

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 19 March 2014 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 26 February 2014 (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 05/13/0067 Provision of student accommodation comprising up to 210 bed spaces, associated parking, landscaping and provision of sports pitches, including an all weather floodlit pitch, at Somerset College of Arts and Technology, Wellington Road, Taunton.
- 6 42/13/0079 Residential development comprising up to 32 dwellings with associated parking and landscaping at Canonsgrove Halls of residence, Honiton Road, Staplehay (as amended).
- 7 38/13/0420 Demolition of Snooker Hall and erection of 29 no. one bedroom apartments and 11 no. two bedroom apartments with ancillary bike storage and car parking at the former Rileys Snooker Club, 1 Kingston Road, Taunton as amended.
- 8 31/13/0025 Erection of 26 no. affordable houses and associated parking on land at junction of A358 and Stoke Road adjoining Laburnum Terrace, Henlade, Ruishton.
- 9 24/14/0002 Change of use of land to public footpath with associated fencing and surface on land between Nine Acre Lane and Overlands, North Curry.
- 10 E/0177/49/13 Change of use of the old dog kennels to residential on land Adjacent to Wivey View, Wiveliscombe.
- 11 E/0231/43/13 Unauthorised use of annexe as separate unit of accommodation at 46 Wellesley Park, Wellington.

- 12 E/0171/44/12 Stationing of caravan on land opposite Gidland's House, Wellington Hill, Wellington.
- 13 E/0239/34/13 Non compliance with agricultural tie at Manor Farm, Staplegrove.
- 14 E/0128/10/13 Mobile home remaining on site after expiry of temporary planning permission at Fairfield Stables, Moor Lane, Churchinford.
- 15 Planning Appeals - The latest appeals and decisions received (attached).

Bruce Lang
Assistant Chief Executive

01 April 2014

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

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

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

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

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

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

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

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



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

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

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Planning Committee Members:-

Councillor B Nottrodt (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor C Bishop
Councillor R Bowrah, BEM
Councillor 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
- Employee of Somerset College – Councillor Ms James
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

PROVISION OF STUDENT ACCOMMODATION COMPRISING UP TO 210 BED SPACES, ASSOCIATED PARKING, LANDSCAPING AND PROVISION OF SPORTS PITCHES, INCLUDING AN ALL WEATHER FLOODLIT PITCH, AT SOMERSET COLLEGE OF ARTS AND TECHNOLOGY, WELLINGTON ROAD, TAUNTON

Location: SOMERSET COLLEGE OF ARTS AND TECHNOLOGY,
WELLINGTON ROAD, TAUNTON, TA1 5AX

Grid Reference: 321166.124822 Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to reference to the Secretary of State concerning the loss of playing field provision and a Section 106 agreement to secure the improvements to Castle School running track and all weather pitch; provision of a community use agreement for all the sports facilities; and linking the timing of the student accommodation provision to development at Canonsgrove.

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. The student accommodation hereby approved shall be used only in conjunction with students undertaking higher educational courses and/or students working at the hospital.

Reason: To ensure the accommodation is used in conjunction with the educational use of Somerset College and not as normal self-contained accommodation given the identified local need.

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

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

4. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that surface water run-off rates from the developed site are restricted to a maximum rate of not more than 2 litres per second per hectare for all storm periods up to and including the 1 in 100 year plus climate change event. The scheme shall include maintenance roles and responsibilities for all drainage infrastructure. The development shall subsequently be implemented in accordance with the approved scheme within a timetable to be agreed in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the details approved.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

5. The student accommodation shall not be occupied until a parking scheme for the site, including at least 20 spaces and 8 disabled ones, has been submitted to and agreed in writing by Local Planning Authority and thereafter provided as agreed.

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

6. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of WYG's Extended Phase 1 Habitat Survey Report dated December 2013, Bat Activity Survey Report dated January 2014, Great Crested Newt survey report dated January 2014, Hazel Dormouse Survey dated January 2014 and an up to date badger survey and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;

- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.
- Details of lighting

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

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

7. No development shall commence until a Travel Plan for this development shall be submitted to and approved in writing by the Local Planning Authority. The approved plan implemented within two months of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved.

Reason: To ensure a transport choice is provided and to ensure that students and staff will travel to and from the site by means other than the private car in accordance with the relevant guidance in Section 4 of the National Planning Policy Framework.

8. Details of the floodlighting of the training pitch including heights and light levels shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out as agreed. The floodlighting permitted shall be illuminated only between the hours of 14:00 and 22:00 Monday to Saturday and 14:00 and 18:00 on Sundays.

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

10. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

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

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

- 11. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

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

- 12. Details of the siting of any temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil is to be stored on site.

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

- 13. Before any part of the development hereby permitted is commenced a plan showing:
 - (a) the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2012); and
 - (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.

Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with retained Taunton Deane Local Plan Policy EN6.

- 14. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of

the occupation of the building for its permitted use.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:2012 (Tree Work)].
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

15. 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 in accordance with Taunton Deane Core Strategy Policy DM1.

16. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

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 Policies EN6 and EN8.

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to an unacceptable risk of pollution to controlled waters in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development.

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.

PROPOSAL

The proposal is seeking outline permission for new halls of residence for students on the Wellington Road campus with up to 210 bed spaces, a new access from the internal road, the provision of floodlit all weather pitch and grass football pitches for 5-a-side and 7-a-side. Following Sport England comments the scheme now proposes an intention to upgrade the existing all weather pitch and track at Castle School to enhance sports provision as part of a wider vision which has been agreed in principle with neighbouring Castle School for the shared use of all of the College's and School's sporting facilities combined. Community access to all of these facilities will also be increased. A smaller floodlit training pitch will also be provided on the College land instead of the full size pitch and newly laid, drained, grass pitches will be retained on the remainder of the site providing a 7 a side football pitch and a larger pitch suitable for 13-14 year old matches. The student accommodation would be in three and four storey buildings and all matters are to be reserved, other than access to the road to Heron Drive.

The scheme is submitted with a Design and Access Statement, Planning Statement, Statement of Community Involvement, Flood Risk Assessment, Habitat Reports, Transport Statement, Travel Plan, Tree survey, Landscape and Visual Amenity Statement and Ground condition survey.

As background Somerset College offers an extensive range of Further and Higher Education courses, as well as skills training to the Taunton Deane community and Somerset generally. Further and Higher Education is a competitive business and each year the demand for improved opportunities and facilities grows increasingly intense. One of the major challenges for the College is to improve what it can offer students who will be living away from home. The College's existing halls of residence at Canonsgrove can accommodate circa 200 students but are located some three miles from the college's main campus on Wellington Road. The location of the existing halls relative to the College's main campus and Taunton town centre is not very appealing to prospective students and the accommodation is becoming increasingly costly to maintain. This weakens the College's prospects for the future because when making decisions about where they plan to learn, students are increasingly looking for accommodation which is close to the college and the town centre. In order to remedy this, the College want to build a new Halls of Residence on its main Wellington Road campus. However, this is only viable if it can dispose of the Canonsgrove site for residential development. A separate application for redevelopment at Canonsgrove is therefore also submitted.

SITE DESCRIPTION AND HISTORY

The site consists of grass playing field to the west of the existing campus and is bounded by the existing access road and Heron Drive to the south. There is a large tree group adjacent and beyond the western boundary of the site and a hedge and fence boundary to the field to the north. The field to the north is set at a higher level as it was where soil was deposited for the creation of Longrun Meadow. The site adjoins the Castle School playing field and running track to the east.

The site has no planning history, although it has been identified in the Preferred Option as a site for educational purposes.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS HULL PARISH COUNCIL - The Parish Council objects because a number of unresolved issues:

Flood Risk Assessment - The Environment Agency states that the site is highly influential on flooding in the Tangier centre of Taunton and has serious concerns over the development. The applicant has put forward a number of options re the treatment of surface water drainage and connectivity but none of these have been fully investigated/tested and no agreements are in place. Outline permission should not be progressed until such time as a specific and deliverable solution to the flooding issue has been agreed with the Environment Agency, Wessex Water and, if applicable, neighbouring land owners. The proposed foul water drainage and connectivity has not been technically tested and similar to the above, this should be carried out and arrangements agreed with Wessex Water before progressing further.

Parking arrangements - There is already considerable problem caused by SCAT

staff and students parking their cars wherever they can on Heron Drive and other Local Roads. As the applicant states that residential students will not be allowed to park vehicles on-campus, this problem will undoubtedly get worse. Although SCAT is aware of the existing problem their application is silent on the issue and some solution needs to be agreed and put in place.

TDBC's site allocations - The application is contrary to the emerging SADMPP, the preferred option stating that the site be reserved for education use and provide additional secondary school places. We would contend that (i) residential accommodation does not come within the criteria re education use and (ii) if development takes place there would be no possibility of resolving the growing need for secondary school places.

Proposed sports pitches - Local residents already have nuisance of light pollution and noise from athletics track/all weather playing area. They should not therefore be faced with further nuisance of a full sized floodlit football pitch even nearer their homes.

Other concerns - except for access and sports provision, all matters are to be reserved but we would add that four storey buildings are considered unacceptable. Will accommodation be offered for use out of term time and what action will be taken to minimise students smoking/congregating around the edge of the development.

DRAINAGE ENGINEER - I accept the proposals outlined in the flood risk assessment and have no objection subject to the following condition:

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that surface water run-off rates from the developed site are restricted to a maximum rate of not more than 2 litres per second per hectare for all storm periods up to and including the 1 in 100 year plus climate change event and shall include details of phasing and maintenance for all surface water drainage infrastructure. The development shall subsequently be implemented in accordance with the details approved.

HOUSING ENABLING - The proposed scheme is for shared accommodation and does not include self contained units therefore there is no affordable housing requirement.

LANDSCAPE - I generally agree with the findings of the landscape assessment but am concerned that the green wedge designation is given so little weight and only assessed as 'medium' rather than 'high' sensitivity. The areas around the site are generally open to and valued by the public. The area is in an open, level area of the town well used by the public and students. Given its position on the edge of the green wedge lighting could have an adverse impact on the local landscape and ecology. Management of the northern boundary of the site could be significant given its critical position on the edge of the green wedge.

Given the importance of the site on the edge of the green wedge (CP8) I recommend a landscape buffer of at least 20m along the northern boundary of the site. This will help to reinforce the rural character of the landscape to the north, reduce light spillage and help integrate the proposals into what is an open flat,

publicly accessible flood plain. Without the above the proposals will have an adverse impact on the green wedge and river floodplain landscape character area to the north. If the application is to be approved conditions are recommended.

LEISURE DEVELOPMENT - It is regrettable that the construction of an artificial pitch will mean the loss of a full size grass pitch regardless of the whether the community currently has access to the latter. Taunton already has a significant number of artificial pitches one of which is the 3G pitch at the neighbouring Castle School. It is therefore difficult to envisage, given the number and location of the existing ATPs where the demand from the community might come from.

Clarification of both the 7-a-side and 5-a-side football pitches should be sought from the Open Spaces Department along with assurance of their meeting FA regulation for size, run off etc. Given the range of College students it is difficult to see how much use the college will be able to make of these pitches, as use by their students, on pitches this size during winter months may I believe cause significant damage to the ground, which would reduce the number of matches that could be played. Advice of the Open Spaces manager should be sought. Overall this application together with corresponding application 42/13/0079 from the applicant will mean the loss of 2 grass playing pitches and existing open space plus 1 sports hall which had the provision of 1x artificial playing pitch.

BIODIVERSITY - The application is for provision of student accommodation with associated parking, landscaping and provision of sports pitches, including an all weather floodlit pitch. Lighting details have not been submitted at this stage. The site is 2.5ha dominated by amenity grassland with a small area of Broadleaved woodland to the west and scattered trees to the north and south boundaries. The hedgerow and woodland is to be retained within the proposed development, although some scattered trees and scrub is proposed for removal. The River Tone LWS is located 0.6km north of the site. I agree mitigation may be required to minimise any damage to the watercourse posed by the development.

Findings of the Phase 1 and latest survey was as follows:

Bats - A bat activity survey was carried out and the surveyor considered the site to have low potential for foraging and commuting bats. At reserved matters stage I would like to see details of lighting to ensure that bats are not affected by the development. The area surveyed adjoined the site boundary but I agree habitats are similar and findings are reliable. At least 8 species of bat were recorded using boundary features on site for commuting and foraging. The habitats of likely value to bats are to be retained. There will be some loss of scattered trees on northern and southern boundaries but to compensate there will be new native planting. I support additional proposed mitigation. Trees within the site have negligible potential for roosting bats due to lack of holes, cracks and fissures.

Birds - The Eurasian nuthatch was recorded during the field survey. The woodland and hedgerow offer high potential for nesting and foraging habitat for birds. Any removal of vegetation should take place outside the nesting season.

Great Crested Newts - The ditches and pond to the north are potentially suitable habitat for breeding GCN. A survey was carried out May-June 2013 but no great crested newts or their eggs were found in any of the three water bodies. The survey also indicates that the water bodies are either poor or below average suitability for GCN. Although unlikely to be using the terrestrial habitat on site I agree vigilance should be maintained during site clearance and construction. In the event GCN are found work should stop immediately.

Dormice - The hedgerow and woodland offer low potential for hazel dormice. A nest

tube survey was carried out and no signs of their presence were recorded but I agree vigilance should be maintained during site clearance. I also agree the survey remains valid for 2 years, after which if work has not begun a further survey will be required.

Reptiles - The site does not contain habitat that reptiles require.

Badgers - No setts were found on site although there is activity in the area. A badger survey should take place 6 weeks prior to commencement of development.

I suggest a condition for protected species.

SOMERSET WILDLIFE TRUST - We note the submission of survey documents in respect of bats, dormice and great crested newts. We have noted no trace was found of either Dormice or Great Crested Newts was found on the site and it was thought very unlikely that they would be present because of the lack of suitable environments. Bats were present but the development was thought unlikely to be prejudicial to them. As at today's date we have not seen a badger survey which both we and the Authority's Biodiversity Officer considered should be provided. In the meantime we will continue to request that there should be specific Conditions, if it should be decided to grant Planning Permission which would require the use of native species in any planting scheme, external lighting to be designed so as to minimise light pollution and a larger number of bat and bird boxes to be provided.

ENVIRONMENT AGENCY - . We have **no objection** to the proposed development subject to the following **CONDITIONS** being imposed upon any permission granted:

CONDITION: No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance roles and responsibilities for all drainage infrastructure. The development shall subsequently be implemented in accordance with the approved scheme within a timetable to be agreed in writing by the Local Planning Authority.

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

CONDITION: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to an unacceptable risk of pollution to controlled waters in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

Informative / advice to LPA: Whilst the drainage scheme put forward will require further details to be submitted via condition, we consider that there is a viable and deliverable means of attenuating flows on site and directing them to an appropriate receptor to ensure that flood risk is not increased within the existing floodplain downstream.

It is worth noting that the impermeable area created by the development will be less than 0.5 hectare, despite the overall site area being around 2.5 hectares. There have also been real attempts to further minimise impermeable areas by using permeable paving and reference to enhanced drainage functions for the sports pitches. We welcome sight of the details of these features as they come forward.

The submitted Ground Conditions Desk Study Report concludes that risks to controlled waters from existing contamination are low, and we generally concur given the previous uses of the site. However, we consider that the inclusion of the above condition to deal with unsuspected contamination would be prudent to rule out all risks and ensure that any contamination is remediated appropriately.

SCC - CHIEF EDUCATION OFFICER - No comment received

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - no comment received

SCC - FLOOD RISK MANAGER - No comment

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal relates to the erection of student accommodation with associated parking and provision of sports pitches.

Traffic Impact

Part of the proposal saw the submission of a Transport Assessment. The Highway Authority has audited this document and has the following observations to make.

The Transport Assessment (TA) has illustrated the proposed trip generation rates for the development in Table 3.2 for the campus sites and Table 3.3 for the non-campus sites. The Highway Authority has assessed these rates and is satisfied that these are acceptable. In terms of traffic impacts, given the level of trips that has been proposed it is likely that there would be a minimal impact on the local road network. Furthermore it is unlikely that any journeys that would need to be undertaken outside the peak periods.

Turning to accessibility the site is within easy walking distance of the college site. Table 2.1 shown on page 4 identifies the closes services and facilities to the site. The nearest food store is Tesco on Castle Street, which is just under a kilometre from the application site whilst the town centre is approximately 1.8km from the site. As a consequence it is the Highway Authority's opinion that a modal shift would be limited for certain activities. Cycling infrastructure in the vicinity of the site is good. Paragraph 2.3.1 (page 3) indentifies that National Cycle Route 3 (NCR3) exists along Heron Drive, through the campus and along Wellington Road into the town centre. This route along this section is virtually all off-road. An extensive cycling network off-road exists in other parts of Taunton so modal shift to cycling is considered a strong possibility. Paragraph 2.5.2 (page 5) identifies the nearest bus stops to exist on Longrun Lane adjacent to SCAT. Table 2.2 shows the bus services that serves these stops and full timetables are provided in Appendix C. The modal shift is considered to be strong.

The current Parking Strategy does not have optimum standards for this type of land

use. Paragraph 3.4.1 (page 13) states that 8 parking spaces are proposed, which would be controlled by permits to students who have a proven medical condition that requires the use of a car alternatively they would also be used by parents to drop off or collect students and their belongings at the start or end of term. It is the view of the Highway Authority that this type of parking policy, given the location of the site, will not prevent students from bringing their cars as there is little to prevent them to parking on the surrounding streets. This could therefore potentially lead to further problems. The applicant is therefore urged to re-think the parking provision for this proposal.

The Highway Authority has undertaken an examination of similar 'no-car' halls of residence using TRICS datasets. Based on the information the Highway Authority would require 20 parking spaces with the addition of 8 parking spaces for disabled students. Thought should also be given to providing a small pick up/drop off area.

Therefore to conclude, on traffic impact grounds there is no objection in principle but the applicant is urged to increase the level of parking provision.

Travel Plan

The applicant has submitted an updated Travel Plan to include the Halls of Residents. This is been audited by the Travel Plan Team and a copy of the report is attached. Please note that this updated Travel Plan will need to be secured via S106 agreement.

Site Drainage

The applicant provided a Flood Risk Assessment as part of the submission this document has now been audited and the Highway Authority's comments are set out below.

As the location of the proposed single point of vehicular access will be beyond the current limit of the public highway it is assumed therefore that the internal road network will remain private and consequently there will be no prospective public highway drains associated with these proposals. As the proposal will not have a direct access to the highway then the Highway Authority would not have an interest in adopting these access roads.

The surface water management strategy puts forward three options, two of which would have little impact upon the public highway network they propose to take the surface water northwards from the site across private land to discharge into the River Tone. The third option is to outfall into a Wessex Water surface water sewer to the south of the site assumed to run along Heron Drive and any works necessary to achieve this within the public highway can be granted under licence.

Conclusions & Recommendation

To conclude, having processed the information set out in the Transport Statement the Highway Authority is satisfied that the proposal would not have a significant impact on vehicle movements furthermore it is envisaged that it is likely that the vast majority of the trips will be outside peak periods. The only issue the Highway Authority does have is that the applicant has not provided a sufficient level of parking.

In terms of the Travel Plan there are a number of points that need to be addressed

by the applicant. Furthermore this updated Travel Plan will need to be secured via a S106 agreement. Finally the Highway Authority is satisfied that the proposed drainage works will not occur on adopted highway and will remain private.

Therefore based on the above details the Highway Authority has no objection to this proposal subject to a revised parking allocation being submitted.

SPORT ENGLAND SOUTH WEST -

Sport England has therefore considered both applications in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.’

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities.

Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country. The policy identifies five exceptions to our normal position of opposing development, which would result in the loss of playing fields, as follows:

E1 - A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

E4 - The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.

E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

Additionally when considering proposals affecting sport and recreation including playing fields, the Government’s National Planning Policy Framework (paragraph 74):

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus of requirements; or

The loss resulting from the proposed development would be replaced by equivalent or better provision in term of quantity and quality in a suitable location; or

The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The Proposal on the Wellington Road Site

The existing playing field which accommodates a couple of grass playing pitches would be significantly reduced in size to accommodate new student housing (displaced from the Canonsgrove) on the site. The proposal includes an 'Artificial Grass Pitch' (AGP). The type of AGP surface has not been specified, there is no proven strategic need and no long term business plan (annual maintenance and new carpet sinking fund). In the playing field 'left over', it is proposed to mark out 2x mini soccer, presumably grass, pitches.

Given the nature of the planning applications we have sought comments from The FA, RFU and England Hockey (EH), which are set out below:

FA

The FA have consulted with the Somerset County FA and has the following comments: There has previously been football use of both sites and at present there is limited community use on either site. Further comments are:

Is this the best location for a Full Size 3G Football Turf Pitch (3GFTP)? – given that Castle School Full Size 3GFTP is right next door! Can some joint working between SCAT and Castle School take place to ensure a current 3GFTP is fully utilised and sustainable?

o The need for a 2nd Full Size 3G should be informed through the Playing Pitch Strategy – there is potential for displacement from the Castle 3GFTP?

o What are the technical specifications of the 3GFTP – proposed size and surface detail not provided

o Do they propose to fund the 3GFTP and grass pitch provision solely from the sale of Canonsgrove? This would not be a CFA priority to fund (if seeking funding), as other areas in the county are.

o Is there a business case for this facility? Including maintenance and a sinking fund.

o No detail on the management of the 3G or grass pitches and if they would be available to the community?

