

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 30 April 2014 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 9 April 2014 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 42/13/0072 Application for the approval of reserved matters of application 42/12/0013 for the erection of 30 No. dwellings on land off Amberd Lane, Trull
- 6 42/14/0010 Formation of surface water attenuation pond as part of the surface water drainage strategy for adjoining residential development at Amberd Land, Trull
- 7 38/14/0096 Erection of a timber building for use as a Cafe and Community facility at site adjacent to Old Pavilion, Hamilton Gault Park, Hamilton Road, Taunton
- 8 Planning Appeals -The latest appeals and decisions received (attached).

Bruce Lang  
Assistant Chief Executive

05 August 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.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



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



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

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

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**Planning Committee Members:-**

Councillor B Nottrodt (Chairman)  
Councillor S Coles (Vice-Chairman)  
Councillor J Allgrove  
Councillor C Bishop  
Councillor R Bowrah, BEM  
Councillor E Gaines  
Councillor C Hill  
Councillor M Hill  
Councillor L James  
Councillor I Morrell  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## Planning Committee – 9 April 2014

Present: - Councillor Nottrodt (Chairman)  
Councillors Mrs Allgrove, Bishop, Bowrah, Gaines, C Hill, Mrs Hill,  
Miss James, Watson, A Wedderkopp, D Wedderkopp and Wren

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (Area  
Co-ordinator – East), Matthew Bale (Area Co-ordinator – West), Roy  
Pinney (Legal Services Manager), and Tracey Meadows (Corporate  
Support Officer)

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

(The meeting commenced at 5.00 pm)

### 43. Apologies

Apologies: Councillors Coles, Morrell and Tooze.

### 44. Minutes

The minutes of the meeting of the Planning Committee held on 19 March 2014 were taken and read and were signed.

### 45. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillors A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Bishop declared that application No.27/14/0002 had been discussed at the Parish Council meeting when he was present. He felt that he had not “fettered his discretion”. Councillor Miss James declared that she was no longer an employee of Somerset College. Councillor Watson declared that he was the Ward Councillor for application No.13/13/0004/LB, but felt he had not “fettered his discretion”. Councillor Wren declared a personal interest as an employee of Natural England.

### 46. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **planning permission be granted** for the under-mentioned development:-

**13/13/0004/LB**

**Installation of an 18 tube solar thermal hot water system on the south facing left hand side roof of The Lodge, Cothelstone**

**Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) Site Plan;
  - (A4) Location Plan;
  - (A3) Dr No A149/7474/1 South Elevation and Basic Roof Plan;
- (c) Only those materials specified on the application shall be used in carrying out the works hereby approved unless otherwise agreed in writing with the Local Planning Authority.

**15/14/0001**

**Replacement of single storey side lean to with two storey extension and erection of single storey lean to to rear at New England, Curland**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo J60/02C Proposed Floor Plans, Site Plan and Location Plan;
  - (A3) DrNo J60/03C Proposed Elevations;

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) If the local population of European Protected species are affected in a development, applicant was advised that a license must be obtained from Natural England in accordance with the above regulations. Natural England requires that the Habitats Directive is justified prior to issuing such a licence; Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended); 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.)

**27/14/0002**

**Formation of vehicular access to serve dwelling and boarding cattery and blocking up of original access a Higher Knapp Farm, Hillfarrance**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) Location Plan;
  - (A4) Block Plan;
  - (A4) Visibility Splay;
  - (A3) Proposed New Access (Elevations);
  - (A3) Proposed New Access (Plan);
- (c) (i) Prior to the implementation of a landscaping scheme the scheme shall be submitted to, and approved in writing by, the Local Planning Authority. This scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of closure of the access in accordance with Condition (e) below, 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;
- (d) There shall be no obstruction to visibility greater than 900 mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points in the nearside carriageway edge 43 m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced into use and shall thereafter be maintained at all times;
- (e) The existing access shall be stopped up and its use permanently abandoned within one month of the new access hereby permitted being first brought into use;
- (f) Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 m from the carriageway edge and shall thereafter be maintained in that condition at all times;
- (g) Prior to the access hereby permitted being first brought into use, the proposed access over the first 10 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated an

surfaced in accordance with the details shown on the 'Proposed New Access Plan' Scale 1:200. Once constructed the access shall thereafter be maintained in that condition at all times;

- (h) Prior to the access hereby permitted being first brought into use, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (i) The removal of the hedgerow shall be carried out in accordance with the details submitted in the Wildlife and Ecology Plan received 2 April 2014 unless otherwise agreed in writing by the Local Planning Authority; 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.

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission; (ii) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant was advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager. Application for such a permit should be made at least four weeks before access works are intended to commence; (iii) The condition relating to wildlife requires the submission of information to protect species. Applicant was advised that the Local Planning Authority will expect to see a detailed method statement clearly stating how nesting birds and great crested newts will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the species that are affected by this development proposal; It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.)

**38/14/0040**

**Erection of 3 No. single storey one bedroom flats on land to the rear of 17 and 18 Alma Street, Taunton**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A4) DrNo 6922.5 Location Plan;
  - (A4) DrNo 6922.7 Site Plan;

- (A3) DrNo 6922.11 Block Plan as Existing;
- (A3) DrNo 6922.4 Block Plan as Proposed;
- (A3) DrNo 6922.1 Floor Plan;
- (A3) DrNo 6922.2 Elevations;
- (A3) DrNo 6922.3 Roof Plan and Section;
- (A4) DrNo 6922.6 Photographs;

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

(d) Lockable cycle and bin storage shall be provided on site prior to occupation of the dwellings hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority;

(e) The rooflight window in Unit 1 shall be glazed with obscure glass to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional rooflight windows within this roof without the further grant of planning permission.

