

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 21 May 2014 at 17:00.

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### Agenda

- 1 (i) Appointment of Chairman.  
(ii) Appointment of Vice-Chairman.
- 2 Apologies.
- 3 Minutes of the meeting of the Planning Committee held on 30 April 2014 (to follow).
- 4 (a) Public Question Time.  
(b) Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 24/14/0011 Residential development of land for up to 6 No workplace homes at Knapp Lane Acre, Knapp Lane, North Curry
- 6 24/14/0019 Erection of 5 dwellings with garaging, car parking and vehicular access at land off White Street, North Curry (amended scheme to 24/13/0036)
- 7 48/13/0077 Change of use from private dwelling to children's nursery at 156 Bridgwater Road and change of use of part of 154 for parking and turning, Bridgwater Road, Taunton (resubmission of 48/13/0026)
- 8 48/13/0081 Application for the approval of Reserved Matters in relation to phase 6 of Outline Application 48/05/0072 for the erection of 73 No. dwellings including infrastructure, open space and landscaping on land off Bridgwater Road, Monkton Heathfield
- 9 48/14/0010 Erection of an agricultural workers dwelling, demolition of stables and erection of extension to agricultural building for general purpose at the Willows, Noahs Hill, West Monkton
- 10 51/14/0004 Change of use of land to store dredged material on fields of burrow drove, on the north bank of the River Parrett, North West of Grove Hill

- 11 51/14/0005 Change of use of land to store dredged material on land to the south of Stathe Road and east of Stanmore Road, Burrowbridge
- 12 51/14/0006 Change of use of land to store dredged material on land between Saltmoor Farm and West Yeo, Burrowbridge
- 13 52/14/0012 Erection of 6 floodlights to illuminate sports pitch at Queens College, Trull Road, Comeytrowe
- 14 Planning Appeals - The latest appeals and decisions received (attached)

Bruce Lang  
Assistant Chief Executive

05 June 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](mailto:r.bryant@tauntondeane.gov.uk)**

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**Planning Committee Members:-**

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

## **Declaration of Interests**

### **Planning Committee**

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

24/14/0011

MR & MRS A AGGUS AND MR S ACKLAND

**RESIDENTIAL DEVELOPMENT OF LAND FOR UP TO 6 NO WORKPLACE HOMES AT KNAPP LANE ACRE, KNAPP LANE, NORTH CURRY**

Location: KNAPP LANE ACRE, KNAPP LANE, NORTH CURRY, TAUNTON,  
TA3 6AU

Grid Reference: 330962.125302

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

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

1. The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and the proposal is therefore contrary to Policies CP4, SP1 and DM2 of the Taunton Deane Core Strategy.
2. The proposed development would have a detrimental impact on the rural character of the countryside area within which it sits and this is incapable of appropriate mitigation through landscaping of the site. It is therefore considered to be contrary to policies CP1, DM1 and CP8 of the adopted Taunton Deane Core Strategy.
3. The proposal does not accord with Policies CP6, CP7 and CP8 of the Taunton Deane Core Strategy 2011-2028 (adopted 11 September 2012) since the site has insufficient frontage to Knapp Lane to enable an estate road junction to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety; and furthermore the highway network close to the site is unsuitable in terms of its geometry at and between junctions for large commercial vehicles more likely to be generated by live work units than purely residential units.
4. The proposal does not provide a suitable means for securing the appropriate affordable housing, the Sustainable Urban Drainage scheme for the site, or a Travel Plan, and therefore is contrary to policies CP4, CP6 and CP7 of the adopted Taunton Deane Core Strategy.

## Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.
2. Although the reason for refusal includes one relating to the lack of a Planning Obligation under s106 of the Town and Country Planning Act, this has been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal.

## PROPOSAL

Permission is sought for 6 workplace homes, sometimes also known as 'live/work units' on the site of the former scaffolding business in North Curry. The application is made in outline with all matters reserved for future consideration. The proposal does therefore only seek the opinion of the Local Planning Authority on the principle of the development. Despite this, the application does include a feasibility study that shows the units arranged in a line as individual detached properties each with attached garaging and additional surface parking. They would all share a common access off Knapp Lane and provision is made for the turning and manoeuvring of larger vehicles at the end of the access road in between units 5 and 6.

## SITE DESCRIPTION AND HISTORY

The site lies in the north-west of the village and is currently surrounded by open countryside and fields. It is therefore outside of the settlement boundary. It is a long thin parcel of land running parallel to, and with access off Knapp Lane. It was last used by a scaffolding business and as such had a B8 use as defined by the Town and Country Planning Use Classes Order (as amended). Permission was originally granted for that use under LPA reference 24/00/0017. The scaffolding business no longer operates from the site.

Application 24/00/0017 authorised the permanent use of the land and buildings at Knapp Lane Acre for scaffolding storage and maintenance together with alterations to the access. Permission was granted on 28th June 2000. There are no records of any applications for planning permission on the land since that time. However, the land adjacent (other side of the public footpath) is a proposed allocation for up to 20 houses in the proposed 'Site Allocation and Development Management Plan' - (SADMP).

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

#### *NORTH CURRY PARISH COUNCIL -*

The Parish Council support the granting of planning permission, but do not wish to

expand upon their reasoning.

### *LANDSCAPE -*

The proposals would have an unacceptable impact on the rural character of the area and would be contrary to policy CP8.

The Landscape lead has since clarified that his objection is an 'in principle' one as the proposals would not be in keeping with the landscape character of the area. Even if the proposals were acceptable in planning terms, it is his view that there is little opportunity for landscape mitigation with the proposed scheme and so he would be objecting to the details of the proposals as well.

### *PLANNING POLICY -*

The site lies beyond existing and proposed settlement limits as set out in the adopted Local Plan (2004), Core Strategy (2012) and the emerging SADMP. In this regard, the proposal is contrary to policy DM2 and SP1 (Development in the Countryside) and CP8 (Environment) of the Core Strategy.

The application is outline only. It contains no detail as to any existing buildings although they appear to be basic agricultural buildings on site. The proposal is clearly new build. As such, criterion 7 of policy DM2 (sequential approach to conversion of existing buildings) is not relevant. As there are no detailed layout plans I would suggest that from the submitted indicative street-scene, it is a residential development first and foremost. As shown, the work element is not apparent and the proposal in my view would be Class C3, any work element being incidental. There is no justification for a residential development in open countryside. Balanced against the consequences of precedent, it would not make a worthwhile contribution to a 5 year supply argument nor as shown, provide affordable housing (Core Strategy CP4).

As a 'brownfield' site, Core Strategy policy DM2 would allow continued employment use. If they propose live work units (although the application states it is for "Residential development"). I would expect a detailed proposal to show demand, detailed layout etc. Moreover, they would need to address why the proposal could not be accommodated on the Council's Preferred Option site at Knapp Lane if there is the identified demand and/or the Preferred Option site is of sufficient scale to accommodate small scale freestanding employment units. This option would also benefit from a single access from Knapp Lane rather than the additional one proposed by the current application.

Live/work units are not covered specifically under the provisions of Policy DM2 of the adopted Core Strategy. The Council does not accept that this means that the policy itself is inconsistent with the Framework given the need to consider such provision and review employment allocations. By the admission of the applicants, this site has only been vacant for a matter of months and it cannot be accepted that at this stage, no reasonable prospect exists that the site could be used for an employment use in the future.

The Framework recognises that live/work units may be appropriate but it does not follow that this is necessarily appropriate for any site/location. Given that the site is beyond established and proposed settlement limits and has not been marketed, it is not considered that the proposal is acceptable.

Recently 30 dwellings were allowed on appeal at Overlands, North Curry. The Policy Team do not consider that this has any particular implications for the determining of this planning application since the comments noted above and raised elsewhere demonstrate that the proposal would fail to meet the presumption in favour of sustainable development.

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

The streets that form the local highway network in North Curry are variable in width, passing places consisting of adhoc locations such as private driveways, and the geometry at some junctions is restricted. That said the network would accommodate some growth in traffic. Public transport provision is infrequent and therefore the majority of residents are reliant on the private car.

The existing use appears to result in a relatively low traffic generation for the small scaffolding company's business – storing and collecting scaffolding equipment. A condition of the permission granted (reference 24/00/0017) was that it should be used for the storage and maintenance of scaffolding only. There appears to be no business as such run from the site (no office or staff facilities). Therefore there would likely be a significant increase in the traffic generated by the proposed workplace homes. National logistics operations (delivery and collection of parcels and materials etc) use a range of vehicles up to the maximum permissible size, it is questionable whether large vehicles would be able to reach the access and having done so enter the site to reach the turning head proposed. It is likely that a driver of a long HGV would stop on, and so block, Knapp Lane if delivering materials or collecting items from the workplace units. The applicant has not shown how traffic of this nature can be managed by a range of small businesses operating from the proposed development.

The proposed access is considered to be sub-standard in terms of visibility as it appears that appropriate splays can only be provided by utilising third party land. This is not considered to be acceptable by the Highway Authority as the applicant would have no control over this land.

Therefore based on the above information the Highway Authority raises objections on the following grounds:-

The proposal does not accord with Policies CP6, CP7 and CP8 of the Taunton Deane Core Strategy 2011-2028 (adopted 11 September 2012) since the site has insufficient frontage to Knapp Lane to enable an estate road junction to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety; and furthermore the highway network close to the site is unsuitable in terms of its geometry at and between junctions for large commercial vehicles more likely to be generated by live work units than purely residential units.

### *SCC - RIGHTS OF WAY -*

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (footpath T 17/50).

I have no objections to the proposal, but the following should be noted: The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

Authorisation may also be required for certain works from Somerset County Council Rights of Way Group. A temporary closure order will be necessary and a suitable alternative route must be provided.

### *DIVERSIONS OFFICER -*

The proposed access to the development site carries part of public footpath T17/50. Subject to consents for the development, adequate health and safety measures should be put in place during the construction period. The current access surface will not be able to service the site during and after construction. Therefore an application must be made to the Rights of Way section at County Hall to secure consent to change the surface.

### *BIODIVERSITY -*

The buildings on site are unlikely to be suitable for wildlife. However, there is always the possibility that bats or birds may be present in any building. So if permission is granted, the following note is suggested -

- 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.

It is thought unlikely that bats and nesting birds will be affected by the proposals, however in the event of bats or nesting birds being encountered while work is being carried out to any property, work must cease immediately and advice must be obtained from the Government's advisors on wildlife - Natural England (Tel 01823 285500). Bats should not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

### *ENVIRONMENTAL PROTECTION -*

Due to previous commercial uses of the site and the proposed residential use, it is recommended that potential contamination of the site is investigated before any

development commences. A condition has been suggested by the Council's Scientific Officer. It asks for a report to investigate the history and current condition of the site in order to determine the likelihood of the existence of contamination arising from previous uses. If any evidence of contamination is found, then remedial works will need to be identified and carried out in full.

#### *HOUSING ENABLING -*

25% of the new housing should be in the form of affordable homes equating to 1.5 units. On this occasion a commuted sum would be sort in lieu of on site provision. The amount would be calculated when the internal layout becomes known.

The commuted sum monies would be ring fenced for the provision of affordable housing within the Borough.

In the event of a planning refusal lack of affordable housing contribution should be stated as a reason.

#### *ECONOMIC DEVELOPMENT -*

Observations awaited.

### **Representations**

There have been 75 letters of representation have been received, all of which are opposed to the proposal. 58 of these are a photocopied petition, of which 34 responses have been sent from 14 different addresses - members of the same household). This application had to be re-advertised, due to an unforeseen issue with the certificates on the application form. This may partly account for the relatively large number of responses. However I have ensured that my figures (above) and comments (below) do not include any exact duplication of responses from any individual. I can confirm that none of the third party representations received support the proposal. The comments received against the proposal make the following points:-

#### Principle and policy considerations.

- The site is outside the settlement boundary and therefore contrary to policy;
- The application should be refused in the light of national and local planning policies on sustainability having particular regard to the accessibility of the proposed development to services and employment and limited public transport opportunities;
- People in these units would be entirely dependant upon private cars making this proposal contrary to the Council's stated aims on sustainability and reducing carbon emissions (policies CP1 and CP6);
- This is not a site that the Council is currently consulting on as part of its potential sites for development. So this planning application is premature and should be refused;
- If approved this application will make a mockery of all of the work done so far on the SADMP;
- This would be an unacceptable addition to the 40 houses proposed in the SADMP.

### Highways issues.

- Increased traffic flow through the very narrow and congested conservation area increasing the chance of accident and limiting safety;
- Access through the village and along Knapp Lane is very poor;
- The recent closures of Moor Lane and Knapp Road from Borough Post placed huge pressures on Knapp Lane and the village centre for residents and large agricultural vehicles;
- The traffic site lines at Knapp Lane Acre entering Knapp Lane are very poor and potentially dangerous;
- Knapp Lane is wholly unsuitable for heavy traffic;
- Knapp Lane is used by dog walkers and children and there are no pavements;
- There is a blind bend almost immediately after entering Knapp Lane from the village;
- There was only one road out of North Curry for 4 months, it was dangerous and took a long time for children to get to school. More homes would cause more problems;
- The increased traffic is potentially a death trap;
- Daily traffic jams and near accidents occur in Knapp Lane;
- It is very unsafe for pedestrians to walk into and out of the village centre as there are no footpaths;
- 6 large homes means 2 or 3 cars per house with a minimum of 2 movements each day. This would be 30 to 36 movements per day without taking into account visitors and clients/deliveries for the work element;
- The huge flow of agricultural traffic along Knapp Lane is a very real hazard;
- Too much agricultural traffic uses Knapp Lane compared to the past and this would not mix with increased residential traffic;
- There is a substantial pinch point at 2 Knapp Lane;
- Additional housing in Knapp Lane will result in increased traffic through the bottle-neck at the village end of Knapp Lane. To cause any increase in traffic through that junction is simply irresponsible;
- Visibility from Knapp Lane along Queen Square is very poor;
- Proper consideration needs to be given to protect the public right of way;
- The access to the site runs directly across a public footpath with no rights of way.

### Affordable housing.

- The proposal is for live/work units and therefore avoids having to provide any social or low cost housing for the village;
- The application was changed at the last minute before consideration of the matter by the Parish Council to include two semi-detached houses that would be allocated as social homes. Sadly, the Parish Council was swayed by these last minute changes.

### Visual and amenity issues.

- These types of units are not successful (e.g. those in Dunkeswell) and become an eyesore;
- Unacceptable impact on the rural character of the area contrary to CP8;
- This application will have an impact upon the landscape character area of the North Curry Ridge;
- The proposed development is unsympathetic to its location and would be detrimental to the historic and rural environment of North Curry;
- The site can be seen from Knapp Lane, Windmill Hill, the footpath along the river

Tone, and various public footpaths.

#### Legal matters.

- The access road to the site is not owned by the applicant and is unregistered land;
- Title deeds for Knapp Lane Acre show that the access road is not owned;
- Although the access lane has an un-registered title, it provides access to Knapp Lane Farmhouse with the access and right of way having existed for over 12 years;
- The recent Parish Council consideration of this matter is flawed because the decision was in contravention of planning advice, the objections were inappropriately considered and it all resulted in an ill informed and *ultra vires* decision;
- All over the country live/work homes are exploiting the planning regulations and contravening planning. Who will take responsibility for monitoring and supervising;
- The rules surrounding live/work units are especially vague.

#### Other matters raised.

- There has not been an economic needs analysis to demonstrate a demand for workplace homes in North Curry;
- There is national evidence (in Hackney) to suggest that this sort of scheme for developing economic growth is unproven;
- Although the site has been used for commercial purposes in recent years, it is within agricultural land and should be returned to that use;
- If granted, this application could lead to further larger applications in Knapp Lane which would be very undesirable;
- The proposal is being considered in the absence of any economic plan for the village;
- Ensuring compliance of the work element will be unsustainable and therefore incur costs for the Local Authority;
- There are other units currently available for rent in the village;
- The last work/live application granted on Knapp Lane is non-compliant as the occupiers do not work from home.
- There are no gardens so where will the children be expected to play;
- There are no garages so will the occupants be prevented from converting the work unit into a garage;
- There are no outbuildings or sheds shown on the plans so how could anyone work from home;
- No workshops are indicated on the plans;
- There are no outbuildings normally associated with live/work applications;
- This is pure greed as Knapp Lane is unsuitable for this development;
- The proposal has no merit at all;
- The village has flooded 3 times since the turn of the year with most of the flood water running off this site;
- The houses are described as live/work units but other than this description there is nothing to distinguish them from any other proposal for residential development;
- There is no local support for this application.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
EN12 - TDBCLP - Landscape Character Areas,  
ROW - Rights of Way,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would be liable for a financial contribution under the C.I.L. regulations, although the C.I.L. liability would rest with the Reserved Matters Application rather than the Outline Application. This application is submitted in outline with all matters reserved, so no floor plans have been submitted and no indication made of the likely live-work split. C.I.L. would only be charged on the residential element. Also, from this must be taken the amount of floor space of all existing buildings on site, which is estimated at 530 sq. m. This all makes calculation of the C.I.L. liability very difficult at this Outline stage. However, based upon a likely floorspace for a 3 bed property, and discounting the approximate floor space of existing buildings on site, the approximate amount due is estimated to be £12,500.

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 6,474.00
Somerset County Council (Upper Tier Authority)	£ 1,619.00

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£38,846.00
Somerset County Council (Upper Tier Authority)	£ 9,712.00

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Policy considerations - Local Plan Policy

Planning Policy and Government Guidance requires all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Taunton Deane Core Strategy contains policies for the development of the Borough. The policies are listed above.

The current proposal site lies beyond existing and proposed settlement limits as set out in the adopted Local Plan (2004), Core Strategy (2012) and the emerging 'Site Allocation and Development Management Plan' – [SADMP]. In this regard, it is clear that the proposal is contrary to policy SP1 (Development in the Countryside), DM2 and CP8 (Environment) of the Core Strategy.

The application is made in outline only. It contains no detail as to any existing buildings on site, although there appears to be some basic agricultural style buildings in situ. The proposal though is clearly for new build, and as such, criteria 5 and 7 of policy DM2 (sequential approach to conversion of existing buildings) is not relevant. As there are no detailed layout plans, it is difficult to gauge what is intended, but it would seem from the submitted indicative street-scene that the proposed development would have a distinctly residential feel, because as shown, the work element is not apparent. There is no justification for a residential development (albeit in part) in open countryside. Balanced against the consequences of precedent, it would not make a worthwhile contribution to a 5 year supply argument nor as shown, provide affordable housing (Core Strategy CP4).

As a 'brownfield' site, Core Strategy policy DM2 would allow continued employment use. However it is contended that use of the site in the past as a storage facility for scaffolding would primarily have been a B8 use. It is not clear that this would have generated much employment. In any event, the application does not address why the proposal could not be accommodated on the Council's Preferred Option site at Knapp Lane, which is of sufficient scale to accommodate such a use. This option would also benefit from a single access from Knapp Lane rather than the additional one proposed by the current application.

Live/work units are not covered specifically under the provisions of Policy DM2 of the adopted Core Strategy. The Council does not accept that this means that the policy itself is inconsistent with the Framework given the need to consider such provision and review employment allocations. By the admission of the applicants, this site has only been vacant for a matter of months and it cannot be accepted that at this stage, that there is no reasonable prospect of the site being used for an employment use in the future.

The Framework recognises that live/work units may be appropriate but it does not follow that this is necessarily appropriate for any site/location. Given that the site is beyond established and proposed settlement limits and has not been marketed, it is not considered that the proposal is acceptable, and there is no evidence to suggest that the proposal would meet the presumption in favour of sustainable development.