Whilst a concern over loss of pitches – The FA is unsure on current community access? (high cost if there is community access) – There is not a high demand at present in the area for the 5v5 and 7v7 size grass pitches proposed but there could be in the future with Taunton being the largest Town area for housing growth! The older youth size pitches as noted in the 2010 PPS which could be marked out are essential to be retained. Can further details on the exact size of the pitches and construction method be supplied?

o SCAT – Loss of Adult pitch and 9v9

o Loss of Canonsgrove, Adult site that could be used for football – Trull area noted in 2010 PPS as having an undersupply of Adult pitches.

Extremely poor parking on site – has this been considered and are there any possible solutions?

Changing room provision? Toilets? Current provision to far a distance away and The FA are unsure on the design of these so cannot comment on the technical compliancy.

EH

Somerset College is not a priority area for England Hockey. Within Taunton there are currently 9 hockey specific AGP's, although primarily on Independent School sites (6 AGP's). There are only two hockey clubs based in Taunton and so the community hockey demand is more than adequate.

Taunton Vale HC is an asset owning club who primarily use Taunton Vale Sports Club for training and matches, occasionally some fixtures are played at the neighbouring Taunton School AGP. The sand AGP will be refurbished (carpet and lighting) in the next 6 months, following successful grant funding applications.

Taunton Civil Service HC train at Kings College and play their matches at Heathfield School, as Kings is not available due to Saturday school fixtures. Heathfield School are looking to refurbish the sand carpet in the next 1 to 2 years dependant of funding, to continue hockey participation at the site.

There is limited access to the AGP's on Independent School site due to school commitments, however the following schools are accessible for community club or County hockey for some evening and weekend use – Kings College, Taunton School and Queens College.

Currently a new sand AGP is being laid at Bishop Foxes School, as far as I am aware there is no commitment from either community hockey club to use this facility at present. I have not been contacted by the school and so I am unaware of their business plan for the facility.

RFU

The playing field identified within this proposal is not used for Rugby Union to my knowledge. My understanding of the site is that it's predominately used for football and summer sports i.e. rounders. There is no club activity on the playing fields through community use agreements. The playing fields are used by Somerset College for academic sporting activities, and rugby is a low profile sport at the college.

The proposal of an AGP on this site is interesting. Additional details of the technical specification are requested for this proposed surface.

Within the locality, there is an existing 3G AGP some 200 yards away located at The Castle School. This is used for community football use, and is not IRB compliant restricting rugby activity. Has a full business plan been developed to support this provision?

Currently, there is no IRB compliant 3G surface in Taunton Deane, so this provides an opportunity for the applicant to consider.

There is no objection from the RFU as the proposal does not affect rugby. However, further details are requested on the technical specification of the surface.

The Proposal on the Wellington Road Site

The proposal for the Wellington Road site should be viewed in two parts.

1. A significant part of the playing field will be lost to a non sporting use in the form of student accommodation (to replace that lost at Canonsgrove). The indicative design doesn't attempt to minimise the impact on the playing field.
2. The second part of the proposal is the inclusion of an Artificial Grass Pitch (AGP) to offset the loss of playing field. The AGP specification is unknown, there is no proven strategic need and there is no business plan showing how annual and long

term maintenance will be achieved to keep this facility to a high quality standard. In essence this is an artificial intensive use surface sports facility (with fencing and floodlights??) on a concrete base and the chances of it ever returning to grass is remote.

For a significant part of the site (the proposed student accommodation), this will lead to the permanent loss of playing field land useable for sporting activity and clearly the proposal does not meet any of the exceptions to our Playing Fields policy.

The remaining part of the playing field site will have an AGP (fencing and lighting?) and 2x grass mini soccer pitches. The flexibility of playing sports like cricket on the site will also be lost. The proposal does not meet any of the exceptions to our Playing Fields policy, as explained below:

E1 – a Playing Pitch Strategy does not identify this site for a new AGP

E2 – the proposal is not a sporting ancillary development to serve the playing field e.g. a pavilion

E3 – the land lost is capable of being used for sport

E4 – there is no like for like (or better) replacement playing fields

E5 – the development is for an alternative sporting facility however the specification of the AGP is unknown, there is no proven strategic need (there are numerous AGPs in Taunton, with one next door at Castle School), and there is no business plan. More work and evidence is needed to prove meeting E5.

In light of the above, Sport England objects to the two proposals because they are not considered to accord with any of the exceptions in Sport England's playing fields policy.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit (NPCU).

WESSEX WATER - Please refer to the attached extract from our records showing the approximate location of our apparatus in the vicinity of the site. There are a number of apparatus located in the south western corner of the site, including:

- 450mm diameter public combined sewer
- public sewer overflow
- 450mm diameter public rising main
- Private water main

Layout drawings submitted with the planning application show appropriate easements from these apparatus. There are no buildings indicated to the west of these apparatus. The proposed buildings are closest to the rising main, from which a 5 metre easement from the centreline of the pipe must be observed for the purposes of maintenance and repair. Pipelines must be accurately plotted on site and marked on construction drawings. There must be no tree planting within 6 metres.

Agreement will be required for the protection of these apparatus during construction and twenty four hour access maintained.

There is current available capacity in the foul sewerage system for the predicted foul flow only from 210 student beds. Point of connection to be agreed. It is assumed that the new on site drainage will not be offered for adoption and will be owned and maintained as a singly managed site by the management company.

A point of connection can be agreed for foul water disposal to the 600mm dia public sewer to the south of the site. We are aware that the public sewer surcharges under storm conditions and the developer should ensure that a gravity connection can be made with minimum floor levels above the level of the connecting manhole to avoid sewer flooding. Where floor levels are planned below this level we advise that pumped connections should be provided.

Surface Water discharge will be in accordance with NPPF Guidelines, with Wessex Water providing assistance as necessary.

Wessex Water is currently assessing available capacity in the water supply network in the light of other proposed development in the area. The results of network modelling will be communicated to the applicant in due course.

SCC - ECOLOGY - No comment.

Representations

13 letters of objection on grounds of

- noise levels
- increase in traffic
- increase in use of Heron Drive/Silk Mills intersection
- Silk Mills junction unable to cope at peak times
- problems of parking in Heron Drive
- will increase danger on Heron Drive and junction should have traffic lights
- staff parking is a problem
- very inadequate parking provision
- will impact on parking of local residents
- noise and light pollution
- loss of peace and quiet for care home and hospice
- no security regarding student behaviour affecting residents
- set precedent
- unnecessary
- will increase flooding
- an all weather pitch will restrict type of activities
- loss of grass
- floodlights will affect residential property
- loss of privacy
- noise and disturbance at evening and weekends
- disruption of construction
- smoking and litter
- wildlife impact
- no place to expand in future
- loss of view of Quantocks
- loss of property value

1 letter of no objection

1 letter of support from Somerset Activity & Sports Partnership.

PLANNING POLICIES

NPPF - National Planning Policy Framework,

SD1 - SD 1 TDBC Persumption in Favour of Sustain. Dev,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
CP8 - CP 8 ENVIRONMENT,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
C3 - TDBCLP - Protection of Recreational Open Space,
C5 - TDBCLP - Sports Centres,

LOCAL FINANCE CONSIDERATIONS

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

Community Infrastructure Levy

In the event that planning permission is granted for this development after 1st April 2014, the development may be liable for CIL at a rate of £70 per square metre.

DETERMINING ISSUES AND CONSIDERATIONS

The proposal is an outline for the erection of up to 210 units of student accommodation on existing land at Somerset College in order to replace accommodation at Canonsgrove which is considered by students as unattractive due to its location and condition. Consequently there has been a decrease in numbers of higher education students applying to attend the College which is affecting its reputation and ongoing viability. If not addressed this could impact over time with knock-on effects for the local economy and for the perception of Taunton as a centre for higher education study. The further impacts of the proposal are considered below:

Policy

The starting point for the determination of any planning application is Section 38(6) of the Planning and Compulsory Purchase Act 2004. S.38(6) requires all planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The site is on land owned by the College and education is a key element of sustainable development as recognised by the Core Strategy and the purpose of the proposed development is to relocate the student accommodation into a far more sustainable location than their current site which lies approximately 3 miles from the town centre. The use is considered to comply with policies SD1, CP1 and CP6 of the Core Strategy.

Policy C3 of the Local Plan is still a retained policy and states:

Proposals involving the loss of recreational facilities, including allotments, public, private and school/college playing fields, sports grounds, indoor sport and recreational facilities, areas for informal public recreation and children's play areas will not be permitted unless:

- (a) there is an excess of good quality recreational facilities of the type which would be lost, sufficient to meet local demand; or
- (b) the proposed development provides recreational or community benefit greater than the long-term recreational value of the recreational facility that would be lost; or
- (c) equivalent provision in a convenient location is made to at least an equal standard and with equal community benefit; or
- (d) in the case of a school or college playing field only; the land is needed for the development of school buildings and/or associated facilities, and adequate playing fields to meet statutory requirements would be retained or provided.

The Council's Playing Pitch Strategy was produced in July 2010. It identifies that there is a surplus of senior football and rugby pitches within the Taunton Deane area; there are sufficient pitches across the borough to cater for senior football and rugby fixtures but there is a significant under-provision of junior facilities; without full access to existing and future education sites, the existing deficit of junior pitches is likely to grow; there is a lack of training non-grass facilities for football and there is a need for the provision of new 3G pitches that can be used for both training and match play for football and rugby. The proposal as revised is considered to comply with the criteria (b) of policy C3 in that the recreational and community benefit is considered greater than that that would be lost and so therefore would comply with the development plan. The revised sports provision is supported by the Somerset Activity and Sports Partnership.

This view has to be considered in light of Sport England's initial objection that the development would result in a deficiency of provision of playing fields and that the alternative or replacement does not match that which would be lost. In order to address this the applicant has amended the proposal to provide a commitment to investing in the up-grade of the athletics track and 3G pitch to enhance sports provision as part of a wider vision which has been agreed in principle with neighbouring Castle School for the shared use of all of the College's and School's sporting facilities combined. Community access to all of these facilities will also be increased. The 3G pitch will be re-laid and up-graded to comprise a pitch suitable for competitive football (match size and training) but also Rugby and American football. The displaced hockey training (which the existing pitch has been inappropriately used for) will be provided for on a new sand-based all weather pitch alongside it and will complement the specialist centre at Taunton Vale, which provides the full-size hockey pitches suitable for competitive matches. It will also be suitable for tennis and netball. Newly laid, drained, grass pitches will be retained on the remainder of the site providing a 7 a side football pitch and a larger pitch suitable for 13-14 year old matches.

This improvement to sports facilities and community access is considered to weigh in favour of the development but it is ultimately for Members to determine whether this improvement outweighs the objection to the loss of part of the grass playing field at the site.

In the absence of a Site Allocations Document the application should be considered against the National Planning Policy Framework (NPPF) and the development plan unless material considerations indicate otherwise. Paragraph 14 of the NPPF emphasises the presumption in favour of sustainable development and indicates planning permission should be granted 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.”

In this instance the proposal would provide new student accommodation in a sustainable location in support of the future growth of the College and would help improve sport facilities with community access in the area, but would result in the loss of playing field, a principle objection by Sport England.

New National Planning Practice Guidance (NPPG) and recently been launched and this includes advice on prematurity. The advice has not significantly changed from before and prematurity in itself is not generally a reason for resisting planning proposals. The development would not prejudice the development of other sites around Taunton and would not be so substantial as to undermining the plan making process given that the emerging plan is not at an advanced stage and is not formally part of the development plan. Advice states "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process." In this instance it is not considered a prematurity argument could be sustained. The proposal is linked to an educational use and is in a sustainable location.

Viability

The Council has sought independent advice concerning the viability issues of the development. Viability is a material consideration in determining applications. The benefits of relocating the student accommodation onto the main campus has a major benefit in terms of sustainability and helping secure the long term future of higher education in the town. In order to secure the necessary replacement accommodation on the College site it is necessary to secure additional funding to make the development viable. To secure the necessary funding to fill the viability gap the redevelopment of the existing halls site at Canonsgrove is required. A number of scenarios have been considered for the Canonsgrove site, however for any scheme to be considered appropriate it should be limited to the least number of units given the location. The viability assessment has identified 32 units as a minimum across the whole site. Such properties would be large 4 and 5 bed executive properties to secure the biggest return.

Drainage

Foul water drainage will be disposed of via existing sewers in the vicinity and Wessex Water has confirmed that there is capacity within the network to take the

proposed development.

In terms of surface water Wessex Water has also advised that an existing surface water sewer could be utilised or a sewer requisition be undertaken. The concern of the Parish Council over the surface water disposal and proximity and potential impact on the town centre is noted. The site lies within the least risk flood zone and it is considered that a suitable means of surface water disposal can be achieved and both the Environment Agency and Drainage Officer raise no objection to the proposal subject to a suitable condition.

Landscape and Ecology

The site currently lies within an area identified as green wedge but which is proposed to be excluded as identified through work on the forthcoming draft Local Plan as the site has been identified as a Preferred Option site for education purposes. The revised boundary would mean the site would take the line of the fields to the north, so the site would fall outside of the new boundary. The proposal is not therefore considered to be contrary to policy CP8. The concern of the Landscape Officer in terms of impact is noted, however a 20m buffer would render development here unworkable. The land immediately to the north is already around 2m higher and this in itself would reduce the visual impact of any new buildings. A landscaping strip could be provided along the northern boundary as part of any detailed scheme and this would lessen the impact on the boundary of the green wedge and would assist in softening the appearance of any buildings when viewed from the north.

The submitted wildlife survey does not identify any significant impact on protected species which is to be expected given the nature of the field. Tree features which would provide habitat are largely restricted to the perimeter of the site and would largely be retained and where lost would be replaced. The Biodiversity Officer has recommended a condition to address the provision of mitigation and enhancements for the site and this is considered a necessary condition.

Highway Impacts

A Transport Assessment has been submitted with the proposal and the Highway Authority consider the trip generation would have a minimal impact on the local road network and the Heron Drive junction with Silk Mills is adequate to cope with the development. Furthermore it is likely that any journeys that would need to be undertaken would be outside of the peak periods. The site is in a suitably sustainable location close to a bus route, cycle routes and is within walking distance of the town centre. There is local concern over existing parking issues in Heron Drive and concern that the proposal would exacerbate the situation. The Highway Authority has considered the parking provision and considers that 20 spaces are required in addition to the 8 disabled spaces. The College has indicated that this could be met by provision within the campus and a condition to secure the additional parking required by the Highway Authority is considered a necessary one.

A Travel Plan has been submitted with the application and the Highway Authority consider it should be secured through a legal agreement. In this instance it is

considered that a suitable grampian condition to secure agreement before commencement is acceptable.

Other Issues

The proposed lighting of the training pitch has been raised as an issue. However the modern design of such lighting can be controlled to prevent light spillage and this together with the siting of any floodlit pitch would be subject to reserved matters approval and a condition to control timing of any lights would further address neighbour concerns and this element of the scheme is not considered grounds to raise objection. The area already has a sports use and any additional sports use here is not considered to cause such additional disturbance to residents to warrant an objection. The design of the buildings is yet to be determined, however it is not considered that the principle of well designed 3 or 4 storey structures in this location would warrant a principle objection. Clearly if lower scale buildings were considered this would take up more land and playing field which would potentially be unacceptable.

Summary

The development proposed is an opportunity to secure student accommodation in a sustainable location on the College campus and would help secure the future viability of higher education at the site. The revised proposal would also secure enhancements to the sport facilities and community use of the playing facilities at the site and neighbouring Castle School, although sadly this would be at the expense of playing field space. On balance it is considered that the benefits to the College and town as a result of securing the accommodation here outweigh the harm identified in the Sport England objection. The drainage, highway, landscape and ecology impacts are not considered grounds for refusal and suitable conditions are proposed. Subject to an appropriate Section 106 Agreement the recommendation is one of approval.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

RESIDENTIAL DEVELOPMENT COMPRISING UP TO 32 DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING AT CANONSGROVE HALLS OF RESIDENCE, HONITON ROAD, STAPLEHAY (AS AMENDED)

Location: CANONSGROVE HALLS OF RESIDENCE, HONITON ROAD,
STAPLEHAY TRULL, TAUNTON

Grid Reference: 321021.121265 Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to reference to the Secretary of State concerning the loss of playing field provision and a Section 106 to secure the maintenance for play area and open space, wildlife areas and water attenuation feature at Canonsgrove, and linking the timing of the residential development at Canonsgrove to Student accommodation provision at Somerset College.

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

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

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

3. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that surface water run-off rates from the developed site are restricted to a maximum rate of not more than 2 litres per second per hectare for all storm periods up to and including for the 1 in 100 year plus climate change event and shall include details of phasing and maintenance for all surface water drainage infrastructure. The development shall subsequently be implemented in accordance with the details approved.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of WYG's Extended Phase 1 Habitat Survey Report dated December 2013, Bat Activity Survey Report dated January 2014, Great Crested Newt survey report dated January 2014, Hazel Dormouse Survey dated January 2014 and Reptile survey dated January 2014 and include:

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

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

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

6. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 7. Details of the siting of any temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil or materials is to be stored on site.

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

- 8. Before any part of the development hereby permitted is commenced a plan showing:
 - (a) the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2012); and
 - (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.

Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with retained Taunton Deane Local Plan Policy EN6.

- 9. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local

Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:2012 (Tree Work)].

- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

- 10. 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 in accordance with Taunton Deane Core Strategy Policy DM1.

- 11. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

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 Policies EN6 and EN8.

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

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

13. No development shall commence until a Travel Plan for this development shall be submitted to and approved in writing by the Local Planning Authority. The approved plan implemented within two months of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved.

Reason: To ensure a transport choice is provided and to ensure that students and staff will travel to and from the site by means other than the private car in accordance with the relevant guidance in Section 4 of the National Planning Policy Framework.

14. At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road levels within the visibility splays shown on the submitted plan (00244_L021RevG). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety.

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

Reason: In the interests of highway safety.

16. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety.

17. Prior to the commencement of development hereby permitted a drainage survey shall be carried out and submitted in writing by the Local Planning Authority and no work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall

carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate highway drainage to serve the site and prevent the risk of highway flooding.

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

Reason: In the interests of highway safety.

19. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commence of development.

Reason: To ensure suitable links to the highway and footpath.

20. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle, and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

Notes to Applicant

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

PROPOSAL

The proposal is an outline residential scheme, amended to erect up to 32 executive houses to replace the existing Canonsgrove Halls of residence as a means of funding new student halls of residence on the College campus in town. The student accommodation is poorly located and some are in poor condition with high

maintenance costs and the College is losing students to other locations in the south west. The houses will be located across the site and include a former playing pitch as well as the halls to be demolished.

The scheme is submitted with a Design and Access Statement, Planning Statement, Flood Risk Assessment, Transport Statement, Travel Plan, Archaeology and Heritage Assessment, Landscape and Visual Amenity Statement and Ground condition survey.

SITE DESCRIPTION AND HISTORY

The site consists of the existing halls of residence on the northern part of the site with largely 3 storey buildings accommodating up to 200 students and car parking. The site is screened from the Honiton Road and views from the north by well established trees. The southern part of the site on lower ground is a little used playing field and it is divided from the northern part by a copse of trees some of which are covered by a preservation order. The western boundary along Sweethay Lane is screened by mature hedges and trees. The adjacent Canonsgrove House and property to the south have significant trees along the boundary which screen to the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TRULL PARISH COUNCIL - strongly objects to this application. As it stands there is no provision for affordable housing or any community contribution. So whilst there would be a large impact on local resources and infrastructure it would bring no benefits to the parish at all. Trull Parish Council's response to the recent Site Allocations and Development Management Plan consultation stressed that development in this rural area is not viable. This application does nothing to convince us otherwise. It is in no way sustainable and does not address transport, highways or schooling problems that would arise. Whilst there is much reference to enabling Somerset College to progress it would be at the expense of disabling the parish of Trull.

The findings from a recent questionnaire carried out by the Trull Neighbourhood Plan group showed there was a strong desire to protect the area around Canonsgrove from development. This is particularly important bearing in mind the future possibility of 2,000 homes in the Comeytrove area as identified in the Core Strategy. We believe this application constitutes piecemeal development. Furthermore it plainly seeks to take advantage of the fact that the Council's Site Allocations and Development Management Plan is currently being processed. We would prefer to see the planning authority take a stand against such opportunism.

LANDSCAPE - subject to suitable landscape mitigation it should be possible to significantly reduce the impact of the proposed development especially given the present level of buildings within the northern treed areas. Detailed management proposals for the landscape buffer and its ongoing maintenance will be critical to the longer term landscape success of the scheme.

