bearing in mind the elevation of the proposed site and its proximity to the river.

We also strongly suggest that if the officer's recommendation is for approval, Taunton Deane Borough Council's Planning Committee should visit the site and potential alternative locations for the new farm before reaching a decision on whether the current application is acceptable or not.

In the event that TDBC is minded to grant permission for this application, the Parish Council believes that there are a number of important changes and conditions that should be included:

- 1) Most importantly, a condition should be placed on the permission that the applicant removes the existing farm buildings at Wellesford and restores this site to its original greenfield state once the new farm is occupied and shown to be viable. This is not an application for an entirely new farm but for the relocation and expansion of the existing business on a different site. As this will involve the loss of an attractive site, we suggest that this impact should be minimised by restoring the existing farm site to a green field and, thereby, minimise the net loss of greenfield land to the community.
- 2) Consideration should be given to re-orientating the proposed buildings on the application site to minimise the impact of views of the site from the ridge line to the west at Kittisford. Currently the larger buildings are proposed to be located in the south west corner of the site to the right of the existing farm entrance. This location is more visible from long-distance views and closer to Cothay Manor. The land in the north west corner of the site is better screened by existing mature trees and would, in our view, be a more suitable location for the larger agricultural buildings.
- 3) A lighting scheme for the new farm should be submitted and approved by the planners. Stawley Parish is an area that enjoys genuinely dark skies at night with minimal light pollution. Currently at night there is no visible light pollution in the vicinity of the application site which is remote from any settlement. The character of the night sky will be altered by development of this site, to the detriment of wildlife,

and we believe the applicant should therefore be required to produce a lighting scheme that seeks to minimise light spillage and pollution both in terms of external lighting and the nature of the lighting to be used in the agricultural buildings.

4) Finally, we suggest that an informative should be added to the planning permission indicating that it is unlikely that the Council would support further development on the site in the future.

### *BIODIVERSITY -*

The site is predominantly improved grassland. The main ecological value of the site is the mature boundary and hedges and a wooded area surrounding a pond on the along the eastern boundary of the site.

The desk study revealed records of some bats in the area, but no evidence of bats was found within the application site. The existing mature trees are likely to provide some foraging and commuting habitat, and possibly roosting space. However, subject to a lighting condition, these should not be unduly affected.

Birds are likely to nest within the boundary trees, hedges and woodland, and so any required clearance work should take place outside of the nesting season.

There is suitable habitat for grass snakes but none were found.

The pond is below average potential to support Greater Crested newts.

A number of badger setts were identified along the field margins. These should have a 10 metre buffer protected by fencing.

No evidence of dormice.

The application is acceptable subject to a suitably worded condition requiring the submission of a strategy to protect wildlife based on the advice of the submitted wildlife survey. An informative should also be added to remind the applicant of legal obligations to wildlife under UK and EU legislation.

### *LANDSCAPE -*

Subject to a detailed method statement for the realignment of the roadside hedgerows and implementation of planting as proposed it should be possible to significantly reduce the landscape impact of the proposed buildings.

## **Representations**

There have been 15 representations received from members of the public and other interested parties. 5 are objecting to the proposal, a further 2 (from the same person) did object but have subsequently been withdrawn (by a 3rd representation) in the light of fresh information, and 7 are in general support (including 3 businesses that have direct dealings with the applicant).

Of the 5 that are still **objecting**, the following comments have been made:-

- This unique and beautiful part of Somerset would change forever.

- This field has been untouched for centuries. Is it the only viable site to build on?
- Noise and light pollution will inevitably occur.
- Large machinery will compete with cyclists and domestic vehicles on very narrow and winding roads.
- Once permission is granted it sets a precedent and opens the flood gates for more development.
- The ancient domain of Cothay (a small medieval manor) will be exposed to the modern way of life.
- Encroachment of buildings on the beautiful and precious British landscape.
- Would jeopardise the safety of the many who use this as a cycle route.
- This is a beautiful greenfield site.
- There will be smell nuisance from living next to a farm with cattle and sheep.

Of the 8 in general **support**, the following comments have been made:-

- The applicant is a valued customer and I have witnessed their business expand and develop into a viable local business.
- The current facilities are no longer fit for purpose and quite unsuitable for expansion.
- It is important to encourage young farming families.
- The applicant has created a low impact farming system.
- the proposed buildings will replace those at the present site.
- confidential information from bank supporting the business.
- With farming generally in decline and many local farms having been lost, this is a great opportunity for the applicant and a welcome addition to the area.
- Proposed site is in the heart of the countryside, a considerable distance from neighbours, and only visible from the air, so will help to restore our agricultural heritage with minimal impact on any one.
- The existing business started in 2001 and has expanded demonstrating financial viability.
- The business has a very low agro-chemical input.
- Successful and sustainable family businesses are essential to the economy of this rural parish.
- the application is consistent with Policy DM2.4(a) of the Taunton Deane Core Strategy.
- The applicant's have been a farming family since the 1960's.
- The objections seem to be the best/worst examples of NIMBYISM.
- The countryside looks like it does because of farmers.
- It's a working landscape and the people who run them are those who create this desirable place to live.
- It's a very challenging industry to be in and we should all support the applicants.
- There have been several applications approved recently for dwellings for tourism purposes and an agricultural application is even more important.

## **PLANNING POLICIES**

EN12 - (NOW CP8 )TDBCLP - Landscape Character Areas HISTORIC,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP8 - CP 8 ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Policy and considerations and principles.

The Taunton Deane Core Strategy (adopted September 2012) has a number of relevant policies which need to be taken into account. Firstly, the vision for the rural areas (Vision 4) states that growth must support and enhance existing sustainable rural centres and it must protect and enhance the local character and distinctiveness of the built and natural environment. This is supported by Core Policy CP8 (Environment) which seeks the conservation and enhancement of the natural and historic environment. It makes clear that unallocated land outside of settlement boundaries will be protected with development strictly controlled in order to conserve the environmental assets and open character of the area. Policy DM2 (Development in the countryside) does support new non-residential agricultural buildings commensurate with the role and function of the unit.

In terms of the Core Strategy, it is considered that the proposal for new agricultural structures would meet the above tests of policy. The proposed new structures would not be located in an existing rural centre, which in this case would be Lower Wellisford, and so the proposal would be much less sustainable than the existing situation. However, the applicant has demonstrated that the proposal can be screened and landscaped in order to lessen its impact. The proposal could therefore be said to conserve the environmental assets and the open character of the area, as Policy DM2 requires. Although the case has not been adequately made to justify the new farm having to be located where proposed, and there is little acceptable 'sequential testing' to rule out better more appropriately located parts of the existing agricultural holding, in planning law, applications must be considered as submitted on the basis of their own merits and cannot be refused merely because another alternative might be preferable. In any event, the Council would like to support such a proposal if it was in association with a genuine expansion of an existing rural business.

### Landscape considerations

The area is identified in the 'Taunton Deane Landscape Character assessment' document of 2011 as being within landscape type 3 – 'farmed and settled high vale'. This is a transitional landscape between the low vale and Blackdown Hills AONB, with undulating terrain of between 50 and 150 metres AOD, containing rich agricultural landscape, being for the most part overtly rural and significantly influenced by hedgerows. The landscape type and its strength of character is judged to be in a moderate condition, and from this, the report deems that the landscape strategy should be to enhance the quality of the area and to conserve those features, elements and characteristics that combine to form a strong landscape pattern. The need to protect the high quality of Taunton Deane's natural environment is stated quite clearly in the adopted Core Strategy by policies CP8 (Environment) – which states that the Council will conserve and enhance the natural environment and will not permit development proposals that would harm these

interests. This is supported by Policy DM1 (d) which states that development will be required to demonstrate that, taking account of any mitigation measures proposed, the appearance and character of the landscape would not be unacceptably harmed. The Council's landscape lead has commented that subject to a detailed method statement for the realignment of the roadside hedgerows and implementation of planting as proposed it should be possible to significantly reduce the landscape impact of the proposed buildings. Therefore subject to a suitably worded condition, it is considered to be reasonable that approval should not be withheld on landscaping grounds.