The proposal is therefore considered to be contrary to adopted policy and should accordingly be refused.

#### Impact on the street scene and character of the area

This consideration application is largely linked to the previous matter of policy. It is because the site is outside of the settlement boundary and not connected to the village in any way visually that it would unduly affect the character of the area by appearing to be sporadic development in the countryside. There is an argument to

be had that would suggest that the proposal would be replacing existing authorised structures and improving the visual amenity of the area. However, policy DM2 of the adopted Core Strategy which considers new development in the countryside is quite clear that new housing can only be considered acceptable when it is replacing existing dwellings that cannot be brought back into economic use, where it would involve the conversion of existing buildings into community housing, or where it is for an entirely affordable residential scheme for which there are no suitable sites in the settlement boundary. None of these criteria apply to this application. Even then the policy is clear that other uses will be considered first in a sequential manner. So, it is entirely reasonable and consistent with the policy to consider the visual merits of this application on its own merits rather than in the context of the structures that exist on site currently. In this regard, officers are clear that the proposal, however it may be designed (given that this is an outline application with all matters reserved), will have a detrimental impact upon the landscape and the visual amenities of the area.

The Landscape Lead is quite clear that he has an 'in principle' objection to then proposal in terms of its impact upon the landscape, and it is his opinion that this could not be mitigated by landscape screening. This is another indication of the unsustainable nature of the site.

Therefore, it is recommended that Members also refuse this application because of the detrimental impact it would have on the rural character and appearance of the area and its inability to be successfully assimilated into the surrounding countryside, which would make the proposal contrary to policies SP1 (sustainable locations), CP8 (Environment) and DM2d (General Requirements) of the adopted Taunton Deane Core Strategy.

### Highway Impact

It will be noted that there is a lot of local concern about the ability of Knapp Lane to take the extra vehicular traffic this proposal would generate. The Highway Authority has considered the impact of this proposal against the traffic generation that does, or could lawfully be generated by the existing use on site and has concluded that the local network and the provisions of this proposal are inadequate to meet the technical standards that would be required by business units proposed and the potentially large commercial vehicles that the units could attract.

From a planning point of view, it is reasonable to accept that a true village would have some traffic difficulties due to the often ancient and inadequate road network that has evolved over the years or centuries. Driving slowly, having to give way and taking particular caution on local village roads is to a certain extent an inevitable consequence of village life. It would not be reasonable to expect technically suitable highways in every instance, as this would 'urbanise' the village character and destroy part of the very essence of village itself. So, Members will need to make a judgement on whether some highway inconvenience may be an acceptable price to pay for development acceptability. On balance, it is considered that there are no justifiable grounds for disputing the conclusions of the Highway Authority in this instance, particularly as the applicant has not included an accurate and technically acceptable 'swept path analysis' for larger vehicles. On this basis, the recommendation is that any refusal should also include the highways reason as given in the consultee comments above.

### Ecological impact

No ecological survey has been submitted with the application and so this element is difficult to assess. However the Council's Biodiversity Officer considers that the buildings on site are unlikely to be suitable for wildlife. On this basis, it is recommended that any approval could be granted subject to suitably worded conditions (as referred to in consultee comments above). The lack of any submitted ecological information need not form a reason for refusal.

### The planning appeal for development at Overlands

It is not considered that the planning appeal decision in respect of Overlands in North Curry forms any sort of precedent that should have a material bearing on this application. That application was proposing development (of 30 houses) on land which was a preferred site in the SADMP and for which a change to the settlement boundary was proposed to accommodate it. The only reason for refusal given was that of prematurity within the Local Plan process. The Inspector did not share the Council's opinion on prematurity. The current application site is not a preferred option site, indeed it is considered to be too small to justify allocation. The current application site is not within the settlement boundary either as existing or as proposed. Finally, Officers are not arguing refusal of this application on the grounds of prematurity. So there are no similarities between the Overlands appeal decision and the considerations with this current application that would help in determination or set any precedent.

### Surface water drainage

Whilst the site lies within the Somerset Levels and Moors, the site itself does not lie within a flood risk area as identified by the Environment Agency. Given that the site has some development upon it currently, the only real cause for concern would be the impact from any additional hard surfacing. Given that the proposal is for more structures, a road and parking/manoeuvring areas, this could be substantial. However, there is no reason to suspect that a suitable 'SUDS' scheme could not be designed. It should be noted that the Drainage Engineers views have not been received at the time of the compilation of this report. It is therefore suggested that if Members are minded to approve this application, the views of the Drainage Engineer should be sought and taken into account first.

### Conclusions

It is clear that there is a conflict with Planning Policy because the application site lies outside of the settlement boundary for North Curry. This is a fact that cannot be disputed. The Core Strategy is clearly not silent on residential development outside of settlement boundaries, and although the SADMP is only at preferred options stage, it has been the subject of extensive public participation and will be submitted to the Secretary of State in the late summer/early autumn of this year. It is contended therefore that the SADMP does carry some weight in planning terms.

There are no mitigating circumstances that would justify a breach of the policy.

Linked to this is the inability of the proposal to be successfully assimilated into its rural countryside context and preserve the very character that the policy is designed to protect. Indeed this feeds into the very essence of sustainability, to protect the environment today for the enjoyment of the future generations. The existence of some structures on the site at the moment is not justification in this instance to allow a breach of the policy. The NPPF and Core Strategy policies also require development to integrate and be in keeping with the character of the area. There is therefore also a strong reason for refusing the proposal because of the detrimental impact it would have upon the landscape and countryside location.

Highways issues need to be considered in the context of the rural setting, but there is no doubting the strong local opposition to the proposal in this regard and the technical expertise at the County is minded to agree with this stance.

There are clearly significant policy and technical difficulties with this application that demonstrably outweigh the benefits. Members are therefore recommended to refuse the proposal.

**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**

24/14/0019

HIGDON HOMES LTD

**ERECTION OF 5 DWELLINGS WITH GARAGING, CAR PARKING AND VEHICULAR ACCESS AT LAND OFF WHITE STREET, NORTH CURRY (AMENDED SCHEME TO 24/13/0036)**

Location: LAND OFF WHITE STREET, NORTH CURRY, TAUNTON

Grid Reference: 332274.125356

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

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

1. The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and the proposal is therefore contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.
2. The proposed development would be detrimental to the setting of Longs House/Cottage (a Grade II Listed Building) and the North Curry Conservation Area, in particular, the proposed highway access and urban road frontage, the restricted dwelling and plot sizes, its regimented layout, the loss of the surrounding hedge and tree boundary with White Street, contrary to the requirements of Policies CP8, CP1(h) and DM1(d) of the Taunton Deane Core Strategy .
3. The proposed development would have a detrimental impact on the semi-rural character of the area which forms the boundary between the built form of the development and open countryside beyond and is therefore considered to be contrary to policies CP1(g), DM1(d) and CP8 of the adopted Taunton Deane Core Strategy.
4. The proposal does not provide a suitable means for securing the appropriate affordable housing, the Sustainable Urban Drainage scheme for the site, or a Travel Plan, and therefore is contrary to policies CP4, CP6 and CP7 of the adopted Taunton Deane Core Strategy.

## Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.
2. Although the reason for refusal includes one relating to the lack of a Planning Obligation under s106 of the Town and Country Planning Act, this has been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal.

## PROPOSAL

The proposal is for the erection of 5 dwellings on the northeast corner of White Street and Stoke Road. The plot measures approximately 38m x 56m. The dwellings are shown with their frontages looking into the site, arranged as a terrace of 3 and 2 detached properties. The terrace and one of the detached properties would have rear gardens backing on to Stoke Road, whilst the other detached property would be side on to these others – its frontage looking towards the playing fields and its rear facing White Street. The two detached properties with sides facing White Street would be 6.5 and 12.5 away from the highway edge. The dwellings would be two storeys in height with a traditional design and materials. The existing agricultural access would be closed off and a new access created nearer towards Stoke Road. The access would be 5m in width at its junction with White Street. The formation of the access and provision of visibility splays would result in the loss of the approximately 44m of the existing boundary hedge along White Street, although a new hedge is proposed behind the sight lines. The proposal is for 14 parking spaces, the detached properties having garaging and surface parking, whilst the terraced properties would have just surface parking at their fronts. Some of the trees on the boundary are the subject of Tree Preservation orders.

## SITE DESCRIPTION AND HISTORY

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

To the immediate northwest and southwest of the site (on the opposite side of Stoke

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

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

#### Planning History – application site

- 24/08/0015 – Full application for the erection of 1 dwelling and garage with access off White Street, North Curry (the current application site). Planning permission refused on 6<sup>th</sup> June 2008. Appeal dismissed on 21<sup>st</sup> October 2008, with the Inspector concluding that “the harmful effect on the housing policies of the Development Plan, on the character and appearance of the locality and on nature conservation interests are compelling reasons to dismiss the appeal”.
- 24/10/0034 – Full application for the erection of 11 affordable homes and access at White Street, North Curry. Planning permission refused on 11<sup>th</sup> March 2011 on the basis of being contrary to the settlement limits policy; Impact on the rural character of the area; design and layout; Lack of a historic statement; lack of an up to date ecological report; insufficient archaeological information; and impact upon protected trees
- 24/13/0036 – Full application for the erection of 5 dwellings (originally submitted as 6 and later revised). Refused 10<sup>th</sup> September 2013 as being prejudicial to the progress and content of the SADMP; Detrimental to the area in terms of its affect on Listed buildings, the Conservation area, and landscaping; Detrimental impact on the semi-rural character of the area.

#### Planning History – in the vicinity of the site

- 24/13/0032 - Outline application for 30 dwellings in 2 phases and ancillary facilities on land adjacent Overlands. Refused 4<sup>th</sup> September 2013 for policy reasons in relation to the SADMP and subsequently allowed on appeal by decision dated 12<sup>th</sup> March 2014
- 24/08/0007 - Conversion of Barns to form 1 dwelling and garage at Whites Barn, North Curry. Planning permission granted in May 2008.
- 24/06/0040 - Outline Planning application for the erection of 5 dwellings and three affordable dwellings and access off White Street on land to the south of Whites Barn, North Curry (now Morris Way). Reserved Matters and conditions approved by several subsequent applications.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

## *PLANNING POLICY -*

The site lies beyond existing and proposed settlement limits as set out in the adopted Local Plan (2004), Core Strategy (2012) and the emerging SADMP. In this regard, the proposal is contrary to policy DM2 and SP1 (Development in the Countryside) and CP8 (Environment) of the Core Strategy. A planning application for one dwelling was refused and appeal dismissed (24/08/0015) in 2008. Further applications in 2011 (24/10/0034 for 11 dwellings) and 2013 (24/13/0036 for 5 dwellings) were also refused.

From a Policy perspective there are two issues to be addressed. Firstly, are the reasons for previous refusals still valid? In this regard the site is still beyond the defined settlement limits. Added to this I would envisage that concern over impact on the listed building and adjoining conservation area would remain as both designations remain in place (and it is likely that 5 dwellings would impact more than the one proposed and dismissed on appeal), as would impact on the semi rural character which would not have changed. Other issues in the past have included an out of date ecology report, location within an area of high archaeological potential and landscape/TPO issues.

Secondly, would the benefits of this proposal outweigh the consequences? The size of the site and number of dwellings proposed (5) would not make a worthwhile contribution to the 5 year land supply (which we meet with a 5% plus buffer) but could set a precedent elsewhere in North Curry and across the Borough for not conforming to the Development Plan. We have an up to date Core Strategy which defines the settlement limits and countryside (policies SP1 and DM2). The site is too small for an allocation (which should start at about 10 dwellings, being the size regarded as a 'major application' and of a scale to provide other benefits only deliverable through the Development Plan such as affordable housing, e.g. the government is proposing no requirement on sites below 10 units). The SADMP is about to reach publication stage following Preferred Option stage with allocations at Knapp Lane and Overlands. This site could not therefore be used as a 'trade-off' to reduce or replace the Preferred Options allocations.

In conclusion, from a policy perspective the proposal fails both of the above tests, is contrary to policies SP1, DM2 and CP8 of the Core Strategy. It may also be contrary to other aspects of CP8 (e.g. landscape and heritage) but will no doubt be considered by relevant colleagues.

## *NORTH CURRY PARISH COUNCIL -*

In line with the North Curry Parish Plan, North Curry parish Council support the granting of this application, but stress that the 5 houses provided should be included in the development allocation for North Curry.

## *LANDSCAPE -*

Has concerns on -

- Impact on the setting of the North Curry Conservation Area

- Loss of roadside hedgerows to visibility splays
- Proximity of dwelling and garage to the north-eastern boundary hedgerow

#### *BIODIVERSITY -*

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

#### *NATURAL ENGLAND -*

Note that the site is close to a number of S.S.S.I.'s but that the proposals, if carried out strictly as proposed, will not destroy the interest features for which the S.S.S.I.'s have been notified.

N.E. standing advice applies for protected species

N.E. also note that the application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably, and to incorporate features into the design which are beneficial to wildlife.

#### *WESSEX WATER -*

New water supply and waste water connections will be required from Wessex Water. DEFRA intend to implement new regulations that will require the adoption of all new private sewers, which will require a signed adoption agreement with Wessex Water before any drainage works commence.

#### *SOMERSET DRAINAGE BOARDS CONSORTIUM -*

The site lies outside the board's operating area however any surface water run-off generated will clearly enter the Board's district and discharge to the area of West Sedgemoor and ultimately onto the main river - 'River Parrett'. The Board will need to receive satisfactory details and assurances regarding the restriction of flow, volume and long term maintenance regime of the infrastructure proposed. The proposals to be agree the design principles of the surface water strategy and if appropriate consent any modification.

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

The Board does not object so long as the following condition can be secured.  
"No development should proceed until surface water details for the proposals have been agreed with the LPA in conjunction with the Parrett Internal Drainage Board."  
The Board state that the strategy must include maintenance liabilities as well as storage facilities.

*HOUSING ENABLING -*

25% of new housing should be in the form of affordable homes. This equates to 1.25 affordable homes within a scheme of 5 houses. The requirement is for one house to be an affordable home for discounted open market to be sold at 70% of the open market value. Details of the affordable housing units must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council and sold in accordance with the TDBC discounted open market homes sales procedure. Plus a financial contribution of £18,329 which equates to the 0.25 affordable home obligation. The anticipated trigger for payment of the financial contribution is to be when the 2<sup>nd</sup> open market property is completed and ready for occupation. Financial contributions will be ring fenced for developing the affordable home elsewhere within Taunton Deane Borough.

*DRAINAGE ENGINEER -*

I note that a sustainable drainage system is to be utilised to dispose of surface water run-off. However, no details have been provided as to how this would be achieved. Details should be provided before any permission is granted. Until such time, I will have to object to this application.

*Further information has now been submitted and the Drainage Engineer's further observations upon this information is awaited.*

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - Observations awaited*

*SCC - FLOOD RISK MANAGER - Observations awaited*

*ENVIRONMENT AGENCY - Observations awaited*

*HERITAGE - Observations awaited*

*SCC - CHIEF EDUCATION OFFICER - Observations awaited*

*SCC - TRANSPORT DEVELOPMENT GROUP - Observations awaited*

## Representations

There have been 13 representations received in connection with this proposal. Of these, there are 8 representations against the proposal; 4 in support of the proposal and 1 neutral to the proposal.

Of the 4 representations in SUPPORT it is noted that 1 lives in Holcombe Rogus, 1 in Tiverton, 1 in Wellington and 1 in North Curry. They make the following points:-

- The new application has taken into account the comments raised by the original scheme;
- It has far stronger planting and setting back of houses from the road;
- Small developments are right for the village as supported in the Parish Plan;
- This site would help to fill the shortfall of 10 units after the Overlands site was granted on appeal;
- I am not aware of any opposition to this site from the latest consultation on the emerging plan;
- The inspector (5 years ago) did not dismiss the appeal on Listed Buildings or Conservation grounds;
- The Council's Conservation Officer had no objection on a more recent application for 6 houses;
- This is a small group of houses on a plot near village facilities, infilling between the road and other housing. It is therefore appropriate for the village.

Of the 8 representations OBJECTING to the proposal, 7 are from residents of North Curry and 1 does not give an address. They make the following points:-

### Principle

- The site is too cramped for 5 units;
- 5 houses is too many for the site which is outside the village boundary and specifically excluded from Taunton Deane's own long term plan for extra housing in North Curry;
- 4 units, with a pair of semi detached rather than a terrace of 3 would be a more suitable development;
- If permission is granted then the proposal should be reduced to a maximum of 4 dwellings;
- The physical properties have not changed since previous applications on this site were rejected;
- The impact of 5 dwellings in such close proximity to this bottleneck [*White Street/Stoke Road*] in the village will only amplify the strain on environmental resources and coping mechanisms.

### Parking and access

- 5 dwellings will mean extra cars parking in the narrowest part of White Street;
- The Morris Way development to the immediate south did increase the number of vehicles parking in White Street;
- People never park where they are supposed to;
- 1 house has been turned down because of access, now 5 are being proposed;
- There is poor visibility and consequent danger to pedestrians and other road users at the junction of White Street and Stoke Road. If permission is granted then the developer should be invited to make a financial contribution towards

improvements;

- White Street is at its narrowest point between Longs House and this proposed development. Road congestion and traffic visibility at this point is a hazard;
- Further traffic congestion is undesirable;
- The increase in people cars and visitors to this part of White Street and the connecting section of Stoke Road would totally change the quality of living for the current residents;
- On weekends, the number of cars that are packed into this area is already too much and any additional burden would be unmanageable;
- The associated access and parking provision is inadequate;
- The number of visitor parking spaces proposed is insufficient;
- The Stoke Road/White Street junction is the most dangerous junction in the village and will be exacerbated by the 'Overlands' decision. If this application is approved it will make the situation worse;
- Nothing has changed since the previous applications, except an increase in parking outside Longs House, Longs Cottage and on the junction with Stoke Road;
- With increased traffic following the development of 30 houses at Overlands, approval of this proposal will only add to the danger for pedestrians and vehicles;
- The proposal will lead to overspill parking in White Street on the dangerous junction with Stoke Road;
- The logistical impact on the junction between White Street and Stoke Road remains forever unpredictable.

#### Landscaping

- The development would irreparably damage the hedgerows that surround this field and which contribute to the rural character of this part of the area;
- The proposal will involve the destruction of an ancient hedge.

#### Flood risk

- I have a soakaway on my plot and it floods me out. I don't wish this to happen again;
- The development would increase the chances of flooding in White Street and Stoke Road due to increased run-off;
- Flash flooding occurs in the vicinity of this site.

#### Heritage

- The application does not - indeed cannot - address the issue of the proximity of the listed buildings at Longs House and The Warren. The Council's refusal of previous applications has been supported at appeal by the Planning Inspectorate on these grounds;
- The proposal would seriously damage the character of this part of North Curry;
- The proposal would be a huge mistake due to the detrimental impact it would have on such a wonderful rural setting;
- The proposal would seriously damage the character of this part of North Curry;
- This beautiful historic setting should be protected;
- The proposed development remains close to Listed Buildings and would dominate Longs Cottage.

#### Amenity

- The main entrances for Longs Cottage and Longs House are opposite the

proposed entrance to the development. I have a young family and I believe it would make entering and exiting my front door unsafe;

- The development would be above the height of Longs Cottage and will completely destroy the privacy of the garden and the rooms that have windows that open onto White Street;
- The elevated position of the site means the houses will dominate an historic part of the village.