ENVIRONMENT AGENCY - We have **no objection** to the proposed development subject to the following **CONDITION** being imposed upon any permission granted:

CONDITION: No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that surface water run-off rates from the developed site are restricted to a maximum rate of not more than 2 litres per second per hectare for all storm periods up to and including for the 1 in 100 year plus climate change event and shall include details of phasing and maintenance for all surface water drainage infrastructure. The development shall subsequently be implemented in accordance with the details approved.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

Informative / advice to applicant: We note that the discharge rate from this site has been reduced to 2 l/s/ha in line with our recommendations. We see from the micro-drainage and surface water drainage proposals that enough storage could be provided on site when the development progresses to the detailed design stage.

No permeability testing has been undertaken, and the surface water drainage plan includes a detention basin and underground storage. Surface water drainage should be stored above ground where possible.

There are a number of options for discharging to the nearby watercourse - either via a highway ditch or a new section of surface water sewer. Wessex Water has provided a consultation response stating the acceptability of the principle of this (subject to detailed design). We are disappointed to see that the surface water drainage layout does not show pipe connectivity through the site, or the routing options for drainage pipes to the ordinary watercourse. This must be explained in detail at the detailed design stage.

Any surface water drainage scheme submitted to discharge the above condition must meet the following criteria:

1. Any outflow from the site must be limited to the 2 l/s/ha Greenfield run-off rate and discharged incrementally for all return periods up to and including the 1 in 100 year storm.
2. The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach

unsafe depths on site.

4. The adoption and maintenance of the drainage system must be addressed and clearly stated.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDs). SuDs are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SuDs techniques available means that virtually any development should be able to include a scheme based around these principles.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

Under the terms of the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority is required for any proposed works that impede the flow of an 'ordinary watercourse'. The need for Land Drainage Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Glyn Parry at Somerset County Council on 01823 355418.

NATURAL ENGLAND - Based on the information provided Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.

You should apply standing advice to this application as it is a material consideration in the determination of applications in the same way as any individual response from Natural England following consultation.

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*'.

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 to the local community, for example through green space provision and access to and contact with nature.

POLICE CRIME PREVENTION DESIGN ADVISOR -

Crime Statistics - reported crime in this location is almost non-existent.

Anti-social behaviour reports in the same area during the same period total 3 (classed as ASB – Nuisance) which are also very low levels.

Layout of Roads & Footpaths – vehicular and pedestrian routes appear to open, direct and are likely to be well used creating active dwelling frontages. Where desirable to limit access/use to residents and legitimate visitors, features such as rumble strips, change of road surface by colour or texture, brick piers, pillars at the entrance or similar features can help define the defensible space of the development giving the impression that the area beyond is private.

Dwelling Layout & Orientation – the enclosed nature of the development with only one entrance/exit point has advantages from a crime prevention perspective in that it can help frustrate the search and escape desire of the potential offender.

Dwellings are positioned to face each other, which is also recommended, as this allows neighbours to watch over one another and creates conditions where the potential criminal feels vulnerable to detection.

Communal Amenity Area – such areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. In this development, the proposed LEAP and Open Amenity Space are suitably located adjacent to one another in the centre of the development with good all round natural surveillance from nearby dwellings. Boundaries between this public and private space should be clearly defined and features which prevent unauthorised vehicle access incorporated.

Dwelling Boundaries – it is important that the boundary between public and private areas is clearly indicated. Judging by the Indicative Masterplan, the dwellings do not appear to incorporate any defensible space at the front e.g. front garden, lawn or similar and I recommend that this be considered. Similarly, the two dwellings abutting the footpath leading to the Attenuation Pond should incorporate some defensible space at the front/side of the dwellings as appropriate. It is desirable for frontages to be open to view, so any walls, fences, hedging or similar should be maximum height 1 metre to assist resident surveillance of the street. Vulnerable areas such as side and rear gardens need more robust defensive barriers by using walls, fencing or hedging to a minimum height of 1.8 metres. The majority of dwellings appear to back onto a continuous landscape buffer which should be to this height, particularly those backing onto Sweethay Lane. The dwellings backing onto the area of the Attenuation Pond are particularly vulnerable from the rear and may require additional protection. Gates providing access to rear gardens should be the same height as the adjacent fencing, minimum 1.8 metres, and lockable.

Car Parking – the DAS does not appear to provide details of proposed car parking, which I assume to be in-curtilage garages or similar, which is the recommended option.

Landscaping/Planting – should not impede opportunities for natural surveillance and must not create potential hiding places. With this in mind, in areas where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. This is particularly important in the area of

the Attenuation Pond bearing in mind the public footpath through this area and the nearby dwellings backing onto it.

Street Lighting – all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489.

Physical Security of Dwellings – the applicant is advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc in accordance with the police approved '**Secured by Design**' award scheme, full details of which are available on the SBD website.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - No comment received.

SCC - CHIEF EDUCATION OFFICER - In the event that this application is approved before the Borough Council's CIL Charging Schedule is in place, it would be necessary to secure education contributions under Section 106, in relation to secondary and primary school places, but not pre-school places in this particular case. These would be calculated as follows:

30 primary places per 150 dwellings; so

$50/150 \times 30 = 10$ places

Trull Primary School is currently already over capacity

Cost per place; £12,257; so

$10 \times 12257 = £122,570$ contribution

30 secondary places per 210 dwellings; so

$50 / 210 \times 30 = 7$ places

There is limited capacity at Castle School, but the cumulative impact of other developments in its catchment will mean it being over-subscribed in the very near future.

Cost per place; £18,469; so

$7 \times 18469 = 129,283$ contribution

3 pre-school places per 100 dwellings;

$50 / 100 \times 3 = 1.5$ (2) places

These would presently be available in the vicinity of the site.

If the application is determined after the CIL Charging Schedule applies, the County Council would be seeking equivalent contributions to these additional costs from CIL receipts collected by the Borough Council, in order to ensure the development is sustainable.

SCC - FLOOD RISK MANAGER - No comment

DRAINAGE ENGINEER - I am fully in agreement with the comments made by the Environment Agency dated 15 February and the conditions they wish to impose. Surface water should be controlled by the application of SUDs techniques as outlined in the EA's comments.

SCC - TRANSPORT DEVELOPMENT GROUP -

Traffic Impact

The applicant has provided a Transport Statement (TS) as part of their submission this has been assessed by the Highway Authority and our observations are set out below.

Vehicle movements for the existing use have been provided in Table 3.1 on page 12. These were obtained from a traffic count undertaken on Monday 20th February 2012 at the site entrance between 0700-1000 and 1600-1900. Table 3.2 provides the proposed trip rates for 50 dwellings. Having reviewed these figures and also the TRICS datasets provided in Appendix H these are considered to be acceptable to the Highway Authority. From the details provided it appears to show a net trip generation in the AM peak of 12 extra departures whilst the PM peak will have between 9 arrivals and 10 departures.

Based on these figures the net traffic impact of the development has not been considered in great detail in the Transport Statement. It is accepted that this is very small in terms of volume. However the applicant should note is that traffic heading to Taunton via Trull Road will experience congestion in the AM Peak at the Compass Hill/Cann Street Gyratory.

Regarding the trip distribution this information was not required as part of the applicant submission however it would be expected that the majority of traffic would head along Honiton Road/Trull Road into and out of Taunton.

Turning to the sites accessibility pedestrians will be able to access the site via a new footpath on the west side of Honiton Road which is unlit. Given the distance to Taunton and the unlit element of footway it is the Highway Authority's opinion that it is likely that modal shift will be limited. Paragraph 2.4.1 indicates that no dedicated cycle facilities exist in the vicinity of the site this would lead to cyclists would have to utilise the road network. As a consequence it is likely that it would deter a modal shift.

Paragraph 2.6.2 states that the nearest bus stops to the site are a 125m walk from the centre of the site and are a hail and ride service. Full bus timetables have been provided as part of the Transport Statement submission. The Highway Authority does have some concerns as to whether the services will serve the site in the same manner as they do now with the existing use. The applicant will need to provide further information on this point. If it is the case that the current service will cease then the nearest bus stop would be less than 300m away. In either case, modal shift may be limited by the lack of a bus shelter, unlit footway to the site and infrequency of services.

Regarding the provision of parking as this is only an outline application no specific numbers have been provided although the applicant has indicated in paragraph 3.6.1 states that vehicle, motorcycle and cycle parking provision will be provided in accordance with the Somerset Parking Strategy. This is considered to be acceptable and the Highway Authority would request that detailed parking requirements are provided as part of any reserved matters application.

Therefore to conclude in terms of traffic the proposal is likely to have a minimal impact on the surrounding highway network. However the applicant will need to provide further details on the future bus services from the site.

Travel Plan

The applicant has provided a Travel Plan as part of their submission. This was submitted for audit and this process has now been completed and a copy of the report is attached. Please could you make sure that this is passed to the applicant to action.

Please note that the Travel Plan will need to be secured via way of a legal agreement.

Estate Roads

Where the proposal will tie into the existing carriageway allowances shall be made to resurface the full width of Honiton Road where it has been disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers. Drawing A 075412/1403/A contains proposed alterations to the existing vehicle access served via Honiton Road. The alterations proposed to the access will have to the subject of a formal technical audit with the Highway Authority. From the details shown on the submitted plan it appears that a block paved shared surface carriageway is to extend from Honiton Road into the development site. Rather than having shared surface road abutting the existing highway and increasing the possibility of the blocks becoming dislodged, it would be preferable to lay a 6.0m bitumen macadam carriageway up to the commencement of the shared surface road or traffic calming feature. The construction of the block paved carriageway should include a Terram layer between the sand bed and the roadbase layer, to prevent the migration of the sand. The depth of the roadbase layer should be increased to 75mm.

The full extent of the required splays will be adopted by Somerset County Council and there shall be no obstruction to visibility within these areas that exceeds a height greater than 300mm above adjoining carriageway level. The submitted drawing indicates that the existing illuminated bollards adjacent to the access road will remain. However it appears that the bollards are located outside the red line of plan as such who will be responsible for maintaining/energising for there future maintenance.

From the details provided it is presumed that the proposed internal estate roads will take the form of a 5.0m wide type 4 bituminous macadam carriageway with 2.0m wide footways. Would the applicant please confirm that this is the case. The proposed 'square' serving six dwellings on the right hand side as you enter the residential aspect of the site, could take the form of a 5.0m wide block paved shared surface carriageway with 500mm-1000mm wide service margins. Longitudinal gradient within channels should be no slacker than 1:80 to aid the dispersal of surface water. Furthermore the applicant will need to make sure that the swept path of an 11.7m long 4 axle refuse vehicle should be tested throughout the 90 degree bends of the 'rectangular' estate road, towards the western site boundary as well as the 'square' estate road. An adoptable turning head, set out to dimensions as set out within 'Estate roads in Somerset – Design Guidance Notes (Section 3.15) will be required at the end of the proposed estate road, closest to the

north-eastern site boundary.

Where footways are proposed along one side of the carriageway an adoptable 1.0m wide margin will be required on the other side of the carriageway. Can the applicant please confirm future maintenance arrangements for grass verges within the highway boundaries. It should be noted that the Highway Authority does not have the capacity to maintain such areas.

In addition to the above there are some general estate road layout points that the applicant should be aware of. Firstly no doors, gates or low-level windows, utility boxes, down pipes are to obstruct footways/shared surface carriageways. The Highway limits shall be limited to that area of the footways/shared surface carriageways clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted) and steps. Secondly planting within adoptable areas will require a commuted sum, payable by the developer. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway, 3.0m from drainage/services and 1.0m from the carriageway edge.

Root barriers of a type to be approved by Somerset County Council will be required for all trees that are too planted within or immediately adjacent to the highway to prevent future structural damage to the highway. Any planting within or adjacent to the highway must be supported by the submission of a comprehensive planting schedule to Somerset County Council for checking/approval purposes.

Turning to the sites parking provision it has been established that the exact number of parking spaces will be set at the reserve matters stage. However the applicant will need to be aware that private drives serving garages shall be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway. Tandem parking bays shall be a minimum of 10.5m in length and parking bays shall be a minimum of 10.5m in length and parking bays that immediately but up against any form of structure (wall, planting or footpaths) then they should be constructed to minimum length of 5.5m, as measured from the back edge of the prospective public highway.

Adoptable 17.0m forward visibility splay will be required throughout all inside carriageway corners. The full extent of the splays will be adopted by Somerset County Council and there shall be no obstruction to visibility greater than 600mm above adjoining carriageway level.

Section 4 of the Design and Access Statement makes reference to proposed pedestrian and cyclist paths being created to connect the two parts of the site. Will the applicant please confirm whether they will be responsible for the future maintenance of these routes. However if these are to be offered to Somerset County Council then they will have to be constructed to the required standard and adequately lit and drained. Additionally will the applicant be able to confirm whether there will be a cycle link from the application site onto Sweethay Lane? If there is then the interface of the cycle link with Sweethay Lane should include visibility splays of 2.0m x 20m in both directions. The splays will be adopted by Somerset County Council and there shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above adjoining carriageway level. Where works have to be undertaken within or adjoining the public highway a

Section 50 licence will be required. These are obtainable from the Streetworks Co-ordinator (01823 483135). Surface water from all private areas, including drives and parking bays, will not be permitted to discharge onto the prospective public highway. Private interceptor drainage systems must be provided to prevent this from happening. In addition the Environment Agency, Inland Drainage Board and Riparian land owners should be consulted as to whether or not any existing ditches or watercourses within the development site are to be piped or require culverts. Any such works will require the approval of the Local Authority under Section 263 of the Public Health Act 1936.

The drawing also shows an attenuation pond in the middle of the site. Would the applicant be able to confirm who will be responsible for the future maintenance.

The developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the work at all times. The developer shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement. Existing carriageway gullies and carrier drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the development. If any extraneous matter from the development site enters an existing carriageway gully or public sewer, the developer shall be responsible for its removal.

Flood Risk Assessment & Drainage Strategy

The submitted Flood Risk Assessment has been assessed by the Highway Authority and our comments are set out below.

The surface water management strategy is considered to be acceptable to the Highway Authority in principle and the detail of how any prospective public highways are drained in the site will be assessed at the detailed design stage as part of a reserved matters application.

The document has proposed off-site connectivity into the Galmington Stream and refers to the need to negotiate a discharge into the roadside ditch with ultimate discharge into Galmington Stream. The key issue is that the first presumption must be that the Highway Authority currently prescriptive rights to discharge into the ditch only and that the ditch is in the riparian ownership of the adjacent land owner. The Highway Authority's prescriptive rights need to be recognised and protected when considering the discharge from the development. Further, as this ditch doesn't appear on the highway drainage records there is no knowledge as to whether it actually provides connectivity to the ordinary watercourses/ditches leading to Galmington Stream.

From reviewing the ordinance survey plans it appears that there is an existing pond to the south of the southern most playing field. This appears to align with the ditch that runs east-west across land which is to the west of Little Canonsgrove Lane. It is possible that this pond has some form of connectivity to this ditch and could therefore form part of the off-site drainage route. Therefore the applicant would be required to provide further information in the form of a connectivity survey of the area. This would allow the Highway Authority to understand the drainage of the site and how it will reflect the surrounding area.

It is noted that the applicant has proposed to utilise permeable paving but the

designer will need to consider the interface between any such areas and the prospective public highway. Please note that preference should be given to designing these permeable paved areas to fall away from the highway so that any reduced performance is evident to the owner.

The applicant has proposed a large area of underground storage the Highway Authority is concerned with its proximity to the internal roads. The applicant will need to amend this so that where possible storage should be located in public open space to avoid the cost and complications of locating these services under the adopted highway.

Conclusion and Recommendation

In conclusion the traffic impact associated with this proposal is considered to be minimal and should not have a detrimental impact on the surrounding highway network. The internal layout is considered to be broadly acceptable although the applicant will need to take note of the estate road comments set out above and then amend the drawings accordingly before their next submission.

However the Travel Plan will need to be amended to reflect the attached report and will need to be secured via a legal agreement.

Finally in terms of drainage although the water management strategy is broadly considered to be acceptable in principle although the applicant will need to take into account the comments raised above and amend the layout so any storage systems are not located within the highway. In addition the applicant will need to obtain permission from the land owners of the roadside ditch.

Therefore taking into account the above information on balance the Highway Authority raises no objection to this proposal and if planning permission were to be granted actions and conditions will need to be attached.

- Secure Travel Plan via S106 agreement.
- Prior to the commencement of development hereby permitted a drainage survey shall be carried out and submitted to and approved in writing by the Local Planning Authority and other interested parties Any drainage works shall be carried out strictly in accordance with the approved document.
- The applicant shall ensure that all vehicles leaving the site are in such a condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the use of the site discontinues.
- A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, cat, motorcycle, and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commence of development.

- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme

for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.
- At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road levels within the visibility splays shown on the submitted plan. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

SPORT ENGLAND SOUTH WEST -

Sport England has therefore considered both applications in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.’

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities.

Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The policy identifies five exceptions to our normal position of opposing development, which would result in the loss of playing fields, as follows:

E1 - A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

E4 - The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the

commencement of the development.

E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields. Additionally when considering proposals affecting sport and recreation including playing fields, the Government's National Planning Policy Framework (paragraph 74):

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus of requirements; or

The loss resulting from the proposed development would be replaced by equivalent or better provision in term of quantity and quality in a suitable location; or

The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The Council carried out a Playing Pitch Strategy in 2010 in line with the Sport England guidance of the time. We have recently published revised guidance which has some fundamental differences including looking at a 'site by site' approach and moving away from a numbers driven approach as previously developers seek a headline figure to justify disposal. The new guidance seeks to demonstrate how sport is played (matches and training) in an area, what pitches and ancillary facilities are needed now and in the future. The Council will need to update the 2010 study in line with the new methodology in the future.

The Proposal on the Canonsgrove Site

Canonsgrove currently has a playing field on site which contains one adult football pitch. The site is used by the College with limited if any community use. There is also a sports hall on site, again for student use only. Both sporting facilities could be used by the wider community. The planning application seeks to build residential dwellings on this site and the sports hall and playing field would be lost to development.

The loss of this site is seen as the 'enabling development' for the Wellington Road site. There will be a loss of playing field. A sports hall will also be lost to the development. The proposal does not meet any of the exceptions to our Playing Fields policy, as explained below:

E1 – a Playing Pitch Strategy – the site is not identified for disposal in the PPS

E2 – the proposal is not a sporting ancillary development to serve the playing field e.g. a pavilion

E3 – the land lost is capable of being used for sport

E4 – there is no like for like (or better) replacement playing fields. The proposal at Wellington Road is for loss of playing field in part, and intensification (AGP) in part. Overall there will be a loss of grass playing fields.

E5 – the development is not for an alternative sporting facility e.g. swimming pool

In light of the above, Sport England objects to the two proposals because they are not considered to accord with any of the exceptions in Sport England's playing fields policy.

Should your Council be minded to grant planning permission for the development

then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit (NPCU).

For the avoidance of doubt, and in accordance with Circular 02/09, Sport England is objecting on the following grounds:

- ii. that the proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned;
- iii. that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

For the Canonsgrove site, we would like to be kept informed of any proposals to significantly increase the playing field land at the Wellington Road site (from agriculture) that would extend the playing field to replace the Canonsgrove, and may therefore meet exception E4 as stated above. We would also like to know what the replacement details are for the loss of sports hall.

BIODIVERSITY - Findings of the reports are as follows:

Bats - Four transect visits between March to September over two survey seasons and the use of an anabat found at least nine species of bat were recorded using the site boundary features, including barbastelle and lesser horseshoe. The site's hedgerows connect to the surrounding landscape and known roosts in the wider area and so the surveyor considers the site to be of regional importance for bats.

Small numbers of pipistrelle roost within three buildings on site and the mature trees offer varying degrees of bat roosting potential. The mitigation recommends retention of trees and hedgerows but I am still unsure of the extent of proposed tree removal. It is very important that dark corridors are retained for commuting and foraging bats (and dormice) and so I have concerns that street lighting will be required on Honiton Road.

Great Crested Newts (GCN) - Fourteen ponds are located within 500m of the site, however surveys were not undertaken on four. A HIS was applied to the remaining ponds in March 2013 and four presence/absence surveys were undertaken in May/June. A variety of survey methods were used. GCN were to be found to be breeding in ponds 5, 8, 9 and 12. (In addition a small population of GCN was found within 500m of the site during the adjacent Broadlands application survey.)

The peak count on any one survey was 18 adults. This is a medium population across five ponds. Works are likely to impact on GCN so an EPS licence will be required from Natural England.

Aquatic habitats will not be lost by this development therefore the mitigation needs to focus on terrestrial habitat. I agree that at least a 5m buffer should be retained for GCN around the perimeter of the site. I also agree that private gardens should not back onto the boundary hedges.

Dormice - The hedgerows on site connect to a wider network in the landscape and contain hazel, a species which dormice typically depend on for food and so offer a high potential for dormice. A survey was carried out by WYG placing fifty nest tubes at 20m intervals in hedges on site in March 2013. A hazel dormouse nest was found in June 2013 confirming the presence of dormice. (A population was also recorded in hedgerows to the north.) Any removal of vegetation on site will therefore require a Dormouse EPS licence. The surveyor suggests that to minimise impacts on dormice on site, private gardens should not back on to the hedgerows but that the hedgerows should be managed as part of the public open space. The current housing layout does not appear to follow this advice.