#### Highways, access and parking

The Highway Authority's detailed comments are given above. It is noted that they consider the access proposals to be acceptable. There are no objections *per-se* to the agricultural units despite it being likely that there will be a significant increase in vehicle movements generated by the proposal. However, the provisions put forward as part of the application are considered adequate to accommodate the development. As a result, the Highway Authority raises no objection to the proposals put forward for application 35/13/0007 subject to the conditions and informatives as stated. The Borough should not pursue a highways objection without the support of the County, but it is noted that it would be preferable to seek the demolition and cessation of the existing structures in order to ensure that the use of the local lanes is minimised as far as possible.

#### Amenity considerations

The nearest residential units are located at the Cothay Manor complex, and this is situated approximately half a kilometre away from the proposed site. It is considered that this site is too far away to have a justifiable impact upon the residential amenities of those living within the Cothay Manor complex.

#### Business and economic considerations

The application argues the case for expanding and relocating the farm business. The Borough Council would wish to support any genuine need to expand a rural business. This is generally covered by policies SP4 and DM2 of the adopted Core Strategy. It is also one of the main themes of the NPPF in section 3 (Supporting a prosperous rural economy). There is of course a presumption in favour of sustainable development that accords with the development plan unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this instance the proposal is considered to accord with the adopted Core Strategy. On the balance of probabilities and given the business support provided by third parties including the bank, the LPA is of the opinion that the applicant has demonstrated that there is a good business case for having to move the farm from its current location. Whilst it is considered that the application site might not be the best, or the most sustainable choice of location, it would not be reasonable to refuse the application on this basis, as the LPA has a duty to consider the application as submitted, and there are no reasonable or justifiable grounds for refusal at this location. The two primary issues of landscaping and highways/access are considered to be acceptable by the experts.

#### The existing farm structures

The LPA is mindful of the recent change announced by the Government to class M of the General Permitted Development Order, in which a degree of permitted change is now allowed (since 30th May 2013) from agricultural buildings to A1, A2, A3, B1, B8, C1 and D2 uses. Although the LPA would retain an element of control via the requirement for prior approval, it would want to guard against uses being introduced beyond its control that might otherwise be unacceptable.

It is also a fact that if the new farm buildings were erected and used as well as the existing, there would be a potential doubling (or worse) of the impact upon the landscape and upon the local road network.

This proposal has been submitted as a replacement for the existing units, required because the business needs to expand and the existing units are of limited use in this circumstance. The Agent has actually stated during his pre-application enquiry that the land (currently containing the farm buildings) could be returned to pasture as an option. It seems reasonable therefore that the LPA seeks the removal of the existing farm structures so that the overall impact of this proposal is minimised as far as possible. The applicant has agreed to this.

### Conclusions

The proposal has been tested against the key considerations of landscape and highway impact. There are no objections on these grounds. Whilst the application is made in full, there are a number of details still required for approval, but it is considered that it would be appropriate in this instance to seek the information by way of suitably worded conditions. On balance, the impact of this proposal would be lessened by the loss of the existing agricultural structures and the extra impact is thus far less than it would otherwise be. It is important to help the genuine expansion of proper rural businesses. It is considered that there are now no outstanding issues that would prevent approval being recommended.

**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**

DAVID WILSON HOMES SOUTH WEST

**OUTLINE PLANNING PERMISSION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ATTENUATION POND, CHILDREN'S PLAY AREA AND FORMATION OF ACCESS ON LAND AT WINDMILL HILL, NORTH CURRY, AS AMENDED**

Grid Reference: 331573.124823

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

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

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 is considered to be prejudicial to highway safety as safe and suitable access for all (pedestrians) can not be achieved. The development is therefore considered to be contrary to Policy CP6 of the Taunton Deane Borough Council, Adopted Core Strategy 2011-2028.
3. The residential units fronting Windmill Hill cannot accommodate adequate turning facilities to enable vehicles to enter and leave the highway in a forward gear, which is essential to highway safety. The proposal is therefore contrary to Policies CP6 and DM1 of the Taunton Deane Borough Council, Adopted Core Strategy 2011-2028
4. The site due to its size and Greenfield nature, carries a risk of increased surface water flooding as a result of the development. This is due to an increase in impermeable area and also the creation of a formal drainage

system, which will direct flows to watercourses and likely increase volumes of surface water from the site. The submitted Flood Risk Assessment, and various negotiations since, have not adequately demonstrated that surface water rates and volumes can be attenuated to ensure that flood risk is not increased either on site or elsewhere. Given the historic issues of surface water flooding in North Curry, this is an unacceptable risk to both life and property. On this basis, the application is therefore contrary to the National Planning Policy Framework, particularly section 10 (Meeting the challenge of climate change, flooding and coastal change) and the Taunton Deane Adopted Core Strategy Policies CP1 (c & f) [Climate change] and CP8 [Environment].

5. A landscaping reason if the current negotiations cannot be satisfactorily concluded.
6. 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.

#### Notes to Applicant

- . 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 up to 45 houses, together with associated infrastructure, including a Sustainable Urban Drainage attenuation pond, a children's play area, and a new access into/out of the site off Windmill Hill. Access forms part of the proposal, but considerations of appearance, landscaping, layout and scale, are reserved for future consideration. A feasibility study has been submitted giving an indicative layout for the site. This shows a mixture of detached, attached, semi-detached and terraced properties, some with garaging and some with forecourt surface parking.

The proposal shows a spine road entering the site off Windmill Hill and traversing the site in a southerly direction. There is a further access road and separate pedestrian movement channels located off this. The eastern edge of the site shows a strip including a formal public footpath which would replace the existing unmarked right of way. The feasibility study shows links through the allotments and the recreation ground to link through to Greenway, but this has not as yet been agreed

with the land owner. The south-eastern part of the site includes a children's play area and an attenuation pond. Boundary hedging is indicated and includes a 5 metre landscape buffer zone to the western boundary. However, the submitted layout is clearly only a feasibility study to illustrate that the proposal would be feasible, as all matters except access are reserved for future approval.

The application includes a Design and Access statement, a Historic Environment Assessment, an Ecological Appraisal, a Flood Risk Assessment, a Landscape and Visual Impact Assessment, a Planning Supporting Statement, a Community Involvement Statement, Transport Statement, a Travel Plan, and an Arboricultural Constraints report.

## **SITE DESCRIPTION AND HISTORY**

The land is currently a single agricultural field on the edge of the existing village, It is currently bordered on all sides by hedgerows. The field has access onto Windmill Hill via an existing gate in the north-eastern corner of the site. To the north of the site lies Windmill Hill, which has sporadic development at this point, including the listed Baptist Church. On the eastern boundary lies the modern development of Portmans, the allotments and the recreation ground. immediately adjacent to the southern boundary lies an orchard. The western boundary is the shortest and marks the boundary between this site and open countryside beyond rising up to Borough Post.

There is no planning history for this particular site, but Members should bear in mind the two applications for residential development at 30 units at Overlands (24/13/0032) and 6 units (revised to 5) at White Street (24/13/0036), both of which were refused at Committee on 4th September.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*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.

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. The Council is currently considering all 15 sites promoted in North Curry and this process will result in preferred options being chosen. The matter has recently been debated at the Local Development Framework Working Party, the results of which are due to be made public towards the end of October. These 'preferred options' will then be the subject of further public consultation.

Given the number of sites currently being considered, the sensitivities about development in North Curry and the fact 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. This will ensure that the Council arrives 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.

*NORTH CURRY PARISH COUNCIL* - Object on a number of grounds.

Prematurity - , the emerging site allocations plan is about to determine which sites in the rural centres will form part of the approved land allocation for housing development. Granting permission now (which could remain dormant for up to three years) could prejudice achievement of the council's strategic planning objectives.