#### Other issues

- The development should be refused to ensure that local facilities are not over-whelmed;
- I am amazed that another application has been lodged considering it has been refused twice in the past, including as recently as Sept. 2013;
- I am surprised to see two endorsements for this application from residents in Wellington, one of whom I note from the original application has the same name and address as the owner of the site;
- I note that supporters come from Tiverton and Wellington, including the owner of the site;
- I am curious why there are two letters of support from addresses in Wellington and Tiverton;
- Must ensure that the safety, the productivity and appearance of our village is not compromised by an ongoing pursuit to take advantage of this area of natural beauty.

1 NEUTRAL representation has been received raising the following two issues:-

- If this application is approved then road safety measures must be put in place for both vehicles and pedestrians at the White Street/Stoke Road junction.
- The proposed 5 houses should be part of the North Curry allocation of new houses and not additional to it.

### **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,  
EN14 - TDBCLP - Conservation Areas,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
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,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

### **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per

square metre. Based on current rates, the CIL receipt for this development is approximately £73,000

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 5,395.00
Somerset County Council (Upper Tier Authority)	£ 13,40.00

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£32,372.00
Somerset County Council (Upper Tier Authority)	£ 8,093.00

## **DETERMINING ISSUES AND CONSIDERATIONS**

### The Previous Planning Appeal

This site has been the subject of applications for development in the past, and these applications set the framework for considerations. In 2008, a planning application for one dwelling (under LPA ref. 24/08/0015) was refused and subsequently dismissed on appeal. Further applications in 2011 (24/10/0034 for 11 dwellings) and 2013 (24/13/0036 for 5 dwellings) were also refused.

It needs to be borne in mind that the number of units now proposed is greater by 4 than that considered at the appeal, and so the impacts identified by the Inspector are likely to be heightened. This means that the appeal decision is a crucial and material consideration because the applicant will need to clearly demonstrate how he has overcome the reasons given by the Inspector for dismissing the appeal. The main issues of the appeal were:

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

At the time of the appeal the Inspector was aware of the extant outline planning permissions for the use of land to the east as a recreation use (24/06/0041) and the erection of 8 dwellings on land further south along White Street (24/06/040), now known as Morris Way. Indeed the appellant argued that the latter permission had set a precedent for development to the North of White Street.

In his decision the Inspector concluded:

- That the site was outside of the settlement limit and contrary to the

Development Plan for the area (Structure Plan policy STR7 and Local Plan policy S7) and that the contribution to the Deane 5 year housing supply (which was established as available by TDBC) and the Morris Way precedent argument put forward by the appellant was not sufficient to outweigh the development plan,

- That in spite of the sympathetic design and materials of the scheme, the proposal would be harmful to the character and appearance of the locality
- That the character of the site plus the recreation area behind form a substantial break in development and provide the area around the junction of Stoke Road and White Street with a semi-rural quality and that the appeal site relates to that open space and cannot be said to be a natural rounding off of development.
- That whilst the dwelling would be set into the ground and only glimpsed from Stoke Road, the garage, access and visibility requirements along White Street would partly detract from the setting of Longs House Listed Building
- That the whole scheme would detract from the semi-rural quality of the area adjacent to the boundary of the Conservation Area
- He also concluded that, on the basis of the ecological surveys submitted with the appeal indicating 4 Badger sett entrances on the site; slow worms and a grass snake at the site, he was not convinced that the mitigation measures would be appropriate and he therefore concluded that the scheme would be harmful to Nature Conservation Interests.

Looking at each of the issues referenced above, this report will consider the concerns raised by the Inspector and whether there has been a material change in circumstances since that decision.

### Policy considerations - Local Plan Policy

Planning Policy and Government Guidance requires all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Taunton Deane Core Strategy contains policies for the development of the Borough. The policies are listed above. Within the document major sites for housing development have been identified in detail. Reference is also made for the need to allocate additional small scale housing within minor rural centres, such as North Curry, via a 'Site Allocation and Development Management Plan' – [SADMP].

The adopted Core Strategy policy SP1 states.....

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

The site lies beyond existing and proposed settlement limits as set out in the adopted Local Plan (2004), Core Strategy (2012) and the emerging SADMP. In this regard, it is clear that the proposal should be treated as being within Open

Countryside (see Core Strategy Policy SP1).

From a Planning Policy perspective there are two issues that are relevant to this application. Firstly, the site is still beyond the defined settlement limits, which means that the proposal should be treated as being within open countryside (stated in policy SP1). In such circumstances, the proposal should be determined in accordance with policy DM2, which list the types of development that are acceptable. Open market housing is not within the list of uses that would be supported. The proposal therefore does not accord with the adopted development plan

Secondly, it is appropriate to consider whether or not the benefits of this proposal would outweigh the harm. The size of the site and number of dwellings proposed (5) would not make a worthwhile contribution to the 5 year land supply (which the Council meets with a 5% plus buffer) but could set a precedent elsewhere in North Curry and across the Borough for not conforming to the Development Plan. The LPA has an up to date Core Strategy which defines the settlement limits and countryside (policies SP1 and DM2). The site is too small for an allocation, which would normally have at least 10 dwellings (the size regarded as a 'major application' and of a scale to provide other benefits only deliverable through the Development Plan such as affordable housing. The SADMP is about to reach publication stage following Preferred Option stage with allocations at Knapp Lane and Overlands. This site could not therefore be used as a 'trade-off' to reduce or replace the Preferred Options allocations.

In conclusion, from a policy perspective the proposal fails both of the above tests and is contrary to policies SP1, DM2 and CP8 of the Core Strategy.

#### Impact on the street scene and character of the area

The application site comprises a small oblong shaped grassed area surrounded by a mix of hedge and hedge and tree boundaries. The site is approximately 0.14 hectare in size. It is situated approximately 2m above the level of the adjacent White Street and as such creates a rural character marking the outside edge of the village. Land to the east of the site has been formed into a recreation area and its sloped boundary adjacent to Stoke Road retains an open rural character. Due to the level of the adjacent highway, the form of built development opposite, the change in ground level and the position of the site on the edge of the settlement, the site has a semi rural appearance which creates the character of the area when viewed from the public highway - Stoke Road and White Street.

The proposed development would result in a significant change to this character. The boundary hedge along White Street would be removed to provide visibility splays and the level of the site adjacent to the highway would inevitably have to be reduced, although the submitted drawings do not explain how this would work. This would create a more open aspect and result in the loss of the screening of the site when viewed from White Street. As such all development taking place on the site will be open to view along White Street and looking down White Street from Stoke Road. This would result in a more urban character to the area which it is considered would be detrimental to the character of the area.

The proposed houses are not shown fronting onto the highway and they would be

set back from the highway in an effort to reduce the detrimental impact of the development on the street scene and setting of the listed building. However this all serves to exacerbate the urban character of the development, completely transforming the street scene and removing the rural context of the listed farmhouse opposite. The development requires the formation of a new access which would be 5m in width and provide a standard estate style entrance into the site. This would afford views of the houses and access road into the site. The setting back of the hedge would alter the rural feel and would in any event take some years to establish itself. Again this would completely urbanise the visual character and amenity of the site, detrimental to the semi-rural character of the area. I consider that the quantum of development and the associated infrastructure it would require would create an urban character for the site. Given all this, it is considered that the development would have a significant and detrimental impact to the semi-rural character and street scene of the area. Furthermore that impact would be significantly greater than the previous appeal scheme (because of the greater amount of development and associated infrastructure). The Inspector dismissed the appeal partly due to the loss of that character and therefore any exacerbation of this cannot be said to have addressed the concerns of the Inspector.

#### Impact on the Listed Building and Conservation Area.

Planning permission was refused and dismissed on appeal in 2008 for the erection of one dwelling on the site. The inspector considered that the site related more to the open space than the built form of the village and would not form a natural rounding off of development in the area. Furthermore he agreed that the development of one dwelling at the far north west of the site would detract from the setting of the Longs House, a grade 2 listed building and that given the need to provide for visibility into the site he considered that the scheme would detract from the semi rural character of the area and adjacent to the boundary of the Conservation Area. The current proposal is 5 dwellings with car parking and associated hardsurfacing. This takes up a significantly greater portion of the site than the one dwelling and results in a transformation in the street scene from a rural character to an urban feel. As a result, this must have a significantly greater detrimental impact on the setting of Long's House and the Conservation Area than the appeal dismissal. The National Planning Policy Framework identifies the protection and enhancement of the historic environment as one of the three dimensions to sustainable development and it is one of the identified Core Planning Principles. In determining planning applications Planning Authorities are advised that "great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight. Significance can be harmed or lost through alteration or destruction of the Heritage Asset or development within its setting". The Taunton Deane Core Strategy policies reflect Government advice in respect of development proposals and historic assets. In particular Policy CP8 states that Taunton Deane will conserve and enhance the historic environment and will not permit development that would harm those interests. It is considered that the proposal would have a significant impact on the character of the street scene and land use opposite to Longs House. Indeed I refer to the applicant's submitted Heritage Statement para. 5.1.1 " the proposed development....will have an inevitable impact on the character of the northern end of White Street and the setting of the grade II Listed Long's House which stands opposite the site." The statement goes on to explain how the impact can be reduced but does not at any

point state that the impact would conserve or enhance the Heritage Asset as required. It is the opinion of the Planning Officer (and of the planning inspector to the previous lesser scheme) that the impact on the setting of the Heritage Asset is unacceptable in this case.

### Ecological impact

The ecological survey submitted with the application was written in June 2013 and it acknowledges that the desk top survey upon which it is based was conducted on 19th April 2013. It is therefore considered that the survey is out of date and should carry less weight. In any event, it acknowledges the existence (1 year ago) of species and the likely existence of protected species on site, but does not adequately deal with the issues, except to say that any species found would be translocated, due caution would be taken during construction and any licences needed would be sought. This is not considered to be an acceptable approach as the suggested mitigation measures are not specific and there is no certainty that they could be implemented to enable the development to proceed. The survey establishes that the site is suitable for bird nesting and foraging habitat, hedgehogs and that the trees on the site have potential for roosting bats. A single outlier Badger sett was recorded on the edge of the broad leaved woodland and five further animal holes were recorded along the north east boundary of the site. The survey also notes that it is possible that any reptiles present at the time of construction could be injured or killed and appropriate care will need to be exercised to avoid this depending on the timing of the works nesting birds could also be affected. Given that the site remains as an unused field, it is unlikely that use of the site by wildlife would have lessened.

An update to the survey has been very recently submitted which is being considered and members will be updated at the Planning Committee.

### The planning appeal for development at Overlands

This has been referenced by the applicant as being highly relevant to this application. This viewpoint is not shared by officers. That application was proposing development (of 30 houses) on land which was a preferred site in the SADMP and for which a change to the settlement boundary was proposed to accommodate it. The only reason for refusal given was that of prematurity within the Local Plan process. The Inspector did not share the Council's opinion on prematurity. The current application site is not a preferred option site due to the impacts that development would have on the local area. The current application site is not within the settlement boundary either as existing or as proposed. Finally, Officers are not suggesting refusal of this application on the grounds of prematurity. So there are no similarities between the Overlands appeal decision and the considerations with this current application that would help in determination or set any precedent.

### Drainage

Whilst the site lies within the Somerset Levels and Moors, the site itself does not lie within a flood risk area as identified by the Environment Agency. Representations

have referred to surface water flooding and run-off in White Street, particularly around its junction with Stoke Road and residents are concerned that any additional surface water draining from the site will exacerbate the flooding in those areas. The application as submitted stated that a sustainable drainage system would be utilised to dispose of surface water run-off. However, no details were provided with the submission as to how this would be achieved. On this basis, the Council's Drainage Engineer recommended refusal. The Applicant has since submitted some further evidence and this has been sent to the Drainage Engineer for a further comment.

### Highway Impact

The current agricultural access would be closed and a new site access provided to the northwest. In order to provide an acceptable access, the existing boundary hedge would be set back and all structures that would interfere with visibility set back behind the required visibility splay. However, it should be noted that the Council's Landscape Lead is not happy with the set back of the hedge as he feels that it would totally alter the character and semi-rural ambience of this part of North Curry to an unacceptable degree. If Members are minded to approve this application, they would first need to weigh up whether this change to the character of the village is an acceptable price to pay. Officer's judgement is that it is not, and that the moving of the hedge should form part of the reasons for any refusal.

Somerset County Council has introduced new parking standards for development in rural areas depending on the size of the dwelling. The proposal shows provision for 14 parking spaces, some within formal garaging but most as surface parking outside the properties. This would appear to meet the County's specification for off-street parking.

Many of the representations about the development are concerned about the impact of the proposal on pedestrian and vehicle safety at the junction of Stoke Road and White Street and some have requested the provision of a footpath. Negotiations with the applicant have established that he would be prepared to pay for a footpath at the junction around the vicinity of the existing bus stop. This though is clearly outside of his ownership, and the verge upon which any footpath could be placed is presumed to be highway land. Thus, the provision of any such footpath if required as part of any approval would need to be negotiated as part of a legal agreement with Somerset County as Highway Authority.

The views of the Highway Authority are still awaited at the time this report was compiled, although discussions indicate that they are unlikely to object.

### Affordable Housing

The applicant has made verbal assurances that he is prepared to accept the requirements of the Housing Enabling Lead. This is being sought in writing. However, given the lack of any legal agreement at this stage to guarantee delivery, any refusal would need to cover this issue so that the Council's position is safeguarded in the event of any subsequent appeal.

## Conclusions

The applicant has acknowledged that there is a conflict with Planning Policy because the application site lies outside of the settlement boundary for North Curry. He makes the argument that the SADMP has not yet been adopted and so the development plan should be considered to be silent on where the new housing should be provided. Under these circumstances, it is contended that paragraph 14 of the NPPF must apply indicating that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Core Strategy is clearly not silent on residential development outside of settlement boundaries, and although the SADMP is only at preferred options stage, it has been the subject of extensive public participation and will be submitted to the Secretary of State in the late summer/early autumn of this year. It is contended therefore that the SADMP does carry some weight in planning terms. In any event there are clearly significant technical difficulties with this application that demonstrably outweigh the benefits. Members are therefore recommended to refuse the proposal on policy grounds.

The NPPF and Core Strategy policies attach great weight to the need for new development to conserve and enhance historic assets such as Listed Buildings and their settings, which includes conservation areas. Indeed this feeds into the very essence of sustainability, to protect the environment today for the enjoyment of the future generations. The NPPF and Core Strategy policies also require development to integrate and be in keeping with the character of the area. Given the previous appeal decision whereby the impact of a much smaller development with less impact on the character of the area, listed building and Conservation Area were considered to be unacceptable, Officers are now firmly of the opinion that the weight given to those planning considerations of this proposal clearly outweigh the other planning consideration mentioned by the agent. Whilst the Planning Authority have worked with the applicant to try and produce a scheme which minimised the detrimental impact of the development, the changes now made cannot overcome the strong planning objections to the detrimental impact of the proposal on the character of the area and the setting of historic assets. Considering the detrimental impact of the development to the rural character of the area and street scene, the setting of the Conservation Area and the setting of Longs House/Cottage (listed grade II) the proposal is considered to be unacceptable and it is recommended that this application is refused.

Officers are clear that on all of the relevant issues there have not been any positive changes that would indicate a different decision should be reached from the last consideration made by Members, or indeed from the consideration of a lesser development by the Planning Inspector. The recommendation is therefore one of refusal on policy grounds, impact on the character of the village and its heritage assets and the lack of any agreement or mechanism to secure affordable housing (Core Strategy policy CP4).

**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**



48/13/0077

MRS N BALASUBRAMANIAM

**CHANGE OF USE FROM PRIVATE DWELLING TO CHILDRENS NURSERY AT 156 BRIDGWATER ROAD AND CHANGE OF USE OF PART OF 154 FOR PARKING AND TURNING, BRIDGWATER ROAD, TAUNTON (RESUBMISSION OF 48/13/0026)**

Location: LITTLE BRINS, 156 BRIDGWATER ROAD, BATHPOOL, TAUNTON, TA2 8BP

Grid Reference: 326046.126879

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) Location Plan  
(A3) DrNo 2582.01E Proposed Parking Layout  
(A3) Landscape Plan  
(A4) Location Plan, Proposed Planting  
(A3) DrNo 100.001 Rev A Existing Ground / First Floor Layouts  
(A3) DrNo 100.002 Existing Roof Layouts  
(A3) DrNo 100.011Rev B Proposed Ground / First Floor Layouts  
(A4) DrNo 100.021 Rev A Proposed Usable Designation  
(A3) DrNo 300.001 Existing Elevations: Main Building  
(A3) DrNo 300.011 Proposed Building: Main Building  
(A3) DrNo 300.012 Rev A Proposed Elevations: Annexe and Garage

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

3. The premises shall be used for a Children's Day Nursery and for no other purpose (including any other purpose in Class D1 (D1B and D1C) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in

any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority consider the creation of a Day Nursery to be acceptable in this location by virtue of the planned expansion of Monkton Heathfield and the associated need for childcare provision. However alternative potential uses within use class D1 may not likely to be viewed favourably on the site, therefore the Local Planning Authority wish to retain control over the use of the site in the interests of highway safety, amenity and the provision of sustainable development in accordance with Policies SS1, DM1, CP6 and CP8 of the Taunton Deane Core Strategy.

4. The use hereby permitted shall not be open to customers outside the following times 0800 hrs – 1800 hrs Monday to Friday (inclusive).

Reason: To minimise the impact of the development in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

5. The number of children to be taught and/or cared for at the premises shall not exceed 35 at any one time.

Reason: To ensure that the proposal does not have a significant increase in traffic to/from the site or have an adverse effect upon the amenities of the adjoining properties by reason of the size of premises and/or an excessive amount of extra activity.

6. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) Unless the use (hereby permitted) ceases to operate the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

7. There shall be no more than 10 children looked after/taught/playing in the outside areas at any one time.

Reason; In the interests of the amenities of the adjoining occupiers in accordance with Policy DM1 of Taunton Deane Local Plan.

8. The areas allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences and shall not be used other than for the parking and turning of

vehicles as defined in the approved plan, in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with retained Policy M3 of the Taunton Deane Local Plan and to minimise impact on the adjoining properties in accordance with Policy DM1 of Taunton Deane Core Strategy.

9. Prior to commencement of the use, hereby permitted, details of the surface water drainage, including areas to be used for car parking, shall be submitted and approved in writing by the Local Planning Authority and the works completed in accordance with the approved details.

Reason: To prevent an increase in off site water discharge in accordance with Policies CP1 and DM1 of Taunton Deane Core Strategy.

10. Prior to commencement of the use, hereby approved, the accesses to the highway shall be constructed in accordance with details which shall have been previously submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy DM1 of 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**

Planning permission is sought for a change of use from a dwellinghouse to a children's nursery. The nursery will provide for up to 35 spaces for children aged under 5. There will be up to 8 members of staff working on site. The nursery will be open from Monday to Friday between the hours of 8 am and 6 pm. The proposal is for the whole of the premises to be used as a nursery including one of the outbuildings to be used as a pre-school room. There will be minor alterations to the side and rear elevations, altering windows and doorways. The adjoining semi is under the same ownership and part of the external areas of this property are to be utilised by the proposed development for car parking. The application is accompanied by a landscaping scheme, a childcare sufficiency assessment, a transport appraisal and statement and a planning statement.

Following negotiations with the agent an amended car parking layout has been submitted. The revised layout shows 6 drop-off spaces to the North of No.156, 5

staff parking bays to the rear of No.154 and 2 residential parking spaces to the front of No.154.

## **SITE DESCRIPTION AND HISTORY**

The site comprises a two-storey semi-detached dwellinghouse, with a parking area to the side, outbuildings and a garden to the rear. The property shares an access onto the highway with a commercial business sited to the rear of 156. The adjoining semi, No.154, shares an access with a dwellinghouse sited to the rear of the proposed staff parking area (No.154A).