Reptiles - A reptile survey was undertaken involving seven visits between May to June 2013. On six visits a maximum of two slow worms were found resting under artificial refugia in the corner of the amenity grass field along the hedgerow margin. I support the recommendation to retain and protect the a 5m buffer along the western boundary of the site using permanent newt fencing.

It is not clear at this stage if street lighting will be required on Honiton Road. If this proves to be the case it will greatly impact on bats and dormice potentially affecting the Favourable Conservation Status of these species.

Dormouse and Great Crested Newt EPS licences will be required to develop this site. I do not consider the current layout offers the best mitigation for wildlife.

HOUSING ENABLING - The requirement would be for 25% affordable housing provision, however following discussions with the applicant and submission of a supporting viability statement this scheme is being viewed as an enabling development for planning application 42/13/0079 and will not provide affordable housing.

LEISURE DEVELOPMENT - In accordance with Local Plan policy C4 provision for play and active recreation should be made for the residents of these dwellings. The application shows an on site provision of a LEAP which is suitable for sites of 20 x 2bed family sized dwellings. Should this application progress to more than 20 to 50 dwellings then a NEAP should be provided on site. This equipped children's play space should be centrally located, overlooked to promote natural surveillance and sited away from the main access road. The Open Spaces Department should be asked to comment on the actual design and content of the play ground.

The development proposal would lead to the loss of both the current playing pitch and sports hall, which is to be regretted and for which compensatory provision should be sought by replacement elsewhere to Sport England standards. Sport England should be asked to comment. In addition to replacement of the current playing pitch and sports hall an off site contribution towards outdoor recreation of £1571 per dwelling should be sought to provide additional facilities for the benefit for new residents.

A contribution of £194 per dwelling should be sought for allotment provision and a contribution of £1118 per dwelling towards local community facilities. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings. A public art contribution should be requested either by commissioning and integrating public art into the design of buildings and public realm or by commuted sum to value of 1% of development costs.

WESSEX WATER - I can advise that Wessex Water are satisfied with the principles contained within the FRA (surface and foul water drainage), subject to application and agreement of detail (the applicant should note requirements in terms of access and proximity for adoptable foul sewage pumping stations).

I can further advise that there is sufficient current available capacity within our water supply networks to serve proposed development. Buildings above two storeys will require on site boosted storage.

SCC - ECOLOGY - No comments received.

SOMERSET WILDLIFE TRUST - Further to our previous comments we note that detailed species surveys have now been provided covering Bats, Dormice, Great

Crested Newts and Reptiles. We have also noted the recent comments of the Council's Biodiversity Officer, dated 10th February 2014. We have noted that the surveys have confirmed the presence of a small number of Slow Worms as well as Dormice and a population of Great Crested Newts occurring in several ponds on the site. We have also noted that a bat survey indicates that the site is of Regional importance to bats, which include rare species such as Barbastelle. We note that several enhancements are proposed which include the retention of existing trees and hedgerows, although which trees and hedgerows are referred to is unclear. It is also suggested that there should be restrictions on external lighting, although again the proposed restrictions are not specific enough. There is a proposal for 4 bat boxes but in view of the importance of the site we consider this to be only a token gesture. A buffer zone along the western boundary is proposed and this would be sensible. It is also suggested that the housing layout is amended so that private gardens should not back on to the boundary hedges but this should be essential, not advisory. We are also concerned about the inevitable impact of domestic cats from the new housing development on the local populations of dormice, slow worms and great crested newts. In these circumstances we strongly object to the proposed development.

Representations

Ward Cllr Edwards - I wish to register my objection to the Canonsgrove development proposed application number 42/13/0079.

I accept the fact that the present Canonsgrove site already has residential development and

therefore have no objection to this principle of development on the existing site. My objection is to the proposed extensive development of the surrounding playing fields for

housing which is unacceptable and I understand is purely to generate the necessary funds for development of replacement play areas at Somerset College allowing the ability to develop the student accommodation on site at the College. The financial considerations of Somerset College or any other organisation or business should play no part in the decision making of a planning decision.

This is a greenfield site, it sits outside of the core strategy and was not considered in the preferred options of the site allocation document and with the exception of the existing site should not be considered appropriate development especially on this scale. The Neighbourhood Plan group are presently considering their plan and are commenting as a group to this application and I support their position with regards this application.

I had previously suggested that any development at Canonsgrove could be of a limited number of larger properties more appropriate to the area and only on the existing site and if necessary a limited development outside of the curtilage if it was to enable development.

There is no recognition of the pressure this further development would put on the wider community of Trull and Staplehay for whom there seems to be no benefit at all the benefits appear to be transferred to the College and their accelerating of this proposal being purely to avoid CIL meaning that the wider community is being further seriously disadvantaged.

I would expect this application to be refused and the applicant to be encouraged to put forward a more appropriate plan.

Wilton and Sherford Community Association - object on basis of school capacity and

children of new development getting priority over existing children and inadequate provision for increased traffic.

Trull Neighbourhood Plan Group object on basis of 50 dwellings conflicts with the wishes of almost the entire community and would prejudice the delivery of the Neighbourhod Plan.

32 letters of objection on grounds of

- circumnavigates the Neighbourhood Plan,
 - development is premature,
 - it is not treating the proposal on its merits,
 - it is outside the development plan,
 - it is piecemeal development with no masterplan,
 - contrary to Core Development Strategy,
 - it does not reflect policy considerations of the Local Plan
 - viability must be considered on a stand alone basis
 - site is not sustainable,
 - demolition of modern reusable buildings is wrong and wasteful
 - it is development in the countryside,
 - it requires an EIA,
 - 50 dwellings is too many,
 - too dense a development,
 - proposal will be car reliant,
 - does not address provision of school places,
 - no provision for affordable housing,
 - no benefit would accrue to Trull,
 - lack of infrastructure,
 - sports field should remain as green land,
 - Canonsgrove is not a heritage asset and so it cannot be considered as "enabling development"
 - playing field is not brownfield
 - housing not necessary,
 - brownfield sites should be considered
 - should be used as an arts centre, conference centre or training centre,
 - site should be used for light industry
 - lack of medical, hospital and education facilities
 - overcrowding
 - will lead to more development on green field land,
 - financial needs should not influence a planning decision
 - contrary to views of majority of local resident responses of neighbourhood plan questionnaire
-
- increase in traffic would be unacceptable
 - road can't deal with additional traffic,
 - speed of traffic using the road can lead to accidents in relation to Staplehay Cross junction
 - travel plan and transport statement are inaccurate regarding trip generation and accident data
 - traffic impact is unsustainable
 - access to Sweethay should be prevented

- it would add to flood risk and the system to deal with surface water would need to be substantial
- an unsustainable urban drainage system is proposed
- impact on flooding in Sweethay Lane and the Levels
- impact on wildlife,
- mitigation does not compensate for the loss of habitat
- surveys on protected species are required
- surveys on archaeology are required
- impact on residents during construction
- it does not lead to local employment
- the sports pitch should be offered to the local community

1 letter of support and the site should be taken up market and a new boundary fence be provided

1 letter of no comment

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,
 CP4 - TD CORE STRATEGY - HOUSING,
 CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,
 M4 - TDBCLP - Residential Parking Provision,
 SS7 - TD CORE STRATEGY - COMEYTROWE/TRULL LOC GROWTH,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£34,530
Somerset County Council (Upper Tier Authority)	£8,633

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£207,181
Somerset County Council (Upper Tier Authority)	£51,795

Community Infrastructure Levy

In the event that planning permission is granted for this development after 1st April 2014, the development would be liable for CIL at a rate of £125 per square metre.

DETERMINING ISSUES AND CONSIDERATIONS

The proposal is to erect up to 32 executive style homes on the existing College site at Canonsgrove in order to help close the viability gap on providing new student accommodation at the site within the College campus in Taunton.

Policy

In the absence of a Site Allocations Document the application should be considered against the National Planning Policy Framework (NPPF) and the development plan unless material considerations indicate otherwise. The 2012 SHLAA identifies sufficient land to meet the 5 year land supply requirements and satisfies the NPPF requirements for a 5% buffer. Nevertheless paragraph 14 of the NPPF emphasises the presumption in favour of sustainable development and indicates planning permission should be granted 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 development is part brownfield site and part former playing pitch. In terms of the brownfield site it would be difficult to resist the residential re-use of this site given the current use. The former pitch however is outside of the development boundary and in a non-sustainable location. The playing pitch loss has led to an objection by Sport England. The pitch here, however, is not used by a local sports team, is not used by the community and is only infrequently used by students staying at the halls. It is not identified in the Playing Pitch Strategy and in this location it is not considered to be conveniently located to satisfy likely future demand and so be a detrimental in light of the Playing Pitch Strategy. The Strategy was produced in 2010 in light of Sport England guidance at the time and while this may now need updating it is the current information available. Consequently it is considered that an assessment has been carried out in terms of policy E1 of Sport England policy and would result in no further reduction in the supply of conveniently located, quality playing fields to satisfy the current and likely future demand. Ideally provision of additional facilities to compensate for the loss should be accommodated at the Somerset College campus. The facilities that are to be provided there will provide opportunities for multiple sports, including football, rugby, hockey and tennis, they would be suitable for junior sports clubs and the replacement facilities would be subject to community use agreements which would ensure that they would be far more accessible to the community and subject to far better management arrangements.

Each application has to be considered on its merits and should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is sited in a location that is recognised as being an

unsustainable one and therefore for permission to be granted here the community benefits of the linked schemes should be considered to demonstrably outweigh the disbenefits. The other material considerations of securing the future student accommodation in a sustainable location and assisting in the long term future of higher education in the borough are clearly important ones and the question for Members is whether the benefits are sufficient to overcome the policy objection of new housing and loss of sports facilities in an unsustainable location.

New National Planning Practice Guidance (NPPG) and recently been launched and this includes advice on prematurity. The advice has not significantly changed from before and prematurity in itself is not generally a reason for resisting planning proposals. The development would not prejudice the development of other sites around Taunton and would not be so substantial as to undermining the plan making process given that the emerging plan is not at an advanced stage and is not formally part of the development plan. Advice states "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process." In this instance it is not considered a prematurity argument could be sustained.

Viability

The Council has sought independent advice concerning the viability issues of the development. Viability is a material consideration in determining applications. The benefits of relocating the student accommodation onto the main campus has a major benefit in terms of sustainability and helping secure the long term future of higher education in the town. In order to secure the necessary replacement accommodation on the College site it is necessary to secure additional funding to make the development viable. To secure the necessary funding to fill the viability gap the redevelopment of the Canonsgrove site is required. A number of scenarios have been considered for the Canonsgrove site, however for any scheme to be considered appropriate it should be limited to the least number of units. The viability assessment has identified 32 units as a minimum across the whole site. Such properties would be large 4 and 5 bed executive properties to secure the biggest return.

Drainage

The site lies in Flood Zone 1 which has the lowest risk of flooding and is recommended that development is directed towards. The site area is recognised as having limited infiltration capacity and so the means of dealing with surface water from the site is via attenuation measures on site. The attenuation would be designed to the Environment Agency discharge rate of 2 litres per second per hectare of impermeable development and have adequate capacity for the 1 in 100 year storm plus 30% allowance for climate change. The Agency has raised no objection and requires a condition to secure a suitable surface water drainage scheme for the site.

In terms of foul drainage the site is served by an existing sewerage system that is able to cope with accommodation serving up to 200 students. Wessex Water are satisfied with the proposal and raise no objection subject to detailed design, particularly with regard to the proposed pumping station. This detail would be subject to any reserved matters scheme if outline were granted.

Landscape and Ecology

The site currently lies within an area that is well screened by trees and a Landscape and Visual Amenity Statement has been submitted with the scheme. Given existing vegetation it is not considered that the site has a significant impact on the surrounding landscape. The Landscape Officer is satisfied that subject to suitable landscape mitigation and management proposals the development of the site would not have any harmful landscape impacts.

The submitted wildlife surveys indicate the presence of a number of protected species in the area. The hedgerows around the site boundaries are of ecological interest, particularly as dormice have been found in the area but also for bat foraging habitat. Also of ecological interest are the ponds beyond the site as Great Crested Newts have been found in the area.

The hedge features are proposed to be retained within the development and mitigation of any impacts are proposed through habitat creation and buffer planting to enhance wildlife corridors which can be controlled through planning conditions. The extent of habitat creation has been considered by the County Ecologist and the Council's Biodiversity Officer and the applicant has taken this on board and an ecological mitigation strategy applicable to any detailed scheme can be required.

In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of protected habitats, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority as a 'competent authority' must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

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

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need for additional housing is in the public interest and it would be a potential

economic and social benefit if it were granted. It is considered to be in the public interest to secure the future of higher education at Somerset College in town and while the site is not sustainable if the need to redevelop the site for the minimum level of housing to secure longer terms education benefits is considered to outweigh the location then it would follow that this test would be passed.

(ii) That there is no satisfactory alternative

The need for additional housing and the reason why this site can be considered for development has been considered at length in the policy sections of this report, above. As previously discussed, given the current local planning policy framework, it is considered that the site is not a sustainable location. In this instance the site is considered as an exception as it is being used to ensure student accommodation is provided in a sustainable location and there is not considered to be a satisfactory viable alternative in terms of the overall location of development and for these reasons, the test would be passed. In the event of the development being refused the wildlife would not be affected and the test would not be required.

(iii) That the FCS can be maintained

The submitted ecological impact assessment outlines proposals for protecting wildlife during construction and for providing mitigation with habitat improvements. These include, for example in respect of newts, retention of hedgerows, creating a pond, wildflower grassland within the Public Open Space and a hibernacula. Additional native species planting and protected movement corridors with buffer zones along existing hedge boundaries are also proposed. In terms of great crested newts and dormice, for which a license would be required, mitigation planting is proposed within the site which can be controlled, and the Council's Biodiversity Officer has not objected to the proposals, believing that, subject to the additional planting, favourable conservation status can be maintained with habitat improvements. The Wildlife Trust has objected on the basis of cats affecting wildlife. However there could be cats kept by any of the existing students at the site and the replacement of student accommodation by a lesser number of houses is not considered to worsen the situation and adversely impact on wildlife in the area. The proposed development has not been objected to by Natural England and they have suggested a condition to ensure habitat enhancements are achieved.

There is potential for wildlife to be affected by the proposals, including bats. However, the Biodiversity Officer is satisfied that measures can be put in place to mitigate the impact on wildlife and suggests an appropriate condition. I conclude that while the proposal will clearly have an impact, given the proposed mitigation, the proposal would not cause harm and therefore, it is considered acceptable and not to conflict with policy CP8 of the Core Strategy which includes the aim to conserve and enhance the natural environment. It is also considered to comply with the NPPF (paragraph 109).

The Biodiversity Officer has recommended a condition to address the provision of mitigation and enhancements for the site and this is considered a necessary condition.

Highway Impacts

The scheme as amended proposes 32 houses on the site in lieu of the 200 student units currently in existence. The vehicular impact of this change is not considered to cause a significant impact on vehicular movements and the access serving the site is considered adequate from a safety point of view to serve the development. The Highway Authority consider the traffic impact minimal and not to have a detrimental impact on the surrounding network. As this is an outline application conditions can be imposed to address the issues raised by the Highway Authority in respect of drainage, the travel plan, estate roads and junction visibility. The suggested conditions 3-5 of the Highway Authority are considered elements that are covered by other legislation and are not reasonable and enforceable conditions.

Summary

The proposal for up to 32 dwellings on the site is put forward on the basis that the development is required to plug the viability gap in the provision of replacement student accommodation at the Somerset College campus. Such housing is considered the minimum necessary to fulfill this requirement and secure the longer term future for the higher education provision at the College. The site is clearly in a non sustainable location and the scheme does not allow for any of the normal contributions required such as recreation, community halls, allotments, affordable housing and education provision. To do so would mean the potential for more houses on the site in this unsustainable location. The decision for Members is therefore whether they are satisfied that the benefits of the scheme in terms of locating student accommodation in a sustainable location and to assist the long term future of Somerset College constitute such exceptional circumstances as to outweigh the scale of new build at Canonsgrove over and above that comprising the existing built footprint, the lack of community provisions required by policy and loss of sports facilities in this case.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

38/13/0420

1 KINGSTON ROAD LIMITED

DEMOLITION OF SNOOKER HALL AND ERECTION OF 29 NO. ONE BEDROOM APARTMENTS AND 11 NO. TWO BEDROOM APARTMENTS WITH ANCILLARY BIKE STORAGE AND CAR PARKING AT THE FORMER RILEYS SNOOKER CLUB, 1 KINGSTON ROAD, TAUNTON AS AMENDED

Location: SNOOKER HALL, KINGSTON ROAD, TAUNTON, TA1 7SA

Grid Reference: 322648.125525

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

Subject to a Section 106 agreement to secure the following:

25% affordable housing,

A contribution of £2,904 for each 2 bed+ dwelling should be made towards the provision of children's play.

A contribution of £1571 for each dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution of £209 per dwelling should be sought for allotment provision

A contribution of £1208 per dwelling towards local community hall facilities. .

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

Should the decision be issued after the 1st April then other than the affordable housing element, the scheme would be liable for CIL.

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:

(A4) DrNo 13.17.01 Location Plan

(A4) DrNo 13.17.02 Site Plan

(A2) DrNo 13.17.03 Topographical Survey

- (A1) DrNo 13.17.04 Existing Elevations
- (A1) DrNo 13.17.10A Site Plan
- (A1) DrNo 13.17.11B Proposed Plans
- (A2) DrNo 13.17.12A Proposed Elevations
- (A1) DrNo 13.17.13A 3D Model Context Views
- (A3) DrNo 13.17.14A Proposed Street Elevations
- (A1) DrNo 13.17.15 Cross Section
- (A2) DrNo 13.17.16 Existing Cross Section
- (A4) Materials schedule

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

3. Only those materials specified in the submitted schedule, notwithstanding the stone shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

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

4. The development hereby permitted shall not be commenced until details of a mitigation strategy to accommodate bats and birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology Ltd submitted report, dated October 2013, and include:
 1. Measures for the enhancement of places of rest for bats 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 and thereafter the resting places and agreed accesses for bats and nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented

Reason: To enhance the site for bats and nesting birds in accordance with the National Planning Policy Framework.

5. Provision shall be made for combined radio and TV/satellite aerial facilities to serve the development hereby permitted and no external radio, TV or satellite aerial shall be fixed on any individual residential property or flat or other unit of living accommodation.

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

6. The window(s) and/or balconies in the north elevation of flats 24 and 33 and

the western stair well shall be glazed with obscure glass in a manner to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and thereafter 49 spaces shall be retained for those purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy M4 of the Taunton Deane Local Plan.

9.
 - (i) Before part of the development is occupied, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of occupation of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

10. No demolition shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed in writing with the Local Planning Authority to be carried out by a specialist acceptable to the

Local Planning Authority and such work shall be carried out in accordance with the written brief.

Reason: To help protect the historic environment of the Borough in accordance with Taunton Deane Core Strategy Policy CP8.

11. The glazing and ventilation installed at the development shall be Rehau70 double glazing (and Rehau70 triple glazing on façades facing the railway line and Kingston Road) with ventilation using Greenwood MA3150 acoustic wall vents.

If the developer proposes to use glazing and ventilation different to that agreed they shall submit to the Planning Authority all details of the alternative sound reduction scheme and the reasoning upon which this is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied.

Reason. To ensure the amenity of residential premises is not adversely affected by noise from traffic and rail sources.

12. No development shall commence until a Travel Plan for this development shall be submitted to and approved in writing by the Local Planning Authority. The approved plan implemented within two months of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved.

Reason: To ensure a transport choice is provided and to ensure that occupants will travel to and from the site by means other than the private car in accordance with the relevant guidance in Section 4 of the National Planning Policy Framework.

13. Notwithstanding the submitted stone samples no wall construction shall begin until a panel of the proposed stone measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

Notes to Applicant

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

PROPOSAL

The proposal is for the demolition of the existing snooker hall building which is rendered and two storey and its replacement with a four/five storey block of flats. The flats would include 11 two bedroomed units and 29 one bedroomed units together with bin and cycle storage and two parking spaces. Provision for 10 affordable units is made.

SITE DESCRIPTION AND HISTORY

The site consists of a two storey rendered building on the corner of Station Road and Railway Street. Historically the building was a cinema in the 1920's and 30's, was a nightclub in the 80's and more recently has been used as a snooker hall. This used ceased in 2012 and the site has been empty since.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal relates to the demolition of the existing building to be replaced with a new block housing 40 flats.

Somerset County Council's Parking Strategy would require that sites within a town centre location are required to provide 1 space for either a one or two bedroom units. The applicant has proposed to provide a total of four spaces one of which would be a disabled space. This therefore represents a short fall of 36 spaces. This would normally be a cause of concern nevertheless the Parking Strategy does indicate that where development is located in a more sustainable location lower levels of parking might be considered acceptable. The Parking Strategy goes onto state that evidence detailing the local circumstances would need to justify the deviation and include it in a Travel Plan.