Size, position and composition - A development of this magnitude is totally disproportionate. The Inspector at the 2003 Local Plan inquiry said that even 30 dwellings would comprise a significant development and would be inappropriate in this rural location. Whilst the development is adjacent to an earlier estate it projects well outside the natural bounds of the village and does not assimilate well. It will be urban in nature and not in keeping with the character and setting of the village as a whole. The site is larger than accepted in TDBC's latest Strategic Housing Land Availability Assessment. There are too many houses for the site, a density of nearly 24 dwellings per hectare. This level of housing density is high given a village setting with high landscape impact and low levels of public transport, services and infrastructure. The application form shows the development is fort is not clear how the affordable dwellings will be allocated in relation to local needs or local connection to the parish. No phasing indication is given; phasing should be in line with the parish council's requirement to meet local housing needs as they arise over the plan period.

Visibility - Of all the potential housing sites under consideration, development at Windmill Hill would be the most intrusive visually, especially the upper part of the site as seen from vantage points within the village. The site is large and sits high on the western side of the village, visible from several directions and from quite a distance, including the Fivehead ridge to the south. Just a few years ago Taunton Deane spent many thousands of pounds clearing a gypsy encampment of twelve caravans and associated structures only 400m to the south-west of this site. The proposed development would be just as intrusive. The development will also be the first thing seen on entering the village down Windmill Hill, obscuring views currently enjoyed across West Sedgemoor, totally changing visitors' perceptions of North Curry from one of a pleasant rural community to one of an over-developed village.

It would also have a considerable detrimental effect on the setting of the North Curry Baptist Church, a Grade II listed building.

Landscape and design - There are other sites within or close to the village that would have considerably less landscape impact. The entire site is prominently visible at Borough Post and sits at a higher level than the road on the main approach to North Curry. No attempt has been made by the applicant to visualise the impact of housing on the village approaches. We would ask that the committee should make a visit prior to a decision being made and that the developer should erect a sufficient number of poles to indicate the ridge height of the development. It would be essential to conform to the historic development pattern of housing and protect the landscape and townscape setting of the village and its conservation area status. The detailed site layout should be planned and assessed using Building for Life recommendations produced by the Home Builders Federation.

Traffic and pedestrian conflict - Proposals for the separation of vehicles and walkers on Windmill Hill are wholly unacceptable. This site is on the busiest road out of North Curry which in part between the site and village centre is too narrow for HGVs to meet and pass safely and along which there is no continuous pavement. Given traffic speeds at the edge of the village, the “virtual footway” painted onto the road surface – even with traffic calming humps - would offer little protection to pedestrians. The Windmill Hill site itself has poor pedestrian and vehicular access. Proposed road access is by a T-junction onto Windmill Hill. The plan shows three additional vehicular entry points lower down Windmill Hill for parking and garaging access. Compared with the Deane and nationally, car ownership in the parish is high at 1.7 vehicles per household, with almost half the households having access to two or more vehicles. This implies an increase of more than 76 private cars or vans parked and using the estate road, plus visitors, delivery and service vehicles; all these would emerge onto Windmill Hill. Such an increase cannot fail to impact on traffic and road safety and the condition of road surfaces in the village. Public transport provision is poor, with only six buses a day into Taunton, none in the evenings or on Sundays. A development of this size will cause a noticeable increase in traffic along the road through Lillesdon to the A378 and A358 to the west, and also through the village centre towards the A361 to the north.

Sustainability - We believe the cost to the public purse arising from this development is likely to be greater than the benefits to the developer, and far in excess of public income that would be achieved from any legal agreement, future community infrastructure levy, new homes bonus or council tax receipts. These costs relate especially to flood prevention, drainage and sewerage and impact on the school and health centre.

Flooding - The applicant’s flood risk assessment was carried out using superseded Planning Policy Statement 25 (Development and Flood Risk) on an earlier scheme with only 35 houses and allotments at the western end. The danger of run-off from springs and sodden fields flooding the development and continuing into the village should be assessed for the larger scheme now proposed using up to date evidence, in particular potential surface storm water flow through Portmans and along Windmill Hill and Greenway. The applicant should provide assurance that a surface water disposal system can be designed using sustainable urban drainage systems to reduce the likelihood of uncontrolled discharges downstream. Whilst it is noted that an attenuation pond is included in the application, there are fears that it is inadequate for the size of the development and will not be properly maintained in

the long term so resulting in further worsening of the flooding which occurs through the village centre and beyond.

Village school - Whilst a development of this size might produce roughly 10 extra pupils for the local primary school and these might be successfully integrated, it must be noted that the school currently has six classes three of which are housed in woefully inadequate “temporary” structures, at least one of which has been on site since the school was opened in 1988. Should this development go ahead, a sum of money should be provided by the developer specifically for North Curry Primary School, sufficient to replace the three temporary classrooms with permanent accommodation.

Play facility - Satisfactory arrangements would need to be agreed with the parish council for the upkeep and management of the play areas and continuation of the footpaths beyond the site boundary into the village. The Parish Council would not be prepared to accept future liability for maintenance and management of any open spaces or play equipment. Further thought should be given to whether it is sensible to locate a children’s play area adjacent to the attenuation pond for flood relief.

#### *SCC - TRANSPORT DEVELOPMENT GROUP -*

##### Traffic Impact:

In terms of trip generation vehicle trip rates are estimated at around 40 movements per peak hour (see para 5.11). Based on the 2001 census data it has been estimated that the majority of traffic would use Windmill Hill, with around a quarter using Moor Lane and a small number on Stoke Road. This is considered to be reasonable by the Highway Authority. It is not considered that the traffic impact can be considered ‘severe’ in terms of paragraph 32 of the National Planning Policy Framework (NPPF). The site access would operate within capacity and the proportional increase on the local highway would be relatively small.

In regards to the sites accessibility the report concludes that “adjacent transport network is conducive to journeys by foot”. This is at odds with the actual description of pedestrian facilities which shows that there is no paved footway from the site to the village; as it stands there is an (unpaved) public footpath to Greenway or the use of Windmill Hill, both of which then require ‘shared use’ of the highway. On Windmill Hill in particular traffic speeds are high despite the speed limit. It is proposed that some form of pedestrian facility will be provided, either in the form of a ‘virtual’ (dropped kerb) footway or a priority narrowing arrangement allowing for a footway alongside a single track section of road. Either option would include traffic management to reduce traffic speeds. The TS provides no discussion of the suitability of the surrounding network for cyclists and only provides identification of the distances to local villages.

One bus service is identified with a two-hourly service Monday-Saturday. Such an infrequent service, whilst helpful for a small number of people, is considered unlikely to be significant factor to discourage the use of the private car. The local bus stop is within a ‘hail and ride’ section of the route. Care should be taken to ensure that the pedestrian facilities provided allow for ‘hail and ride’ at an appropriate location adjacent to the site and do not make it more difficult for buses

to stop safely.

It is noted that car parking will be provided as per Somerset County Councils Parking Strategy. This is considered to be acceptable, however the indicative drawing appears to show approximately 100 spaces (this includes garages), where as the application from indicates there will be approximately 90 spaces. The Design and Access Statement indicates a range of two to five bedroom units. Assuming that there is a fair mix across the different sizes of dwelling then the Parking Strategy would indicate that the required level of parking would be closer to 150 spaces. The applicant will therefore need to prove that they are able to meet Somerset County Council's Parking Standards.

### Travel Plan

It is noted that the T.P. is deficient in the following issues.

- The site audit requires more detail.
- Action Plan requires more details for all measures and should include a Site Specific Travel Information Leaflet and a Smarter Travel Management fund.
- The baseline and targets have not been set correctly.

Any Travel Plan will need to be secured via a S106 agreement.

### Estate Roads

The proposal will require the creation of a new access onto Windmill Hill the applicant should note that allowances shall be made to resurface the full width of Windmill Hill where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. The access will need to incorporate junction radii of 6.0m and the first 10m of the access road, as measured from the edge of Windmill Hill, shall not exceed a gradient steeper than 1:20 and provide visibility splays of 2.4m x 43m in either direction with no obstruction that exceeds a height greater than 300mm. It is noted from the indicative drawing that there is three additional accesses proposed onto Windmill Hill.