48/13/0026 CHANGE OF USE FROM PRIVATE DWELLING TO CHILDREN'S NURSERY AT 156 BRIDGWATER ROAD, TAUNTON - Application Withdrawn

48/09/0003 CHANGE OF USE OF SITE TO PRIVATE HIRE MINIBUS BUSINESS (AMENDED PLANS TO 48/07/0070) AT 154 BRIDGWATER ROAD, BATHPOOL, TAUNTON - Refused 26/03/09; - Dismissed at Appeal.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *WEST MONKTON PARISH COUNCIL -*

The Parish Council cannot support this application. The issue of overlooking the outside activities of children and their comings and goings by the occupants of 154 has not been addressed, nor any vetting of those residents (CRB checks). The Highways traffic has been addressed and the 5m wide route maintained free of parking is good. However, if half day bookings are accepted, the number of car movements could potentially be doubled and this has not been accounted for. The Parish Council notes the proposal to use gravel as a surface and suggests that this will cause a nuisance of noise to the residents of 154A: the nursery would be a noisy neighbour in any event and the shared access of 154A with 30 or more cars may be unreasonable and impede the access to 154A. Two plans that were submitted in support of this application were inconsistent: drawings 2582.01D and 100.011 are inconsistent with each other and they do not properly indicate where the 6 parking spaces for staff will be. This is a significant omission, as lack of staff parking calls into question all the other traffic movements on the site. One drawing of the entire site with everything included would have been helpful.

#### *Following submission of amended plans;*

The Parish Council continues to have grave reservations about this application. The house no 154 is a house of multiple occupancy and the problems associated with overlooking the children engaged in outdoor activities and their comings and goings has not been addressed, neither has any CRB vetting of the occupants been addressed. In view of the developers' proposals for the A38 in the Monkton Heathfield Urban Extension, the Parish Council believes that traffic movements will have no negative impact, and likely parking on the A38 at drop off and collect times will not cause a problem as the Parish Council has been assured that traffic calming

of the A38 will be in place by December 2015. (Time line RPS). The Parish Council believes that the amended parking layout should be further amended to have no drop off bays in the grounds of 154 to ameliorate the disturbance to the residents of 154A. The Parish Council is given to understand that plans show there is a nursery/childrens' centre attached to the new Primary School in the Monkton Heathfield Urban Extension and therefore questions the need for this application at all.

#### *DRAINAGE ENGINEER –*

I note that on the application form surface water is to be discharged by soakaways. However on the proposed parking layout drawing no details of drainage are shown. Details of how the parking areas are to be drained should be forwarded for approval before any planning permission is given.

#### *ECONOMIC DEVELOPMENT –*

I am fully supportive of the proposal to change the use of 156 Bridgwater Road, Taunton from its current residential use to a children's nursery. The business would contribute towards the Borough Council's aims for economic growth in two direct ways; firstly, by creating up to 8 jobs in the business (full and part time), and secondly by providing a service within the community for parents in Taunton and the new Monkton Heathfield development who wish to return to economic activity. The Health and Business Services sectors are recognised by the Council as one of the Borough's key growth sectors, across public and private sectors."

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

##### History/Proposal – 156 Bridgwater Road, Taunton

The Highway Authority has had commented previously on the application site, under planning application 48/13/0026, which was withdrawn on the 6th June 2013 by the applicant. The proposal, a resubmission, again seeks the conversion of an existing residential property to provide a Children's Nursery. My comments are made from onsite observations and the information submitted supporting the planning application specifically, the *Transport Statement – Final Draft* produced by *Peter Evans Partnership* and Drawing No. 2582.01D.

##### Site Location – 156 Bridgwater Road, Taunton

The site is situated along the A38 also known as Bridgwater Road a designated Class 1 highway to which a 40mph speed limit applies past the site frontage. From onsite observations it was noted that Bridgwater Road is a busy, well utilised route, connecting traffic from Taunton to Bridgwater and the wider highway network. Onsite observations indicate that there is no pedestrian footway to the North of the site, though there is provision to the South leading to Bathpool/Taunton.

Vehicular access to this site is gained via Bridgwater Road, to which the access provides sufficient visibility in either direction and is of adequate width to

accommodate two-way vehicle flows, which is essential in this location obtaining access off a Class 1 highway. This has been detailed on drawing 2582.01D and *Appendix 6.2 – Swept Path Analysis*.

#### Vehicle Parking and Turning – 156 Bridgwater Road, Taunton

As covered within my response to the Local Planning Authority dated 24th May 2013, vehicle parking Bathpool/West Monkton has been identified as a zone B for vehicle parking provision. However, the Somerset County Council – Parking Strategy (Amended September 2013) does not provide optimum standards for the proposed end users of this site (Children’s Nursery). Therefore, taking a pragmatic approach to vehicle parking I would recommend that staff are allocated a vehicle parking space each and that a parking area is provided to accommodate vehicles during the drop off and collection of children during these times. This would also need to provide a segregated area for the turning of vehicles. The Highway Authority would not wish to see vehicle parking/dropping off/collecting on the A38 as this is considered detrimental to highway safety. Drawing No. 2582.01D indicates that seven vehicle parking spaces will be made available as drop off/parking facilities for the operation of the proposed children’s nursery. It is also indicated that six spaces will be made available for the parking of staff within the redline of the application site. Additionally two vehicle parking spaces will be retained for the property known as No. 154 Bridgwater Road.

However, it is noted from the red line the use of the access for the property known as No.156 Bridgwater Road has not been included within the red line drawing as it does not meet the publicly maintained highway, so technically the proposal does not have a permitted means of access to the highway, this will need to be amended. As a result, it is considered that the proposed parking layout and allocation as shown on Drawing No. 2582.01D is acceptable.

#### Vehicle Movements – 156 Bridgwater Road, Taunton

It is evident that the proposal will result in an increase in vehicle movements. However, it is considered that the access can accommodate the likely levels of traffic from the proposal.

It is considered that the supporting TRICS (Trip Rate Information Computer Systems information within *Appendix 5 – TRICS Children’s Nursery Trip Generation* is acceptable.

In the event of permission being granted, I would recommend that the following condition is imposed:-

To ensure orderly parking on the site and thereby decrease the likelihood of parking on the highway, the car parking area shown on the submitted plan, drawing number 2582.01D, shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority prior to the car park being brought into use. The parking area and access thereto shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles in connection with the development hereby permitted or for the purpose of access.

## **Representations**

The occupants of the adjoining property to the rear of 156 Bridgwater road OBJECT to the application;

- The proposed pickup and drop-off area with turning and parking spaces is most strongly opposed.
- We will most certainly hear constant vehicle movements, noise and headlights.
- The existing occupants of 154 cannot access the area in a forward gear and instead they reverse into our access and premises to carry out their manoeuvres.
- There would be impact on the A38 with vehicles accessing and exiting the properties. We are entitled to a full 5 m wide right of way, the full length of the driveway.
- How can we be granted a full right of way at all times when we undoubtedly we have to stop and wait for vehicles to manoeuvre, drop off, pickup, manoeuvre again etc.
- The boundary fence is not erected in its rightful position.
- If we are exiting our driveway in a vehicle or bicycle whilst another vehicle is reversing we will not see each other.
- The actual width of the driveway is 4.8 m and it is not possible for 2 cars to pass each other.
- Visibility of the proposed parking area is non-existent from the A38, therefore anybody turning in would not know if there is space available.
- If there's 7 spaces available but a possible 30 drop-offs where to the other 23 vehicles parked?
- We have a right to draw water from the well situated in the conservatory to the rear of 154.
- Previously an application to run a minibus hire company from the premises was refused permission.
- Concerned about flooding the access way of the A38 which regularly floods even after moderate downfalls and there is no soak away in situ.
- The existing bio digester sewage dispenser at 154 creates an unpleasant smell.
- Noise disturbance will have a huge impact with children playing in the garden.
  
- We already have school playing field identifies on the land adjoining us to the South of as part of the Monkton Heathfield and redevelopment which will inevitably generate noise and disruption and infringe on our previous current enjoyment.
- To have a nursery school to the front of our property is unfair and unacceptable.
- During the summer months a huge amount of dust generated from the adjoining works yard with vehicles exiting and turning the premises and we question if this is acceptable the siting of a nursery in such close proximity.
- We can see into the garden of 156 from the upstairs of property as can the property at 154.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DM2 - TD CORE STRATEGY - DEV,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
CP8 - CP 8 ENVIRONMENT,  
CP2 - TD CORE STRATEGY - ECONOMY,  
SS1 - TD CORE STRATEGY MONKTON HEATHFIELD,  
M1 - TDBCLP - Non-residential Developments,  
M3 - TDBCLP - Non-residential Development & Transport Provision,  
NPPF - National Planning Policy Framework,

## **LOCAL FINANCE CONSIDERATIONS**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

Although not currently situated in a housing area the site is in the middle of the area allocated for the Monkton Heathfield urban extension, which envisages 5000 new homes to be built in the area. As part of the Monkton Heathfield development there will be new primary schools in the area. One of the areas allocated for a primary school adjoins the southern boundary of 154 Bridgwater road. There is proposed to be a new relief road to go around the Monkton Heathfield development resulting in the section of the A 38 running alongside the site being transformed into an urban street. The Childcare Sufficiency Assessment, undertaken by Somerset County Council, reports that there are insufficient childcare places in Bathpool, and large amounts of new house building in the local area ongoing and planned will result in a need for additional provision in the area.

### Amenities of adjoining properties

The change of use is likely to result in an increase in noise and disturbance to the adjoining properties, 154 and 154A. To minimise this disturbance the applicant has agreed to a condition limiting the numbers of children which would be playing outside at any one time to no more than 10. In addition to this landscaping is proposed between the boundary of 154 and 154A with a tannalised timber board fence to act as a noise buffer to the development. There is considered to be no increased in loss of privacy to the adjoining properties.

The occupants of 154A are very concerned about noise and disturbance from traffic using the parking area to the rear of 154. Following negotiations the scheme has been amended so that the drop-off area is at 156 and staff parking is provided at 154. It is envisaged that there will be far less disturbance from staff vehicles than what there would be from parents/carer's dropping off and collecting children throughout the day. The previously refused application for a minibus hire business to be operated at the site was refused because of adverse impact in terms of noise and disturbance on the adjoining property. This application is significantly different to that proposal in that it has far less predicted vehicle movements and that the business would only be operating Monday to Friday between the hours of 8 am and 6 pm.

In the event of planning permission being granted it would not waver the existing right of way for the occupants of 154A over the driveway. This right of way would have to be maintained regardless and would be dealt with as a civil matter outside of the planning system. The proposal does not involve building on or parking on the right of way. There is nothing to stop the existing owner of the land parking vehicles to the rear of the property in connection with the domestic use of the property. Taking this into consideration the proposed staff parking spaces are not considered to significantly affect the amenities of the adjoining property.

### Visual impact

The proposal involves only minor alterations to the existing property and there is considered to be no adverse visual impact from the proposal.

### Highway safety

The Highway Authority is satisfied that the submitted TRICS (trip rate information computer systems) is acceptable. The TRICS report indicates that 6 drop-off parking bays and 6 staff parking bays is sufficient for the proposal. No comments have been received from the Highway Authority following consultation of the amended car parking layout. The accesses are considered to provide sufficient visibility in both directions and are of adequate width to accommodate two-way vehicle flows. Subject to conditions ensuring the provision of adequate car parking there is considered to be no adverse impact upon highway safety.

### Safety of children

Planning restrictions cannot be placed on the occupiers of adjoining properties in respect to CRB checks. As a children's nursery the business will be controlled by Ofsted who assess the health and safety of the children.

### Summary

In light of the forthcoming development at Monkton Heathfield the site is considered to be a sustainable location which will have a large number of dwellings within a reasonable walking distance to make use facilities provided. In the interim period, until the Monkton Heathfield development is completed, the submitted parking layout providing a total of 14 parking spaces is considered to be sufficient for the proposed development. Potential noise and disturbance to the adjoining occupiers can be minimised by the effective use of conditions restricting numbers of children to nursery, numbers of children playing outside, restrictions on hours of operating and restricted use of the parking areas. The application is therefore recommended for conditional approval.

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

**CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313**

48/13/0081

REDROW HOMES (SOUTH WEST) Ltd

**APPLICATION FOR THE APPROVAL OF RESERVED MATTERS IN RELATION TO PHASE 6 OF OUTLINE APPLICATION 48/05/0072 FOR THE ERECTION OF 73 No. DWELLINGS INCLUDING INFRASTRUCTURE, OPEN SPACE AND LANDSCAPING ON LAND OFF BRIDGWATER ROAD, MONKTON HEATHFIELD**

Location: STREET RECORD, BISHOPS CLOSE, BATHPOOL, TAUNTON

Grid Reference: 326209.127015

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 RHSW.5315.02.SL001 Rev J Site Layout
- (A1) DrNo RHSW.5315.02.SL002 Rev C Indicative Slab Levels
- (A1) DrNo RHSW.5315.02.SH001 Rev C Storey Heights
- (A1) DrNo RHSW.5315.02.MP001 Rev C Materials Plan
- (A1) DrNo RHSW.5315.02.AP001 Rev B Adoption Plan
- (A1) DrNo RHSW.5315.02.EP001 Rev E Enclosures Plan
- (A0) DrNo RHSW.5315.02.LP001 Rev A Location Plan
- (A0) DrNo RHSW.5315.02.SS001 Rev B Street Scenes
- (A0) DrNo RHSW.5315.02.SS002 Rev B Street Scenes
- (A1) DrNo RED17988-15D 1 of 6 Landscape Proposals
- (A1) DrNo RED17988-15D 2 of 6 Landscape Proposals
- (A1) DrNo RED17988-15D 3 of 6 Landscape Proposals
- (A1) DrNo RED17988-15D 4 of 6 Landscape Proposals
- (A1) DrNo RED17988-15D 5 of 6 Landscape Proposals
- (A1) DrNo RED17988-15D 6 of 6 Landscape Proposals
- (A3) House Type Booklet (C)
- (A0) DrNo 204-1 Rev A Section 278 General Arrangement
- (A1) DrNo 204-2 Rev A Section 278 Location Plan
- (A0) DrNo 204-3 Section 278 Contours and White Lining
- (A1) DrNo 210-1 Section 278 General Arrangement
- (A1) DrNo 210-2 Section 278 Location Plan
  
- (A1) DrNo RHSW.5315.02.AP001 Rev E Adoption Plan
- (A1) DrNo RHSW.5315.02.EP001 Rev H Enclosure Plan
- (A1) DrNo RHSW.5315.02.MP001 Rev F Materials Plan
- (A1) DrNo RHSW.5315.02.SH001 Rev E Storey Heights

(A1) DrNo RHSW.5315.02.SL001 Rev M Site Layout  
(A1) DrNo RHSW.5315.02.SL002 Rev E Indicative Slab Levels  
(A0) DrNo RHSW.5315.02.SS001 Rev D Street Scenes  
House Type Booklet (D)

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

2. No development shall commence on site until the necessary reserved matters or other written approvals have been granted for the following details and where required fully provided on site in accordance with the approved details:

- Internal spine road
- Surface water drainage arrangements
- Public open space (including landscaping) and Children's play area for the land immediately to the east of the site and included within planning application 48/14/0015
- Strategic cycle and footpath network
- Phase 2 Wildlife Management Plan
- Revised Design Code
- Landscape strategy and management plan

Reason: To ensure that the necessary infrastructure details and other provisions are agreed and in place for an acceptable development of Phase R6.

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

Reason: To 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 gain vehicular access to the existing A38 (Bridgwater Road) from the proposed junction (immediately to the south of this site) with the internal spine road until the Eastern Relief Road has been implemented, constructed and is open for public use and the traffic calming scheme (including bus gates) has been approved and implemented on the A38 between the northern and southern junctions of the Eastern Relief Road unless such a traffic calming scheme cannot be implemented under the terms of the S106 agreement with Somerset County Council as the Highway Authority.

In such an event the development shall not have access onto the existing A38 (Bridgwater Road) until the Eastern Relief Road has been implemented, constructed and is open for public use and the right hand turn lane and associated works indicated on Drawings No. ACC 5066-JBR 2308-204-1 Rev A and ACC 5066-JBR 2308-204-3 rev A (or an alternative right hand turn lane detail that may be approved under planning application 48/14/0009) has been

constructed in accordance with those details.

Reason: In the interests of highway safety.

5. The proposed estate roads, footpaths, footways, tactile paving, cycleways, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhangs margins, multi purpose crossing, embankments, visibility splays, accesses, carriageway gradients, drive gradients and associated furniture and works shall be constructed in accordance with the approved highway details. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed estate is laid out in a proper manner.

6. No part of the private access or driveways shall be laid out at a gradient steeper than 1 in 10.

Reason: In the interests of highway safety.

7. Prior to the occupation of 50% of the dwellings hereby permitted the public open space and children's play area located on land identified as the Central Parkland North immediately to the east of the site and illustrated on plan number JBR2397\_304\_P1 shall be provided on site in accordance with the approved details and available for public use.

Reason This is the first development of phase 2 of the allocated site. The land is located in a position which is remote from existing public open space or children's play area facilities and it is important for new residents that adequate provision of such facilities is available within a reasonable walking distance of the dwellings (400m)

8. The approved noise bunds adjacent to the proposed Eastern Relief Road shall be completed prior to the occupation of any adjacent dwellings (plots hereby approved and shall thereafter be maintained in accordance with those approved details.

Reason: To ensure that levels of noise from the traffic using the new Eastern Relief Road is acceptable for new residents.

#### Notes to Applicant

1. You are reminded of the need to comply with the conditions of the outline approval 48/05/0072 and the requirements of the S106 agreement between the consortium and Somerset County Council and Unilateral Undertaking with

Taunton deane Borough Council.

2. The S106 and UU attached to the outline planning permission incorporates a various trigger points associated with development. You are advised that these trigger points relate to the phasing plan attached to those documents and should not be confused with the phasing currently being used for development purposes.
3. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

## **PROPOSAL**

The proposal is reserved matters consent for the erection of 82 dwellings with associated garages/parking, highways and landscaping on land in the north east corner of the local plan allocated site. The dwellings would be a mix of 2, 3 and 4 bedroom dwellings of which there would be 8 social rent units (7 x 2 bed and 1 x 3 bed) and 4 shared ownership (3 x 2 bed and 1 x 3 bed). The dwellings would have a traditional design with a mix of brick, render walls with either tile or artificial slate roofs.

Initially, access to the site would be from the south, via the new internal spine road which runs north/south through the site. Eventually, when the Eastern Relief Road is complete the spine road will create a new right hand turn lane access onto the A38, at a point to the southwest of the R6 application site which will complete the internal spine road network. Initially this junction would include the provision of a right hand turn lane as proposed in this application however, in the event of traffic calming of the A38 before the junction is constructed, then the right hand turn lane would not be required. A new footpath would be constructed from the junction along the A38 to the north providing a safe pedestrian route to the potential district centre, existing cricket pitch and older children's play area and south for new residents on land to the north to gain access to the schools and community facilities. Safe crossing points would also be provided across the A38 to the north west of the site.

The dwellings are orientated so that they face out towards the A38 (to the west), Langaller Road (to the north) and public open space/ children's play area (to the east). Whilst not part of this application details of the open space area to the east have been submitted to indicate its relationship to the site and I suggest a condition to link the occupation of the units to the provision of the open space.

170 parking spaces are available for the dwellings in a mix of on street parking areas, parking courtyards or on site garage and parking space provision. The parking provision ranges from larger 4 bed corner plots with 4 parking spaces to 12 smaller 2 bed dwellings with 1 space plus visitor parking.