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission; (ii) Applicant was advised new water supply and waste water connections will be required from Wessex Water to serve this development. Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these regulations will require a signed adoption agreement with Wessex Water before connection can be made.)

**47. Reserve Matters Application in respect of the residential development of 35 No. dwelling houses and recreational open space and drainage works at land south of Hyde Lane, Creech St Michael (outline 14/12/0036)**

Reported this application.

**Resolved** that subject to no objection from the Environment Agency, the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman/Vice Chairman and if the detailed plans were approved the following conditions be imposed:-

**Conditions**

(a) The development hereby permitted shall be carried out in accordance with the following approved plans:-



- (A0) DrNo 4901:P01 Rev E Preliminary Drainage Strategy;
- (A1) DrNo AHL01 Rev C Affordable Housing Layout 01;
- (A1) DrNo BP01 Rev D Boundary Plan 01;
- (A1) DrNo EL01 Existing Site Layout;
- (A1) DrNo LP01 Location Plan 01;
- (A1) DrNo ML01 Rev E Materials Layout 01;
- (A1) DrNo SE01 Rev B Street Elevations 01;
- (A1) DrNo SL01 Rev E Site Layout 01;
- (A1) DrNo TD699\_01H Landscape Plan 1 of 2;
- (A1) DrNo TD699\_02H Landscape Plan 2 of 2;
- (A2) DrNo SK01 Proposed Site Access Arrangement and Footway Links;
- (A3) DrNo HT.1281A.e House Rev A Type 1281 Elevations Variation A;
- (A3) DrNo HT.1281A.p Rev A House Type 1281 Floor Plans Variation A;
- (A3) DrNo HT.1281AR.e Rev A House Type 1281 Elevations Variation A – Render;
- (A3) DrNo HT.1332.e House Type 1332 Elevations;
- (A3) DrNo HT.1332.p House Type 1332 Floor Plans;
- (A3) DrNo HT.1332A.e House Type 1332 Elevations Variation A;
- (A3) DrNo HT.1332A.p House Type 1332 Floor Plans Variation A;
- (A3) DrNo HT.1332B.e House Type 1332 Elevations Variation B;
- (A3) DrNo HT.1332B.p House Type 1332 Floor Plans Variation B;
- (A3) DrNo HT.1332R.e House Type 1332 Elevations Render;
- (A3) DrNo HT.1526.e Rev A House Type 1526 Elevations;
- (A3) DrNo HT.1526.p Rev A House Type 1526 Floor Plans;
- (A3) DrNo HT.1845.e Rev A House Type 1845 Elevations;
- (A3) DrNo HT.1845.p Rev A House Type 1845 Floor Plans;
- (A3) DrNo HT.1845R.e Rev A House Type 1845 Render Elevations;
- (A3) DrNo HT.910.e House Type 90 Elevations;
- (A3) DrNo HT.910.p House Type 90 Floor Plans;
- (A3) DrNo HT.910A.e House Type 90 Elevations Variation A;
- (A3) DrNo HT.910A.p House Type 90 Floor Plans Variation A;
- (A3) DrNo P.7-10.e1 Rev B Plots 7-10 Elevations Sheet 1 Affordable (Shared Ownership);
- (A3) DrNo P.7-10.e2 Rev B Plots 7-10 Elevations Sheet 2 Affordable (Shared Ownership);
- (A3) DrNo P.7-10.p Rev B Plots 7-10 Floor Plans Affordable (Shared Ownership);
- (A3) DrNo PL.11-15.e1 Rev B Plots 11-15 Elevations Sheet 1 Affordable (Social Rent);
- (A3) DrNo PL.11-15.e2 Rev B Plots 11-15 Elevations Sheet 2 Affordable (Social Rent);
- (A3) DrNo PL.11-15.p Rev B Plots 11-15 Floor Plans Affordable (Social Rent);
- (A1) DrNo 4901:20 Pond & Pump Station Details;

- (A3) DrNo GAR.01pe Rev A Garage Type 1 Floor Plans and Elevations;
- (A3) DrNo GAR.04pe Rev A Garage Type 4 Floor Plans & Elevations;
- (A3) DrNo GAR.03pe Rev A Garage Type 1 Floor Plans and Elevations;
- (A3) DrNo GAR.05pe Rev A Garage Type 1 Floor Plans and Elevations;
- (A3) DrNo GAR.06pe Rev A Garage Type 1 Floor Plans and Elevations;
- (A3) DrNo GAR.07pe Rev A Garage Type 1 Floor Plans and Elevations;
- (A3) DrNo GAR.08pe Rev A Garage Type 1 Floor Plans and Elevations;
- Communal Areas Landscape Plan;

(b) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, or at such other time as may be agreed by the Local Planning Authority in writing, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

(Notes to applicant:- (i) Applicant was advised that the application provides acceptable details for the layout, scale, appearance and landscaping of the site that will not impact unacceptably upon the character and appearance of the area or the amenities of other nearby property. It would, therefore, be acceptable in accordance with Policies DM1 (General Requirements), CP5 (Inclusive Communities), CP6 (Transport and Accessibility), CP8 (the Environment) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework; (ii) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (iii) Applicant was advised of the following - BREEDING BIRDS Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) BREEDING BIRDS; Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for

nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment).)

**48. Appeals**

Reported that two decisions were received details of which were submitted.