The applicant should note that the Highway Authority would not wish to see any additional points of access onto Windmill Hill. The indicative layout plan shows private vehicles accesses onto Windmill Hill, which would be in addition to the main junction into the development. The access arrangements are to be agreed as part of this proposal and not a reserved matters stage. If it is the intention to retain these private accesses as shown on the submitted plans then this would be a cause of concern to the Highway Authority as Windmill Hill is designated as a Classified Un-numbered highway as a consequence each residential unit gaining access onto it would need to provide turning facilities to allow them to leave in a forward gear. From the details submitted this does not appear to be the case, and as a consequence it would result in vehicles having to reverse onto Windmill Hill which would be to the detriment of highway safety of other road users. Therefore the Highway Authority object to this.

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

footpath link should be provided to serve the six dwellings immediately to the west of the Attenuation Pond. This equally applies to the seven dwellings located to the north of the parking court within the eastern portion of the application site.

Somerset County Council, as the Highway Authority, current policy is that only two dwellings can be served via a private drive. There are a few locations within the site layout where this number has been exceeded and as a result, the APC legislation will apply. The applicant would need to ensure that no more than two dwellings are served via a private drive.

### Off Site Highway Works

As part of the submission the applicant has submitted three plans showing proposed off site highway improvement works to mitigate for the effects on the anticipated traffic impacts along Windmill Hill. The Highway Authority would require the applicant to specify which of these schemes would be their preferred option. Without knowing which option is preferred by the applicant the Highway Authority has carried out a Safety and Technical Audit on all three of the proposals.

The applicant has proposed either a virtual footway or priority narrowing on Windmill Hill. The Highway Authority has highway safety concerns over the proposals shown on the submitted plans. In terms of the virtual footway the Highway Authority is concerned over the potential conflict between vehicles and pedestrians. This is especially heightened as the 85<sup>th</sup> percentile appears to be over the designated speed limit. In addition the Highway Authority has concerns over the speed of vehicles and their interaction with the proposed traffic calming measures i.e. traffic calming hump.

### Conclusions & Recommendation

To conclude although the proposal is for outline permission there are a number of points the applicant will need to address as part of any further submissions. The Travel Plan is considered to be substandard and will need to be revised. In capacity terms there are not sufficient grounds to raise objection to this proposal. However there are concerns over the proposed pedestrian facilities and how they will interact with vehicles on Windmill Hill. These concerns are echoed in the Safety and Technical Audit Report where there are particular concerns over the proposed virtual footway.

As a consequence the Highway Authority raises objections to this proposal on the following grounds:

- The proposal is considered to be prejudicial to highway safety as safe and suitable access for all (pedestrians) can not be achieved. The development is therefore considered to be contrary to Policy CP6 of the Taunton Deane Borough Council, Adopted Core Strategy 2011-2028.
- The residential units fronting Windmill Hill cannot accommodate adequate turning facilities to enable vehicles to enter and leave the highway in a forward gear, which is essential to highway safety. The proposal is therefore contrary to Policies CP6 and DM1 of the Taunton Deane Borough Council, Adopted Core Strategy 2011-2028

## ENVIRONMENT AGENCY – object

We object to the proposed development because we consider that the submitted Flood Risk Assessment (FRA – prepared by Healer Associates and dated May 2013) does not adequately demonstrate that surface water rates and volumes can be attenuated to ensure that flood risk is not increased either on site or elsewhere. The application is therefore contrary to the NPPF and Taunton Deane Adopted Core Strategy Policy CP8. The application site is located in Flood Zone 1, defined as being at a low risk of fluvial and tidal flooding. Due to its size and Greenfield nature, there is a risk of increased surface water flooding as a result of the development. This is due to an increase in impermeable area and also the creation of a formal drainage system, which will direct flows to watercourses and likely increase volumes of surface water from the site. Taking the above into account, we are not able to accept that restricting surface rates back to Greenfield levels will ensure that surface water flooding is not exacerbated. This measure alone will not address the issue of increased volumes, and does not take account any restrictions that may be present in the receiving watercourse. In order to address the issue of increased volumes of surface water run-off, we consider that surface water run-off rates should be restricted to 2 litres per second per hectare for all storm periods up to and including for the 1 in 100 year event. The drainage calculations would need to be revised on this basis to demonstrate a (larger) required attenuation volume on site. A plan showing this feature would also need to be provided. We agree with the comments of your Drainage Engineer that more information needs to be provided to demonstrate a positive drainage link to the Sedgemoor Rhyne network. Given the historic issues of surface water flooding in North Curry, investigations should be undertaken into the capacity and location of the receiving ditch, and its route downstream, to make sure that the drainage system operates effectively. We would also support any proposals to improve the surface water drainage system in North Curry as part of the development which would be entirely in the spirit of the NPPF and Policy CP8. The Additional points, in respect of existing site features which may affect the drainage of the development and maintenance, made by your Drainage Engineer should also be addressed to ensure that there is no increased flooding on site or elsewhere as a result of the development.

### *Further views of E.A. (submitted 4th October)*

We uphold our previous objection on similar flood risk grounds to those set out in our previous letter. The new FRA goes some way to try and address our concerns. There is a commitment to reduce surface water run-off rates to 5l/s which, although not as low as our recommendation, would offer an improvement on the existing run-off rates. However, we would only be able to agree to a rate of 5l/s if on-site measures to improve interception of surface flows (i.e. improving storage and slowing conveyance of flows such that they pond more on site and are given a better chance of infiltrating or evaporating) are explored and committed to. We would also expect to see SuDs such as ponds and swales (which offer multiple sustainability benefits and reduce maintenance issues) being used rather than tanks. We cannot reasonably see why this cannot be achieved since the site is a relatively unconstrained Greenfield area.

Also, we are not convinced that the issue of increased surface water volumes coming from the developed site have been addressed. Our principle issue that

remains outstanding is that we do not know the route and capacity of the ditch that will receive surface flows from the site once it leaves the site. We do know that there is an existing surface water flooding issue down gradient of the site in the village centre. Are existing flows from the site contributing to this flooding? What are the causes of the surface water flooding? If so, what will the impact of developing this site be on this flooding issue? The applicant needs to make sure that the ditch is fit for the purposes of taking surface flows from a major residential development and check the impact of added volumes of water within this system.

It is worth noting that a similar approach was taken for application 24/13/0032 (Overlands, North Curry) and off-site investigations were conducted. This found deficiencies within the existing surface water network (that would have been used to serve the site) which were proposed to be rationalised and improved as part of any permission granted.

#### *WESSEX WATER -*

Final observations awaited

#### *DRAINAGE ENGINEER – Objects on the following grounds –*

- No positive links to the Sedgemoor Rhyne network despite references in the FRA
- Not clear that sufficient land away from the proposed houses would be available for the attenuation pond
- Reference is made to an earth embankment on the western boundary, but no details are given on status or ownership
- No porosity tests have been carried out and infiltration methods will not be appropriate.
- Details of the physical methods (referred to) to prevent overland flows need to be submitted and agreed.
- The landscape bund referred to in the south of the site. Who will be responsible for this.
- No development should be commenced until a full operations and maintenance strategy has been submitted and approved.

It is understood that these issues are currently being negotiated.

#### *HOUSING ENABLING –*

25% of the new housing should be affordable (60% social rented and 40% intermediate housing). Houses rather than flats. Should meet Homes and Community Agency Design and Quality Standards 2007 with at least code for sustainable homes level 3 or equivalent. The housing association tied units should be provided from the Council's affordable housing development partners list.

#### *LANDSCAPE - Has concerns on the following issues –*

- This is a major route into the village which the development will detrimentally

- impact in terms of landscape;
- loss of open countryside;
- loss of frontage hedgerow;
- loss of amenity from public footpath running on the east of the site

Negotiations are continuing to see whether or not the landscaping issues can be overcome. These have not been concluded at the time of preparing the report. Members will be updated.

*LEISURE DEVELOPMENT* - Requires a developer contribution to cover the following matters -

- Children's play - Reasons that it should not be an on-site provision and suggests £2904 should be given for every 2+ bed property and the money put towards improving the existing village play facility
- Outdoor recreation - £1571 per dwelling
- Allotments - £209 per dwelling
- Community Halls - £1208 per dwelling
- Public art (by commissioning or integrating into the design to the value of 1% of development costs.