The applicant has not provided a Travel Plan as part of their submission however the applicant did provide a Transport Statement which does identify that the site is located in close proximity to regular public transport services and services and facilities. As a consequence there is a high probability that the proposal would provide a modal shift to alternative forms of transport therefore a development of this nature may be considered appropriate in this location.

Although the Highway Authority would accept that there is a strong likelihood there would be a modal shift to alternative modes of transport. The level of parking proposed is quite low. It is noted that the Local Planning Authority would accept car free development in this location however it is the opinion of the Highway Authority that the level of parking will need to be increased.

I note from drawing 13.17.10 that some parking has been provided for the site. Would the applicant please be able to provide further information on how these spaces are to be allocated?

To further offset the need to travel by private car the applicant has proposed 49 cycle stands. These have been indicated on the submitted plan. Please note that the detailed design of the stands would need to be submitted to the Highway Authority for approval.

As stated earlier the applicant has not provided a Travel Plan as part of their submission. The applicant should note that the Highway Authority would require a Travel Plan to be submitted for this site. In addition the Travel Plan would need to be secured via a S106 agreement.

Therefore to conclude the Highway Authority has no objection in principle due to the site's sustainable location but would require the applicant to raise the level of parking from the current level proposed. Furthermore the applicant would need to provide a Travel Plan via a S106 agreement and also provide detailed design of the proposed cycle stands.

ADDITIONAL COMMENTS

The applicant has indicated that they will provide a Travel Plan for this site. This document has been submitted and we are in the midst of auditing it. As indicated by the applicant this will need to be secured via a S.106 agreement.

Turning to the level of parking provided at the site. As you are aware the Highway Authority raised concerns over the level of parking on the site not meeting the optimum requirements set out in the Parking Strategy.

This additional information has provided further justification on why this departure would be acceptable. This indicates the proximity of alternative transport elements to the site (i.e. buses and the train station) furthermore the approximate distances to the facilities within the town centre.

Although the proposed level of parking is well below Somerset County Council's standards for a development of this nature in Taunton it is apparent that it is located in a sustainable location. As such there is a high chance that occupiers will utilise other more sustainable modes of transport coupled with a Travel Plan being secured via a S.106. Therefore it is likely to reduce the need for the private car and therefore the proposed level of parking could be considered acceptable.

If the Local Planning Authority were minded to grant permission they will need to attach the following conditions:

- Prior to first occupation or first use of the development hereby permitted, covered spaces for not less than (insert) residents and visitors and parking for motorcycles shall be laid out, constructed and drained in accordance with a detailed scheme [within the Travel Plan] to be submitted to and approved in writing by the Local Planning Authority.

HERITAGE - This building is of historic interest. If demolition is approved I suggest that the following condition is included:

No demolition shall be undertaken until the implementation of an appropriate

programme of building recording and analysis has been agreed in writing with the Local Planning Authority to be carried out by a specialist acceptable to the Local Planning Authority and such work shall be carried out in accordance with the written brief.

Reason: To help protect the historic environment of the Borough in accordance with Taunton Deane Core Strategy Policy CP8.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION -

Thank you for consulting on the above application. The site is close to the railway line and on Kingston Road, therefore, the developer should ensure that the properties are designed and built so that there is an acceptable noise level in all of the properties.

A report has been submitted with the application:

- Kingston Road Noise Assessment, October 2013, SPL Acoustics Ltd

The report includes details of noise monitoring carried out in September 2013. This involved measuring noise levels on the Kingston Road side of the building and on Railway Street, above the parapet of the station (on the opposite side of the road from the application site). It uses this to estimate noise levels at the facades of the proposed apartments.

The report notes that the building should be designed and built to ensure that suitable internal noise levels are met, and outlines the criteria given in the World Health Organisation (WHO) guidance. It recommends that suitable thermal double glazing could be used. However, if windows are to remain closed to keep out external noise additional means of ventilation (e.g. passive through the wall ventilation) will be required for some upper floors.

The report does note that some apartments have balconies facing the railway or the road, and that the WHO noise criteria for amenity noise (i.e. outside space) is unlikely to be achieved.

Comment

The level of noise attenuation provided by standard double glazing does vary. It is important that adequate glazing is used, therefore, the developer should provide a more detailed specification for the glazing. Details should also be provided of the apartments that require additional ventilation, along with a specification of the vents to be used.

I recommend that a condition is used to ensure that this is carried out (example attached, the report that has been submitted could be used to satisfy part of the condition)

Noise condition

Prior to the commencement of any development works, the applicant shall examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed strategic road will not be detrimental to the amenity of the occupants of the premises on the completed development.

The applicant shall submit to the Planning Authority all details of any sound

reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied.

Reason. To ensure the amenity of residential premises is not adversely affected by noise from traffic and rail sources.

Note. Re noise

Guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night (2300h) to 0700h). In addition a 45 decibel L_{Amax} applies in all bedrooms during the night (2300h to 0700h).

Additional Comment

I refer to my previous memo dated 3rd January 2014 and the additional information that has been submitted by Reed Holland regarding noise – details of Rehau Total70 windows, Greenwood Verio heat recovery system and MA3051 acoustic wall ventilator

The acoustic report that was submitted in February (SPL Acoustics Ltd) estimated the noise levels at the facades of the proposed flats and assumed that a good standard of internal noise could be achieved if the windows provided a level of noise attenuation of 32dB. It noted that for a number of the flats windows would need to remain closed to achieve this, therefore an additional means of ventilation would be needed which should also have a suitable level of noise attenuation.

The email from Reed Holland dated 22nd February 2014 states that the windows for the proposed development will be Rehau PVCu System 70 and that glazing will be triple glazed to Railway Street and Kingston Road frontage. It also states that the flats will have mechanical ventilation with heat recovery system with acoustic wall vent such as the MA3051.

The information provided include details of the acoustic performance of some types of the Rehau70 glazing, i.e. 4-12-14 is 30dB and 6-12-6 is 34dB (although it is not clear what acoustic criteria are being used). There are no details of the acoustic performance of the triple glazing, however, it is likely to be higher than the double glazed units.

The acoustic wall ventilation details for MA3051 state that the vents provide acoustic attenuation of D_{nw} of 55dB(A)

Based on the information provided, it is likely that the proposed glazing and ventilation will provide adequate sound insulation for the properties. To ensure that the specified glazing and ventilation is installed I would suggest that a condition is used (see attached below). This could also cover the situation where the developer chooses to use a different glazing or ventilation.

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes. Housing enabling with a representative from Housing Option have

discussed the affordable housing provision in detail with the applicant.

Owing to the schemes close proximity to the town centre and the high demand for one bedroom properties it is proposed that the affordable provision consists of 10 x 1 bed flats for a rental level that must not exceed 80% of open market rent or the relevant Local Housing Allowance level, inclusive of any liability for service and management charges – an affordable intermediate rent.

The proposed location of the affordable housing units within this application has been approved by Housing Enabling and the representative from Housing Options.

It is proposed the applicant retains control of the affordable housing as Acorn Developments are accredited landlords through the Somerset West Private Sector Housing Partnership to which Taunton Deane is a partner.

It is proposed that there is provision within the S106 planning agreement that in the event Acorn Developments are no longer an accredited landlord or the property is disposed of in the future that the affordable homes are not to be disposed to any other than the Council, Registered Provider or Accredited Landlord.

Nominations for the affordable housing will be taken from Homefinder Somerset and a local lettings plan will be agreed with the TDBC Housing Options Team.

DRAINAGE ENGINEER - No observations.

WESSEX WATER - According to our records there is an existing 600mm public combined sewer which runs close/under the existing building which serves the upstream catchment. The sewer must be accurately located on site and marked on site layout drawings. Wessex Water normally require a 3m easement either side of its pipes for protection, repair and access purposes. The applicant must contact our engineer as soon as possible to agree easements and protection measures. The water main also appears close and warrants further discussion.

On other matters the site will be served by separate systems of drainage; surface water discharge rates are to the public combined system to be agreed. We would expect betterment over existing arrangements.

Water supply - point of connection to be agreed and boosted storage will be required for buildings above two storeys.

LEISURE DEVELOPMENT - In accordance with Local Plan Policy C4, provision or play and active recreation should be made for residents of these dwellings.

A contribution of £2,904 for each 2 bed+ dwelling should be made towards the provision of children's play. The contribution to be spent on additional facilities for the benefit of new residents within the vicinity of the development.

A contribution of £1571 for each dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution of £209 per dwelling should be sought for allotment provision together with a contribution of £1208 per dwelling towards local community hall facilities. The contributions should be index linked.

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

BIODIVERSITY - The application is for the demolition of a snooker hall and the

erection of 40 apartments at Kingston Road , Taunton.

Richard Green Ecology Ltd carried out a Protected Species Survey for the site in October 2013.

Findings of the survey are as follows

Bats

The surveyor found no evidence of bats within the building and no bats emerged during the emergence survey. I agree that it is unlikely that the building is used by roosting bats.

Two common pipistrelle bats were recorded flying around the trees to the east but these will not be impacted on by the development.

I support the suggestion to provide bat roosts in the new buildings

Birds

No evidence of nesting birds was found within the building. I support the suggestion to provide bird boxes in the new buildings.

Suggested Condition

The development hereby permitted shall not be commenced until details of a Mitigation strategy to accommodate bats and birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology Ltd submitted report, dated October 2013, and include:

1. Measures for the enhancement of places of rest for bats 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 and thereafter the resting places and agreed accesses for bats and nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented

Reason: To enhance the site for bats and nesting birds in accordance with the National Planning Policy Framework.

Informative Note

1. The condition relating to wildlife requires a mitigation proposal that will enhance the site for bats and nesting birds.
2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
3. 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.

DEVON AND SOMERSET FIRE & RESCUE SERVICE - No comment

POLICE ARCHITECTURAL LIAISON OFFICER - Having reviewed the documentation submitted in support of the application, I would make the following observations

Crime & ASB Statistics – reported crime for the area of this development (within 200 metre radius) of the grid reference during the period 01/12/2012 to 30/11/2013 is as follows:-

Arson - 1 Offence

Burglary - 8 Offences (including 5 dwelling burglaries)

Criminal Damage - 10 Offences (including 1 damage to dwelling and 7 damage to vehicles)

Drug Offences - 5

Fraud/Forgery - 5

Sexual Offences -1

Theft & Handling Stolen Goods - 16 Offences (incl. 2 theft of motor vehicle, 4 theft from motor vehicle, 3 theft of pedal cycle)

Violence Against the Person - 20 Offences (incl. 1 assault GBH, 5 assault ABH, 3 possess bladed article, 7 common assault)

Total - 66 Offences

This averages just over 1 offence per week, with peak days being Friday and Saturday and peak times

being evening into early hours. The level of crime is classed as 'average'.

Anti-social behaviour reports

during the same period in the same area total 9, which are fairly low levels.

Public Access – security of the apartment block would be enhanced by discouraging casual intrusion by non-residents, so public access should be restricted. A suitable access control system in the form of door entry phone with audio/visual verification, proximity fob or similar system should be provided to the main communal entrance door. Good signage should also be provided to deter unauthorised access and assist emergency services, tradespersons etc. Bearing in mind the lack of any gate at the entrance to the courtyard, the provision of surface changes at this entrance would also help reinforce the defensible space of the development giving the impression that the area is private.

Natural Surveillance – optimum natural surveillance should be incorporated whereby residents can see and be seen. The design of the apartment block with a lack of any deep recesses or potential hiding places and considerable amount of glazing incorporated into the elevations on all sides would appear to do this. The external spaces including courtyard, footpaths, roads etc all appear to be clearly observable from the block.

Balconies – the design incorporates balconies from the first floor level upwards and they should be designed to exclude handholds and to eliminate the opportunity for climbing up, down or across between balconies.

Cycle Store – the management office seems to be well located to supervise the internal communal cycle store which appears to be of substantial construction and devoid of windows, which is recommended. The store should be fitted with a secure doorset, the locking system being operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. The store should be provided with secure anchor points or cycle stands. Bearing in mind the flat, green roof over the cycle store incorporating rooflights, any potential climbing aids in this area should also be avoided.

Bin Store – the communal internal bin store also appears to be of substantial construction and secure which should deter the use of wheelie bins as climbing aids or for arson.

Lighting – appropriate lighting should be designed to cover high risk areas including main site access, courtyard, main entrance door, fire exit doors etc. All lighting should be automatically controlled by photo-electric cell or time switch with manual override and fittings should be vandal resistant.

Streetlighting already exists in Kingston Road and neighbouring streets.

Landscaping/Planting – little appears to be proposed but, if so, it should not impede opportunities for natural surveillance so shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

Car Parking – the plans indicate that this is a ‘car free’ development and only four parking spaces appear to be proposed in the courtyard. Where communal car parking is necessary, it should be in small groups, close and adjacent to the owners they serve and open to view of the residents from regularly habitable rooms. This would appear to be the case although I seriously doubt whether this number of spaces is sufficient to service 40 flats.

Internal Security – communal internal circulation areas including entrances, corridors, staircases and lift lobbies should be well lit. Access staircases should be linked to the minimum number of apartments and, if possible, the main door entry system should be extended to the landings. Recesses, blind corners and hiding places should be eliminated wherever possible and a means of emergency communication provided from lifts and adjacent lobbies.

Doorsets – the main communal entrance door and individual flat entrance doorsets on the ground floor should comply with PAS 24:2012 to offer minimum standards of security. Flat entrance doorsets above the ground floor should comply with the same standard but should have lock hardware that is operable from both sides of an unlocked door without the use of a key (*this enables occupants to unlock the door from the inner face without the use of a key, investigate the cause of a fire or other emergency and return to raise the alarm without the use of a key*).

Windows – ground floor windows and those easily accessible should also comply with PAS 24:2012 and incorporate laminated glass.

Secured by Design – the applicant’s attention is drawn to the additional comprehensive information provided on the police approved ‘Secured by Design’ website – www.securedbydesign.com - under the heading ‘**Design Guides**’.

SCC - CHIEF EDUCATION OFFICER - No comment received

NETWORK RAIL - No comment received

SW DESIGN REVIEW PANEL - Overall, subject to the comments in this report, the panel felt that the scheme was well considered and supported the proposals. Although it was felt that ideally the the scheme may have benefitted from The Design review proces at an earlier stage, prior to being submitted for planning approval.

In regard to form and massing the panel was encouraged to see the proposals had explored alternative layout options and overall it was felt that the scheme responded well to the various contextual constraints and considerations. The panel felt that due to the proximity and height of the railway bridge and level of Kilkenny car park opposite, that the site could satisfactorily accommodate the height of the proposed building along the Kingston Road.

The Panel had some concerns over the height of the of the proposed building at the rear and the potential for it being perceived as overbearing in the north west corner of the site in relation to the backs of the nearby residential terraced houses situated along Thomas Street. Further concerns were expressed that the winter shadow study shows that the courtyard area and garden of the adjacent property to the

north of the site will be in continuous shadow during the winter period.

The panel suggested it may be useful for a north-south section to be provided that cuts through the rear of the building and site. It was felt that this would help better illustrate the relationship and change in levels between Railway Street, the internal floor levels, the courtyard space and the terraced houses situated along Thomas Street (and their rear amenity spaces).

It was suggested that any sense of unacceptable overbearing and overshadowing to the terraced houses in Thomas Street could be addressed by reducing the height of the building by a storey, by the loss of the top two floor apartments along the western elevation. By reducing the height of the rear of the building it was felt that an additional storey could be provided to the front (Kingston Road) section of the building in order to maintain the proposed number of units.

It was suggested subject to highways acceptance that the proposed parking area would be better used as amenity space for the apartments. By providing the absolute minimum amount of parking required in this area it may allow the building to be pulled slightly further into the site allowing an increased buffer zone along Railway Street. This amenity space would allow the currently proposed integrated bin and bicycle store to be relocated as a separate element within this amenity space. This may significantly improve the thermal fabric performance of the building, as concerns were expressed in regard to the integration of heated and non heated spaces. This may also represent an opportunity to relocate the manager's office to a more prominent location within the building. In order to offset the much reduced parking provision it was suggested that the provision of an electric pool car could be investigated.

The panel was pleased to note the defensible space provided to the front of the property along Kingston Road and strongly supported the location of the main building entrance.

The panel was supportive of the proposal to provide appropriate low level lighting externally to the building particularly within the proposed amenity space/parking area and along Railway Street in order to prevent any antisocial areas being created. The panel suggested that secure gated access to the courtyard area may be a benefit to the scheme. It was recommended by the panel that the proposals demonstrated how they provided a response to the principles set out by 'Secure by Design Guidance'.

The panel applauded and was very supportive of the sustainable aspirations of the scheme and the desire to exceed the minimum building regulation standards in regard to energy efficiency. It was suggested that a 'fabric first' approach should be adopted in regard to thermal efficiency and air tightness of the project with renewable energy resources being utilised as a secondary measure if required.

The depth of the green roof structure should be investigated further and the clarification in regard to the types of planting and its requirements be provided to ensure that the depth of structure indicated is sufficient.

The proposed provision of a feature tree along Railway Street was supported, although careful consideration in regard to the species and planting methodology of this tree in such close proximity to the proposed building needs careful consideration.

Overall subject to successfully demonstrating that the proposals are not overbearing to the residential terraced properties located along Thomas Street, the panel was supportive of the proposals.

Representations

4 letters of objection on grounds of

- overdevelopment,
- overlooking and loss of privacy,
- overbearing and loss of light,
- lack of parking and impact on surrounding neighbourhood

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£43,163
Somerset County Council (Upper Tier Authority)	£10,791

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£258,976
Somerset County Council (Upper Tier Authority)	£64,744

Community Infrastructure Levy

In the event that planning permission is granted for this development after 1st April 2014, the development would be liable for CIL at a rate of £70 per square metre.

In light of 'affordable housing relief' provisions, it is likely that the CIL would be payable on 30 of the units.

DETERMINING ISSUES AND CONSIDERATIONS

The proposed scheme is the redevelopment of a brownfield site to provide 40 flats and involves the demolition of the existing building. The main considerations are the design, noise, amenity impact and parking.

The proposed building is a four and five storey structure and there was initial concern over the scale of the development and the application was put before the Local Devon and Somerset Design Review Panel. The Panel considered the height of the building could be accommodated along Kingston Road and queried the impact of five storey at the rear. The application was subsequently amended to delete a storey at the western end and amend the parking, bin and cycle store areas. The materials are proposed to be render and cladding with a green roof and pv panels. The Panel was supportive of the defensible space and the low level external lighting on the building and the energy efficient approach to the design and overall were supportive of the proposal.

The site lies adjacent to Station Road and close to the railway station. A noise assessment was submitted with the application and further details in respect of elements of the construction to address these issues have been submitted to the Environmental Health department to address their suggested condition. The submitted details are considered to be acceptable and revised condition wording is proposed to reflect the details suggested.

The development provides a four and five storey development on a sloping site. Concern was initially raised over the potential impact of the five storey scheme for properties to the north west. This was commented on by the Design Review Panel and as a result the scheme has been modified to reduce the height of the western end of the building by a storey. This lessens the height and impact of this end of the building. The impact of the revised scheme on the commercial premises to the west is considered acceptable as is the impact on the ends of gardens in Thomas Street to the north. Balconies on the northern elevation have also been removed and the impact on overlooking reduced. There will be an element of overlooking to the rear of existing commercial properties on Kingston Road however such properties are already mutually overlooked and there has been no objection from these properties. There is still a concern over the impact for the two upper storey flats at the western end which are 9m from the boundary to the north, however a condition in respect of obscure glazing of windows here is considered sufficient to address the issue.

The site lies opposite the railway station and is considered to be a sustainable location for development close to the town centre. There is very limited parking at the existing site and two spaces are required for the adjoining property. Only 2 parking spaces are proposed as well as covered storage for 49 cycles. The County Highway Authority recognise the nature of the location and ability to access different modes of transport and have not raised objection to the scheme. A grantpian condition is proposed to require a travel plan. It is recognised that there are objections on the basis of lack of parking, however the site lies opposite a public car park and there is adequate cycle storage provided on site. Other sites further out of town have been considered as suitable for car free development and while the scheme is larger in scale, the site here is still considered suitable.

The scheme proposes 40 flats which qualifies for affordable housing under policy

CP4 of the Core Strategy. The development incorporates 25% affordable housing to comply with this policy and in agreement with the Housing Enabling Officer. This requirement will need to be secured through a Section 106 agreement.

The development requires a contribution towards play and outdoor recreation through policy C4 of the Local Plan. In addition contributions are sought for allotments, community hall provision and public art and these will need to be secured through a legal agreement. The property is not listed and while it is not considered listable it is of historic interest and therefore a recording condition is recommended prior to demolition.