## **SITE DESCRIPTION AND HISTORY**

The application site is approx 3.5 km to the north east of Taunton. It lies within the Parish of West Monkton and is to the south and east of the village of Monkton

Heathfield. The site lies on the south east corner of the junction of the A38 with Langaller Lane and current comprises a relatively level agricultural field. There is a hedge boundary along the southern part of the western boundary with the A38 and in places along the northern boundary with Langaller Lane are a row small trees.

Outline permission was granted on appeal in 2008 for the erection of 900 dwellings. The development has been split into two phases. Reserved matters for Phase 1 have now been approved and development has commenced on site with approximately 160 dwellings being constructed to date. This proposal is the first to be submitted for phase 2 of the development.

48/05/0072 - Outline Application for the proposed mixed use urban extension development comprising residential, employment, local centre, new primary school, A38 relief road, green spaces and playing fields at Monkton Heathfield. Permission granted 22/10/2008

48/10/0036 - Application for approval of reserved matters of application 48/05/0072 for details of phase 1, to include 327 no. dwellings and associated highways, landscaping including public open space, and the first section of the Eastern Relief Road and roundabout on A38 Bridgwater Road, at Land off Bridgwater Road, Monkton Heathfield. Conditional approval granted 20/05/2011

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *WEST MONKTON PARISH COUNCIL –*

There is considerable concern that the infrastructure, estate roads, public open spaces, parks and play areas, hedges and fences for the existing areas known as P1 or R1 through to P/R5 of houses which are now occupied, remains incomplete. In short the developers should finish what is built or under construction so far, before starting on yet another area. The Parish Council therefore would not support this application until the outstanding matters for the existing developments known as R/P1 through to R/P5 are sorted out and completed, including the payment of outstanding S106 monies to TDBC and SCC.

The Parish Council does not support this application and finds it unacceptable because it is only for houses with no provision for Public Open Space and Play Areas. Furthermore, it alters the chronology of the development, contrary to the original agreement in which the ERR was to be completed in three stages. The access to the site has been changed from the original plans, agreements and understandings which was for access by roundabout off the ERR. The current proposal for access off the A38 is totally unacceptable as the A38 currently remains a major trunk road, not bus gated, and outside the speed restriction.

There is discrepancy between some of the contents of the Design and Access Statement dated December 2013 and the site plans dated Nov 2013. The social and affordable houses are contradictory on their location. There appears to be no provision for water attenuation ponds on the plans and the drainage system is not explained. On page 7 of the booklet the plan of the development area does not

correspond to the site layout plan, and the Design and Access statement is at odds with the drawings. This application totally fills the area bounded by Langaller Lane and A38 and therefore leaves no room for the construction of footbridges across the ERR into the further development that is anticipated in the Core Strategy. In the absence of a Masterplan, it is difficult to do more than make the observation that the application maximises developer profit and leaves no allowance for footbridges to maintain the integrity of the community that will be there under the Core Strategy

The Parish Council would have to be satisfied on a significant number of broader holistic issues before getting onto the minutiae of materials used and design aspects such as house design. Once satisfactory responses and commitments to deliver the broader issues have been received from the developers, then Parish Council will be happy to consider and respond to the proposals for house designs. As a slight aside, I believe you will find on the record the Parish Council's opinion on the Design Guide, which was disappointingly at odds with the comments made by Parish Council at the time.

The Parish Council wishes to see the infrastructure in place to service the community of houses they have built so far, and those items - roads, fences, public open space, play areas - should be completed on what has been built so far before going on to build yet more houses.

Further to the above comments the Parish Council commends the designs put forward for R 6.

The 'Kensington' building, as one of the corner 'iconic' buildings, would look less like a prison block if it had gables at each end, and the fascia boarding across the gable ends. Clifton Terrace in Taunton is 3 storeys high with gables at each end, the bungalows in Greenway ( Monkton Heathfield) have hipped roofs with gables with fascia board across the gables. The houses in Acacia Gardens have hips and gables, also examples in Farriers Green and St Quintins.

It is unfortunate that the Design Guide does not really reflect the architecture of the Parish, and the comments and contributions to the Guide made by the Parish Council at the time were not included. As a result the Parish is in danger of having a preponderance of 'Victorian' agricultural labourers cottages, with flat fronts small windows and porches over the front door. The Parish Council wishes to include a variety of designs, in the best of modern styles, especially in the less dense parts of the development, hence the enthusiasm for the designs shown to the PC yesterday.

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

The proposal relates to a reserved matters application for phase 6 of outline permission 48/05/0072 for 73 dwellings with associated highway infrastructure.

As you are aware the Highway Authority initially had concerns over the point access. The initial submission proposed a standard 'T' junction, which would not be considered acceptable in a 40mph speed limit. Therefore the applicant, based on advice from the Highway Authority, submitted design details for a Right Hand Turn Lane. This was subject to a Safety and Technical audit process, which has now been completed and copy of the report is attached for the applicants information.

The main conclusion is that in feasibility terms a right hand turn lane can be achieved in this location. Furthermore these works will need to be secured via a S278.

Although this would provide an engineering solution to the Highway Authority's concerns it is not considered to be in line with the S106 and its variation which required that this section of A38 is traffic calmed as part of the phase 2 highway works. The traffic calming scheme would allow this section of the A38 to be down graded and the speed limit reduced to 30mph and once implemented the Highway Authority would be able to accept standard 'T' junction. Furthermore the applicant should note that the S106 also does not allow the creation of new accesses onto this section of the A38 until the traffic calming has been installed.

Therefore based on the above paragraph the applicant is advised that the Highway Authority's preferred option is that the traffic calming is delivered as per the S106 requirement, however we are satisfied that an alternative engineering solution can be achieved if it is required.

However although the general principle of access appears to be achievable the Highway Authority would require that the development of this site or its occupation does not occur until the Eastern Relief Road (ERR) has been completed and is operational.

Turning to the internal site arrangements and following a number of meetings the Highway Authority is satisfied that the general layout is acceptable. Although there will be a number of minor amendments required these can be picked up during the S38 process.

To conclude the Highway Authority is satisfied that suitable access can be achieved both with and without the traffic calming being implemented. The internal design is also considered to be acceptable with minor amendments under the S38 process. However the applicant should be made aware that this site should not be occupied until the ERR has been completed.

Based on the above on balance the Highway Authority raises no objection to this proposal subject to the imposition of the recommended conditions.

#### *LANDSCAPE -*

There should be more planting in the gardens of plots 3, 8, 9, 10, 52, 53, 57, 58 and 72 and the open area adjacent to plot 21 needs more planting. Landscaping of the northern boundary with Langaller Lane needs additional planting.

#### *HOUSING ENABLING -*

The requirement for this application remains 35% affordable housing with a tenure split 50% social rent and 50% shared ownership

Parcel R6 revised layout shows 12 affordable homes – 8 social rent and 4 shared ownership with a mix of 10 x 2bed and 2 x 3bed affordable homes. The location and layout of these units is acceptable

Parcel R7 draft layout shows 35 affordable homes – 11 social rent and 24 shared ownership with a mix of 1,2 and 3 bed units. The Tavy and Dart house type is acceptable in terms of layout, however floors plans for the Coach House and Bourne house type need to be submitted for agreement

The overall affordable housing provision across both parcels R6 and draft R7 does not meet the 35% requirement. The plans show total units as 141 units (82 units for parcel R6 and 59 units for R7) which should equate to 49 affordable units leaving a shortfall of 2 units. It would be preferable for these units to be shown on R6 but they could be accommodated in R7 if required.

*DRAINAGE ENGINEER* - no comments received

*WESSEX WATER* - no comment

*LEISURE DEVELOPMENT* - the public open space should not be reduced by this application

*SCC - CHIEF EDUCATION OFFICER* - no comment received

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE* - no comment received

*POLICE ARCHITECTURAL LIAISON OFFICER* - Crime Statistics There are currently less than 2 offences per month in this area, which are very low crime levels. Peak day is Friday and peak times afternoon.

Layout of Roads & Footpaths – appear to open, direct and likely to be well used. The use of rumble strips and surface changes helps define the defensible space of the development giving the impression that the area beyond is private and deterring the potential offender.

Orientation of Dwellings – all dwellings appear to face the street providing active frontages with good surveillance opportunities for residents. In addition, the majority of gardens are ‘back to back’, which is recommended as this restricts unauthorised access to the rear of dwellings where the majority of burglaries occur.

Dwelling Boundaries – appear appropriate for the crime risk, comprising 1.2 metre ball-topped railings at the front, which again allows good surveillance opportunities for residents, and 1.8 metre screen walls or close-board fencing to the more vulnerable side and rear of dwellings. Gates affording access to rear gardens should be the same height as adjacent walls/fencing and lockable. The proposed rear access alleys servicing Plots 8-21 should be gated at the entrances to deter unauthorised access to the rear of these dwellings.

Car Parking – appears to be a combination of in-curtilage garages and parking

spaces. In-curtilage garages are the recommended option but the parking spaces servicing Plots 8-21 appear to be in small groups, close to owners dwellings and well overlooked, which is also recommended.

Planting/Landscaping – should not impede opportunities for natural surveillance and, in areas where visibility is important, 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.

Street Lighting – for both adopted and private highways, estate roads and car parks should comply with BS 5489.

Physical Security of Dwellings – the applicant is advised to formulate all specifications for doorsets, windows, security lighting, intruder alarm, cycle storage etc in accordance with the police approved ‘Secured by Design’ award scheme

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST -*

*ENVIRONMENT AGENCY* - the surface water drainage for phase 2 is contained within a separate application therefore we have received no comments to this application

*SOMERSET ENVIRONMENTAL RECORDS CENTRE (SERC)* - no comment

*SOMERSET WILDLIFE TRUST* - no comment

*SOMERSET DRAINAGE BOARDS CONSORTIUM* - Drainage discharge rates were previously agreed for this development and must be maintained for this proposal (Brookbanks Consulting Engineers) and indicated on drawing number 10059/DR07C. No objection subject to appropriate conditions covering the provision of full details of the surface water drainage and their maintenance liabilities.

*SCC - RIGHTS OF WAY* - no comment

*DRAINAGE ENGINEER* - No comment

*PLANNING POLICY* - The site lies within the Local Plan allocation.

## **Representations**

4 letters have been received raising the following points of OBJECTION :-

- The traffic using the A38 is horrific and additional traffic from the development will make this worse

- The proposal will result in the loss of green fields.
- The promised relief roads have not been built before development as promised and the extra volume of traffic is unacceptable
- The new primary school, needed for this development has not started
- There is insufficient road provision for such a large housing development and even the proposed relief roads will not overcome congestion at Creech Castle.
- The additional traffic will have a detrimental impact on the amenity of existing residents.
- Additional dwellings will raise the water table and increase flooding in the area
- As a local resident it is difficult to get onto the A3259 and this will become even worse if additional dwellings are allowed.

## **PLANNING POLICIES**

T9 - TDBC LPMixed-use Dev(HISTORIC),  
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP8 - CP 8 ENVIRONMENT,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,  
 SS1 - TD CORE STRATEGY MONKTON HEATHFIELD,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM4 - TD CORE STRATEGY - DESIGN,

## **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)	£91,844
Somerset County Council (Upper Tier Authority)	£22,961

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£551,062
Somerset County Council (Upper Tier Authority)	£137,765

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Policy

The application site lies within the land allocated for mixed use development within the Monkton Heathfield local plan allocation which has now been incorporated into the Core Strategy allocation SS1. In accordance with the Local Plan allocation,

outline planning permission was granted in 2008. The permission included an illustrative masterplan indicating the use of this site for residential development. Recent approved phasing plans propose a 2 phased development. Reserved matters have been approved for phase 1 and in excess of 150 houses have now been constructed. This is the first reserved matters application for phase 2 and is being considered in association with planning applications 48/14/0009 and 48/14/0015 (awaiting registration) which provide the details of the spine road from phase 1 through phase 2 and the northern junction with the A38, surface water drainage details, open space, children's play and landscaping.

A condition of the outline permission was the submission and approval of a Design Code to guide development of the allocated site. A Design Code was approved in association with the reserved matters application for phase 1. This Design Code has now been updated and amended to reflect changes that have occurred on site since 2010 and to take account of the larger Core Strategy allocation to the north of the site and has just been submitted for consideration in association with the phase 2 developments.

This application was originally a low density scheme reflecting the rural "edge of development at Langaller. The Core Strategy now allocates the land to the north of Langaller Lane for mixed use development and currently the area opposite the application site is considered to be well located for a new district centre. As a result the northern layout of this site has been amended to a higher density facing onto Langaller Lane and allowing for the future provision of footpath links to the north for access either to that centre or to the additional land to the north.

### Highways

The Section 106 agreement between the developer and the Highway Authority states that no more than 300 houses should be occupied before the completion of the Eastern Relief Road (ERR). This limit reflected the impact of the development on the capacity of the roundabout at the south of the development site as well as general concerns over the impact of the development on the A38. Reserved matters approval has now been granted for in excess of 300 on land to the south of the allocated site. However this developer wishes to have a second point of sales at the north, which would still be restricted by the overall 300 limit before the ERR is completed. The new highway network comprising the ERR and Western Relief Road (WRR) is to be accompanied by bus gates on the A38 and A3258 and traffic calming of both roads running through the settlement. However the traffic calming measures need to be agreed by a majority of residents consulted over the scheme. This means that there is a chance that the traffic calming measures do not take place. In order to allow for that eventuality a right hand turn lane has been proposed to provide an access onto the A38 to the south west of the application site. If approved this junction would not be able to be used until the ERR is completed. Considering the allocated site, there would be pedestrian and cycle movement from land to the north moving southwards to community facilities and vice versa. This proposal now provides a link between those sites with safe crossing points across the A38 which will tie into access points for the development to the north. Pending no objections to the latest plans the highway proposals are considered to be acceptable.

### Design

As mentioned above there is an approved Design Code for the development of this site. Whilst minor alterations are being discussed generally the code suggests a development with a traditional design and a palate of materials which reflects the local area. The vernacular traditional West Monkton / Monkton Heathfield/ Cheddon designs and materials are generally relatively simple, either brick or render and the roof detailing is generally a full gable rather than hipped roofs of slate or tile.

Having said that, the choice of materials which reflects the local area and the reduction in the number of non-traditional features such as high stone plinths on rendered dwellings result in a scheme that would provide a variety to the development of such a large site. The parish Council have been consulted on the proposed designs and commend them for their range and quality

The current proposal is a mix of terrace; semi detached and detached dwellings. Whilst the proposed designs are based on 1930's and 50's styling they have a traditional character, scale and materials which will help to blend them into the local area. A number of the non traditional features originally proposed have now been altered and the Parish Council have been consulted on the proposed designs and (subject to amendments to the Kensington house type which has now been made) commend them for their range and quality.

### Drainage

The principle of the drainage system was agreed in the outline planning permission. A condition of that permission was for the details to be submitted for approval. This planning application does not contain the drainage details for this site. A separate application, detailing all the remaining drainage proposals to serve phase 2 has been submitted for consideration (48/14/0009). I recommend a planning condition to ensure that no buildings are commenced on site until the drainage details serving the site development are agreed by the Local Planning Authority and provided on site.

### Landscape

The proposed development would seek to retain and reinforce the hedgerow on the western and northern boundaries of the site thereby creating a semi rural character along the existing highway. Internal landscaping has now been improved upon and is considered to be acceptable. A landscaped bund is to be provided adjacent to the proposed ERR and this will provide a landscaped edge whilst providing a degree of noise mitigation for the adjacent units. As the Core Strategy site progresses in the future it would be possible to remove the bund and open up the frontage to the district centre if it remains in the suggested location to the north of this site.

### Affordable Housing

The proposal for this parcel does not include 35% Affordable housing. However this is only part of the phase 2 site to be developed by Redrow Homes. In response to the objection to lack of affordable housing in the initial proposal Redrow have now included 12 affordable units and provided a draft layout for parcel R7 which indicates additional affordable housing can be provided in accordance with the S106 requirement. Subject to an additional 2 units of affordable housing in the Redrow parcels, the Housing Enabling Lead considers that such a proposal would be

acceptable in principle. At the present time an application is being considered to vary the proportion of affordable housing on the local plan site due to viability issues surrounding the development. The viability issues are currently being assessed by an independent consultant and in the circumstances it seems appropriate to finalise the affordable housing provision within the later R7 parcel.

### Public Open Space

This application would provide 82 dwellings generating a need for public open space and children's play areas in the vicinity of the site. The current reserved matter proposal does not contain any details of public open space or children's play areas however a separate application has now been registered and is under consideration for the provision of public open space and children's play areas on land immediately to the east of the site. In order to ensure that the facilities will be provided in a timely manner for the use of future occupants I suggest a condition linking occupation numbers to the provision of the Public Open Space and Children's Play Areas.

### Summary

Outline planning permission was granted in 2008 for the mixed use development of the Local Plan site. Other than the detail of the ERR detailed matters were reserved for later approval. Phase 1 reserved matters have now been submitted and approved and this application is the first reserved matters application to be submitted for phase 2. It is important to ensure that all the necessary infrastructure is approved and in place before this residential development (if approved) is commenced. As a result I am recommending conditions which prohibit development of the site until all of the essential infrastructure is approved and if required, provided on site. I consider that the current reserved matters are acceptable and recommend that this application be approved subject to the suggested conditions.

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

**CONTACT OFFICER: Mrs J Moore Tel: 01823 356467**

48/14/0010

MR & MRS A COURTNEY

**ERECTION OF AN AGRICULTURAL WORKERS DWELLING, DEMOLITION OF STABLES AND ERECTION OF EXTENSION TO AGRICULTURAL BUILDING FOR GENERAL PURPOSE AT THE WILLOWS, NOAHS HILL, WEST MONKTON**

Location: THE WILLOWS, NOAHS HILL, WEST MONKTON, TAUNTON, TA2  
8QX

Grid Reference: 325796.128465

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine appropriate rural need. Whilst the business being operated from the site comprises a mix of enterprises, the overall business remains of a small scale and of a nature where the vast majority of work can be carried out and most problems/emergencies are likely to occur during part of the normal working day (however long that day may be). As such, it has not been proven that the needs of the enterprise could not be fulfilled by any other existing accommodation, of which there is ample newly built dwellings and dwellings under construction to suit a range of budgets and tenures in close proximity to the site. The scheme would therefore result in an unjustified dwelling outside of settlement limits, in an unsustainable location. As such, the proposal is contrary to Policies CP1(a) (Climate Change), SP1 (Sustainable Development Locations) and SP4 (Realising the vision for the Rural Area) of the Taunton Deane Core Strategy and Paragraph 55 of the National Planning Policy Framework.

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

**PROPOSAL**

The Willows is situated at Noah's Hill, West Monkton. It is a block of land of approximately 2.15 acres, owned by the applicants, with a further 10 acres on the opposite side of the road, held on a Farm Business Tenancy. On the site is a stable block and agricultural barn, for which permission has been granted. Retrospective planning permission was granted in April 2011 for the siting of the mobile home for temporary agricultural worker's accommodation for a period of three years.

This application now seeks planning permission for a permanent agricultural worker's dwelling. This would be stone and grey tile construction providing three/four bedrooms and positioned in the field, to the north-east of the access (to the north of the mobile home). To the south-east of the dwelling, it is proposed to erect a garage in matching materials. It is also proposed to demolish the stable building and erect an extension to the existing agricultural building. This would involve a higher eaves and ridge level by approximately 900mm and would be of matching materials. The extension would occupy a larger footprint than the existing agricultural building and would provide indoor stabling and a farrowing unit.