**Resolved** that the reports be noted.

(The meeting ended at 6.25pm)

## **Declaration of Interests**

### **Planning Committee**

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

42/13/0072

WEST OF ENGLAND DEVELOPMENT

**APPLICATION FOR THE APPROVAL OF RESERVED MATTERS OF APPLICATION 42/12/0013 FOR THE ERECTION OF 30 NO. DWELLINGS ON LAND OFF AMBERD LANE, TRULL**

Location: AMBERD LANE, TRULL, TAUNTON, SOMERSET, TA3 7HH

Grid Reference: 321551.121717 Reserved Matters

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**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:

- (A1) DrNo 2029/808 Drainage Strategy Plan
- (A1) DrNo 2029/505 Drainage Strategy Plan
- (A4) Lane Widening Drawing
- (A3) DrNo 13.63.38a Elevations Plot 22 Type B7
- (A3) DrNo 13.63.37a Elevations Plots 11-13 Type H
- (A3) DrNo 13.63.36a Elevations Plots 7-8 Type F
- (A3) DrNo 13.63.35a Elevations Plots 1-5 Types F & G
- (A3) DrNo 13.63.34a Elevations Plot 15 Type E4
- (A3) DrNo 13.63.33a Elevations Plot 29 Type E3
- (A3) DrNo 13.63.32a Elevations Plot 26 Type E2
- (A3) DrNo 13.63.31 Elevations Plot 21 Type E1
- (A3) DrNo 13.63.30a Elevations Plot 18 Type D3
- (A3) DrNo 13.63.29a Elevation Plot 27 Type D2
- (A3) DrNo 13.63.28a Elevations Plot 23 Type D1
- (A3) DrNo 13.63.27a Elevations Plot 17 Type C3
- (A3) DrNo 13.63.26a Elevations Plot 28 Type C
- (A3) DrNo 13.63.25a Elevations Plot 30 Type C1
- (A3) DrNo 13.63.24a Elevations Plot 14 Type B6
- (A3) DrNo 13.63.23a Elevations Plot 25 Type B5
- (A3) DrNo 13.63.22a Elevations Plot 19 Type B4
- (A3) DrNo 13.63.21a Elevations Plot 10 Type B3
- (A3) DrNo 13.63.20a Elevations Plot 9 Type B2
- (A3) DrNo 13.63.19a Plot 6 Type B1
- (A3) DrNo 13.63.18a Elevations Plot 24 Type A3
- (A3) DrNo 13.63.17a Elevations Plot 20 Type A2
- (A3) DrNo 13.63.16a Elevations Plot 16 Type A1
- (A2) DrNo 13.63.15J Dwelling Types Plan

(A1) DrNo 13.63.14B Proposed Siteworks Layout  
(A3) DrNo 13.63.12 Site Location Plan  
(A3) DrNo 13.63.11a Elevation Fencing and Gates  
(A3) DrNo 13.63.10 Site Works Walls  
(A3) DrNo 13.63.9a Proposed Garages  
(A2) DrNo 13.63.08B - Type H Floor Plans  
(A2) DrNo 13.63.07B - Type G Floor Plans  
(A2) DrNo 13.63.06B - Type F Floor Plans  
(A2) DrNo 13.63.05C - Type E Floor Plans  
(A2) DrNo 13.63.04C - Type D Floor Plans  
(A2) DrNO 13.63.03C - Type C Floor Plans  
(A2) DrNo 13.63.02C - Type B Floor Plans  
(A2) DrNo 13.63.01C - Type A Floor Plans  
(A1) DrNo SPP.1706.1 Tree Survey  
(A1) DrNo 13.63.14A Proposed Siteworks Layout  
(A1) DrNo 13.63.13C Proposed Site Layout  
(A3) DrNo 13.63.10 Walls Elevation  
(A1) DrNo SPP.1706.6 Rev G Landscape Planting Plan  
(A1) DrNo SPP.1706.5A Landscape Plan  
(A1) DrNo 2029/505 C Drainage Strategy Plan  
(A1) DrNo 2029/506 B Attenuation Pond Details  
(A4) DrNo 13.63.40B Site Location Plan for Attenuation Pond  
(A4) DrNo 13.63.41B Proposed Site Layout Plan for Attenuation Pond

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

2. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason - In the interests of highway safety

3. 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

Notes to Applicant

## **PROPOSAL**

This is a Reserved Matters application seeking approval for the access, appearance, landscaping, layout and scale of 30 houses at Amberd Lane, Trull. The application

follows the grant of Outline Planning Permission 42/12/0013 for residential development.

The submitted plans show access to the site from Amberd Lane in the same central location that was identified at the outline planning application stage. Visibility splays of 2.4 x 43m are shown which require the hedge to the east to be trimmed back and the hedge to the west to be repositioned to the back of the a proposed footway.

A terrace of 5 affordable houses would face onto Amberd Lane and these would form part of the affordable housing provision. The remainder of the site would comprise mainly of large detached dwellings with a short terrace of 3 and a single pair of semi-detached houses (also affordable housing). The cul-de-sac road layout would loop around the site and footpath links would be provided throughout the site and also link onto the public footpath to the west.

The dwellings would all be two storey and follow a traditional design approach that includes a variety of design. All have traditional detailing with some dwellings being more ornate than others.

Materials would include a mixture of brick and render under either natural slate or clay tiles, with some concrete pantiles and double roman tiles.

## **SITE DESCRIPTION AND HISTORY**

The site is located on the northern side of Amberd Lane to the east of Patrick's Way. It comprises a single field that slopes down from west to east with a strong hedgerow boundary that has been recently reduced.. Slightly raised up from the western boundary is a public footpath (T21/72) which links Amberd Lane with Church Road to the north. Some of the houses in Patrick's Way have rear pedestrian access onto the footpath.

To the north of the site are The Bell House and The Bell Cottage. These have quite large grounds that extend along the entire northern boundary of the field and include a tennis court. The northern boundary can therefore be described as domestic rather than agricultural.