In summary the design of the proposal is considered an acceptable one as amended and the impacts of the scheme on neighbours and parking are suitably addressed and comply with policy. The affordable housing will be secured by legal agreement and the other contributions sought will either be similarly secured or achieved through the CIL process. The scheme is considered an acceptable one and recommended for permission.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

RAGLAN HOUSING ASSOCIATION

ERECTION OF 26 No. AFFORDABLE HOUSES AND ASSOCIATED PARKING ON LAND AT JUNCTION OF A358 AND STOKE ROAD ADJOINING LABURNUM TERRACE, HENLADE, RUISHTON

Location: LAND TO SOUTH WEST OF THE JUNCTION OF A358 AND STOKE ROAD, HENLADE

Grid Reference: 326928.124011

Reserved Matters

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

- (A3) DrNo 12.45.01A Location Plan
- (A1) DrNo 12.45.02 Site Survey with Site Boundary
- (A1) DrNo 12.45.09E Proposed Site Layout
- (A1) DrNo 12.45.16A Proposed House Types A, B and B1
- (A1) DrNo 12.45.17A Proposed House Types C, C1 and E
- (A1) DrNo 12.45.18A Street Frontage Elevations
- (A3) DrNo 12.45.19 Proposed Site Roof/Block Plan
- (A1) DrNo SPP.1772.1 Vegetation Appraisal
- (A1) DrNo SPP.1772.2 Landscape Masterplan
- (A2) DrNo SPP.1772.3 Public Open Space

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

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

Reason: in the interests of highway safety

3. Before the dwellings hereby permitted are first occupied, a 1.8m wide footway

shall be constructed over the entire frontage of the site in accordance with a specification to be approved in writing by the Local Planning Authority.

Reason: in the interests of highway safety

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

Reason: In the interests of highway safety

5. 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.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Deane Area the Highways Depot, Burton Place, Taunton, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

PROPOSAL

This is an application for the approval of reserved matters for the erection of 26 affordable houses on a site of approximately 0.6 hectares.

The proposal is outside of the defined development limits for Henlade and has been put forward as a rural exception scheme (the applicants are Raglan Housing Association). Access would be gained from Stoke Road, approximately 60 metres south of the StokeRoad/A358 junction.

The layout proposes two storey houses facing inwards towards a central green space and play area. The central road area would be shared surface with off street parking for 48 vehicles. The residential mix is:

2 x one-bed house
14 x two-bed houses
10 x three-bed houses

As an exception site, 100% of the dwellings would be affordable, local needs, housing.

SITE DESCRIPTION AND HISTORY

The site is on the corner of the A358 and Stoke Road in the centre of Henlade. It is outside, but adjoining the defined development limits and comprises part of a larger field with substantial hedges on the north and east, but no natural boundary to the south. To the west of the site are some existing barns which are to be demolished.

Members considered the planning application for 100% affordable housing in June 2012. They resolved to grant consent subject to the applicant entering into a Section 106 Agreement to secure:

- 100% Local Needs Affordable Housing that will remain in perpetuity.
- On-site children's play space
- A contribution towards the provision of facilities for active outdoor recreation.
- The provision of public art
- Highway mitigation works consisting of widening of footways on the A358 together with widening and improvement of the existing pedestrian refuges and replacement bus shelters.
- The provision of high friction surfacing on the A358.

The Section 106 Agreement was completed and planning permission issued in December 2013.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

RUISHTON & THORNFALCON PARISH COUNCIL – object

DRAINAGE

• At the Public Consultation 'assurances were given that the surface water run off would be attenuated by oversized pipes and storage tanks to ensure that this would not exceed green field run off rates in accordance with the requirement of Condition 7 of the Outline Planning Approval'. It was also stated 'that the intention was for the surface water from the adopted highways to be discharged after attenuation, to existing highway drains and for the surface water from the houses to be dealt with, after attenuation, by percolation on site, if possible.'

• Concerns were expressed that this is now not the case and that the surface water

from the proposed highways and dwellings after being conveyed by gravity to a Geo-cellular attenuation tank located within the adjoining land to the south will be discharged to an existing watercourse to the south, namely Lower Henlade. May we point out that Lower Henlade has been flooded, not just the road but people's homes, several times over the last year and is in fact currently flooded.

- Please note that it is proposed to discharge the water via a pump at a rate of 4 litres per second but the E.A. general policy is to ensure that water discharge is at a much lower rate than the greenfield site, and 2 litres per second per hectare of land would be about normal. This site is 0.6 hectare and they are proposing 4 litres per second - one tonne every 4 mins 10 secs into an area known to flood!
- We were told at the exhibition held in Ruishton Village Hall in April 2013 that there would be NO water sent to Lower Henlade. Taunton Deane and Somerset County Council officers are aware that Lower Henlade floods and it is essential that this development does not exacerbate the existing problems. The Planning Authority will be held to account should this development add to the flooding situation.

It is imperative that the Planning Committee Councillors give these points their full consideration.

PARKING

- It is stated by the applicant that 'the provision for parking is in accordance with that proposed at the outline planning stage and is set at a level that is appropriate for a site of affordable housing with excellent public transport links, to encourage sustainable modes of transport'.
- We consider this statement to be flawed; the applicants set great store on the proximity of the Park and Ride. May we point out that the bus service that operates from there and the daily bus service that passes near the development is not a reason for the suitability of the site and is used as an excuse to limit the number of parking spaces. At present, the Park and Ride is inefficient and unreliable; this was highlighted by ourselves at the Outline Planning stage but was ignored.
- We would however point out that in January 2014 the Somerset County Council were so concerned that they called upon the bus operator to submit a recovery plan in an attempt to overcome the reliability problem.
- With regard to the bus service that runs through Henlade on the A358, their reliability is very much dependent on traffic conditions on a road that is recognised as the busiest in Somerset, with traffic at a standstill at peak periods which means the bus service cannot be relied upon to keep to their time tables.
- This will mean that families on the development will have to rely on their own transport and this should be recognised by increasing the number of parking spaces provided. Failure to do so will lead to vehicles parking in Stoke Road which would be detrimental to other road users and residents. If the numbers of parking spaces are not increased then a penalty clause should be inserted in any planning permissions given that impose the responsibility on Raglan Housing to provide additional parking if required.

AFFORDABLE HOUSING

- Regarding design there is no provision for the disabled in any of the houses; this should be accommodated in new build affordable homes.

BUS SHELTER ON A358

- The Parish Council currently own, insure and clean the bus shelter and we have not been consulted on the provision on a replacement. As SCC intend to unilaterally provide a replacement clarification is needed as to whether they will be taking over the responsibility for this new shelter

FIELD ACCESS

- We notice there is a proposal for an entrance from the development with access to the field to provide access for farm vehicles which was not part of the plans approved in the Outline Permissions. As an affordable housing development there will be a large number of children whose safety will be compromised by the agricultural vehicles going in and out of the development. Please note that just down the road the old entrance to the field could be reopened to overcome this problem.

PLAY AREA

- There is a concern that the play area has nothing to stop cars parking on it.

DECISION

- As the decision on this application is being made by the Planning Committee (made up by District Councillors) and that the Parish Council has no say in any decision reached, may we ask that all members of the Committee vote on the application and not abstain as happened with the previous application for this site.

SCC - CHIEF EDUCATION OFFICER – no comments received

SCC - TRANSPORT DEVELOPMENT GROUP –

This proposal is a reserved matters application in relation to outline planning application 31/07/0033 which was permitted in December 2013 therefore the principle of development in this location is accepted.

Part of the permission to grant required the applicant to enter into a S106 agreement, which secured a number of different elements, which included highway mitigation works. As these have been secured via the legal agreement they will be subject to full technical approval prior to any works being carried out on the adopted highway. The Highway Authority is of the opinion that these items have now been address and therefore consequently this response will only focus on the internal layout and point of access.

The internal site layout has been assessed and the Highway Authority has the following comments to make.

At the point of access the applicant must make allowances for the resurfacing of the full width of Stoke Road where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within Stoke Road to ascertain the thickness of the existing

bituminous macadam layers. Drawing 12.45.09 E shows that part of the access arrangements was a provision of a new footway. The applicant should note that this footway must not result in the narrowing of the existing carriageway. The access will also provide visibility splays of 2.4m x 60m to the north and 2.4m x 90m to the south. These are considered to be acceptable and in accordance with the outline approval. However the applicant should note that there is an electricity pole within Stoke Road, which is in close proximity to proposed location of the site access. Consequently it might need to be relocated. The applicant will therefore be required to contact the appropriate statutory undertaker to discuss the repositioning of the pole. Finally on the point of access the gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10.0m from its junction with Stoke Road.

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

The proposed block paved shared surface carriageway should be designed so that channel gradients are no slacker than 1:80 to aid the dispersal of surface water. Furthermore the applicant will need to make sure that no doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted) and steps. Other general points the applicant should be aware of is where private access paths crossover the prospective public highway margins they should be constructed as per typical bitmac footway specifications. Paving slabs will not be permitted. Any proposed ramp within the carriageway should be constructed as per typical bituminous macadam carriageway specification. From experience the Highway Authority has found that the use of setts within ramps causes maintenance liabilities due to the setts becoming dislodged or sinking.

In terms of visibility adoptable 17.0m forward visibility splays will be required across the inside corners of the estate road(s). There shall be no obstruction to visibility within these areas that exceeds a height greater than 600mm above adjoining carriageway level. All required visibility splays should be clearly indicated within all future revisions of the site layout drawings.

The submitted plan shows a pedestrian link between plots 12 and 13 which will provide direct access from the application site onto the A358 could well be used by a combination of pedestrians and cyclists and therefore should be constructed to a width of 3.0m to accommodate the shared use. Adoptable visibility splays based on dimensions of 2.0m x 20m, as measured from the back edge of the highway boundary will be required at the interface of this link with the existing footway along the A358. There shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above the adjoining ground level. The southern end of this link should be off set from the parking bay for plot 8. The submitted drawing shows the link terminating within the confines of the parking bay.

An adoptable 2.0m hardened margin will be required at the end of the adoptable carriageway adjacent to the northern boundary of plot 3. Furthermore all grass

margins should not be laid up to vertical faces. The last 200mm should be of a hardened material (mowing strip). The applicant will also need to confirm who will be responsible for the future maintenance of the grass verges contained within the highway boundary. Somerset County Council are not in a position where they are able to take on their future maintenance as such will the Housing Association be maintaining these verges?

All proposed tandem parking bays should be constructed to a minimum length of 10.5m as measured from the back edge of the prospective public highway boundary. Parking bays that but up against any form of structure (boundary wall/footpath/planted areas) should be constructed to a minimum length of 5.5m, again, as measured from the back edge of the proposed highway boundary. Proposed planting immediately adjacent to parking bays should be of a ground-level variety so that intervisibility between motorists within the carriageway and those accessing parking bays is not restricted.

Planting within adoptable areas will require a commuted sum payable by the developer. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by Somerset County Council will be required for all trees that are to be planted adjacent to the back edge of the highway to prevent future structural damage to the highway. Any planting immediately adjacent to the back edge of the highway must be supported by the submission of a planting schedule to Somerset County Council for checking/approval purposes.

In terms of retaining structures within the site Somerset County Council, as the Highway Authority, will need to be assured as to the safety and durability of any retaining structure, to be adopted or remain within private ownership, that are within 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary. Detailed design drawings and calculations will need to be submitted to Somerset County Council for checking/approval purposes prior to any works commencing on site.

Finally on layout any access gates to the new field access should be set back a minimum distance of 10.0m from the back edge of the prospective public highway boundary.

Moving onto drainage, where works have to be undertaken within or adjoining the public highway a section 50 licence will be required. These are obtainable from the Streetworks Co-ordinator (0845 345 9155). Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to Somerset County Council. In terms of the attenuation tank that is to be constructed within the adjoining land to the south of the development site would the applicant be able to confirm the future maintenance liabilities.

The Environment Agency, Inland Drainage Board and Riparian land owners should be consulted as to whether or not any existing ditches or watercourses with the development site are to be piped or require culverts. Any such works will require the

approval of the Local Authority under Section 263 of the Public Health Act 1936. The developer must keep highways, including drains and ditches, in the vicinity of the application site free from mud, debris and dust arising from the works at all times. The applicant shall make sure that the contractor's construction vehicles, when leaving the site, do not carry out deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

Finally additional points that the applicant should be made aware of for during the construction phase. Firstly the developer will be held responsible for any damage caused to the public highway by construction traffic proceeding to or from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer's representative in the presence of the Highway Supervisor showing the condition of the existing public highway network adjacent to the site and a schedule of defects agreed prior to works commencing on site. Secondly the existing public highway must not be used as roads or sites for stockpiling and storing plant, materials or equipment. The developer shall be liable for the cost or reinstatement if any damage has been caused to the highway.

Therefore to conclude the internal site arrangements are considered to be broadly acceptable however there are some points that need to be addressed. However these are not sufficient to warrant an objection on highway grounds.

Suggests planning conditions

DRAINAGE ENGINEER –

I have no objection following correspondence received from the applicants consulting engineer dated 24th February giving details of limited discharge of 2 litre/second, on site below ground storage of approximately 250m³ and full adoption of surface water sewers, pump station, headwall and underground storage system. Details of the correspondence will be forwarded separately and should form part of any planning approval given.

HOUSING ENABLING –

The housing enabling lead is supportive of this application. It provides a broad choice of affordable housing for both rented and shared ownership and will significantly contribute to meeting the local housing need. The homes will be built to Code for Sustainable Homes Level 3 and meet the Homes and Communities Agency design and quality standards.

LEISURE DEVELOPMENT – comments awaited

LANDSCAPE –

Subject to detailed landscape proposals and protection of existing hedgerows during construction the proposals are acceptable.

BIODIVERSITY –

A badger survey should be carried out this spring to confirm the status of the badge sett to the west of the site within the derelict barn and to inform the licence application. As the proposal is to demolish the barn and destroy the sett a licence will be required from Natural England.

The wildlife strategy required by condition 6 of 31/07/0033 does not appear to have been submitted.

Representations

22 Letters of OBJECTION which raise the following issues:

Principle

- There is no need for more housing.
- How will people take their children to primary school.
- There are not enough services for affordable housing in Henlade.
- It would be detrimental to the rural nature of the village.
- Will more houses be built on the rest of the field?
- Increase in traffic noise and disturbance in the local area.
- The bus service is not reliable and people will be forced to use their cars.
- There are no bus services after 18.05 pm or on Sundays or Public Holidays.
- Disturbance from children who live at the new development.
- This is not an appropriate site for affordable housing (distance and accessibility to local services).
- It should be a development for older people in one bedroom bungalows to free up larger houses in Taunton.
- Anti-social behaviour.
- The site is outside of the development boundary and there are no special circumstances to allow development.
- People will park on Stoke Road causing more congestion.

Highways

- The A358 is a busy and dangerous road.
- The junction between Stoke Road and the A358 is already busy and would become busier and more dangerous.
- This would result in blocking existing residential accesses.
- The back lanes into Taunton would become busier.
- A sensible control of vehicle speeds within the 30mph limit from greenway Lane and Stoke Road junction should be provided.
- Crossing the A358 (to access services) is not safe.
- Bus companies should be made to maintain adequate services and stop at the bus stops by the site.
- Not enough parking is proposed.
- Not enough visitor parking is proposed.
- What would stop residents using the visitor parking spaces?

- The agricultural access could lead to vehicle/pedestrian conflicts.
- Shared space within the development is dangerous.
- How would you stop people parking in the spaces proposed for the existing dwellings at 2 and 3 Laburnum Terrace?
- Construction traffic should not use Lower Henlade.
- Construction traffic will result in mud on the road.
- The proposed pavement front the corner of Stoke Road towards the Post Office is too narrow.
- No garages are proposed..

Drainage

- Surface water is going to be diverted to Lower Henlade which already suffers from flooding problems.
- The water will be stored and then pumped to an existing watercourse to the south which would not be able cope with the extra water.
- Stoke road already acts like a river when there are heavy downpours.
- Sewage should not be sent to Lower Henlade.
- Who will maintain the surface water holding tank?
- Road drainage at the A358/Stoke Road junction is in urgent need of improvement.
- Has the Environment Agency given their approval to discharge water to Lower Henlade?
- A surface water discharge rate of 4 litres per second equates to a tonne of water every 4 minutes.
- Photographs submitted showing most recent flooding.
- The highway TRICs information is out of date.

Other

- Pollution levels in Henlade are already high and more vehicles would add to this.
- There is a retirement park next to the site and increased pollution would have an adverse effect on those with health problems.
- Disturbance from construction phase.
- There is no provision for disable accommodation.
- Existing hedges should be maintained.
- The play area will not entertain children.
- What is the protection for nesting birds?
- Will the affordable housing become 100% owner occupied in the future?
- The local primary school is full.
- Hedgerows will not be protected.
- The occupants of the houses will suffer noise and disturbance from the A358.

PLANNING POLICIES

NPPF - National Planning Policy Framework,

CP8 - CP 8 ENVIRONMENT,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,

CP4 - TD CORE STRATEGY - HOUSING,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£35,336
Somerset County Council (Upper Tier Authority)	£8,834

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£212,015
Somerset County Council (Upper Tier Authority)	£53,004

DETERMINING ISSUES AND CONSIDERATIONS

Principle of Development

The principle of development has been established by the granting of outline planning permission for 100% affordable housing. This is a reserved matters application where the Council are being asked to determine the appearance of the buildings, access within the site, landscaping, layout and scale.

Layout and Design

The layout is inward facing rather than fronting onto the A358 and Stoke Road. Development in the surrounding area generally faces the roads and the proposal is at odds with this general layout. However, the site is raised and has existing hedgerows fronting onto these roads which would provide a screen to the rear of the houses. The means of access off Stoke Road and the central play area with shared surface roads do need to be overlooked and this provides the opportunity and justification for adopting an inward facing development. It allows for surveillance of the communal areas and provides for a sense of place that is less likely to be achieved if each individual dwelling fronted the main road.

The design of the dwellings is simple and comprises a mix of semi detached and terraced properties. Materials would be a mix of brick and render under an artificial slate roof which would be in keeping with the local area. It is also proposed to use solar thermal roof panels to provide hot water.

The layout and design of the dwellings is considered to be acceptable.

Highways and Parking

The off site highway works to the A358 were considered and secured as part of the outline planning application. These form part of the existing Section 106 Agreement. Also the impact that 26 houses would have on the local highway network was considered and forms part of the principle of development accepted at the outline stage.

It is necessary to consider the internal road layout as part of the reserved matters application and the Highways Authority have made some detailed comments about construction of what would be a private street. Many of these details would be secured by the existing planning condition on the outline planning consent that require full plans and details to be agreed. This is normal practice when dealing with planning applications and allows for some of the detailed construction to be agreed prior to works commencing on site. With regard to the general layout, the highways authority have made comments which have been passed on to the applicants, however, they conclude that the internal site arrangements are broadly acceptable and any points which need to be addressed are not sufficient to warrant an objection of highways grounds. They recommend a number of planning conditions of which some do not pass the test of necessity or are already secured on the outline planning permission. It is recommended that only the conditions which pass the test of necessity are imposed should planning permission be granted.

48 parking spaces are proposed for the 26 houses and for 3 existing houses in Laburnum Terrace. This is above the Local plan policy of a maximum 1.5 spaces per dwelling across a development. The County Highways Parking Strategy recommends that the optimum parking stands should be 56 spaces for the new development which would include 5 visitor spaces. It should be noted that the County Council parking strategy is based on a general mix of open market and affordable housing rather than 100% affordable housing and also does not take into account the proximity of a specific development to public transport links. It also assumes that 1.5 spaces are required for each 1-bed property, 2 spaces per 2-bed property and 2.5 spaces per 3-bed property.

Given that the amount of parking proposed exceeds the maximum set out in the adopted local plan, but does not meet the optimum standard set out by the County Highways Authority, it is considered that it would be unreasonable to withhold permission on these grounds. The Highways Authority have not made any comment on the park in their consultation response where they would have had the opportunity to object. The outline planning application stated that there would be 45 parking spaces and this was accepted at that time. The applicants are a Registered Provider of affordable housing and will manage the development in the same way as they manage other developments. They understand their parking requirements for their tenants, which will be different to the requirements of unmanaged open market housing.

Drainage

The drainage strategy that was submitted with the outline planning application advised that there were no surface water sewers in the vicinity of the development site and that the nearest watercourse is to the south of the development site at Lower Henlade. It recommended that a new off site surface water sewer be constructed to connect to that watercourse.

The Council Drainage Engineer noted that the surface water was to be attenuated on site before being discharged in the watercourse and recommended that the developer investigated the use of SUDs to limit discharge rates. He also recommended a planning condition be imposed to secure details of the drainage scheme. The following condition exists on the outline planning consent.

No Development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of proposed on site storage, where run-off rates have been limited to those from a 1 in 1 year storm on the greenfield site, the details shall clarify the intended future ownership and maintenance provision for drainage works serving the site. Details of exceedance flow paths and depths should be mapped and shown to be safe.

Reason: To ensure that the site is adequately drained without having a detrimental adverse effect off-site in accordance with the provisions of the NPPF

It is not necessary to discharge this planning condition as part of the reserved matters application however the council needs to be satisfied that the layout of a development allows for appropriate surface water storage prior to its discharge.