In 2010, the applicants were using the site for the breeding of micro pigs, with a target of producing approximately 100 pigs per annum. In addition, the site was used for free range egg production, at that time with a small flock of 100 birds (proposed to be increased to up to 350 in the future) supplying eggs on a farm gate sales basis; small scale ornamental poultry breeding with a view to producing 100 per annum; and the breaking in of young horses/ponies, approximately 4 horses in the first year. (Figures taken from Appraisal and Business Plan in 2010).

Planning permission was granted for the mobile home in 2011 for the following reason:

*Members considered that it had been demonstrated that there is an agricultural need for a dwelling to be positioned on site while the enterprise develops. The enterprise has been planned on a sound financial basis and the tests outlined in Planning Policy Statement 7, Annex A have been complied with. The proposal is, therefore, considered to be acceptable for a temporary period of 3 years and will not impact unreasonably upon the amenities of neighbouring residents, highway safety or the landscape character of the area, in accordance with Policies S1, EN12 and M4 of the Taunton Deane Local Plan.*

During the processing of the application, additional information was requested regarding the livestock numbers now on site. The additional information received stated:

- The target of producing 100 micro pigs per annum was being met, although some pigs are being kept longer to provide replacement breeding stock for other farmers. The target is expected to be exceeded this year.
- The level of laying hens averages 120 birds, whereas the target was 350 birds, hence this is significantly less than planned. It is also stated that these are now bought in as day old chicks, rather than hatched on site.
- Ornamental Poultry Sales were targeted to be 100 per annum but are currently at 60.
- No information is provided on the level of breaking and schooling horses being undertaken at the site.
- The business has been expanded to provide a "mobile petting farm", which offers

educational, recreational, therapeutic and promotional services by taking a selection of animal to schools, care homes, shopping precincts, country fayres, private parties, etc

- It was proposed to expand with a small flock of pedigree Wiltshire Horn rare breed sheep, with target expansion to 20-25 ewes. This has not occurred and there is only one sheep and two lambs on the site, which are used in association with the Petting Farm.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WEST MONKTON PARISH COUNCIL* - Site outside village envelope, no other development on that side of the road.

- Three years ago retrospective permission was given for a mobile home/caravan. Argument made at the time was that a person needed to live at the site in order for the applicant's business plan keeping chickens and pigs to be fulfilled.
- Land taken opposite on FBT, proposed to be used to house the chickens or pigs. Mr and Mrs Courtney have rented this land to graze their two pet ponies.
- The local residents report that they have not seen farm gate sales taking place, nor has an 'eggs for sale' sign been seen at the entrance gate.
- The normal sounds and smells to be expected from an enterprise of the type described appear to be absent.
- The high security farm gate is padlocked unless the applicants are in attendance at the site. No-one appears to reside and stay at the caravan as the gate is seen to be padlocked from the outside more nights than not.
- Given the financial argument made in the application that a build on site would be the only affordable option, the size and description of the proposed house is far in excess of the fairly modest business described in the current business plan.
- The Parish Council is of the opinion that the building represents overdevelopment for the agricultural need described in the application.
- Given that much of the centre of West Monkton Village is in a Conservation area, and this site is only just outside it, the Parish Council is very concerned that any new build in the area should be sympathetic to West Monkton and its environs and to use appropriate materials.
- Protection and enhancement of the hedges around the site would be important to minimise visual impact.
- The dwelling described in this application does not seem to address sustainable issues, the walls should be of stone or brick (not reconstituted) that reflects the Quantock stone colours, the grey concrete tiles proposed for the roof are out of character, and should be replaced by genuine slate tiles.
- If permission were to be granted it is absolutely essential that an agricultural tie should be put on this dwelling.
- The Parish Council notes the site of the septic tank shown on the plan. If the house is built there, there will be a greater occupation of the site and therefore a significant need for the disposal of waste.
- It is not known what arrangements are made for the disposal of the waste from the animals described in the Business Plan, as no waste/manure store appears to be visible on the site. The location of the septic tank as currently drawn is at the top of the site, therefore run-off will undoubtedly make its way down the site and into the lake shown adjacent to the boundary of the applicant's land due to

the lie of the land and the porosity of the earth in that location. The same would be true of pig and chicken waste. The lake drains into a drainage system that follows the open ditch the length of Blundells Lane before joining the Bathpool Drainage system.

- The applicant has indicated that he has funds of up to £122, 000 with which to build this house: it is the Parish Council's view that the house and large barn of the calibre described in the plans could not be built for that money.
- Despite the example of house prices quoted in the application documents, there are a great many properties currently available in Monkton Heathfield in the new development which cost substantially less than the £300,000 quoted, all within a maximum of 7 minutes drive from the site. It is the view of the Parish Council that the business as reported by the applicant does not require a dwelling house on the site, the needs of the business can be adequately met by the applicant living nearby.
- The application also includes a proposal to increase the existing barn, nearly doubling its size according to the drawing, and stating the use of the barn will be for general purposes. The original permission for the existing barn was granted with a condition that it was for agricultural and equine use in perpetuity. The Parish Council would strongly recommend the same agricultural and equine condition is attached to the extended barn, particularly in view of the reported history of noise nuisance and other activities that would not reasonably associated with agriculture associated with the existing buildings.
- Recent removal of trees on the boundaries has resulted in increased visibility of the site, and the proposed enlarged barn and the house on the location would be highly visible from the road in both directions.
- It is inconsistent to apply for an agricultural workers dwelling – which would therefore carry an agricultural tie - whilst in the same application seeking permission to remove the tie from the barn by doubling its size for general purposes.
- The gates to the site are large and set off the road by the required distance, but the fact remains that the entrance to the site if approached from West Monkton village is at the top of the hill and the turn into it is blind until level with the gates. Impact from traffic would be significant if the agricultural element and any associated retail sales are likely to be significant. This element doesn't seem entirely clear, but forms part of the justification for the build. The Business Plan as currently described would indicate an increasing amount of traffic to and from the site by delivery wagons, feed lorries etc which causes concern about the safety of the access. Narrow and steep access makes it difficult for lorries to access the site.
- This application would result in a significant change in the density and size of vehicles using this road (Red Hill/Noahs Hill). The Parish Council has concerns that the size of the site is insufficient to allow for the growth of the business over the next 3, 5, 10 years, and the application does not address issues of functionality and business viability in the longer term.
- The crux of the matter is whether the applicant needs to live on site or whether all conditions for the ongoing success of the enterprise and welfare of the stock can be met by living nearby ('AT ' or 'NEARBY'). It is the view of the Parish Council that the applicant has not made his case that it is necessary to be at the site 24/7. The quantity and type of livestock do not appear to be so fragile or unique that they are not able to survive in normal agricultural surroundings. There is no possibility of a farmer always being present 24/7 to watch out for foxes or other predators; suitable fences, cages and housing would be a better

- deterrent and a much cheaper option to the applicant.
- The Parish Council is of the opinion that the applicant has not demonstrated the case that he has to live on site, rather than nearby. He doesn't always reside and stay there now, and the animal welfare argument can be met by his living nearby (as is the practice in many agricultural units), where affordable houses are available. The appellant appears to be using the agriculture exemption to build a house on land that would otherwise not be granted. Previous applications on this site have all been refused on the grounds of landscape impact and highways.

Subsequent comments - Confirm that the views submitted were the final views of the Parish Council.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to Standing Advice – Previous comments used -

The proposed development site lies outside any Development Boundary Limits and is therefore distant from adequate services and facilities, such as, education, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy S7 of the Taunton Deane Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However it is noted that the application is for an agricultural workers dwelling and therefore it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

In terms of the technical detail the applicant has indicated that by allowing this proposal it would reduce the level of vehicle movements as the applicant would not need to visit the site twice a day as indicated in the Design and Access Statement. However it should be noted that a normal dwelling would generate 8-10 vehicle movements per day. Reading the other documentation submitted as part of the proposal it is apparent that this site has a number of uses which potential generate an increase in vehicle movements. Although no details have been provided on the exact number of movements I have concerns that these uses would generate an increase in vehicle movement. From visiting the site it was observed that the approach roads are single width and sinuous in nature with high hedges either side of the carriageway. I do not believe that these approach roads are of sufficient standard to accommodate any additional vehicle movements.

I note that part of Design and Access Statement refers to previous applications on this site. One related to the erection of an earth-sheltered dwelling this proposal went to appeal where it was dismissed. The applicant has indicated that part of the appeal related to highway issues. These issues were dismissed by the Inspector as such the applicant feels that this appeal is a material consideration. In response to this although I note the Inspectors comments this appeal was in 1991 and planning and highway policy has significant changed since then as such any highway concerns should still be considered to be relevant. Raise objection.

*DRAINAGE ENGINEER* - Note that septic tank is to be installed to treat foul sewage. Percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. Environment Agency's consent to discharge to an underground strata is also required. With regard to surface water drainage, I note soakaways are to be utilised. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval.

*LANDSCAPE* - The position of the dwelling is not well related to the barns and will be visible through the gated entrance. I recommend, if it is to be approved, that it is moved further east and closer to the barns with a smaller garden area.

*WESSEX WATER* - New water supply connections will be required from Wessex Water to serve this development. Suggest note regarding application forms guidance and further information.

## **Representations**

Three letters received stating no objection:

- One letter went on to say seems sensible use of land with no safety/access issues. No increased noise and disturbance. No overshadowing, overlooking or loss of privacy. Proposed house in keeping with surroundings and agricultural use is appropriate to area.
- One went on to say they look forward to Mr and Mrs Courtney becoming part of the village community, they will bring a business and young family that will benefit us all.

One letter of objection based on the following grounds:

- Concerns regarding incorrect address, query attempt to imply it forms part of the group of dwellings at Noah's Hill
- Council seems to be downgrading prestigious village with farming and it's inherited nuisances.
- Visitors would have to access by foot or vehicle at the top of a hill, road used as rat run.
- Allowing pig farm unreasonable to those who have paid much money and rates to live here. Query how many micro pigs sold as appeared to be a fad some years ago.
- Free range eggs available at three other nearby locations so no great need. Egg production with such limited land cannot be used as a planning reason.
- Query what poultry can be kept on such a small site, used also for equine. Have seen none of venture on site, which is visible from her garden.
- Query whether repairs are being carried out due to the smell of paint.
- Animals are of nature that can be locked up at night. Only occasional need for birthing of pigs, on such a small scale, would require occasional overnight stays.
- Mr Courtney's vehicle has been noted leaving site at 12.30am but not returning.
- Barn granted with conditions so could not be converted to a dwelling, now proposed to demolish, extend barn and build four bedroom dwelling.
- Agricultural workers dwelling planned for 4 bedrooms.
- Application states commuter movements to and from site kept to a minimum but query how customers get to site.
- It is suggested that submission of accounts show enterprise is sustainable. So

many larger farmers cannot make ends meet, query how can applicant on small area of land.

- Query outlet of septic tank and possible contamination to watercourse in village.
- Site is bounded on roadside by ugly fencing, not dense vegetation.
- Should not grant permission for a house as Mr Courtney cannot afford a house in this area. Houses are being built nearby at reasonable prices.
- Planning policy should create economic growth in rural areas. Query how much land available to business with all these buildings on 2.15 acres.
- Parish Council has consistently refused residential development on that site, including underground house that would not be seen. It is divorced from settlement and surrounded by farmland, at foothills of AONB. If approved neighbouring farmers may also apply for similar dwellings.
- Unreasonable that so many farmers are selling land for housing development that residential area of West Monkton should suffer nuisances of a small pig and chicken farm.

Further information received from agent:

- Livestock numbers comfortably exceed the numbers anticipated at the end of the three year trial period in the original business plan agreed by the Planning Committee in 2010. Wholly unreasonable for the Council to take the view that the functional test was not met at this time, when the livestock numbers and the activity on the farm exceeds the level of activity anticipated in 2010, which the Planning Committee accepted would meet the functional test.
- Query comments of Parish Council as different to what applicant was expecting comments to be having attended meeting. Queries whether comments properly reflect views of Parish Council. Requested clarification of PC views.
- Applicants have 5 year business tenancy with Kevin Chedzoy. The land was in the original application. The land is used for 1x pony and 1x horse. Also hay has been taken off the land for the past 2 years and will be again this summer. On occasions, goats and lambs have been grazed here too.
- The applicants put a sign out regarding egg sales in the very early stages, but this attracted unwelcome visitors to come into the property to look about at everything else - stock, farm machinery, etc. They did not put sign out again and do not need to, as they have built up a loyal customer base. The eggs are stored in tack room, so customers come right into our property; eggs are not exchanged at the gateway.
- What do they call normal sounds and smells? If you are walking from bottom of Noahs Hill you will hear the chickens/cockerels and sometimes the goats/lambs baaing, the adult pigs grunting and piglets squealing. However, these are not often because our animals are happy, well looked after and have the applicants around all the time (because they are living on site). I would be more worried if there is a lot of noise, as this means the animals are distressed and not getting the attention they need.
- Again, what smells are they looking for? The property is well screened and good husbandry is paramount. The only real smell is the pigs as their pens back onto the lane (Noah's Hill) where people walk. The animals muck/manure is either picked up daily and pens are thoroughly cleaned once a week. A tipper trailer especially for the waste is sited in the top left hand corner of the paddock that is visible through the main gate - it has been in the same position for the last 4 years. The waste is taken between three allotments - the applicants have a key for Obridge allotments, Priorswood, Creech St Michael allotments and individuals at Hamilton Park allotments.

- With regards to the applicants not being on site because of the padlock on the gate at night, there is no visible padlock on the gate. There is always someone on site at night, only sometimes during the day when the applicants are out with the mobile petting farm but the applicants mother (an ex farmer) is there seeing to the animals.
- The Parish Council seem to be confused about the building. It is described in the application as being a general purpose agricultural building and that is what is intended. It is not intended to be used for industrial purposes and it should not be necessary to impose a condition restricting its use, because any non-agricultural use would require planning permission in any event.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP8 - CP 8 ENVIRONMENT,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £21,000.

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

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £1,079

Somerset County Council (Upper Tier Authority) £270

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £6,474

Somerset County Council (Upper Tier Authority) £1,619

## **DETERMINING ISSUES AND CONSIDERATIONS**

Paragraph 55 of the National Planning Policy Framework states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. e.g the essential need for a rural worker to live permanently

at or near their place of work in the countryside. It has been widely accepted that the most appropriate way of assessing this need is through the use of the former Annex A of PPS7 and following the LDF Steering Group in July 2012, the Executive Portfolio Holder for Planning and Transportation formally agreed that 'the Council continues to follow the criteria specified in PPS7, Annex A, as Council Policy when considering proposals for 'rural worker's dwellings' in the countryside'.

Paragraph 3 of the former Annex A sets out the criteria that applications for a new permanent dwelling, which should only be allowed to support existing agricultural activities on well-established units, should be assessed against:

- (i) there is a clearly established *existing* functional need;
- (ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, e.g in relation to access, or impact on the countryside, are satisfied.

#### Functional need

One of the main issues for consideration is therefore whether there is an essential need for a worker to be accommodated on the holding. A functional test is therefore undertaken in order to ascertain whether it is essential for the proper functioning of the enterprise for the worker to be readily available at most times, for example if he/she is needed to be on hand day and night. In assessing this, it is necessary to take into account whether the problems/emergencies are likely to occur during normal working hours (even if these hours are long). If this is the case, emergencies/problems can be dealt with as part of the day to day routine and this does not call for a worker to live on site.

It is important to note that this clearly relates to an existing functional need. Planning committee resolved to grant permission for the temporary agricultural worker's dwelling in 2011 to enable the business to develop and in doing so, accepted that there would be a functional need provided the business was developed in line with the business plan. However, as set out above, the business enterprise has not been established in line with the business plan that was considered to warrant a functional need. One of the main issues for consideration is therefore whether the changes made to the business would no longer constitute a functional need.

The business plan stated a target to produce 100 micro piglets per annum and it is stated that it is budgeted to produce in excess of this figure in 2014/2015 as a result of the increase in sows to 6, rather than the proposed 5, which would marginally strengthen the functional need associated with the micropig element of the business.

It is important to note that pigs generally produce 2 litters per year, which at the current numbers would result in around 12 farrowings per year, which is a reasonably low level of farrowings, with a limited risk of problems occurring that need

essential care at short notice.

The limited amount of farrowings, being on average 1 per month, is not considered to be of a size that warrants a worker being readily available at most times. It is important to note that a competent stock man would have a good idea of when a sow is likely to farrow, and whilst many would farrow down in the day, if necessary he/she could return to the site to check the occasional sow that might farrow at night.

Furthermore the large workload associated with feeding, cleaning, monitoring, treating with antibiotics and additional handling due to breeding for the pet market would all be carried out as part of the normal working day, rather than at night. As such, these tasks do not add to the justification of a worker being readily available at most times.

There are currently 120 laying hens on site, which falls far short of the target of 350. In any event, whether the figure is 120 or 350, the daily activities associated with these amounts of laying hens, including feeding, watering and egg collection are all activities that would be undertaken as part of a normal working day and do not necessitate a worker being readily available at most times. Similarly the ornamental poultry element was targeted to be 100, is currently at 60 and would involve a similar level of daily activities.

The agent states that it is a necessity for an agricultural/rural worker to be on site at all times to prevent the chickens from being killed by predators such as foxes. It is normal to assume that chickens are shut up at night to protect them from predators and this would certainly be good husbandry. On this basis, they are at little risk at night and as none of the birds are housed within controlled conditions, there is no requirement for someone to be on hand to deal with any power/system failure, in order to prevent suffering. Whilst it is accepted that a small amount of eggs are likely to be incubated for the ornamental poultry element and young birds likely to be reared under heat, it is not stated that these systems are linked to an alarm. As such, even if a worker was living on site, a change in temperature is not something he/she would be aware of until checking the stock in the morning. Furthermore, due to the small scale of these enterprises, it follows that the risk of loss would be minimal.

As such, it is not considered that an on-site dwelling is essential to provide an adequate level of welfare for the poultry enterprise. It is also important to note that welfare could be significantly improved with the introduction of an alarm system, which triggered calls to a mobile phone if temperatures fell/rose to critical levels, enabling a worker to return to the site to check the eggs and chicks.

The sheep enterprise, targeted at 20-25 ewes has not occurred and only 1 ewe and 2 lambs are present on site. Whilst this element of the business was small, it did contribute, albeit marginally, to the functional need. The submitted information states that additional income has been generated by breaking/schooling horses, although no quantities have been provided. However, as this would entail work that would take place during the course of a normal working day and not at night, this is not considered to contribute significantly to the functional need.

It is acknowledged that the Petting Farm is a new element of the business, which was not included in the initial plans three years ago. A great deal of feedback/letters from users of the petting farm have been submitted by the applicant's in support of

the proposal, which indicates that this is a successful element of the business. However, this involves simply keeping a low level of livestock, which are transported around to the schools, garden centres, fayres, etc, it does not involve any additional breeding or other such activities that would contribute significantly to the functional need. It is acknowledged that the animals may require additional handling to be of a suitable temperament and that the petting farm may involve some early mornings in order to load and transport the animals. However, the vast majority of the work undertaken as part of the mobile petting farm would be undertaken as part of the normal working day, albeit possibly a longer working day at times.

As such, there are several different enterprises being operated on the site, being poultry breeding, free range egg laying, micro pig breeding, commercial equestrian activities and the mobile petting farm. Each part of the business is reasonably small scale and even when considered together, the vast majority of the work/problems/emergencies can be dealt with during a normal working day, albeit possibly a long working day.

With livestock, there will always be the occasion where emergencies may arise or problems require an animal to be carefully monitored, however due to the scale of the business on the holding, it is not, in my opinion, considered that the functional need is met.