The eastern boundary is agricultural and there is a second field, approximately 80 metres wide, and this adjoins the Sherford Stream. This is the field which was offered for public ownership and where the proposed surface water attenuation pond would be located.

The site is almost 2 hectares in size but specifically excludes the north east corner of the field which adjoins The Bell Cottage.

The site is outside of the defined settlement limits contained in the Local Plan and Core Strategy and is also within the Vivary Green Wedge.

Outline planning permission was granted in April 2013 for residential development after successful completion of a section 106 Agreement that secured:

Affordable Housing

- 10 units of affordable housing to be delivered on site in a distributed manner in accordance with the requirements of local housing need.

### Community Facilities

- Contributions of £80,640 towards a Neighbourhood Equipped Area for Play (NEAP) to be located on the existing recreation field to the north.
- Contribution of £43,620 towards Active Outdoor Recreation.
- Contribution of £33,340 towards Community Hall Facilities.
- Contribution of £5,820 towards Allotment Provision.

As an alternative to the contribution towards the NEAP, Active Outdoor Recreation and Community Hall Facilities above (totalling £157,600), the provision of:

- Land to the south of the existing playing field (as shown on the deposited plans) to form an extension of that playing field, including the levelling, cultivation and seeding of the field;
- Provision of the NEAP;
- Provision of a Pavilion and Store Building of gross floor area not less than 200 square metres.

### Public Art

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

### Landscaping

- The provision and subsequent maintenance of the landscaped belt proposed on the field to the east of the site prior to works commencing on site.

### Education

- Contribution of £73,530 towards Primary School Facilities.

### Highways

- The design and construction of a footpath/cycletrack within the site and the widening and surfacing of the existing footpath between the northern end of the site and the south western corner of the existing recreation field to 2.5m.
- The design and construction of a new traffic island at the junction of Amberd Lane and Honiton Road.
- A minimum sum of £10,000 for Travel Planning requirements, including travel vouchers upon first occupation and production of information leaflets. This 'minimum' should be considered against the provision of a full Travel Plan Statement, and any additional elements arising from the Statement.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**



*TRULL PARISH COUNCIL* – supports

Trull Parish Council supports this application for approval of the reserved matters regarding 30 dwellings off Amberd Lane.

*DRAINAGE ENGINEER* – comments:

I note Wessex Water concerns outlined in their letter dated 14<sup>th</sup> January requesting that if they are to adopt the surface water drainage system the attenuation pond will have to be 'off line'.

Has this detail been agreed if so can a revised drawing be provided. If the pond is to be off line and Wessex Water do not adopt it, full details of how the pod will be maintained for the life time of the development needs to be forwarded for approval.

*LANDSCAPE* – Has negotiated amended landscape plans direct with the Landscape Architect

*HERITAGE* – No apparent impact on any designated heritage assets

*HOUSING ENABLING* – comment

The proposed site layout, drawing number 13.63.13b shows 33% of the total dwellings as affordable housing which is in accordance with the Section 106 agreement relating to the development of land at Amberd Lane, Trull, Taunton, dated 11 April 2013.

In terms of layout, following discussions with the housing association that will own and manage plots P1-P5 for rent the size and location of these units are acceptable. Although plots P7 and P8 are located in the same area of the site, the access points to the homes are different with the gardens offering a division which will detach the two low cost houses from the affordable housing to the front of the scheme. Alternative locations were discussed with the applicant and a suitable alternative could not be agreed without the potential to increase the open market value of the low cost housing further. P11,12 and 13 are an acceptable in terms of location.

Housing Enabling do have concerns with regards to the affordability of the 3 bed homes for discounted open market sale with the introduction of Help to Buy having an impact on applicants for discounted open market units. There is currently only one mortgage lender for this type of housing and the mortgage lenders requirement is for a 20% deposit. It would be preferable if the intermediate housing could be for shared ownership.

All affordable housing units must meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3

## SCC - TRANSPORT DEVELOPMENT GROUP –

In terms of traffic impact the outline application was accompanied by a Transport Assessment, which assessed its impact on the local highway network. The Highway Authority was satisfied that this proposal would not have a detrimental impact on the highway network. Furthermore as part of the S106 agreement mitigation measures have been proposed to try and improve the existing junction with Honiton Road.

The Highway Authority is in receipt of drawings 13.63.13/B and 13.63.14/A, which provide design detail of the internal site arrangements. This has been subject to an Estate Roads audit [*detailed comment on layout given*].

Therefore subject to the minor amendments to the internal layout, which can be taken up during the S38 process, the Highway Authority has no objection to this proposal and if the Local Planning Authority were minded to grant planning permission I would require the conditions to be attached.

## SCC - RIGHTS OF WAY – comment

Further to my comments on 28/8/12 in relation to 42/12/0013 it is still not clear as to how the extra width of footpath will be legally created and how rights for cyclists will be achieved.

Some of this may be able to be addressed through the s38 agreement but there would need to be a Cycle Tracks Act Order to create the right for cyclists to use the footpath for the length on land outside of the developers control. The costs associated with that will need to be defrayed by the developer.

Generic comments made on 19/4/12 in relation to 42/12/0013 still apply.

*BIODIVERSITY* – Will comment in detail on receipt of the wildlife strategy

*Further comments on submitted strategy* – I have seen and agreed the strategy.