*BIODIVERSITY* -

Accepts the findings of the ecological appraisal and suggests that if approval were to be granted, standard wildlife conditions and informatives should be used

*SCC - RIGHTS OF WAY* -

Confirms that a public right of way is recorded on the definitive map and any proposed works must not encroach on the width of the footpath.

*NATURAL ENGLAND* –

Statutory nature conservation sites – no objection

This application is in close proximity to the North Curry Meadows, West Sedgemoor and Curry & Hay Moors Sites of Special Scientific Interest (SSSI). Curry & Hay Moors SSSI forms part of the Somerset Levels & Moors Special Protection Area (SPA). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Somerset Levels & Moors SPA has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the North Curry Meadows, West Sedgemoor and Curry & Hay Moors SSSIs have been notified. We therefore advise your authority that the North Curry Meadows, West Sedgemoor and Curry & Hay Moors SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and

Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

### Protected species

Bats and Dormice - It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats and dormice. For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species. The advice we are giving at the present time relates only to whether, in view of the consultation materials presently before us (including with reference to any proposed mitigation measures), the proposal is likely to be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range (*i.e.* the '*Favourable Conservation Status*' test). We have not considered whether the proposal satisfies the three licensing tests or whether a licence would be issued for this proposal. This advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the protected species.

Domestic species - We have not assessed the survey for badgers, barn owls and breeding birds or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

Local wildlife sites - If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Landscape enhancements - This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and

contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

## *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 pupils arising from 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. 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.

### 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.

### SCC - FLOOD RISK MANAGER -

I wish to object to the above proposals on the grounds that the Flood Risk Assessment submitted in support of the application is grossly inadequate and does not adequately demonstrate that surface water rates and volumes can be attenuated to ensure that flood risk is not increased either on site or elsewhere. Section 1.3.2 of the FRA refers to PPS25. This was replaced by the Technical Guidance to the NPPF over 12 months ago. The FRA also fails to refer to W5-074/A Preliminary rainfall runoff management for developments as the current industry standard for calculating runoff and storage. Section 3.1.3 refers to an earth bank that prevents flow from uphill entering the site. Can this bank be relied on to remain effective for the life of the development?

Section 3.2 states the underlying geology is 'unlikely to be suitable for soakaways and infiltration systems' and yet goes on to say it is a minor aquifer, indicating there is some porosity. Tests should be carried out to determine the feasibility of soakaways. Section 4.1.1 shows the FRA was written for a different site layout with only 35 houses whereas the current application is for 45. All calculations relating to runoff will therefore be incorrect and it may not be feasible to provide the storage volume required to attenuate the runoff from the site. Section 7.1.1 refers to the Sustainable Drainage Approval Body (SAB), but Sch3 of the Flood and Water Management Act has not commenced so the SAB does not yet exist. Section 7.2.3 states runoff will be limited to  $Q_{bar}$  for all events up to 1 in 100 years but makes a fundamental error in calculating the post development runoff by excluding the permeable area of the developed site. Section 7.3.1 The FRA should demonstrate through test results whether soakaways are feasible. Section 7.4.1 The storage volume has not been calculated in accordance with W5-074/A and with no attenuation of runoff volume, outflow should be restricted to 2l/s/ha as requested by the Environment Agency in their response. No evidence is given that the discharge point is capable of accepting the outflow from the site. The survey drawing shows an invert level in the ditch of 34.33m and yet 'downstream' the level has risen to 34.97m and shows no continuation of the ditch. Thus the storage area will not drain properly between events and any outflow that does occur could flow overland to Greenway and then down the road and into the village, adding to the flooding problems.

### **Representations**

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."*

#### **WARD MEMBERS -**

Representations have been received from the 2 Ward Members, and their opinions are not in favour of the proposal. The views they have expressed can be summarised as follows:-

- North Curry Parish Council have recently produced a Parish Plan with a 27% return on the consultative process. The conclusions are that the number of new build houses should be nearer 30 than 50;
- The application offers no acceptable solution for all road users. Traffic often breaks speed limit on Windmill Hill and this is the section where the 'virtual footpath' is proposed;
- There are very few employment opportunities in N. Curry. This will lead to commuting to Taunto which is an unsustainable model;
- The parish wishes to see a phased approach to new housing so that the physical and social environment can adjust slowly. The developer wishes to build in as short a time as possible;
- The proposal would constitute a 20% increase in the village community and this would put social cohesion at risk;
- The developer is not prepared to recognise current flooding problems and more non porous materials will increase surface run-off thus exacerbating the flood risk;
- The development will overwhelm the visual environment severely detracting from the conservation area in the centre of the village. The design needs to be more locally sympathetic and not using standard national designs;
- There is a need for adequate social housing which this scheme does not address;
- The inclusion of allotments has been removed and needs to be reinstated;
- The school wouldn't cope and the development would need to fund improvements at the school;
- This is a very prominent and elevated site, and views across across West Sedgemoor to the woods would be lost;
- The scale density and design of this typical Barrett Homes scheme will be totally out of character with the older parts of N. Curry;
- The developer has shown no recognition of the work which the Parish has done;
- The site is not large enough to provide the massive water retention pond which might solve the problem of flood risk and flooded houses;
- The proposal for virtual pavements is just not credible. People would use their cars to access the village facilities and this is not sustainable;
- Lack of compliance with the village plan.

201 representations have been received in connection with this application. Of these, 196 were representations not in favour and OBJECTING to the proposal. The views expressed against the proposal can be summarised as follows:-

#### **Flooding issues**

- Being on such high ground the surface water from the site runs off into the main

road through the village. Putting more non-porous materials on site will speed up this process.

- The Flood Risk Assessment (FRA) states that it relates to a development of 35 houses, but the application is for 45.
- If the application is approved it would be an act of negligence on the part of the Council unless substantial measures are taken to deal with the continual flooding problems in Broad Lane and the land drainage system which flows from it is drastically improved prior to any new development contributing any additional water run-off.
- The existing drainage network in North Curry will be unable to cope.
- A water holding scheme cannot replicate the very slow run-off that the site has at present while it is agricultural land.
- A small attenuation pond cannot possibly be enough to stop further flooding when miles of moorland cannot stop flooding disruption to the village. Is it adequate?
- The paving and house building in a large development would create run-off which could cause flooding to homes and businesses in the centre of the village.
- If the attenuation pond overflows, the houses in Portmans adjacent to the new pond will get flooded.
- Lack of maintenance of the flood attenuation pond (e.g. de-silting) would have potentially disastrous results.
- Who will maintain the pond.
- All developments should be put on hold until assurances can be provided that surface water drainage is upgraded.
- If, after completion of the development, properties suffer flooding and damage, isn't it reasonable that Taunton Deane should be culpable?
- The Flood Risk Assessment states that 9 allotments are to be provided, but the allotments are not now part of the proposal.
- The proposed pond would affect the water table in the existing allotments as well as being a danger to children.
- The site is not large enough to provide a big enough attenuation pond.

#### Highways and transportation issues

- Traffic leaving the centre of the village accelerates to well above 30mph on the straight section of road and this would coincide with where the 100 plus additional vehicles would be joining Windmill Hill.
- Recommending a virtual pavement on a road where traffic travels at 40 mph. is a recipe for accidents.
- Lack of footpaths and excessive speeds on Windmill Hill will put residents safety at risk, especially children walking to school.
- There is no opportunity to provide for safe walking routes through the village, primarily due to the lack of pavements.
- Would result in a significant increase in traffic using the already congested and over-used A358 via Henlade, accessing it via the narrow North Curry/Thornfalcon Road.
- The development is too far from employment and secondary education and will result in increased car use and congestion making it unsustainable.
- There is no double track road from North Curry to Taunton at times of flood.
- The site would need a splayed junction to access on to Windmill Hill as emerging cars turning out slowly up the hill would be a hazard.
- Would like to see the developer or the Council introduce traffic calming measures to make the road safer if this development is to proceed.