However, it is important to note that concerns were raised by the case officer in the committee report in 2011, that there was no functional need for a worker to reside on site. Notwithstanding this, the Planning Committee resolved to grant permission, consequently accepting that there would be a functional need if the business was established in line with the business plan. The enterprise now on site deviates from that set out in the business plan and it is the case officer's opinion that there is no established functional need for a worker to reside on site, albeit the level of activity which contributes to the functional need on the site, is not significantly less than that being undertaken in 2011. The fact that the previous permission was granted is however a material consideration. Although the case officer remains of the opinion that there is no functional need, taking into account the earlier permission, on balance, it is now considered difficult to resist the application before you on the grounds of a lack of functional need alone.

### Financial Test

The financial test is a further important consideration. It is acknowledged that the business has been in operation since 2010 and the accounts for the year ending April 2011 showed a reasonable loss, followed by a very small loss in the year ending April 2012, which was stated to be due to the significant increase in stocking levels to generate increased future sales revenue. The year ending April 2013 showed a reasonable profit, despite the significant expenses incurred in modifying the lorry for the mobile petting farm and the projected figures for the year ending April 2014 indicate a further improved profit.

As such, it has been demonstrated that the business has been operating for over three years and been profitable for at least one. On the basis that the loss has been reducing and the profit rising over the last few years, it is deemed that the business is heading in the right direction. As such, it is deemed that the business appears currently financially sound and has a prospect of remaining so.

Functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area

It is acknowledged that there is a level of activity associated with the business. The agent states that the applicants have a dwelling 3.2 miles away, which is not considered an excessive distance to travel to be able to operate the business on a daily basis, returning to the site for a night time check on the rare occasion that this may be necessary.

However, it is acknowledged that it would be more beneficial for the agricultural worker to reside closer to the site, in order to pop back to the site as and when necessary after normal working hours.

The agent has provided an example of a four bedroom property for sale in Mead Way, Monkton Heathfield. It is acknowledged that a property of this nature would be beyond the affordability of an agricultural worker, as would a large proportion of other dwellings in close proximity to the site. However, it is important to note that there are a great deal of properties newly built and currently being built at Monkton Heathfield, which would take only approximately 5-10 minutes by car. These new dwellings are available in a range of tenures to meet a range of budgets, including affordable housing. It is therefore considered that there would be more affordable dwellings available in close proximity to the site, enabling quick and easy access to the site in case of emergencies, than those beyond the affordability of the agricultural worker in West Monkton itself. This is a significant change since the previous application was determined in 2011. It has not therefore been demonstrated that the needs of the enterprise could not be fulfilled by living in another existing dwelling in the area.

Other planning requirements

During pre-application discussions, despite concerns being raised regarding the principle of a permanent agricultural worker's dwelling and whether the relevant criteria could be met to justify a dwelling, comments were provided on the siting and design of the proposed dwelling.

Concerns were raised regarding the siting of the dwelling and it was suggested that this was re-sited so that it was grouped more closely with the agricultural buildings. Whilst the dwelling has been repositioned marginally further to the south, this remains some distance from the existing buildings and as the Landscape Officer has stated should be repositioned closer to these to reduce its prominence in the landscape. Whilst the current positioning is far from ideal, on balance it is not considered to warrant such harm to the character of the landscape that would warrant a refusal.

In terms of materials, traditional materials were suggested at the pre-application advice stage. The use of natural stone to the walls is considered an appropriate material to the rural character of the area, however the use of Stonewold II Grey tiles (a concrete slate) would not be considered an appropriate material and there are many other more appropriate alternatives to slate, which reflect the appearance of slate more closely. As such, if Planning Committee is minded to approve the application, it is considered that a condition should be attached requiring samples of

the roof material to be approved.

With regard to the size of the dwelling, although this appears somewhat large, the dwelling amounts to approximately 186 m<sup>2</sup> including the office and boot room. This is of a size in line with other agricultural workers dwellings that have been permitted within the Borough and is not deemed to constitute a further reason for refusal.

The extension to the agricultural building is approximately 1m higher than the existing building and the footprint is larger than that of the existing agricultural building, which was stated to be to accommodate the lorry used for the mobile petting farm. Whilst the increase in height is not ideal, the resulting building would be reasonably well screened by the well established roadside hedge, would reflect the materials of and relate well to the existing building. As such, although large, it is not considered to result in excessive harm to the appearance of the surrounding area that would warrant refusal.

In terms of highway safety, whilst it is acknowledged that the approach roads are narrow and do not provide an ideal access to the site, the land is agricultural land and therefore the agricultural activities, that are likely to generate additional traffic, can be undertaken on the land without the need for additional planning permission. It is not considered that the erection of the dwelling and extension to the agricultural building would result in such an increase in traffic flows that would result in detriment to highway safety.

Concern has been raised by a local resident regarding allowing a pig and chicken farm on the edge of the village of West Monkton. From a planning point of view, the land is agricultural land and therefore no planning permission is required to undertake an agricultural activity on that land. As such, limited weight can be attributed to these issues.

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

**CONTACT OFFICER: Mrs K Walker Tel: 01823 356468**

ENVIRONMENT AGENCY

**CHANGE OF USE OF LAND TO STORE DREDGED MATERIAL ON FIELDS OF BURROW DROVE, ON THE NORTH BANK OF THE RIVER PARRETT, NORTH WEST OF GROVE HILL**

Location: FIELDS NORTH OF BURROW DROVE, ON THE NORTH BANK OF THE RIVER PARRETT, NORTH WEST OF GROVE HILL (SITE 1)  
Grid Reference: 335608.130836 Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

1. The use hereby permitted shall be discontinued and the land restored to its former condition or allowing for a level of up to 300mm of dredged material to remain, on or before 30/11/2015.

Reason: To ensure no long term adverse visual impact and to reinstate floodplain storage capacity.

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

(A3) DrNo 122316-00028 Rev A.O Stockpile Location Plan  
(A3) DrNo 122316-00033 Rev A.O Planning Application Site 1  
(A3) DrNo 122316-00036 Rev A.O Stockpile Location Plan

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

3. The measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in "*Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna*" and "*Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance*" in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014) shall be carried out as indicated during the construction and decommissioning of the stockpiles, including a badger assessment prior to removal of the stockpiles.

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

## Notes to Applicant

1. The alteration of the access and/or minor works or temporary signage will involve works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area at The Highways Depot, Burton Place, Taunton, Tel No 0845 345 9155. He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
2. 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.
3. 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.

## **PROPOSAL**

The proposal is to temporarily store dredged material from the Rivers Tone and Parrett. The dredging of around 235,000 cubic metres of sediment will take place between April to October 2014, while decommissioning of the stockpiles is anticipated to be between April and October 2015.

The dredged material will be tested and if found suitable for flood risk management works or as soil improver will be stockpiled for up to a year before being spread on farmland. Approximately 60% of the total dredged material is expected to be stored in this way. The stockpiles will be 2m high on average and covered and sealed with black sheeting.

The dredging project is an essential component of the Somerset Levels and Moors Flood Action Plan 2014. This project is one of several investments to reduce future frequency and duration of floods across the Levels and Moors. The application includes a Design and Access Statement, Planning Statement, Flood Risk Assessment and Environmental Statement with non-technical Summary.

## **SITE DESCRIPTION AND HISTORY**

The site 1 identified in this proposal is currently an arable field of oil seed rape and is accessed off Burrow Drove. It lies to the rear of Samways Farm building and runs north east and is bounded by drainage ditches on three sides. The site is 2.54ha on the right bank of the River Parrett and is expected to cover a maximum of 1.5ha.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*LANDSCAPE* - Limited landscape impact given the temporary nature of the storage of dredged materials.

*NATURAL ENGLAND* - Natural England does not object to the application.

Natural England has been involved in extensive discussions with the Environment Agency on its plans to dredge sections of the Rivers Parrett and Tone as part of flood risk management works developed to respond to the prolonged flood event over the winter of 2013-14. We have agreed previously with the conclusions of the Environmental Statement produced by the Environment Agency in February 2014 to assess potential environmental impacts (as required by the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (as amended)), and the Habitats Regulations Assessment produced to assess potential impacts on the Natura 2000 network of European Sites (as required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended)).

We recognise that determination of this application will be informed by the updated Environmental Statement that has been produced to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

We agree that the stockpile locations chosen will minimise adverse impacts on nearby designated nature conservation sites and on species protected in European and domestic legislation.

We note that detailed strategies to avoid and mitigate potential impacts on sensitive environmental receptors during “construction” and decommissioning of the stockpiles will be developed in consultation with Natural England as the dredging programme progresses.

#### Habitats Regulations Assessment (HRA) \_

Because the proposed project has the potential to affect the qualifying features of European Sites, the procedure set out under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) must be followed. The requirements for protection of the natural environment within the European Directives and the associated Regulations are stringent. The basic test is that a development must be able to demonstrate “no likely significant effect” and, if that is not possible, that it will not adversely affect the integrity of European sites (thus the developer must demonstrate the lack of an effect rather than Natural England having to prove the existence of one). This includes avoiding adverse impacts on the species and habitats for which the site is designated, and avoiding deterioration of or damage to any habitats on which they depend.

A “Habitat Regulations Appraisal” (HRA) should be undertaken in respect of any development which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

The proposed project is not directly connected with, or necessary to, the management of a European site. This means that if the development is likely to have an impact on the qualifying features of European Sites, then Taunton Deane Borough Council as the relevant Competent Authority would be required to carry out a Habitats Regulations Appraisal comprising:

- (i) an initial assessment of whether this proposal, either alone or in combination with other plans or projects, is likely to have a significant effect on the SACs; and,
- (ii) If a likely significant effect cannot be ruled out, an Appropriate Assessment to determine whether the proposal will adversely affect the integrity of the European Sites.

Following a screening assessment that identified that dredging could cause likely significant effects (LSE) on the Somerset Levels and Moors and Severn Estuary European Sites, the Environment Agency produced an Appropriate Assessment. Its conclusion was that the project would not cause an adverse effect on the integrity of the European Sites, provided a monitoring and mitigation programme is implemented to guide work during and after dredging.

Natural England agreed with the conclusion of the Environment Agency's Appropriate Assessment of the project.

We agree that the proposed creation of the stockpiles to store dredged silt until autumn 2015 will not change the conclusion of the original Appropriate Assessment and consequently it does not need to be revised.

#### Protected Species considerations

We agree with the measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in "*Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna*" and "*Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance*" in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014).

Badgers - We are not sure that the potential for badgers to excavate sets in the stockpiles after they have been established has been identified as a risk. We advise that the regular checks of the stockpiles for badger activity are added to the Environmental Action Plan to ensure that any setts established are not disturbed unintentionally.

If planning permission is granted and protected species licences are required, then licence applications must be supported by up-to-date survey data.

#### Landscape considerations

The Landscape and Visual Impact Assessment (LVIA) has been produced competently following the latest best-practice guidance. We agree with its findings.

#### Mitigation

All measures detailed in the Environmental Action Plan (equivalent to a

Construction Environmental Management Plan) to avoid or reduce environmental impacts should be reinforced as planning conditions attached to any planning permission granted.

We endorse the need for an ecological clerk of works to take overall responsibility for the success of the management plan, to advise project management staff and contractors on ecological issues and to ensure mitigation measures are implemented correctly.

### NERC Act 2006

Natural England reminds Taunton Deane Borough Council of its duty to conserve biodiversity under Section 40(1) of the Natural Environment & Rural Communities Act 2006.

Please note that in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters as determined by Taunton Deane Borough Council that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

*BIODIVERSITY* - The three stockpiles are located within close proximity to protected sites so Natural England should be consulted on this application. I support the findings of the HRA. I note that works will take place between April and October to avoid disturbance to over wintering birds and that stockpiling will not take place within 10m of any rhyme to minimise any impact on water voles and otters.

### *SCC - TRANSPORT DEVELOPMENT GROUP -*

The following comments are in connection with planning application 51/14/0004, to which my comments are made from on site observations and the information submitted supporting the planning application specifically the *Design & Access Statement, incorporating Planning Statement* prepared by *Black & Veatch* (April 2014) (Samways Farm) and Drawing No. 122316 – 00028 and 122316 – 00033.

### Site Location – North Bank of the river Parrett, North West of Grove Hill

The site is located to the North of the River Parrett, to which vehicular access is to be obtained via Riverside a designated classified unnumbered highway to which a 30mph speed limit applies. Access to the wider highway network is obtained via the signalised junction with the A361 also known as Burrow Wall/Grove Hill a Class 1 highway.

Riverside is a single width road with limited passing places. There is no footway or street lighting in close proximity to the application site. Furthermore, having checked accident data records I can confirm that there have been no recorded accidents in this location within the last five years.

### Site Access/Junction – North Bank of the river Parrett, North West of Grove Hill

Drawing No. 122316 – 00028 indicates that vehicular access to the temporary site is to be off of Burrow Drive an unclassified section of highway which serves access to residential properties Nos. 1 to 4 Burrow Drive, Samways House and Moorview House as well as Samways Farm.

The junction of Burrow Drive and Riverside gives limited visibility in both directions. As a result vehicles are reliant on a non-prescribed mirror located on the southern verge of the highway known as Riverside.

Please note the Local Highway Authority do not support the use of mirrors as it is legally an obstruction on the highway so cannot be put up without the express permission of the Highway Authority, to which I am unaware of for this location. Furthermore, the use of a non-prescribed mirror could also impact on road safety for the following reasons:

- Distortion of reflected images (glare from sunlight or headlamps affecting a driver's vision).
- Visibility issues during bad weather/surface of mirror (rain, snow, frost).
- Difficulty judging speed of an approaching motor vehicle from the mirror reflection.

Drawing No. 122316 – 00033 details that the applicant's red-line drawing does not encompass the junction in question and therefore, no improvements can implement as the land is under third party ownership.

### Additional Information – North Bank of the river Parrett, North West of Grove Hill

Within *Appendix F: Somerset levels – Traffic Volume Calculations* of the submitted *Environmental Statement*, traffic calculations have been provided for the duration of the project, which indicate averages during the dredging works. This would need to be clarified in detail within a Traffic Management Plan.

It is considered that the proposal will lead to an intensification of vehicle movements to the surrounding highway networks. However, the application is of a temporary nature and therefore the proposal is considered acceptable.

It maybe beneficial for the use of temporary signage to be positioned in close proximity to the application site (access) to notify highway users of the ongoing operations as part of the planning application. Whilst there are no objections to the erection of temporary signage along the proposed route, the locations of such signage will need to be agreed in writing with the Area Highway Office if the signage is on highway land.

It is stated within *Section 7.40* of the *Design & Access Statement, incorporating Planning Statement* that a Traffic Management Plan is to be prepared and implemented as part of the proposal to minimise any disruption during the dredging phase. A suitably worded condition should be attached to any planning consent if the Local Planning Authority is like minded to grant approval of the proposal. A Traffic Management Plan should detail the hours of operation (to minimise peak traffic times), types of vehicles to be used during the dredging

phase, use of banksmen and methods to prevent any discharge of mud/slurry on the adopted highway.

### Conclusion – North Bank of the river Parrett, North West of Grove Hill

It is acknowledged by the Local Highway Authority that the proposal will result in disruption to the highway network in the vicinity to the application site. However, the need and temporary nature of the project outweigh the inconvenience and it is considered that a robust Traffic Management Plan should be submitted and implemented to minimise the disruption caused by the vehicle movements generated in association with this application.

In light of the above mentioned comments the Local Highway Authority, therefore raises no objection to the proposal and in the event of permission being granted, I would recommend that the following condition is imposed:-

Prior to any engineering works are carried out a Traffic Management Plan providing details on the operations of the dredging traffic and equipment to the site shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

### NOTES:

The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area at The Highways Depot, Burton Place, Taunton, Tel No 0845 345 9155,, He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

### *ENVIRONMENT AGENCY -*

We believe that the sites are acceptable in terms of the sequential test . Two of the 3 chosen sites were not affected by flooding during the 2013/2014 winter floods, and the third one is located away from any property. You may want to satisfy yourselves that the site passes the sequential test.

Despite the fact that these works will increase ground level within flood zone 3, the impact on the flood storage capacity in the moor is negligible in terms of the moor's overall flood storage capacity. Furthermore the dredging work will offset the increased flood level by creating more capacity in the channel, this removes the need for any on site mitigation.

To ensure that the stockpiles are a temporary fixture I would recommend a condition restricting the time in which they can be retained.

### CONDITION

The stockpiled dredged material shall be removed and ground levels re-instated

within 18 months of the completion of the dredging work.

Reason: to reinstate the floodplain storage capacity of the moor.

I would recommend the following informative:

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.

## **Representations**

None received

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP8 - CP 8 ENVIRONMENT,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERATIONS**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues for consideration with the proposal for temporary storage of dredged material are drainage, wildlife and landscape impact and traffic.

### Drainage

The reason for storage of material is to enable re-use of the dredged material for either flood risk management works or as a soil improver. This will involve the storage of material for up to a year on land that is part of the flood plain and would be at risk of flooding. However the amount of dredging stored would be minimal in relation to the overall capacity of the flood plain and given that the material has come out of the river channels it would not increase the risk of flooding elsewhere. The development would enable the dredging of the rivers to take place and reduce the risk of flooding in the future and is considered compliant with policy CP8 of the Core Strategy. The scheme is designed to help reduce the risk of flooding and there is no objection from the Agency to the development.

### Wildlife and Landscape

The site has been identified as not lying within a SSSI or RAMSAR site and would not impact on the over wintering birds. A specific wildlife assessment has been carried out in relation to the site and there is not considered to be any adverse impact on protected species. The application has not received an objection from Natural England, who were consulted in the drawing up of the scheme, and the Biodiversity Officer also raises no objection. Natural England agrees with the mitigation measures put forward. Mitigation to protect species has been designed into the proposal with further assessment of the site prior to storage commencing and siting of stockpiles 10m away from drainage ditches and covering of the stockpiles. A Habitat Regulations Assessment has been carried out by the Environment Agency and it concluded that the dredging project would not cause an adverse effect on the integrity of the European Sites, provided a monitoring and mitigation programme is implemented to guide work during and after dredging. The storage of dredged material outside of designated sites for a temporary period as specified is similarly not considered to have an adverse effect on the integrity of European sites and Natural England confirm this view.

Visually the storage will be on average no higher than 2m and while the dredgings will be visible from local public vantage points and from a limited number of residences, the impact will be time limited and is not considered to have a significant visual impact on the character of the area to warrant either specific planting mitigation or an objection to the scheme.

### Traffic

The proposed development will clearly see an increase in traffic flows over local roads as a result of the need to transport the materials to the stockpiles and their decommissioning. This is anticipated to result in up to 180 vehicle movements a day between April and October 2014 and there will be considerable variability in traffic throughout the construction period as a whole and also throughout individual days. During the decommissioning of the stockpiles this is likely to be 129 tractor/trailer movements per day over the same period in 2015. This increase in vehicle movements will obviously have an impact on local traffic flows and cause disruption. This impact is unavoidable, however it will be temporary and short term and given the importance of the work is not seen as grounds to object to the development. This view is also taken by the Highway Authority who raise no objection to the proposal.

It is not intended to utilise the full capacity of the site's 34,000 cubic metres and proposed storage is only intended to be 15,000 cubic metres due to the impact of traffic disturbance on adjacent properties and the main site is intended to be site 3. In addition the proposal indicates that a traffic management plan will be put in place to limit the impact of additional traffic and address safety issues that may result. Given that this is proposed and elements of any such plan would not be enforceable through a planning condition it is not considered that such a condition be imposed. A note concerning the need for any approval of the Highway Authority for works within the highway is proposed.

### Other Matters

It is not considered that the proposed storage areas will have any significant long term impact on archaeology, ancient monuments or listed buildings given their locations.