## NATURAL ENGLAND –

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species - We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by

development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

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

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

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

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

Landscape enhancements - This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

*ENVIRONMENT AGENCY – Comments of associated application for drainage pond:*

Our original response to this proposal mentioned that the surface water discharge rate should be limited to the 1 in 2 year Greenfield rate and provide long term storage to deal with the additional volume of water generated by the development. If this cannot be achieved and infiltration is not a valid option, the surface water discharge rate would need to be limited to be 2 l/s/ha

The Greenfield runoff rate allowed to discharge from the pond should be calculated based on the impermeable area on the site after construction, unless the applicant can prove that the green area also drains to the pond via the drainage network.

For this site it means that Greenfield runoff rate from the pond after development should be 4.74 l/s (calculation based on impermeable area of 0.804 ha) with the provision of long term storage. Or the discharge from the pond should be 1.6 l/s.

The pond is designed to discharge at 10 l/s. The applicant states it is a 1 in 1 year discharge rate, however we believe this is the 1 in 30 year Greenfield discharge rate for an impermeable area of 0.804 ha.

However, it is understood that the drainage rates have been agreed with the Local Planning Authority's Drainage Engineer. Therefore, I can confirm that the Environment Agency would have no objection to this proposal, subject to agreement from the LPA's Drainage Engineer.

*SOMERSET WILDLIFE TRUST* – In the absence of a wildlife strategy we would object to this application.

*COMMUNITY LEISURE* – A signed Section 106 Agreement is in place for this development. I therefore have no further comments to make.

*PLANNING POLICY* – no comments to make on this application

*PARKS* – no observations

*POLICE ARCHITECTURAL LIAISON OFFICER* – Having reviewed the documentation submitted in support of the application, I would make the following comments:-

- I note the comments made in paragraph 4.3 of the Design & Access Statement in response to my original observations regarding the outline application and would make the following additional comments:-
- Bullet Points 1 & 2 - I agree with the comments made concerning the entrance road approach and orientation of dwellings.
- Bullet Point 3 - in view of the fact that the field to the north of the development is to be used as a private paddock area as opposed to a communal recreational area, I accept that it is not necessary to re-orientate dwellings to overlook this private area. The proposed rear boundary treatments for Plots 19-23 also appear appropriate for the crime risk.
- Bullet Point 4 – I agree with this comment.
- Bullet Points 5 & 6 – proposed parking for the detached dwellings and some affordable units is excellent. However, parking spaces for the affordable Plots 1-5 have been moved from the front of these dwellings, where they were well overlooked by owners, to a parking court at the rear where they are subject to more limited surveillance from owners' homes. Rear parking

courts are discouraged as they introduce access to the vulnerable rear elevations of dwellings where the majority of burglaries occur. However, I note that the parking court will incorporate a change of road surface, brick piers at the entrance and privacy signage to define it as a private parking area and deter unauthorised access.

- I have nothing further to add to my original email dated 14 May 2012.

*SCC - CHIEF EDUCATION OFFICER* – no comment received

*WESTERN POWER DISTRIBUTION* – no comment received

*WESSEX WATER* – comment

Our development engineer has considered the drainage drawing submitted with the application (2029/505 December 2013) and notes the following:

- The Sewer diversion will require upsizing to 225mm to support proposed development.
- Sewer diversion will be subject to application and agreement, alternative diversion options should be considered which may shorten the diversion length. Arrangements to be discussed
- Sewer adoption to be in accordance with SFA7
- The outfall surface water sewer is not adoptable in current design. Adoption will be subject to making the pond offline and providing vehicular access to the flow control chamber. Details to be agreed.
- The pond appears to be too close to the existing 225mm public foul water sewer. There must be a 3m clearance from top of bank.

*TAUNTON & DISTRICT CIVIC SOCIETY* - no comment received

## **Representations**

23 Letters of OBJECTION which raise the following issues:

### Principle

- The development is in the green wedge
- The local surgery and school are at capacity.
- The application is premature to the Trull Neighbourhood Plan
- Combined impacts with other development proposals in the area.

### Design and Layout

- The affordable houses are not distributed around the site
- There is not a good mix of properties - they are either affordable houses or large detached dwellings. There should be more 3 and 4 bed semi-detached

properties.

- The terrace of 5 affordable homes would overlook existing properties opposite.
- The terrace of 5 affordable homes would be an incongruous intrusion in the street scene – they should be staggered.
- The properties should have chimneys.
- Some of the houses are very high
- Properties are too symmetrical
- The affordable houses on plots 11-13 should not have doors to the side and the design of this building should be reconsidered.
- Bathrooms should have windows
- This will add to the urban sprawl of Trull
- There should be no street lighting

### Landscaping

- The proposal to widen to footpath cannot be achieved without felling a mature tree.
- The hedges facing Amberd Lane should be maintained in perpetuity.

### Drainage

- The south west corner of the field has been flooded twice in the last 12 months
- The proposal would result in flooding downstream (of the Sherford Stream)
- The attenuation pond is not within the development site.
- How will the pond be managed?
- There should be safety fencing around the pond.
- The pond should have a dual use for wildlife and should not be allowed to empty.
- Amberd Lane has flooded a number of times already this year.
- The blocked drains in Amberd Lane should be cleared before work starts

### Highway safety

- There has been an accident on Honiton Road at the junction of Amberd lane.
- Increased traffic using this junction.
- Local roads can not take any more traffic
- The pavement should be extended to the east of the site access
- Extra traffic should require a roundabout to be built at the junction of Honiton Road
- It is not safe to walk between Spearcey Lane and Honiton Road as there are no footpaths

### Sustainable development

- With 56 parking spaces, how can the development be described as sustainable.
- The dwellings should have solar panels.

### Other

- Disruption during construction.
- Will development occur in the north eastern corner of the field?
- Loss of good agricultural land.
- It is contrary to the 2005 Trull Parish Plan.
- Works to the hedgerows should take place outside of the nesting season.