- Traffic calming and virtual pavements do not alter the nature and safe capacity of the access roads to the village.
- Lack of footpaths is a key measure of sustainability.
- A large increase in commuters and other vehicles would cause difficulty with safe entry onto the road.
- The development does not support the need to reduce travelling, unnecessary use of cars nor does it encourage the use of public transport.
- There is a very infrequent bus service to North Curry.
- There appears to be a 30% shortfall on parking spaces on the plans, and the developer should identify how this will be addressed.
- The existing public footpath (north-eastern boundary) could be extended to provide direct pedestrian access to the village facilities.
- Traffic congestion would be intolerable, given that it is already a real problem.
- Has the Council commissioned a projected traffic census including ban origin/destination forecast, peak flow and congestion analysis.
- Will we need street lights? The parish took the decision many years ago that it did not want the village lit up like a beacon.
- The traffic counts taken in April are fictitious because agricultural vehicle movements treble during muck spreading (winter) and harvest (late summer) times, and when Moor Lane (to Lyng) is flooded an extra 1,800 vehicles use Windmill Hill per day.

#### Visual and amenity issues

- Being the most dominant and prominent site near the village, this development will overwhelm the visual environment severely detracting from the conservation area in the village centre.
- The site is more than a metre above the level of the road.
- David Wilson Homes have no intention of modifying their widely used standard designs to a more widely used standard design reflecting the local vernacular and scale.
- The modern style of buildings proposed will be at odds with the mixed and traditional architectural styles that currently dominates.
- Would have a severely detrimental impact on this conservation village that is considered an “outstanding heritage settlement”.
- The site is on rising ground, visible from almost all the village, it will be an eyesore to all.
- The houses are two and three storeys tall and very cramped, totally out of keeping with any other development in the village.
- It is on the main approach to the village and would have a severely negative impact on the landscape, fields and hedges being replaced with suburban development.
- Loss of amenity to user of the footpath.
- The impact of this development on the landscape has not been clearly explored.
- The photographs in the landscape appraisal were taken during a wet period in April which gives a deliberately unappealing impression of the site and its surroundings.
- The landscape setting of the village is an important part of the character of a rural village.
- The development would be visually intrusive.
- The development will require street lighting which would change the nature of the village forever.
- More development would ruin the quaint characteristics of this small rural village.

- Any such proposal on the main entrance to this conservation village will fundamentally degrade its ambience and visual character.
- The site is in an elevated position above the existing village.
- Heavy landscaping to screen the houses would lose the views.
- While this application is in outline, there can be little doubt that if approved, the final design would comprise the standard house types which the developer has built throughout the region.
- The houses would dominate the village and the suburban appearance would affect the character of the conservation village.
- People do not want to live in the countryside and this village in particular, or come on holiday to the area, to be crowded into a high density urban style giant housing estate.
- The proposed site is too prominent and would destroy the spectacular view across the landscape on approaching from Windmill Hill.
- The very idea of imposing such a monstrous sore on the face of a country village is outrageous, and would amount to environmental vandalism.
- Such a large block of modern housing built so close to the village centre would overwhelm the existing character of the place.
- North Curry Ridge is a special landscape feature. Views of the ridge from the north will be significantly affected by the development in contravention of the Council's planning policies EN11 & EN12.
- The town house style is not in keeping with this conservation village. 3 storey high houses will not blend in with the rest of the houses on Windmill Hill.
- We do not want a Bishops Lydeard style distortion of North Curry.
- Such a proportionally massive, urban style development would be out of keeping with the scale and character of this historic village, and would irrevocably alter and undermine its longstanding rural character, to the detriment of all.
- This village should be protected at all costs from urban sprawl.
- the development would spoil the skyline, creating another legoland estate!
- These suburban style houses would spoil this attractive rural approach to our conservation village.
- Many of the houses on Windmill Hill front on to the carriageway. A virtual pavement would invade the privacy of these residents.
- If granted the houses must not be more than two storeys in height.
- The final design would inevitably comprise the national house builders standard house types which would be total out of character with the older parts of North Curry Village.

#### Planning policy issues

The application shows no recognition of the principles laid out in the Parish Plan and endorsed by a majority of parishioners who responded.

- The site is not sustainable because limited employment opportunities in the village will mean people having to travel further afield for work.
- All the proposed development sites in North Curry are Greenfield. Losing them is a loss of agricultural land.
- We expect Taunton Deane to follow the intent of the new Localism Act and not allow a rush of unwelcome development merely because the precise provisions of the Act have not yet been defined.
- The land is currently prime agricultural land and the proposal does not comply with the Core Strategy policy CP8 (Environment).
- There is a clear need for a comprehensive village plan. If the Council cannot accept the parish plan, they should put resources into a plan they can accept.

- We need a comprehensive response from Taunton Deane Council as to why the Parish Council's plan have been ignored or at least why it is not viewed as appropriate.

### Capacity issues

- There should be a phased approach to new housing to allow the social environment and infrastructure to adjust slowly.
- Such a large development would put the social cohesion of the village at risk.
- The village school and health facilities are already stretched.
- The housing proposed is too dense and the rate of development too fast.
- The village is already at full capacity. More people would ruin the quaint characteristics of this small rural village.
- The school could not cope with excessive amount of new pupils.
- North Curry can provide its quota of housing without this land.
- There is no additional infrastructure proposed to support such rapid growth.
- Any village development should be in keeping with its innate organic growth.
- Concentrating development in a single large scale expansion would mean that local services did not have the time to adjust or respond to increased demand.

### Biodiversity and wildlife issues

- There is no proposed provision of allotments or wildlife land on the plan.
- It is not obvious from the ecological report and documents what is being proposed to mitigate habitats that are lost and encourage more wildlife.
- Need independent expert confirmation that bats will not be disturbed by development on open land.
- There is a loss of a considerable length of hedge which affects both the habitat for wild animals (there are bats in the area) and the appearance on entering the village.

### Social Housing

- The application is not committed to the provision of social housing to rent.
- There is no provision for Housing Association involvement from David Wilson Homes.
- There is no indication that the applicant will provide rented housing which is the only option to meet the needs of the locals who cannot afford to buy.
- The application form shows the development is for all open market houses, though supplementary documents indicate a 25% allowance for affordable housing.

### General and other issues

- We expect the Borough Council to protect the village and request that democracy is taken into account as the majority of North Curry residents have valid concerns.
- The sewage system is barely adequate for the village at present. Any overflow would cause a pollution incident.
- The proposed development will overwhelm the village.
- The village would turn into a sprawling suburb of Taunton.
- To place the proposed attenuation pond next to a children's play area is insane as it would be a safety risk to village children.
- The consultation undertaken by David Wilson Homes was fundamentally flawed (short response time, 78% against it).
- I don't understand why a development this large is thought suitable for a village

of North Curry's size and location.

- A crisis is coming that will destroy short and long term relationships between North Curry inhabitants and the planning function of Taunton Borough Council.
- It is outrageous that the sensible and proper parish plan for housing development has been so blatantly ignored.
- A development of 45 houses (bigger than many rural Somerset villages) is much too large and disproportionate in scale and character to that of our village.
- Barretts are a national company whose only interest is profit - the result will no doubt be suburban housing in a style quite unsuitable for North Curry.
- The development is entirely inappropriate.
- The proposal does not reflect local priorities and aspirations and will not deliver real benefits to our community.
- The parish plan has called for phased building of small scale developments to balance retention of village character and need for housing. It seems local views are being ignored.
- The development is disproportionate to the village.
- This land is being offered for sale by parties who were employed by TDBC's Planning Department.
- The proposal makes no reference to low carbon or 'Code for Sustainable Homes'.
- The proposal includes a child's play area, although there is an existing play area adjacent to the site. This will hinder integration with the existing community.
- This proposal would inevitably be in association with windfall development within the settlement limits, the combination of which will add problems of traffic, infrastructure and drainage.
- The level of housing density proposed is relatively high given a village setting with high landscape impact.
- In working up the detailed layout, it will be essential to conform to the historic development pattern of housing and protect the landscape and townscape setting of the village and its conservation area status.
- No indication is given on the size of the dwellings proposed.
- Satisfactory arrangements will need to be agreed with the Parish for the upkeep and management of the play areas and continuation of the footpaths beyond the boundary into the village.
- Will create a sub-village with the new community clinging together, risking a 'separatist' situation being created. This is not conducive to the continued organic growth of the village.
- To disregard village opinion is authority without responsibility.
- The proposal goes against the democratically expressed wishes of the residents of the village. The plan for 45 houses exceeds the 30 that the Parish Council considers necessary and appropriate, and is not in keeping with the approach to development supported by residents.
- The developer's Statement of Community Involvement is flawed, particularly in terms of the statistical significance of the results of the consultation exercise.
- The application does not accord with the overwhelming support of villagers for a phased approach by way of small scale sites.
- Development spread across more but smaller sites over a longer period, as proposed by North Curry Parish Council, would help this beautiful village retain its special character.
- There is a waiting list for allotments in the village and this proposal does not have any.
- The houses do nothing to contribute to the village life that North Curry provides.