The submitted drainage strategy proposed that the surface water will be stored in an underground cellular tank before being pumped through new pipework to that watercourse. The details originally proposed a 200 cubic metre tank with a discharge rate of 4 litres per second, however, after further correspondence with the Council's Drainage Engineer, the discharge rate has been halved to 2 litres per second and the tank increased in size to 250 cubic metres to accommodate this lower rate. An alternative development of a surface attenuation pond was considered, but was dismissed due to the gradients required and greater difficulty in limiting the discharge rate.

The consultant engineers who have designed the surface water scheme have advised that the rate of discharge would be one quarter of the existing greenfield run-off rate and the Council's Drainage Engineer has concluded that this is acceptable.

The residents of Lower Henlade have submitted photographs and details of recent flooding and they point out that currently, due to the local topography, existing surface water from the development site does not drain southwards to Lower Henlade and therefore this development would result in more surface water being directed towards them. The Council's Drainage Engineer is aware of the recent flooding and has made his comments accordingly.

On site Play

The outline planning application established the principle the children's play should be provided on site. This has influenced the layout of the development as discussed above. Central play areas which have natural surveillance are desirable and the public open space has been designed by landscape architects to provide a natural play area. The area is proposed to be landscaped with mounds and 'ravines' that have benches, bridges, log stump trails and rope swing. It would be necessary to ensure that there is appropriate segregation from parking spaces which could be achieved

in a number of ways such as timber trip rails or low timber bollards and planting.

Conclusion

The principle of 26 affordable houses has already been considered and established by the granting of outline planning permission. This application for reserved matters is considered to comprise an acceptable layout that respects the character of the area makes provision for on site children's play and open space and provides an appropriate level of parking. The drainage details are considered to be acceptable in relation to the reserved matters application and the condition on the outline application will still need to be discharged separately. It is therefore recommended that planning permission be granted.

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

CONTACT OFFICER: Mr B Kitching Tel: 01823 358695

24/14/0002

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) LTD

CHANGE OF USE OF LAND TO PUBLIC FOOTPATH WITH ASSOCIATED FENCING AND SURFACE ON LAND BETWEEN NINE ACRE LANE AND OVERLANDS, NORTH CURRY

Location: LAND BETWEEN NINE ACRE LANE AND OVERLANDS, NORTH CURRY

Grid Reference: 332029.125136

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

2. The proposal hereby granted shall be carried out strictly as specified in the recommendations proposed in the 'Ecological survey', prepared by Michael Woods Associates, and dated January 2014. This document forms part of the permission hereby granted and the further survey work it requires 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).

3. 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 the 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).

Notes to Applicant

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

PROPOSAL

Permission is sought to create a public footpath with hardsurfacing and fencing on land in between Overlands and Nine Acre Lane, and continuing along Nine Acre Lane itself to the public highway at Greenway (by the Health Centre). Although an access way currently exists along Nine Acre Lane, it is unofficial and unadopted and little more than a muddy track. It currently ends at the back of Spring Cottage. This application proposes a formal walkway from the Health Centre to Overlands by continuing the line of Nine Acre Lane over the fields to the rear of Canterbury Drive, Manor Farm and Longs Field, linking to the existing Public Right of Way at Overlands. The proposal is for a new bound gravel surfaced path approximately 2 metres wide, and with stockproof fencing at 1.2 metres high at appropriate locations.

SITE DESCRIPTION AND HISTORY

The existing accessway known as Nine Acre Lane appears to be unofficial and it is certainly unadopted but is known to be used by pedestrians and some vehicular traffic. It runs in a east-west direction from the village Health Centre at Greenway along the rear garden areas to some properties, some open land and ending at Spring Cottage. The fields to the rear of Canterbury Drive, Manor Farm and Longs Field are laid with grass and have an agricultural use. Both parts of this proposed footway are located to the south of the village of North Curry and are outside of the existing adopted settlement boundary.

Two planning applications were made last year for residential developments on the field adjacent to Overlands. The first sought 30 dwelling houses and ancillary facilities, to be developed in two phases. The second sought permission for 20 dwellings and ancillary facilities. Both were refused permission by the Development Management Committee, ostensibly on the grounds of prematurity. The first application has now been appealed and the outcome is pending.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NORTH CURRY PARISH COUNCIL -

The Parish Council supports the granting of permission subject to

- the path where it crosses the open field not being hardsurfaced and having a grass surface;
- the path where it crosses the open field having no stock fencing; and

- substantial drainage works along the side of Nine Acre lane particularly along its eastern half.

SCC - RIGHTS OF WAY -

Observations awaited.

SCC - TRANSPORT DEVELOPMENT GROUP -

Observations to follow.

HERITAGE -

No impact upon heritage assets.

LANDSCAPE -

No significant landscape impacts.

DIVERSIONS ORDER OFFICER -

The line of the proposed path crosses the existing public footpath T17/11 at a point approximately 50 metres from its proposed junction with the existing footpath T17/12. At the point of intersection the proposed path is shown as bound on both sides by stock proof fencing and therefore imposes limitations on the existing path T17/11.

Representations

9 letters of representation have so far been received. 6 are against the proposal, 2 in support and 1 is neutral seeking further clarification.

Of those letters **against** the proposal, the following concerns have been expressed.

- The proposal appears to be another attempt by the developer to gain a foothold on the land in order to secure planning permission for housing, which has already been refused twice.
- This application will not lead to the provision of such a footpath, but is a thinly veiled attempt to influence the LPA to grant permission for residential development.
- This application does nothing to further the development for which it is really intended.
- The footpath link only becomes deliverable when planning permission for development is granted and satisfactory title is proved to enable the applicant to provide the footpath.
- The applicant will first need to establish whether anyone has possessory title which would preclude the applicant from exercising the grant of any permission.
- The Borough Council will need to satisfy itself that conditions of any planning permission can be performed by a developer.
- It would appear that the applicant considers any development of land adjoining Overlands to be significantly defective without such an access.
- As the layout of the current housing stands, there is absolutely no need for an additional footpath on this side of our village. Those we have are quite sufficient.
- There is already a footpath that links this site to Greenway. I see no reason why another footpath needs to be created.
- The proposal would only save a few minutes over using a perfectly safe and acceptable route through the village.

- This lane is used for vehicular access to a privately owned field adjoining Nine Acre Lane. There is concern that if this lane is changed to a public footpath, vehicular access to the field would be prevented. There is no other access to the field.
- It would be very difficult for pedestrians and vehicles to pass each other along Nine Acre Lane making it dangerous to use.
- Part of the footpath line is in an area where considerable flooding occurs every year. Therefore a substantial culvert or bridge would be required to make the new path usable all year round.
- Vehicular and pedestrian access has been enjoyed along Nine Acre Lane for approximately 50 years.
- The lane is the only access for Spring Cottage and other landowners to access their property.
- The North Curry Carriage company operates from land which involves the driving of horses and carriages and the movement of lorries down Nine Acre lane. The introduction of pedestrians would only lead to complications.
- The Lane has been maintained by occupiers of property here over many years, and it seems extremely unfair that anyone should contemplate taking over our lane.
- The lane is narrow with a ditch either side and is not suitable for extra traffic (foot or otherwise).
- This application is a futile attempt to usurp other peoples rights and entitlements.

Of those representations in **support**, the following comments have been made.

- I am concerned about the dangers of walking from White Street, Overlands, Longs Field and Barton Way along Stoke Road which is busy, particularly for the elderly.
- The footpath should be made suitable for pushchairs, wheel chairs and bikes.
- The footpath would be a major benefit to the residents of North Curry
- It would provide a much safer route to the village facilities for those who live at the White Street end of the village.
- Residents would no longer be forced to use Stoke Road.
- The new path would provide a safer option, encouraging people to walk rather than drive to the village facilities.
- There would be no lighting, but there isn't on Stoke Road either.
- Minimal impact on households. Would only really impact upon 1.
- Drainage improvements would be needed to keep the path useable and this would benefit properties currently threatened by flooding.
- Approving this proposal would allow the application for development off Overlands to proceed with real evidence about future footpath provision.
- Would transform pedestrian access on the southern side of the village, creating a much safer and pleasant route for residents for most of the year.

The one **neutral** representation received wishes to be kept informed of any proposal that may affect access to the field which that person owns adjacent to and accessed from Nine Acre Lane.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
ROW - Rights of Way,

LOCAL FINANCE CONSIDERATIONS

The development of this footway would not result in payment to the Council of the New Homes Bonus, as no dwellings are involved.

DETERMINING ISSUES AND CONSIDERATIONS.

The Town and Country Planning Act 1990 makes no provision for path creation. Therefore new public rights of way are usually dealt with under the Highways Act 1980, sections 25 and 26. Section 25 of the Act provides for the creation of a public path by agreement, whereas section 26 provides for compulsory creation by order. Local Highway Authorities should only use their statutory powers where there is a demonstrable public need. New paths can also be created by Parish and Community Councils under s30 of the Highways Act 1980. In this instance however, the fencing and surfacing involved is not considered to be permitted development under the Town and Country Planning Act, and so the applicant has applied for planning permission. Whilst this is an unusual way around the issue, it is clear that the proposal amounts to development in that there are engineering operations and there is also a change of use from agricultural land to footpath on part of the site. It is not permitted development for a private individual to change the use of land and the surfacing is not considered to be permitted development under Part 2 of Schedule 2. The erection of the fencing in itself could be permitted development, but the action of erecting the fencing and enclosing the footpath results in the change of use. Such works would normally be secured through a S106 agreement appended to any formal planning permission, but this proposal is a stand alone application.

The main issues are considered to be whether or not the proposal would unduly impact upon the qualities of this largely rural location outside of the settlement boundaries. It is clear that there is not a good footpath lineage between the south of the village and the facilities of the village such as the Health Centre, the school, the allotments, the childrens play facility and other village facilities. Currently access would be along roads which are well used and have sections without pavements. This does not make pedestrian access a quick or safe option, particularly for children, the elderly, wheelchair users, parents with buggies or the disabled. This makes the proposal a good benefit for the community. However, need is not an issue in planning terms. That would be considered by the Highway Authority if they were to adopt the scheme.

On impact grounds, the prime consideration is that of visual and wildlife amenity. The only real concern is that part of the proposed new footpath that crosses the open fields to the south and west of Canterbury Drive and Longs Field. As this is at the edge of the built environment and is finished with a fence appropriate to a rural location, it is not felt that the proposal would be unduly prominent or unsightly, such as would justify refusal. The section of the proposal along Nine Acre Lane, would be improving and updating an existing thoroughfare which is not a Public Right of Way, but nevertheless has been giving access and passage for some considerable time.

The choice of surface is a bound gravel. This is an appropriate surface for the passage of pedestrians, and subject to seeing a sample to check the form and colouring should be a suitable choice. It is not considered therefore that there will be any adverse visual amenity issues.

On wildlife grounds, an ecological survey has been submitted by a competent professional. The conclusions of this report are that there would be limited impact upon designated sites, habitats, badgers, bats, amphibians, reptiles or birds. Some mitigating measures are suggested and these can form a condition of any approval.

It is noted that the proposed alignment for this new footpath will cross an existing Public Right Of Way in the south-eastern field. Where it does, the applicant will need to be made aware that the Rights of Way section of the County Highway Authority will need to be contacted to see whether any diversion orders, changes or other requirements will be needed.

It appears that this footpath will serve a much better and more clearly defined purpose if the development previously proposed to the Local Planning Authority was progressed. Both previous schemes have been refused, although one (at the time of writing) is currently under appeal. However, consent does not currently exist for any new residential development on the open fields off Overlands, and so this application must be considered on its own merits. It is considered that there are no justifiable reasons for turning down the proposal on planning merit.

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

E/0177/49/13

**CHANGE OF USE OF THE OLD DOG KENNELS TO RESIDENTIAL ON LAND
ADJACENT TO WIVEY VIEW, WIVELISCOMBE**

OCCUPIER:

OWNER: MR & MRS COCKING
WIVEY VIEW, WHITEFIELD ROCKS, WIVELISCOMBE
TAUNTON
TA4 2UP

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of the use of a building for residential occupation following the refusal of a Certificate of Lawfulness.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution Action should the notice not be complied with, to secure the cessation of the use of the building for residential occupation following the refusal of a Certificate of Lawfulness.

The Enforcement Notice shall require:-

- to secure the cessation of the use of the building for residential occupation following the refusal of a Certificate of Lawfulness.
- remove the kitchen and bathroom facilities from the building.

Time for compliance: 1 month from the date the notice comes into effect.

SITE DESCRIPTION

The site is in open countryside to the north of Langley Marsh and the dwelling is a converted dog kennel. There is a further building to the east that has recently been divided into two dwellings without planning permission which is subject to a separate enforcement investigation. The surrounding land uses are mainly agricultural.

BACKGROUND

The complaint was brought to the attention of the Enforcement section in September 2013. A site visit was carried out and the owner was advised of the need for Planning permission should she wish to retain the building as a unit of accommodation. A Certificate of Lawfulness was received in December 2013 and subsequently refused in January 2014.

DESCRIPTION OF BREACH OF PLANNING CONTROL

The conversion and residential occupation of a building without the relevant Planning permission.

RELEVANT PLANNING HISTORY

Planning application 49/06/0061 - Change of Use of Kennel Block to Residential Accommodation at Higher Whitefield, Wiveliscombe. - Refused 20 June 2007. Appeal lodged and dismissed 21 November 2007.

Certificate of Lawfulness - 49/13/0058LE - Application for a Lawful Development Certificate for the Existing Conversion of The Old Kennels into a Self Contained Dwelling at The Old Kennels, Wiveliscombe. Refused

RELEVANT PLANNING POLICES

National Planning Policy Framework

Enforcement (paragraph 207)

Taunton Deane Borough Council Core Strategy

DM2 - Development in the Countryside

CP8 - Environment

DETERMINING ISSUES AND CONSIDERATIONS

This development introduces a new unit of residential accommodation. It is considered that the main issues are the principle of the development in terms of planning policy, and, the impact on the visual amenities of the area and highways.

Principle of development

The site is in the open countryside, detached from any recognisable settlement. The hamlet of Whitefield is some distance to the south, but this comprises only a handful of houses and it too, in planning policy terms, would be considered as open countryside.

In locations such as this, policies CP8 and DM2 of the Taunton Deane Core Strategy seek to restrict new residential development. New dwellings in such locations are considered to be unsustainable in transport terms due to the reliance on the private car for most (if not all) of the occupant's day to day needs.

The proposal is, therefore, considered to be contrary to well established settlement policies and your officers do not consider that there are any material considerations that can outweigh this conflict.

Visual amenity

The introduction of further residential accommodation at this site has the potential to further extend areas of domestic curtilage and the paraphernalia associated with such uses. However, the building itself is surrounded by substantial trees and does not have a particular presence in the landscape as a result. When viewing from the public highway, the building is beyond the neighbouring 'Wivey View', a converted barn, which already has a visual impact on the area. In this particular case, it is not considered that the use causes further injury to visual amenity.

The building can be seen from the highway, through the access to Wivey View and other gaps in the hedgerow. However, it is no more intrusive in the landscape than it was in its previous guise as a kennels. Therefore, to require the reinstatement of the previous form would be excessive in terms of the action required to remedy the harm.

Highways

The dwelling would be accessed via the existing access which already serves Wivey View. The Highway Authority advice about required visibility splays are dependent on actual vehicle speeds in the locality. Having visited the site, it is considered that vehicle speeds along the lane are likely to be in the region of 30mph, and certainly no greater than 40mph due to the poor horizontal and vertical alignment at this point. Visibility of almost 100m appears to be achievable provided that the hedge was trimmed back along site frontage and this is adequate for the likely speed of traffic.

The Somerset Parking Strategy requires the provision of 2 spaces for this development and this could be provided if necessary. The purpose of requiring that adequate parking is identified is considered to be to ensure that there is sufficient space to park and vehicles do not park or manoeuvre on the public highway. Taking account of the site layout in real terms and the characteristics of the highway in this location, it is considered that any users of the site would find space to park and turn. The lack obvious parking spaces on site, therefore, was is considered to be a reason to serve an enforcement notice in this instance.

Conclusions

The site is in the open countryside where there is a strong presumption against new residential development. The development conflicts with established planning policies that seek to prevent such development and as such it is considered to be unacceptable. It is, therefore, recommended that an Enforcement Notice is served.

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

PLANNING OFFICER: Mr M Bale
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

E/0231/43/13

**UNAUTHORISED USE OF ANNEXE AS SEPARATE UNIT OF ACCOMMODATION
AT 46 WELLESLEY PARK, WELLINGTON**

OCCUPIER:

OWNER: MR VACANI
46 WELLESLEY PARK, WELLINGTON, TA21 8PZ

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of an annexe as a separate unit of accommodation.

RECOMMENDATION

No further action be taken.

SITE DESCRIPTION

46 Wellesley Park, Wellington is a large detached dwelling of rendered walls under a plain tiled roof situated in a residential street in Wellington. To the side of the dwellinghouse there is a pitched roof extension with a dormer incorporating a garage and annexe.

BACKGROUND

The complaint was brought to the Council's attention in November 2013. A site visit was carried out but no one was there, following this a letter was sent and a response was received admitting that the annexe/ancillary accommodation was being used as a separate unit. An application to regularise the situation has not been forthcoming.

DESCRIPTION OF BREACH OF PLANNING CONTROL

The approved extension and dormer window to allow conversion of a 2nd garage into living accommodation was approved under Planning application 43/06/0061 dated 29 June 2006. A number of conditions were attached to this approval. Condition 03 states:

The accommodation hereby permitted shall be used solely in connection with the use of the existing house as a single family dwelling and shall not at any time be used as a separate unit of accommodation.

Reason: An independent separate unit of accommodation would not be acceptable, having regard to residential amenity and road safety, in accordance with Taunton Deane Local Plan Policies S1, S2, H17 and H18.

Regardless of the condition the formation of a separate unit of accommodation is development that requires the express grant of planning permission.

RELEVANT PLANNING HISTORY

43/06/0061 - Conditional approval 29 June 2006 - Erection of extension and dormer window to allow conversion of 2nd garage into additional living space at Greenlands, 46 Wellesley Park, Wellington, TA21 8PZ or any minor variation thereto

as may be agreed in writing by the Local Planning Authority.

An invalid application to remove the condition was submitted but withdrawn when after the applicant was advised that full planning permission would be required for a change of use.

RELEVANT PLANNING POLICES

Taunton Deane Core Strategy

DM1 - General requirements

CP4 - Housing

CP6 - Transport

National Planning Policy Framework

(4) Promoting Sustainable Transport

(6) Delivering a wide choice of high quality homes

DETERMINING ISSUES AND CONSIDERATIONS

The site is located within the settlement limit of Wellington where new independent residential units is acceptable in principle. In this instance, planning permission was granted for an annexe attached to 46 Wellesley Park, with internal and external links to between the annexe accommodation and the main dwelling. The annexe is small and shares the amenity and parking area of the main dwelling.

Due to the limited degree of parking available within the site and to prevent any potential adverse impact upon the amenity of neighbouring dwellings, the occupation of the annexe was restricted by way of condition.

The occupation of the annexe as an independent unit will result in an increased dependence upon the private motor vehicle and the need for parking within the site. At present there is sufficient space for two vehicles to park within the site; the integral garage appears to be used for storage and did not seem to be readily available for parking vehicles at the time of visiting the site. Two parking spaces to serve the main dwelling and independent annexe is insufficient and it is likely therefore that vehicles may be required to park alongside the highway. If such were to occur it would impede the flow of traffic along Wellesley Park and pose a hazard to highway safety.

Notwithstanding the above, the level of vehicle movements associated to a one bedroom property will be low and even if occupied in compliance with condition 03 of the original planning permission, there may also be some additional vehicle movements by any resident dependent. The impact of displacing a vehicle onto the highway is not considered to represent a severe risk to highway safety given the width of the highway and degree of forward visibility that is provided by the linear alignment of the road.

With regard to amenity, the use of the annexe as an independent unit of accommodation is not, in its present form, considered to have an adverse impact upon neighbouring residents. Ideally the shortcomings in the current arrangement, i.e. the slight underprovision of parking and the lack of division of private amenity space would be controlled through conditions if a planning application were submitted. However, for the reasons given, it is not considered that the absence of

such control (caused by the lack of an application) is so severe as to warrant any formal enforcement action. That is, planning permission would not be refused in the absence of conditions to that effect.

In conclusion, it is not considered to be expedient to take enforcement action in order to cease the occupation of the annexe as a separate unit of accommodation, as the unauthorised use is not considered to have an adverse impact upon highway safety or neighbouring amenity to a degree that is unacceptable in planning terms.

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

PLANNING OFFICER: Mr R Williams

PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

E/0171/44/12

**STATIONING OF CARAVAN ON LAND OPPOSITE GIDLAND'S HOUSE,
WELLINGTON HILL, WELLINGTON**

OCCUPIER:

OWNER: MS K McNICHOL
8 CROSSLANDS, TONEDALE, WELLINGTON
TA21 0AS

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of the small touring caravan.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to satisfactory evidence being obtained that the Notice has not been complied with.