## **PLANNING POLICIES**

S7 - TDBCLP - Outside Settlement,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM2 - TD CORE STRATEGY - DEV,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 CP8 - TD CORE STRATEGY- ENVIRONMENT,

## **LOCAL FINANCE CONSIDERATIONS**

As Outline Planning Consent has already been granted, this development would not be liable for CIL

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)	£35,172
Somerset County Council (Upper Tier Authority)	£8,793

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£211,032
Somerset County Council (Upper Tier Authority)	£52,758

## **DETERMINING ISSUES AND CONSIDERATIONS**

The principle of development was agreed when outline planning permission was granted for residential development on the site. This is a reserved matters application for the access, appearance, landscaping, layout and scale.

### Highways/Access

The access point at the centre of the site provides adequate visibility in both directions in addition to some road widening along Amberd lane. A footway between the new access and the existing public footpath opposite Spearcey Lane would be provided which would also deliver the necessary visibility splay.

Off-site works to the junction between Amberd Lane and Honiton Road were secured as part of the Section 106 for the outline planning permission and can not be considered as part of this application.

The highways authority have made detailed comment on the internal layout and suggest that any minor amendments to the internal layout which may be required can be taken up during the Section 38 process.

With regard to the comments from the County Council Rights of Way team, It is not suggested that the existing public footpath has to be changed to accommodate cyclists, but the outline consent did require the site to have pedestrian/cycle links throughout which then linked in to the existing public footpath network. It was also required to increase the width of the existing off-site public footpath running northwards from the site to the playing fields. It was not required that this footpath to be formally designated as a shared public/cycle path. If this could be legally and safely secured, then it would clearly be a benefit to all users, however the development is acceptable without this designation.

The County Highways authority have suggested a number of conditions which either do not relate to the reserved matters (such as surveys of the condition of the local road network and construction management plans) or are considered unnecessary in terms of the site detail. It is not considered necessary to require all access gradients to be less than 1 in 10 of a site that gently slopes. Only those conditions which relate to this application and are necessary are included in the recommendation

### Design/Layout

The affordable housing layout has changed from that shown on the indicative layout plan submitted with the outline application. That plan showed all of the affordable housing in the south west corner of the site and accessed off a separate car parking court. The proposed layout shows the terrace of 5 properties in the same part of the site and fronting onto Amberd Lane. It is appropriate that the dwellings in this location face the street and have dedicated parking to the rear. A pair of semi-detached affordable houses remain in the south western part of the site, but share their access point with 3 of the open market houses. This helps integrate them into the development. The remaining terrace of 3 affordable houses are in the centre of the site and have been designed to appear as a single large property at the focal point for the entrance.

The remainder of the site comprises 20 large detached dwellings with in-curtilage parking in double or triple garages. Chimneys have been added to some of the properties in response to the consultation responses. The design is characterised by traditional detailing on large properties with steep roof pitches.

The comments about overlooking from the terrace of properties to existing dormer bungalows in Amberd Lane are noted, however the window to window distance would be approximately 22.5 metres and across a public highway. This is normally considered to be sufficient distance to limit any demonstrable harm from loss of privacy. The ridge height of the proposed terrace has been reduced by 1m by slackening the pitch in response to some of the consultation comments.

The development does not contain any 3 bedroom open market properties which has been raised in one of the consultation responses. Due to the location of the development it is likely that house values will be high, resulting in the smaller houses being made available solely through the discounted open market tenure. This has



been agreed with the Housing Enabling Lead who would have concerns that if the larger properties were offered at a discounted price, they would still remain outside the affordability of many people in housing need. It is therefore considered that the mix of size and tenures is appropriate for this site.

### Drainage/Flooding

It is proposed that the surface water from the site would be drained to the north east of the development and into the Sherford Stream. An attenuation pond is proposed which would hold any additional surface water and release it at a controlled rate of 10 litres per second. The submitted calculations show that the existing Greenfield runoff rate is also 10 litres per second. The scheme has been designed in accordance with SuDS design guidance and complies with runoff rates set out in condition 5 of the outline planning consent:

*No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted and approved by the Local Planning Authority, all as set out in the submitted Flood Risk Assessment by Three Counties dated 30 March 2012.*

*The scheme shall include full details of proposed on site storage where runoff rates have been limited to those from a 1 in 1 year storm on the green field site. Calculations are to be provided showing this attenuation provided for all storms up to and including the 1 in 100 year plus climate change event. The details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. Details of exceedance flow paths and depths of flow shall be mapped and shown to be safe.*

As the pond is outside of the original application site and in the field to the east of the development, a separate planning application has been submitted which is being considered alongside this application. The following agenda item deals with that application.

It is noted from some of the consultation responses that Amberd Lane has suffered from some flooding in the previous two years and evidence has been submitted to show this. The flooding of the road appears to be from surface water runoff gathering at a low point rather than the Sherford Stream 'overtopping'. This may have been exacerbated by blocked highway drains in Amberd Lane which were seen to be overflowing by the case officer on one of his site visits.

Provided that this development drains into the newly proposed drainage network and attenuation pond as shown on the submitted plans, it is considered that the proposal would not add to that existing problem. The discharge of surface water from the site would occur downstream from Amberd Lane at a controlled rate agreed with the drainage engineer and Environment Agency. This is considered to be acceptable.

### Wildlife

The outline planning permission required the submission of a wildlife strategy prior to development commencing on site. A strategy has been submitted in response to the Biodiversity Officers' initial comments on this reserved matters application.

Hedgerow clearance/reduction took place earlier this year under the supervision of an ecologist and without the need for planning consent. The Biodiversity Officer is satisfied with the proposed strategy.