- The developers public consultation exercise did not include a proper address for comments to be sent to, so I am not confident that they will have taken the views of villagers on board.
  - This developer patently has no interest in complementing the unique character of North Curry or sustaining the quality of life for its residents.
  - The application should be rejected immediately in favour of a more sensible style of building, phased approach, and inclusive dialogue with residents.
  - The layout has not been well thought out as it includes a play area when one is already available in the adjacent field.
  - This site gives the appearance of ribbon development.
  - The creation of a large site on the village fringe will discourage social integration into the community.
  - There is no provision for much needed allotments.
  - There should be an overall plan not 'panic management'.
  - Its too large a development in too prominent a place just as you enter the village.
- 
- There is no evidence of the planning need for this type of housing.
  - 25 to 30 houses would be much more acceptable.
  - This application should be considered in conjunction with the others in order to prevent them being permitted piecemeal.
  - The David Wilson Homes proposal is for 45 houses accompanied by a plan for 40 houses and a Flood Risk Assessment for 35 houses. There is a lack of consistency.
  - The local plan has not been considered and approved and so this application is premature.
  - We assume the Council will visit the village before making any decision.
  - The applicant has not demonstrated the need for this scale of development.
  - An outline application is not appropriate as density, style and design cannot be left to a later date on such a sensitive site.
  - It was disappointing that no-one from the Council attended the meeting (27th July) of the people directly affected.
  - The residents deserve better than to have their rural lives disrupted.
  - Some development is essential if we want to sustain a busy and thriving village community, but this can only happen successfully if development is organic.
  - It goes against all that is said about localism and democracy to ignore the voice of the local people.
  - A development of 45 houses is bigger than many rural Somerset villages.

5 representations have been received which are generally in SUPPORT, or at least are neutral to the proposal. Of these, the following views have been expressed:-

- If large scale planning has to be done in North Curry this site is the most appropriate as it takes traffic away from the village centre and other amenities such as playing fields, village hall, school etc. could be connected.
- Windmill Hill is the most practical of all of the proposed sites because it would be the most easily reached from Taunton.
- Windmill Hill would give good access to the medical centre and primary school, although may put a strain on such facilities.

## **PLANNING POLICIES**

ROW - Rights of Way,  
EN12 - TDBCLP - Landscape Character Areas,

## LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus. The figures below are based on 45 dwellings, but would be less if the numbers of new dwellings were less (application states up to 45).

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£48,558
Somerset County Council (Upper Tier Authority)	£12,140

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£291,348
Somerset County Council (Upper Tier Authority)	£72,837

## DETERMINING ISSUES AND CONSIDERATIONS

### Policy considerations

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 policies 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 Cotford 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.

North Curry Parish Council has decided not to have a neighbourhood plan in accordance with the statutory procedures for doing so. Instead they proceeded to consult and then produce a Parish Plan. This is not a statutory document under the Town and Country Planning Act and as such the plan (and the consultation exercise upon which it is based) carries little weight as part of the statutory planning process. It would in fact carry about the same weight as a third party representation, but no more. On this basis, whilst the views and statements it expresses are valid planning considerations to be taken into account, determination of this current planning

application does not have to be made in accordance with its findings.

### Flood risk and drainage.

Many of the representations express great concern on this issue. Consultation responses have been received from the relevant authorities 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. It is understood that the Agent is negotiating with the relevant authorities in order to try and overcome their concerns. However, further observations received from the Environment Agency on 4th October make clear that the proposed arrangements are still not acceptable, and they maintain their objection. The Environment Agency makes the point that the difficulties in North Curry are village wide, and improved drainage on the development site alone is probably not sufficient to solve the risk. It is now looking unlikely that the agent will be able to prove beyond reasonable doubt that the proposal would not lead to an increased risk of flooding, despite many weeks of negotiations. Unless the agent can prove otherwise in the limited time available, the application must also fail on the grounds of being likely to give rise to an increase in flood risk. This would make the proposal contrary to National and Local Policy.

Third party representations have consistently made the point that the land is liable to flood, citing last winter as a case in point.

### Landscaping issues.

This is a very prominent site and acts as a gateway to the village. There are commanding views across the site to the open countryside beyond and glimpses of the historic village as one approaches down Windmill Hill towards North Curry. These views are special and worthy of protection, and the developer has not as yet convinced officers that the proposed development would protect these views. The Council's Landscape Officer has particular concerns on the following issues -

- This is a major route into the village which the development will detrimentally impact in terms of landscape;
- loss of open countryside;
- loss of frontage hedgerow;
- loss of amenity from public footpath running on the east of the site

Although negotiations are in hand to try and mitigate any adverse impact to visual amenity from the proposed development, officers are not as yet convinced that a development of up to 45 houses together with infrastructure could be successfully accommodated at this location. Negotiations are continuing to see whether or not the landscaping issues can be overcome. These have not been concluded at the time of preparing this report, and unless they are, there should also be a reason for refusal based on the adverse impact upon the landscape setting and visual amenity.

### 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 up to 11 dwellings for 44 units and a contribution towards any fraction of the 45<sup>th</sup>. This would 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 is a Public Right of Way that affect this site. The existence of these PRoW's is a material consideration. The applicant would need to seek a diversion order to realign the PRoW's as shown. 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, the local road network and pedestrian facilities. The Parish Council have also expressed their written concern in this regard. It is understood that the applicant is still trying to negotiate a positive outcome, but until such time as that occurs the application should be refused on highways grounds as given above.

### 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, nor the Council's Biodiversity officer are raising any substantive objection. 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 these matters could be dealt with by way of carefully worded conditions, and some have been suggested in the ecological survey.

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

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

Affordable Housing, Leisure and Recreation, Education, Highways and Transportation and additional matters such as the need to include measures for the provision and maintenance of the public open space and attenuation pond. It may also be prudent to refer to the need for a footpath diversion within any legal agreement. No agreement has been entered into so this should also form part of the reasons for refusal. However, it would be necessary to add an informative for the applicant to the effect that if an appeal is lodged against any refusal, then it

would be expected that such an agreement could be finalised.

### Conclusion.

The majority of the interested parties in are still maintaining an objection. Whilst the applicant is attempting to overcome those objections there is no obvious solutions and the application needs to be determined.

It is commonly agreed by the relevant experts that biodiversity issues could be overcome and dealt with by way of appropriately worded conditions.

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.

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. Technical reasons will also be added unless the applicant is capable of resolving the outstanding issues in the time between the preparation of this report and the Committee meeting.

**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**

## MISCELLANEOUS ITEM

### 38/12/0265 – ERECTION OF 7 DETACHED DWELLINGS ON LAND TO THE REAR OF 14-28 STOKE ROAD, TAUNTON

A letter has been received from Gadd Properties Ltd requesting an amendment to the approved landscaping scheme under condition 04.

Following clearance of undergrowth it is evident a beech tree has been incorrectly plotted on the original survey commissioned and submitted by the developer. The tree is multi-stemmed and stands alone from the hedge it had grown out of and is located in the proposed drive of plot 4 instead of the garden of plot 5. The tree is not an attractive form commensurate with its species and it is considered by the Landscape Officer that it would not have a long term future as a tree that would make a worthwhile contribution to the street scene.

It has been proposed to remove the tree and replace it with a semi-mature maple, especially bred for urban streets (4.5-5.5m high). The time of planting will be simultaneous with the removal of the beech and the new tree would be protected by fencing until completion of construction.