The Enforcement Notice shall require -

- The removal of the touring caravan from the land.
- Time for compliance - 30 days from the date the notice comes into effect.

SITE DESCRIPTION

The field containing the touring caravan is located south west of Gidland House on the west side of Wellington Hill. The site is located in an isolated location within the Blackdown Hills AONB. The field rises steeply from the road with the caravan located halfway up the field adjacent to two agricultural buildings in various states of repair. The land is surrounded by trees and hedges to the north west and south. The wider area is characterised by woodland planting and fields across the steep escarpment.

BACKGROUND

The matter was first brought to the Council's attention in October 2012. A site visit was carried out but no one was on site. It was difficult to locate the owner but eventually, the owner outlined the purpose of the mobile home and the use of the land. At the time she was residing in a mobile home about 2 miles away in the Mid Devon District Council area. She stated she needed the caravan for refreshments etc whilst tending her animals. At the time of the visit there was a chicken in a small coop and some horses. It was agreed to monitor the site as the owner said more animals would be brought to the site and the agricultural activity would increase, however, no more animals were brought to the site over the months and the caravan did not appear to be used. A Planning Contravention Notice was served on 15 April 2013 to try and establish what the land was and is being used for. Again it was stated that the land was to be used for grazing by horses and the keeping of sheep. To date no animals have been on the land and it is therefore considered that the caravan is not required for the purposes of agriculture.

DESCRIPTION OF BREACH OF PLANNING CONTROL

Touring caravans and mobile homes are often stationed on land where they are used for purposes such as a place to prepare refreshments whilst tending the land, the keeping of medicines etc. They can also be used as sleeping accommodation when a seasonal activity on the farm is underway, ie lambing. In this instance however, there is no agricultural function occurring on the land therefore the caravan cannot be considered necessary for the purposes of agriculture.

Its location is a prominent feature on the land and is visible from the road especially as the land slopes steeply. There are two buildings on the site that could be used for a purpose connected with agriculture should a secure or weatherproof building be required.

As it is not required, a change of use for the storage of a caravan has occurred.

RELEVANT PLANNING HISTORY

No planning history exists for the site.

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

NPPF - Paragraph 207

Taunton Deane Local Core Strategy 2011 - 2028

DM1 - General Requirements

DM2 - Development in the Countryside

CP8 - Environment

DETERMINING ISSUES AND CONSIDERATIONS

The site lies in a remote rural area within the sensitive landscape of the Blackdown Hills Area of Outstanding Natural Beauty. There are two buildings in close proximity to the caravan and the site is clearly visible from the adjacent road.

The caravan does not relate well to any surrounding built features and is prominent in appearance and does not blend in with the natural features of the surrounding countryside. The caravan therefore appears as an incongruous feature, alien to the rustic appearance of the countryside, to the detriment of the rural character of the Blackdown Hills Area of Outstanding Natural Beauty. Furthermore, the retention of the caravan would set an undesirable precedent for the siting of caravans in inappropriate locations. The caravan would therefore be contrary to policies CP8 (Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy.

The issue for consideration is therefore whether the retention of the unauthorised caravan on site is essential to support any rural business or agricultural need.

The site is being used to house a small chicken coop and some horses with no other agricultural activity. As such, it is considered that there is no agricultural need for the caravan to be on the site and any jobs undertaken on the site would be carried out during a normal working day with shelter being provided within the existing timber buildings on the site. The proposal is therefore also contrary to Policy DM 2

(Development in the Countryside).

In summary, there is no requirement or need for the caravan to be on the site and does not provide any function that cannot be undertaken by the existing timber buildings. The siting of the caravan is detrimental to the visual amenity and character of the Area of Outstanding Natural Beauty. It is therefore considered expedient to take enforcement action to serve an Enforcement Notice requiring the removal of the caravan.

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

PLANNING OFFICER: Mr D Addicott

PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

E/0239/34/13

**NON COMPLIANCE WITH AGRICULTURAL TIE AT MANOR FARM,
STAPLEGROVE**

OCCUPIER:

OWNER: MR & MRS I CULVERHOUSE
MANOR FARM, MANOR MEADOW, STAPLEGROVE
TAUNTON
TA2 6EF

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the vacation of an Agricultural tied property being occupied by persons not complying with the agricultural tie.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution Action should the notice not be complied with, to secure the cessation of the property being occupied by persons not complying with the agricultural tie.

The Enforcement Notice shall require:-

- the cessation of the property being occupied by persons not complying with the agricultural tie.

Time for compliance: 18 months from the date the notice comes into effect.

SITE DESCRIPTION

The site is off a private road off Manor Road which is the road through the center of the village of Staplegrove. The site is at the end of the private road and over the years other houses have been erected either side of the private road.

BACKGROUND

In March 2011, an enquiry was received regarding the procedure for the removal of the agricultural tie on Manor Farm, Staplegrove. The Local Planning Authority advised that it would be necessary to submit a planning application together with evidence to demonstrate that an agricultural workers dwelling in the locality was no longer needed.

It transpired that a family bought the property in the full knowledge that there was an agricultural tie on the property. They suggested that the wife would comply as it was her intention to set up as an organic chicken producer. This never happened and the family are in the property not complying with the condition attached to the planning permission.

A site visit was carried out in early January 2014 and the owners were made aware of the procedure they needed to follow. No response has been received.

DESCRIPTION OF BREACH OF PLANNING CONTROL

Occupation of a dwelling that has an agricultural tie and neither of the occupants comply with the condition.

RELEVANT PLANNING HISTORY

Conditional planning permission was granted for the erection of a bungalow, private garage and a fruit packing shed and store on land adjoining Staplegrove Manor, and formation of access thereto on 10th February 1970. Condition 05 states that the occupation of the dwelling shall be limited to persons employed or last employed full-time locally in agriculture as defined in Section 221 of The Town and Country Planning Act 1961, or in forestry, and the dependants of such persons.

RELEVANT PLANNING POLICES

Taunton Deane Core Strategy

DM1 - General Requirements
DM2 - Development in the Countryside

National Planning Policy Framework

Paragraph 207 - Enforcement
Paragraph 55 - Sustainable development in rural areas.

DETERMINING ISSUES AND CONSIDERATIONS

In March 2011, an enquiry was raised regarding the removal of the agricultural tie on Manor Farm, Staplegrove. The advice given by the Local Planning Authority at that point was that it would be necessary to submit a full planning application to demonstrate that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving the house for that purpose.

It was therefore advised that any future planning application should be accompanied by evidence to demonstrate that this is the case. In order to achieve this, it would be necessary to market the property for a minimum of 12 months at a realistic price reflecting the occupancy condition.

It is understood that the marketing subsequently commenced and in October 2011, an enquiry was received from Mr Culverhouse as to whether the tie could be met if his wife started to keep chickens. At that time neither he nor his wife had any connection with agriculture and this was therefore a suggestion for the future in order to comply with the condition. The Local Planning Authority raised concerns about this and highlighted that unless this constituted a full-time job, it was not considered that the condition would be complied with. On 18 November 2011, a Solicitor's letter was received stating that Mrs Culverhouse would be engaged full-time as an organic chicken producer and requesting written confirmation that his clients would comply. The Council advised that his clients (the current occupiers) would need to be satisfied that their occupancy would comply by being engaged full-time locally in agriculture (and not on a part-time basis) and be able to provide evidence to this effect, if required.

In October 2013 that Mr Culverhouse told the Council that no form of agriculture had

taken place at any time since they had commenced occupation and therefore the agricultural occupancy condition was not being met. As stated, in order for the Local Planning Authority to grant permission for the removal of the agricultural tie, it would be necessary for them to be satisfied that there was no longer a need for this property to remain available for agricultural workers. This does not just apply solely to proving that the agricultural holding is not of sufficient size to sustain an agricultural activity, it is also necessary to prove that there is no need for the dwelling to remain available for other farm workers in the area.

To demonstrate this, an applicant is expected to provide supporting evidence to demonstrate the existing demand or lack of it by agricultural or forestry workers; vacant agricultural dwellings; recent applications for agricultural dwellings or recent applications for Council, Housing Association or other forms of affordable housing by agricultural workers.

Some marketing took place in 2011 and this resulted in the current occupiers purchasing the property. The marketing did not therefore demonstrate that there was no demand from an agricultural worker.

As such, the local planning authority is not satisfied that it has been adequately demonstrated that there is no longer a need for an agricultural workers dwelling in the area. On the basis that the occupiers are not complying with the agricultural tie in any way, despite being made fully aware of the restrictions on the property prior to purchase, it is considered expedient to serve an enforcement notice. A long compliance time has been recommended in order to give the applicant time to market the property at a realistic price that reflects the agricultural tie.

Whilst the owner has suggested personal reasons for wishing to remain living in the property regardless of the agricultural tie, these are not planning matters that the Local Planning Authority can take into account in this assessment.

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

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

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

E/0128/10/13

MOBILE HOME REMAINING ON SITE AFTER EXPIRY OF TEMPORARY PLANNING PERMISSION AT FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD

OCCUPIER:

OWNER: MS S LOCK
FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD
TAUNTON
TA3 7RW

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a mobile home for residential purposes after the expiry of a temporary planning permission.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution Action should the notice not be complied with, to secure the cessation of the residential use of the site and the removal of the unauthorised Mobile Home

The Enforcement Notice shall require:-

- the cessation of the residential use of the site and the removal of the unauthorised Mobile Home

Time for compliance: 3 months from the date the notice comes into effect. (this length of time is suggested as the temporary consent ran out in September 2012, and the occupier has already had this extra length of unauthorised time.)

SITE DESCRIPTION

The site is on the southern side of a field on Moor Lane just to the east of Churchinford in the Blackdown Hills AONB. The access roads to the site are generally narrow and some are quite winding. The existing buildings can be seen on occasion when approaching from the east along Moor Lane. There is a hedge along Moor Lane, to a height of approx. 2m. Fairhouse Farm, a Grade 2* Listed Building lies on the southern side of the road, set back to the south of an out building.

BACKGROUND

Following the expiration of a temporary planning permission granted on appeal, (the temporary lapsed on the 03/09/12), the owner/occupier was advised that should they wish to remain on the site they would need to submit another application for consideration. An application was received in October 2013 but was never validated despite several efforts to do so. In February 2014 the application was returned.

DESCRIPTION OF BREACH OF PLANNING CONTROL

The siting of a mobile home on agricultural land for residential purposes after the expiry of a temporary planning permission granted on appeal. This is a change of use of land for residential purposes.

RELEVANT PLANNING HISTORY

10/96/0014 Erection of stables, approved 29/10/96.

10/97/0003 Erection of Storage Barn and formation of Hard Surface Access, approved 08/04/97.

10/97/0018 Erection of Conservation Pond, approved 18/12/97.

10/01/0011 Formation of all weather manege, approved 19/06/01.

10/03/0036 Stable block, approved 06/11/03.

10/06/0034 Retention of sand arena, refused 17/04/007; enforcement action agreed 23/05/07.

10/07/0028 Retention of sand arena (amended proposal), approved 03/12/07.

10/08/0026 Change of Use for the provision of a temporary occupational dwelling in the form of a mobile home for a period of 3 years, refused 27/11/08 allowed on appeal 03/09/09

RELEVANT PLANNING POLICES

National Planning Policy Framework

Paragraph 55

Taunton Deane Borough Council Core Strategy 2011-2028

SP1 - Sustainable Development Locations

DM1 - General Requirements

DM2 - Development in the Countryside

CP8 - Environment

DETERMINING ISSUES AND CONSIDERATIONS

The site is in open countryside in a location some 600m from Churchinford. The mobile home is distinctly visible from the adjacent highway. The original application was refused, but allowed on appeal for a temporary period, which has lapsed. No evidence has been produced that either the use as originally projected has proceeded and succeeded or whether another use has commenced which necessitates the retention of the mobile home. There were no horses in the adjacent field on a recent site visit. The planting, which had been imposed as one of the conditions, had taken place but was not now apparent. No replacement planting had occurred for the plants/shrubs which had died. It is not clear from the attempted submission of an application that there was a business on the site; the application form states that there is no employment. The submission however was incomplete in many aspects and after three reminders the paperwork has been returned. It appears that the mobile home is in use for residential purposes.

The NPPF has guidance on the promotion of sustainable development in rural areas, and that Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. In terms of Taunton Deane Core Strategy, Policies SP1, CP8 and DM2 restricts new developments in open countryside.

The mobile home is in a fairly prominent position within the Blackdown Hills Area of Outstanding Natural Beauty and in open countryside, without any justification. At the time of the original application, the Blackdown Hills AONB Partnership and the Landscape Officer had objections to the proposal, and indeed the presence of the mobile home at this location is visually intrusive. The continued presence of the mobile home is detrimental to the character and appearance of the area, and increases the need to travel to access services. Its temporary permission has lapsed and it is considered expedient to have this mobile home removed. The alternative would be sporadic mobile homes in open countryside contrary to Policy.

It is therefore considered that the development is unacceptable in principle and it is recommended that enforcement action is taken for the following reasons:

The residential use of the site results in sporadic development in the open countryside and Blackdown Hills Area of Outstanding Natural Beauty that collectively would be detrimental to the visual amenities of the Taunton Deane Core Strategy Policies CP8, DM1 and DM2.

The residential use of the site results in an unsustainable form of development that would mean that occupiers of the site are heavily reliant on the private car for most of their day to day needs. As such the proposal is contrary to Taunton Deane Core Strategy Policies SP1.

It is recommended that the enforcement Notice shall require:

The cessation the residential use of the site and the removal of the unauthorised Mobile Home

That the time for compliance is three months from the date on which the notice takes place.

(this length of time is suggested as the temporary consent ran out in September 2012, and the occupier has already had this extra length of unauthorised time.)

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

PLANNING OFFICER: Ms K Marlow
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

APPEAL DECISIONS FOR COMMITTEE AGENDA – 19 MARCH 2014

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/13/2 203877	CHANGE OF USE FROM A1 (RETAIL) TO A2 (FINANCIAL AND PROFESSIONAL) AT 47 NORTH STREET, TAUNTON	<p>In the opinion of the Local Planning Authority the proposed change of use of A1 (Retail Premises) to A2 (Betting Shop) use would result in an unacceptable loss of a retail unit, and retail use, within a protected Primary Shopping Area. The addition of a further A2 use within the immediate area would lead to an over proliferation of non-retail uses and would therefore reduce the primary retail function having a negative impact upon the vitality and viability of the town centre and immediate area.</p> <p>The proposed use of the building as a Betting Shop is not considered to provide an interesting or active frontage and considering the restrictive nature of the use, a Betting Shop is not considered to provide a footfall comparable to other uses. As such, a Betting Shop, in the</p>	38/13/0212	<p>The Inspector considered the proposal would not fragment the shopping area nor would it result in an over-concentration of non-A1 uses in this part of the PSA. There would be no adverse effect on pedestrian circulation and no change in the overall character of the shopping area. She was satisfied that, on the basis of the evidence before her, the use of the shop unit as a betting shop would help to sustain the vitality and viability of the PSA. The limited increase in non-retail uses in this particular location would not undermine the retail function of the immediate area. On the basis of the evidence provided, the Inspector decided this particular proposal would comply with the development plan and Framework and therefore concluded the appeal should be ALLOWED. In addition to the standard time limit</p>

		Primary Shopping Area is not considered to provide the diversity or interest complementary to the centre and its users.		condition, a condition is necessary to identify the plans to which the development relates in the interests of proper planning with two additional conditions to restrict the permission use and to secure a window display to the street and maintain its visual interest within the primary shopping frontage.
APP/D3315/A/13/2 208060	CHANGE OF USE AND CONVERSION OF AGRICULTURAL BARN TO RESIDENTIAL DWELLING AT WILSCOMBE BARN, LITTLE WILSCOMBE FARM, RADDINGTON, WIVELISCOMBE	By reason of there having been no marketing of the building for the preferred uses set out within Taunton Deane Core Strategy Policy DM2(7), it has not been demonstrated that the premises are unlikely to attract a suitable alternative use that is preferred by the Local Planning Authority to residential for proposals involving the conversion of a rural building. The site is located outside of any defined settlement limits, (as set out in the Taunton Deane Core Strategy) where Development Plan policy provides that development should be strictly controlled and provided for where consistent with the policies and proposals set out in the Plan. The proposed conversion would result in a permanent residential dwelling being established, remote from	09/13/0011	<i>Suitability of Site for Housing</i> The Inspector found the existing building reads with the existing farmstead but found nothing in either the building's appearance or that of its immediate surroundings that would benefit by being enhanced as a result of its residential occupation. On this issue and, having regard to all other matters raised, he concluded that, on the information available, the proposal would not provide a suitable site for housing, having regard to the principles of sustainable development. <i>Suitability of Proposed Access</i> The Inspector did not consider the access to be inherently unsuitable as regards highway safety or usability, including for service and emergency vehicles. He concluded there was no reason in

		<p>employment, education and other adequate services and facilities required for day to day living. Such a proposal will likely generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative means of travel. There would be no overriding public benefit associated with the proposals given that the building is of no historical or architectural merit.</p> <p>The proposed development would result in an increase in vehicular movements over a substandard access with poor visibility splays to the North and South along the public highway. From the information provided it would appear that an appropriate degree of visibility cannot be provided.</p> <p>The site is distant from the public highway and the access track that would be utilised to serve the site is considered to be unsuitable to serve an additional residential property.</p>		<p>principle to reject the appeal scheme relating to the suitability of the proposed access. However this did not outweigh his finding on the first issue, the suitability of the site for housing, and concluded that the Council was justified in refusing permission. The appeal was therefore DISMISSED.</p>
APP/D3315/C/13/2195921	NON COMPLIANCE WITH PLANNING CONDITION AT OLD	The breach of planning control alleged in the notice is failure to comply with condition no 12 of a	44/12/0022 and E/0085/44/09	The Inspector concluded the use of the Root House as a separate dwelling would constitute the

	BARN COURT, WRANGWAY	planning permission 44/04/0018 granted on 14 January 2005. The development is conversion of barns to dwellings and annex and formation of access. Condition 12 states that Barn B shall be used as an Annex to Barn A only as a single family dwelling and shall not at any time be used as separate unit of accommodation.		creation of a separate and independent dwelling, with inadequate private amenity space, in the open countryside. It would be an unsustainable form of development contrary to development plan and national policy. The appeal was DISMISSED and the enforcement notice upheld subject to correction of the enforcement notice by substitution of the postcode "TA21 9QG".
APP/D3315/A/13/ 2204917	ERECTION OF DETACHED DWELLING WITH RECONFIGURATION OF PARKING WITHIN THE GROUNDS OF HOLWAY HOUSE, HOLWAY GREEN, TAUNTON AS AMENDED	The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM1b of the Taunton Deane Borough Council Core Strategy since any increased use made of the existing sub-standard access such as would be generated by the development proposed would be prejudicial to highway safety.	38/13/0059	The Inspector considered the main issue to be the effect of the proposed access arrangement for the new dwelling on the safety of vehicular and pedestrian traffic on Holway Green. He concluded that the access is of insufficient width to accommodate more than one vehicle at a time. In addition the drivers of vehicles exiting onto Holway Green have effectively no visibility in either direction. It was therefore considered that any avoidable increase in the use of the access in its present form should be resisted in the interests of highway safety. Having taken account of all other matters raised

				the Inspector concluded the proposed access for the new dwelling would have an adverse effect on the safety of vehicular and pedestrian traffic on Holway Green and the appeal was DISMISSED. The appeal for costs was REFUSED.
APP/D3315/H/13/2206515	DISPLAY OF 5 NO. NON ILLUMINATED FASCIA BOARD SIGNS, 1 NO. INTERNALLY ILLUMINATED FASCIA SIGN, 2 NO. ALUMINIUM EXTRUSION POSTER FRAMES, 6 NO. HIGH LEVEL WINDOW GRAPHICS AND 4 NO. LOW LEVEL WINDOW GRAPHICS AT 12 COUNTY WALK (FORMERLY BLOCKBUSTER VIDEO), TAUNTON	The six high level window graphics and large fascia sign containing multiple text would replace the existing signage on the building and is considered an acceptable level of advertisements. However, the proposed five fascia signs (2a – 2e), four ground floor window vinyls/graphics and the two poster frames, in addition to the six high level window graphics and large fascia sign containing multiple text are considered to result in significant clutter, to the detriment of the appearance of the building and the visual amenity of the area. As such, the proposal is contrary to retained Policy EC26 (Outdoor Advertisements and Signs) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.	38/13/0279/A	The main issue was the effect of the advertisements on the character and appearance of the area. Following the issue of a split decision by the Council, the Inspector found the appeal advertisements had already been erected. She further found the cumulative effect of the appeal advertisements, when seen in conjunction with those granted consent by the Council, led in her opinion to the creation of visual clutter that would not be present without the appeal advertisements. The level of advertising including the appeal advertisements, as currently seen, is overly dominant and excessive, particularly when seen from East Reach. As a consequence of all of the above, the Inspector considered that the appeal advertisements have an unacceptably harmful effect on the

				character and appearance of the area. The appeal was DISMISSED.
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