### Conclusion

The development already has the benefit of outline planning permission and in terms of the submitted detail, the layout and design is considered to be appropriate. The highways authority have made detailed comment on the proposed access and layout and have not raised any objection. With regard to drainage, an associated planning application for the attenuation pond has been submitted and is being considered alongside this application. It is concluded that the attenuation pond will provide the required attenuation that has previously been agreed by the Environment Agency and Council Drainage Engineer. It is therefore recommended that Reserved Matters Consent be issued.

**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**

42/14/0010

WEST OF ENGLAND DEVELOPMENT

**FORMATION OF SURFACE WATER ATTENUATION POND AS PART OF THE SURFACE WATER DRAINAGE STRATEGY FOR ADJOINING RESIDENTIAL DEVELOPMENT AT AMBERD LANE, TRULL**

Location: LAND TO THE NORTH OF AMBERD LANE, TRULL, TAUNTON, TA3  
7HH

Grid Reference: 321624.121793

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the further views of the Environment Agency

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

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

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

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

(A3) DrNo 13.63.40 Site Location Plan  
(A1) DrNo 13.63.41 Rev A Proposed Site Layout  
(A1) DrNo 2029/505 Rev B Drainage Strategy Plan  
(A2) DrNo 2029/506 Rev A Attenuation Pond Details  
(A1) DrNo SPP.1706.6 Rev F Landscape Planting Plan

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

3. The development hereby permitted shall not be commenced until details of a management plan for the maintenance of the new habitats, including the attenuation pond has been submitted to and approved by the Local Planning Authority. Once approved the works shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason – To protect and enhance habitats on site.

## Notes to Applicant

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

This is an application associated with the previous application for reserved matters consent for 30 dwellings at Amberd Lane. It seeks consent for the surface water attenuation pond required for the adjoining development.

The location of the pond has been slightly amended to ensure that it does not conflict with an existing surface water sewer. The surface water drainage system for the development is proposed to be adopted by Wessex Water and the pond has been designed to be off-line and mainly dry – other than during and immediately after storm events.

The pond would be accessed via a 3m wide hoggin path running along the western boundary of the field.

## SITE DESCRIPTION AND HISTORY

The site is to the east of the proposed development site at Amberd Lane. This parcel of land was put forward for public use as part of the outline planning application and immediately adjoins the Sherford Stream.

Outline planning permission was granted in April 2013 for residential development on the adjoining site.

A reserved matters application is also under consideration on the adjoining site and this application for the pond was submitted as part of that proposal.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*TRULL PARISH COUNCIL* – no comments

*LANDSCAPE* – comments:

Subject to the grassland species being acceptable to the Biodiversity Officer, the proposals should have limited landscape impact

*BIODIVERSITY* – comments:

The proposal is for the formation of a surface water attenuation pond for the adjoining residential development at Amberd lane Trull,

MWA prepared a wildlife mitigation and enhancement strategy for the residential development and newly created habitats, including the attenuation pond in January 2014.

The protective measures recommended for residential development are also relevant to this application. A management plan should be prepared. Condition suggested.

*DRAINAGE ENGINEER* – Details of the access track construction and headwall details need to be agreed before any works commence on site. See previous comments with Agent s Spring Consultancy on application 42/12/0013

*SCC - FLOOD RISK MANAGER* – no comments received.

*WESSEX WATER* – no comments received.

*ENVIRONMENT AGENCY* –

Our original response to this proposal mentioned that the surface water discharge rate should be limited to the 1 in 2 year Greenfield rate and provide long term storage to deal with the additional volume of water generated by the development. If this cannot be achieved and infiltration is not a valid option, the surface water discharge rate would need to be limited to be 2 l/s/ha

The Greenfield runoff rate allowed to discharge from the pond should be calculated based on the impermeable area on the site after construction, unless the applicant can prove that the green area also drains to the pond via the drainage network.

For this site it means that Greenfield runoff rate from the pond after development should be 4.74 l/s (calculation based on impermeable area of 0.804 ha) with the provision of long term storage. Or the discharge from the pond should be 1.6 l/s.

The pond is designed to discharge at 10 l/s. The applicant states it is a 1 in 1 year discharge rate, however we believe this is the 1 in 30 year Greenfield discharge rate for an impermeable area of 0.804 ha.

However, it is understood that the drainage rates have been agreed with the Local Planning Authority's Drainage Engineer. Therefore, I can confirm that the Environment Agency would have no objection to this proposal, subject to agreement from the LPA's Drainage Engineer.

## **Representations**

2 letters of OBJECTION/CONCERN received which raise the following issues:

- Concern about location of pond alongside neighbouring boundary.
- Will this cause flooding of neighbouring land?
- Require access to neighbouring hedge for maintenance.
- There is a foul sewer pipe beneath the area of the pond.
- Please advise with SuDS scheme being introduced but there are inconsistencies with the submitted details.
- Understand that EA has a runoff limit of 2 litres per second whereas as agent states that a maximum of 10 litres per second has been agreed.
- These inconsistencies need to be eliminated.
- The local water table should be monitored for 12 months to ensure that the pond does not fill up with water (from the water table) as soon as it is built.

## **PLANNING POLICIES**

S7 - TDBCLP - Outside Settlement,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
CP8 - TD CORE STRATEGY- ENVIRONMENT,

## **LOCAL FINANCE CONSIDERATIONS**

This development is not liable for CIL and would not result in the payment of New Homes Bonus

## **DETERMINING ISSUES AND CONSIDERATIONS**

This application is solely for the attenuation pond and associated access that is required by the adjoining development. It requires a separate planning consent as it is outside of the application site for the outline planning consent.

The Environment Agency are satisfied that the location of the pond is appropriate and is far enough away from the Sherford Stream so as not to fill up with water from the stream overtopping in the 1 in 1000 year flood event.