Given the history of the planning application, it was considered appropriate to consult with those people who have previously made comments on the application and report any responses to the committee.

## REPRESENTATIONS

The Council has written to local residents who previously made representations on the original application to seek their views:

5 letters have been received concerned over loss of the tree and impact on the sensitivity of the area. These letters also raise the following points:

- The property should be altered and handed to move the drive and retain the tree.
- If allowed it should be replaced like for like.
- Why report to committee if already decided?
- Conditions have been broken.

1 letter received on behalf of 7 properties raising no objection.

1 letter from applicant's solicitor referring to unjustified complaints, concern that the matter is not dealt with at Officer level given the tree is multi-stemmed, misshapen and incongruous in the street scene, is not worthy of a TPO and its replacement has been agreed with the Landscape Officer. Undue credence is given to complaints intent on thwarting development.

## CONSIDERATIONS

The developer has approached the Council to request that the approved landscaping scheme is amended in order to overcome their error.

The Landscape Officer considers the removal of the existing tree and its replacement as acceptable under the terms of the condition. The existing tree was indicated as being retained by the applicant and not at the insistence of the Authority. The tree is not suitable to be subject to a protection order and provided that a suitable replacement tree is planted, this would maintain the character of the area.

There is not considered to be justification for retaining the existing tree. Altering the existing dwelling design and handing it would require a separate application to the Authority, which is considered possible but would be a disproportionate response if it was insisted on in this instance.

## RECOMMENDATION

The committee accept the amended landscape drawing in compliance with the condition.

**E/0135/38/13**

**UNAUTHORISED CHANGE OF USE FROM SUI GENERIS TO A1 AT 43-45 EAST REACH, TAUNTON**

**OCCUPIER:**

**OWNER:** THE MANAGER  
THE FURNITURE CENTRE  
43-45 EAST REACH, TAUNTON, TA1 3ES

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of the premises for A1 use.

**RECOMMENDATION**

No further action

**SITE DESCRIPTION**

The site is towards the bottom of East Reach and is a two storey building, painted white under a tiled roof.

**BACKGROUND**

A complaint was received in July 2013 following a retail survey carried out by the Policy Unit of Taunton Deane Borough Council. They advised that the premises had a Sui Generis use and the present occupiers are A1 use.

**DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The Change of Use from Sui Generis to another use class is not permitted development and planning permission is required. No planning application has been submitted.

**RELEVANT PLANNING HISTORY**

There appears to be no Planning history on the site.

**RELEVANT PLANNING POLICES**

To be completed by Planning Officer, e.g.

National Policy, Guidance or Legislation

NPPF paragraph 207

Taunton Deane Core Strategy

CP3 - Town and other Centres

Taunton Deane Local Plan

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site lies within the secondary shopping area at East Reach where the use of a range of uses complimentary to the town centre location is acceptable and would comply with retained polict T21 of the Local Plan. The use has changed from a motor cycle show room to an A1 retail use selling furniture. This use is in accordance with retail policy for the area and would be granted permission if an application was made.

In light of the above it is not considered expedient to take enforcement action in this instance.

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

**PLANNING OFFICER: Mr G Clifford**  
**PLANNING ENFORCEMENT OFFICER: Mrs A Dunford**

**CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479**

**E/0160/38/12**

**UNAUTHORISED SIGNAGE AT THE FORMER WESTGATE INN, 1 WESTGATE STREET, TAUNTON**

**OCCUPIER:**

**OWNER:** MR A HORUN & MR H ALI  
WESTGATE INN, 1 WESTGATE STREET, TAUNTON  
TA1 4EX

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**PURPOSE OF REPORT**

To consider whether it is expedient to take Prosecution action to ensure removal of an illuminated sign on North elevation following dismissal at appeal.

**RECOMMENDATION**

The Solicitor to the Council be Authorised to commence Prosecution action for the unauthorised display of an internally illuminated advertisement.

**SITE DESCRIPTION**

The site is on the corner of Westgate Street and Shuttern on the South west side of the Town centre. The property is in use as an Indian Restaurant with accommodation over. Previously the property was in use as a public house. The sign is on the front elevation in a prominent position, opposite Cann Street. The sign measures 1.7m wide by 2.8m high and is illuminated.

**BACKGROUND**

The sign was brought to the Council's attention following a site visit by the Planning Officer when she advised the owners that advert consent was required should they wish to retain the signs. An application was submitted to retain two signs and a split decision was issued which granted consent for the advert on the side elevation but reused consent for the larger sign on the front elevation.

Following this the applicant appealed against the refusal element of the decision but the Inspector agreed with the Council's original assessment and dismissed the appeal.

The sign remains in place and is unauthorised. The owner has suggested that he will not remove the sign and therefore a decision needs to be made as to whether prosecution action is appropriate.

**DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The sign is on the front elevation in a prominent position, opposite Cann Street. The sign measures 1.7m wide by 2.8m high and is at first floor level, between two windows. Due to its size and location, the advertisement requires express consent which has been refused and subsequently dismissed at appeal.

## **RELEVANT PLANNING HISTORY**

38/12/0145 -External Alterations - Conditionally approved 25 June 2012

38/12/0411A - Display of 1 internally illuminated sign and 1 fascia sign - Split decision 13 March 2013

## **RELEVANT PLANNING POLICES**

National Planning Policy Framework

Paragraph 67

Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements and Signs

## **DETERMINING ISSUES AND CONSIDERATIONS**

The sign on the north (front) elevation of the building, by reason of its size, is unduly prominent in the street scene and disproportionate to the other features on this elevation. As such the sign detracts from the visual amenities of the building and the surrounding area and the proposal is considered contrary to the Retained Taunton Deane Local Plan Policy EC26 and advice contained in the National Planning Policy Framework.

In his appeal decision, the Inspector commented on both the approved and refused signs, stating that 'the principal issue for the Council is the size of the frontage sign and the degree to which it over-dominates the façade of the host building. There is particular concern that the sign is out of scale with the traditional pattern of fenestration. I share these concerns. I was struck at my site visit by the manner in which the approved side (east) elevation sign appeared in scale with the gable end on which it sits and maintains a comfortable relationship with that elevation. By contrast, especially when both signs are in seen in conjunction – for example from the traffic island immediately to the north – the frontage sign appears out of proportion and overwhelms not only the other elements on that elevation but, to some extent, views of the building as a whole. In simple terms, it is too big for the wall on which it has been placed and is discordantly dominant.'

In light of the refusal of advertisement consent and appeal decision it is considered appropriate to take prosecution action if the sign is not removed.

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

**PLANNING OFFICER:** Ms F Wadsley  
**PLANNING ENFORCEMENT OFFICER:** Mrs A Dunford

**CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479**

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 16 OCTOBER 2013**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>INSPECTOR'S REMARKS</b>
APP/D3315/H/13 /2197667	DISPLAY OF 1 NO. INTERNALLY ILLUMINATED BOX SIGN AND 1 NO. FASCIA SIGN AT BLUE MANGO, 1 WESTGATE STREET, TAUNTON (RETENTION OF WORK ALREADY UNDERTAKEN)	The proposed sign on the north (front) elevation of the building, by reason of its size, is unduly prominent in the street scene and disproportionate to the other features on this elevation. As such the sign detracts from the visual amenities of the building and the surrounding area and the proposal is considered contrary to the Retained Taunton Deane Local Plan Policy EC26 and advice contained in the National Planning Policy Framework.	38/12/0411A	The Inspector considered the main issue to be the effect of the proposed advertisement on visual amenity. He shared the Council's concerns regarding the size of the frontage sign, the degree to which it over-dominates the façade of the host building and the fact that it is out of scale with the traditional pattern of fenestration. The Inspector concluded the existing frontage sign results in material harm to the visual amenity of both the host building and the surrounding area and the appeal was therefore DISMISSED.

**APPEALS RECEIVED FOR COMMITTEE AGENDA – 16 OCTOBER 2013**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/A/13/2204917	ERECTION OF DETACHED DWELLING WITH RECONFIGURATION OF PARKING WITHIN THE GROUNDS OF HOLWAY HOUSE, HOLWAY GREEN, TAUNTON AS AMENDED	38/13/0059