The pond would be mainly dry and have a capacity of 400 cubic metres to accommodate surface water flows the adjoining development in the 1 in 100 year event, plus a 30% allowance for climate change. The originally submitted details showed that the surface water drainage system would discharge into the Sherford stream at a rate of 10 litres per second. The scheme has been designed in accordance with SuDS design guidance and complies with run off rates set out in condition 5 of the outline planning consent:

*No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted and approved by the*

*Local Planning Authority, all as set out in the submitted Flood Risk Assessment by Three Counties dated 30 March 2012.*

*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 green field site. Calculations are to be provided showing this attenuation provided for all storms up to and including the 1 in 100 year plus climate change event. The details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. Details of exceedance flow paths and depths of flow shall be mapped and shown to be safe.*

Notwithstanding the above, on receipt of the comments of the Environment Agency on this application, a further amendment has been put forward which would reduce the discharge rate to 5 litres per second. This is clearly an improvement and the further comments of the Environment Agency will be updated at the Committee Meeting.

The design and appearance of the pond is considered to be acceptable with shallow sloping sides and it is in a location that would not conflict with the existing foul sewer or the ability to maintain boundary hedges.

Subject to the further comments of the environment agency, the proposed drainage pond is considered acceptable.

**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**

FRIENDS OF HAMILTON GAULT PARK

**ERECTION OF A TIMBER BUILDING FOR USE AS A CAFE AND COMMUNITY FACILITY AT SITE ADJACENT TO OLD PAVILION, HAMILTON GAULT PARK, HAMILTON ROAD, TAUNTON**

Location: HAMILTON GAULT PLAYING FIELD, HAMILTON ROAD, TAUNTON

Grid Reference: 324182.124812

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) DrNo 5017\_01 Location Plan

(A4) DrNo 5017\_02 Site Plan

(A1) DrNo 5017\_03 Proposed Floor Plan and Elevations

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

3. No service trenches shall be dug within the canopy of any existing tree within the park on the approved drawing without the prior written approval of the Local Planning Authority.

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

4. Details of any percolation tests to be carried out and the siting of any soakaway shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing.



Reason: To ensure adequate surface water disposal is provided and to avoid harm to tree roots.

#### Notes to Applicant

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

### **PROPOSAL**

The proposal is to erect a community cafe facility on land at Hamilton Gault Park. The building would be octagonal and timber clad and 6m high and sited adjacent to the position of the old pavilion where there is a gap in the trees. The structure would be 11m across with a covered verandah.

### **SITE DESCRIPTION AND HISTORY**

The application site lies within the existing park at Hamilton Road and is located adjacent to the foot path that runs through it and within a line of trees on a site where a previously diseased tree has been removed.

### **CONSULTATION AND REPRESENTATION RESPONSES**

#### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*ECONOMIC DEVELOPMENT* - The economic development team is very interested to encourage new business start-ups particularly where there is a direct benefit to the local community, therefore I am happy to support this application.

*LEISURE DEVELOPMENT* - The Open Spaces Manager should be asked to comment.

*OPEN SPACES MANAGER* -

*ENVIRONMENTAL HEALTH - FOOD SAFETY* - No comment

*WESSEX WATER* - New water and waste water connections will be required. New regulations will require adoption of all new private sewers.

*DRAINAGE ENGINEER* - Attach the standard percolation test condition to any planning permission given.

## **Representations**

Ward Cllrs Slattery and Smith support the scheme.

1 letter of no objection as long as erected in position shown. The facility should be monitored to prevent anti-social behaviour, any alcohol or music licence should be applied for and hopefully it will not increase parking along Hamilton Road.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,  
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

The development would not be CIL liable.

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The building would provide mixed use as a cafe and community facility for users of the park. The use would enable provision of a facility for community learning and training as well as providing refreshments to park users.

The new building would be visible through the trees from the road as well as being visible within the park itself. The building will be finished in painted timber cladding and have a grey sheet roof. The design is not considered out of keeping with the character and setting of the area and will be partially screened by existing tree cover.

The proposed use involves a cafe use (A3) which lies outside of the town centre, however it also is intended for community purposes and the impact of the cafe use is not considered to have a significant impact on the viability of the town centre. The building will be sited adjacent to the footpath and set back from the playing field area so it does not encroach on any pitch layout.

The parking and access for park users will not change and it is not anticipated that the use will result in a significant increase in on road parking as a result. The Highway Authority has been consulted and has raised no observations.

The drainage of the site is intended to be to the exsiting foul drainage system in the area while surface water is intended to utilise a soakaway. The Drainage Officer raises no objection in principle to this.

In summary the use here is considered an acceptable one and is supported by local Councillors and is recommended for 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**

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 30 APRIL 2014**

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/13/2 208777	ERECTION OF 2 NO. SINGLE STOREY DWELLINGS WITH DEMOLITION OF EXISTING STRUCTURES AT SOUTH VIEW COURT, MONKTON HEATHFIELD, WEST MONKTON, AS AMENDED	The proposed development results in a contrived and cramped layout which is considered as overdevelopment of the site contrary to Policy DM1d of the Taunton Deane Core Strategy.	48/13/0018	The Inspector considered the main issues to be (a) the effect of the proposal on the character and appearance of the area and (b) the effect of the proposal on the living conditions of future occupiers, having particular regard to daylight, privacy and outdoor space. After full consideration, he found the proposal to be acceptable in terms of its effect on the character and appearance of the area. However, it was not sufficient to outweigh his concerns regarding the effect of the proposal on the living conditions of future occupiers. It was therefore concluded the appeal should be DISMISSED.