## Summary

It is considered that the benefits of the scheme in terms of reducing the flood risk in the area outweigh the harmful effects of the short term traffic increase that would result and in light of this, the above issues and the other planning matters it is considered that the development should be supported and temporary permission granted.

**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**

ENVIRONMENT AGENCY

**CHANGE OF USE OF LAND TO STORE DREDGED MATERIAL ON LAND TO THE SOUTH OF STATHE ROAD AND EAST OF STANMOOR ROAD, BURROWBRIDGE**

Location: LAND TO SOUTH OF STATHE ROAD AND EAST OF STANMOOR ROAD, BURROWBRIDGE (SITE 2)

Grid Reference: 335827.129956 Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

1. The use hereby permitted shall be discontinued and the land restored to its former condition or allowing for a level of up to 300mm of dredged material to remain, on or before 30/11/2015.

Reason: To ensure no long term adverse visual impact and to reinstate floodplain storage capacity.

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

(A3) DrNo 122316-00028 Rev A.0 Stockpile Location Plan  
(A3) DrNo 122316-00034 Rev A.0 Planning Application Site 2  
(A3) DrNo 122316-00037 Rev A.0 Stockpile Location Plan

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

3. The measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in "*Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna*" and "*Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance*" in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014) shall be carried out as indicated during the construction and decommissioning of the stockpiles, including a badger assessment prior to removal of the stockpiles.

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

## Notes to Applicant

1. The alteration of the access and/or minor works or temporary signage will involve works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area at The Highways Depot, Burton Place, Taunton, Tel No 0845 345 9155. He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
2. 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.
3. 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.

## **PROPOSAL**

The proposal is to temporarily store dredged material from the Rivers Tone and Parrett. The dredging of around 235,000 cubic metres of sediment will take place between April to October 2014, while decommissioning of the stockpiles is anticipated to be between April and October 2015.

The dredged material will be tested and if found suitable for flood risk management works or as soil improver will be stockpiled for up to a year before being spread on farmland. Approximately 60% of the total dredged material is expected to be stored in this way. The stockpiles will be 2m high on average and covered and sealed with black sheeting.

The dredging project is an essential component of the Somerset Levels and Moors Flood Action Plan 2014. This project is one of several investments to reduce future frequency and duration of floods across the Levels and Moors. The application includes a Design and Access Statement, Planning Statement, Flood Risk Assessment and Environmental Statement with non-technical Summary.

## **SITE DESCRIPTION AND HISTORY**

The site consists of a flat agricultural field currently in arable use surrounded by hedging, located between the Stathe and Stanmoor Roads, with access via an existing gateway off the Stathe Road. The site is 4.04ha close to the confluence of the Rivers Parrett and Tone and the stockpile is expected to cover a maximum area of 1.5ha.

## **CONSULTATION AND REPRESENTATION RESPONSES**

## Consultees

*BURROWBRIDGE PARISH COUNCIL* - comment awaited.

*LANDSCAPE* - Limited landscape impacts due to the temporary nature of the storage of dredgings and the 2m height limit.

*NATURAL ENGLAND* - Natural England does not object to the application.

Natural England has been involved in extensive discussions with the Environment Agency on its plans to dredge sections of the Rivers Parrett and Tone as part of flood risk management works developed to respond to the prolonged flood event over the winter of 2013-14. We have agreed previously with the conclusions of the Environmental Statement produced by the Environment Agency in February 2014 to assess potential environmental impacts (as required by the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (as amended)), and the Habitats Regulations Assessment produced to assess potential impacts on the Natura 2000 network of European Sites (as required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended)).

We recognise that determination of this application will be informed by the updated Environmental Statement that has been produced to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

We agree that the stockpile locations chosen will minimise adverse impacts on nearby designated nature conservation sites and on species protected in European and domestic legislation.

We note that detailed strategies to avoid and mitigate potential impacts on sensitive environmental receptors during “construction” and decommissioning of the stockpiles will be developed in consultation with Natural England as the dredging programme progresses.

### Habitats Regulations Assessment (HRA)

Because the proposed project has the potential to affect the qualifying features of European Sites, the procedure set out under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) must be followed. The requirements for protection of the natural environment within the European Directives and the associated Regulations are stringent. The basic test is that a development must be able to demonstrate “no likely significant effect” and, if that is not possible, that it will not adversely affect the integrity of European sites (thus the developer must demonstrate the lack of an effect rather than Natural England having to prove the existence of one). This includes avoiding adverse impacts on the species and habitats for which the site is designated, and avoiding deterioration of or damage to any habitats on which they depend.

A “Habitat Regulations Appraisal” (HRA) should be undertaken in respect of any development which is (a) likely to have a significant effect on a European site

(either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

The proposed project is not directly connected with, or necessary to, the management of a European site. This means that if the development is likely to have an impact on the qualifying features of European Sites, then Taunton Deane Borough Council as the relevant Competent Authority would be required to carry out a Habitats Regulations Appraisal comprising:

- (i) an initial assessment of whether this proposal, either alone or in combination with other plans or projects, is likely to have a significant effect on the SACs; and,
- (ii) If a likely significant effect cannot be ruled out, an Appropriate Assessment to determine whether the proposal will adversely affect the integrity of the European Sites.

Following a screening assessment that identified that dredging could cause likely significant effects (LSE) on the Somerset Levels and Moors and Severn Estuary European Sites, the Environment Agency produced an Appropriate Assessment. Its conclusion was that the project would not cause an adverse effect on the integrity of the European Sites, provided a monitoring and mitigation programme is implemented to guide work during and after dredging.

Natural England agreed with the conclusion of the Environment Agency's Appropriate Assessment of the project. We agree that the proposed creation of the stockpiles to store dredged silt until autumn 2015 will not change the conclusion of the original Appropriate Assessment and consequently it does not need to be revised.

#### Protected Species considerations

We agree with the measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in "*Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna*" and "*Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance*" in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014).

Badgers - We are not sure that the potential for badgers to excavate sets in the stockpiles after they have been established has been identified as a risk. We advise that the regular checks of the stockpiles for badger activity are added to the Environmental Action Plan to ensure that any setts established are not disturbed unintentionally.

If planning permission is granted and protected species licences are required, then licence applications must be supported by up-to-date survey data.

#### Landscape considerations

The Landscape and Visual Impact Assessment (LVIA) has been produced competently following the latest best-practice guidance. We agree with its findings.

#### Mitigation

All measures detailed in the Environmental Action Plan (equivalent to a

Construction Environmental Management Plan) to avoid or reduce environmental impacts should be reinforced as planning conditions attached to any planning permission granted.

We endorse the need for an ecological clerk of works to take overall responsibility for the success of the management plan, to advise project management staff and contractors on ecological issues and to ensure mitigation measures are implemented correctly.

### NERC Act 2006

Natural England reminds Taunton Deane Borough Council of its duty to conserve biodiversity under Section 40(1) of the Natural Environment & Rural Communities Act 2006.

Please note that in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters as determined by Taunton Deane Borough Council that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

*BIODIVERSITY* - The three stockpiles are located within close proximity to protected sites so Natural England should be consulted on this application. I support the findings of the HRA. I note that works will take place between April and October to avoid disturbance to over wintering birds and that stockpiling will not take place within 10m of any rhyme to minimise any impact on water voles and otters.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The following comments are in connection with planning application 51/14/0005, to which my comments are made from on site observations and the information submitted supporting the planning application specifically the *Design & Access Statement, incorporating Planning Statement* prepared by *Black & Veatch* (April 2014) (Sunny Farm) and Drawing No. 122316 – 00028 and 122316 – 00034.

### Site Location – Land to the South of Stathe Road and East of Stanmoor Road, Burrowbridge

The application site is located south of the River Tone and Parrett on agricultural land to which vehicular access is obtained via Stathe Road a classified unnumbered highway which a 30mph speed limit applies past the site frontage.

Stathe Road is not provided with pedestrian footway or street lighting and carriageway width varies along its duration. Access to the wider highway network is north of the site at the junction with the A361 also known as Main Road/Glastonbury Road a Class 1 highway.

Having checked accident data records I can confirm that there have been no

recorded accidents in this location within the last five years.

#### Site Access – Land to the South of Stathe Road and East of Stanmoor Road, Burrowbridge

Drawing No. 122316 – 00028 indicates that vehicular access to the temporary site is to utilise an existing agricultural access.

There is no objection to the use of this access providing that improvements can be made for its use during the temporary phase of development. This can be achieved by a suitably worded condition and re-instated once works are completed.

The access would be required to provide temporary visibility splays of 2.4m x 33m based on design guidance from Manual for Streets (March 2007) during the dredging phase. Once that works have been completed the existing hedgerows should be re-instated.

#### Additional Information – Land to the South of Stathe Road and East of Stanmoor Road, Burrowbridge

Within *Appendix F: Somerset levels – Traffic Volume Calculations* of the submitted *Environmental Statement*, traffic calculations have been provided for the duration of the project, which indicate averages during the dredging works. This would need to be clarified in detail within a Traffic Management Plan.

It is considered that the proposal will lead to an intensification of vehicle movements to the surrounding highway networks. However, the application is of a temporary nature and therefore the proposal is considered acceptable.

It may be beneficial for the use of temporary signage to be positioned in close proximity to the application site (access) to notify highway users of the ongoing operations as part of the planning application. Whilst there are no objections to the erection of temporary signage along the proposed route, the locations of such signage will need to be agreed in writing with the Area Highway Office if the signage is on highway land.

It is stated within *Section 7.40* of the *Design & Access Statement, incorporating Planning Statement* that a Traffic Management Plan is to be prepared and implemented as part of the proposal to minimise any disruption during the dredging phase. A suitably worded condition should be attached to any planning consent if the Local Planning Authority is like minded to grant approval of the proposal. A Traffic Management Plan should detail the hours of operation (to minimise peak traffic times), types of vehicles to be used during the dredging phase, use of banksmen and methods to prevent any discharge of mud/slurry on the adopted highway.

#### Conclusion – Land to the South of Stathe Road and East of Stanmoor Road, Burrowbridge

It is acknowledged by the Local Highway Authority that the proposal will result in disruption to the highway network in the vicinity to the application site. However,

the need and temporary nature of the project outweigh the inconvenience and it is considered that a robust Traffic Management Plan should be submitted and implemented to minimise the disruption caused by the vehicles movements generated in association with this application.

In light of the above mentioned comments the Local Highway Authority, therefore raises no objection to the proposal and in the event of permission being granted, I would recommend that the following condition is imposed:-

Prior to any engineering works are carried out a Traffic Management Plan providing details on the operations of the dredging traffic and equipment to the site shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Visibility splays shall be implemented at the access to the application site, to which there shall be no obstruction to visibility greater than 900millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 33metres 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.

#### NOTES:

The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area at The Highways Depot, Burton Place, Taunton, Tel No 0845 345 9155, He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

*ENVIRONMENT AGENCY* - We believe that the sites are acceptable in terms of the sequential test . Two of the 3 chosen sites were not affected by flooding during the 2013/2014 winter floods, and the third one is located away from any property. You may want to satisfy yourselves that the site passes the sequential test.

Despite the fact that these works will increase ground level within flood zone 3, the impact on the flood storage capacity in the moor is negligible in terms of the moor's overall flood storage capacity. Furthermore the dredging work will offset the increased flood level by creating more capacity in the channel, this removes the need for any on site mitigation.

To ensure that the stockpiles are a temporary fixture I would recommend a condition restricting the time in which they can be retained.

#### CONDITION

The stockpiled dredged material shall be removed and ground levels re-instated within 18 months of the completion of the dredging work.

Reason: to reinstate the floodplain storage capacity of the moor.

I would recommend the following informative:

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.

## **Representations**

1 letter raising issues of increased traffic on Stathe Road and safety issues and suggesting a set of traffic mirrors should be installed.

1 letter of CONCERN over volume of traffic will present a risk of accidents and a further deterioration of Stanmoor Road

2 letters of NO OBSERVATIONS.

1 OBJECTION on the grounds of dumping smelly waste sludge in the centre of the village and not alternative locations, cost of disposal is driving this and not the best solution.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP8 - CP 8 ENVIRONMENT,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERATIONS**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues for consideration with the proposal for temporary storage of dredged material are drainage, wildlife and landscape impact and traffic.

### Drainage

The reason for storage of material is to enable re-use of the dredged material for

either flood risk management works or as a soil improver. This will involve the storage of material for up to a year on land that is part of the flood plain and would be at risk of flooding. However the amount of dredging stored would be minimal in relation to the overall capacity of the flood plain and given that the material has come out of the river channels it would not increase the risk of flooding elsewhere. The Environment Agency has designed the overall scheme with this in mind and there is no objection from the Agency to the development.

### Wildlife & Landscape

The site has been identified as not lying within a SSSI or RAMSAR site and would not impact on the over wintering birds. A specific wildlife assessment has been carried out in relation to the site and there is not considered to be any adverse impact on protected species. The application has not received an objection from Natural England, who were consulted in the drawing up of the scheme, and the Biodiversity Officer also raises no objection. Natural England agrees with the mitigation measures put forward. Mitigation to protect species has been designed into the proposal with further assessment of the site prior to storage commencing and siting of stockpiles 10m away from drainage ditches and covering of the stockpiles. A Habitat Regulations Assessment has been carried out by the Environment Agency and it concluded that the dredging project would not cause an adverse effect on the integrity of the European Sites, provided a monitoring and mitigation programme is implemented to guide work during and after dredging. The storage of dredged material outside of designated sites for a temporary period as specified is similarly not considered to have an adverse effect on the integrity of European sites and Natural England confirm this view.

Visually the storage will be on average no higher than 2m and while the dredgings will be visible from local public vantage points and from a limited number of residences the impact will be time limited and is not considered to have a significant visual impact on the character of the area to warrant either specific mitigation or an objection to the scheme.

### Traffic

The proposed development will clearly see an increase in traffic flows over local roads as a result of the need to transport the materials to the stockpiles and their decommissioning. This is anticipated to result in up to 180 vehicle movements a day between April and October 2014 and there will be considerable variability in traffic throughout the construction period as a whole and also throughout individual days. During the decommissioning of the stockpiles this is likely to be 129 tractor/trailer movements per day over the same period in 2015. This increase in vehicle movements will obviously have an impact on local traffic flows and cause disruption. This impact is unavoidable, however it will be temporary and short term and given the importance of the work is not seen as grounds to object to the development.

It is not intended to utilise the full capacity of the site's 51,000 cubic metres and proposed storage is only intended to be 27,000 cubic metres due to the impact of traffic disturbance on adjacent properties and the main site is intended to be site 3. The Highway Authority don't support the use of traffic mirrors and the application detail indicates that a traffic management plan will be put in place to limit the impact of additional traffic and address safety issues that may result. Given that this is

proposed and elements of any such plan would not be enforceable through a planning condition it is not considered that such a condition be imposed. Provision of the visibility splays as suggested would involve the loss of hedgerow either side of the access. While such loss could be conditioned to be reinstated on completion of works, given the existing access and nature of the road it is considered an alternative would be the use of banksmen during use and thus avoid the need to remove any hedging which would impact on residential properties opposite as well as the possible wildlife impact. Consequently it is not intended to require the visibility splay specified. A note concerning the need for any approval of the Highway Authority for works within the highway is proposed.

### Other Matters

It is not considered that the proposed storage areas will have any significant long term impact on archaeology, ancient monuments or listed buildings given their locations. A single letter of concern has raised the issue of odour from the dredged materials, however this has been considered and led to the siting of the stockpiles away from immediate boundaries with residential properties and for the stockpiles to be covered. Also any contaminants identified in the dredgings would be removed from the site.

### Summary

It is considered that the benefits of the scheme in terms of reducing the flood risk in the area outweigh the harmful effects of the short term traffic increase that would result and in light of this, the above issues and the other planning matters it is considered that the development should be supported and temporary permission granted.

**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**

51/14/0006

ENVIRONMENT AGENCY

**CHANGE OF USE OF LAND TO STORE DREDGED MATERIAL ON LAND BETWEEN SALTMOOR FARM AND WEST YEO, BURROWBRIDGE**

Location: LAND BETWEEN SALTMOOR FARM AND WEST YEO,  
BURROWBRIDGE (SITE 3)

Grid Reference: 334324.13075 Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

1. The use hereby permitted shall be discontinued and the land restored to its former condition or allowing for a level of up to 300mm of dredged material to remain, on or before 30/11/2015.

Reason: To ensure no long term adverse visual impact and to reinstate floodplain storage capacity.

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

(A3) DrNo 122316-00028 Rev A.0 Stockpile Location Plan  
(A3) DrNo 122316-00035 Rev A.0 Planning Application Site 3  
(A3) DrNo 122316-00038 Rev A.0 Stockpile Location Plan

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

3. The measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in "*Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna*" and "*Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance*" in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014) shall be carried out as indicated during the construction and decommissioning of the stockpiles, including a badger assessment prior to removal of the stockpiles.

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

## Notes to Applicant

1. The alteration of the access and/or minor works or temporary signage will involve works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area at The Highways Depot, Burton Place, Taunton, Tel No 0845 345 9155. He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
2. 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.
3. 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.

## **PROPOSAL**

The proposal is to temporarily store dredged material from the Rivers Tone and Parrett. The dredging of around 235,000 cubic metres of sediment will take place between April to October 2014, while decommissioning of the stockpiles is anticipated to be between April and October 2015.

The dredged material will be tested and if found suitable for flood risk management works or as soil improver will be stockpiled for up to a year before being spread on farmland. Approximately 60% of the total dredged material is expected to be stored in this way. The stockpiles will be 2m high on average and covered and sealed with black sheeting.

The dredging project is an essential component of the Somerset Levels and Moors Flood Action Plan 2014. This project is one of several investments to reduce future frequency and duration of floods across the Levels and Moors. The application includes a Design and Access Statement, Planning Statement, Flood Risk Assessment and Environmental Statement with non-technical Summary.

## **SITE DESCRIPTION AND HISTORY**

The site is a grass field surrounded by rhynes with partial hedges on two sides and is 6.5ha with access by the local road and two possible droveways. The stockpile area would cover a maximum area of 5.2ha.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BURROWBRIDGE PARISH COUNCIL - Awaited*

*LANDSCAPE* - Limited landscape impacts due to the temporary nature of the storage of dredgings and the 2m height limit.

*NATURAL ENGLAND* - Natural England does not object to the application.

Natural England has been involved in extensive discussions with the Environment Agency on its plans to dredge sections of the Rivers Parrett and Tone as part of flood risk management works developed to respond to the prolonged flood event over the winter of 2013-14. We have agreed previously with the conclusions of the Environmental Statement produced by the Environment Agency in February 2014 to assess potential environmental impacts (as required by the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (as amended)), and the Habitats Regulations Assessment produced to assess potential impacts on the Natura 2000 network of European Sites (as required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended)).

We recognise that determination of this application will be informed by the updated Environmental Statement that has been produced to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

We agree that the stockpile locations chosen will minimise adverse impacts on nearby designated nature conservation sites and on species protected in European and domestic legislation.

We note that detailed strategies to avoid and mitigate potential impacts on sensitive environmental receptors during “construction” and decommissioning of the stockpiles will be developed in consultation with Natural England as the dredging programme progresses.

#### Habitats Regulations Assessment (HRA) \_

Because the proposed project has the potential to affect the qualifying features of European Sites, the procedure set out under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) must be followed. The requirements for protection of the natural environment within the European Directives and the associated Regulations are stringent. The basic test is that a development must be able to demonstrate “no likely significant effect” and, if that is not possible, that it will not adversely affect the integrity of European sites (thus the developer must demonstrate the lack of an effect rather than Natural England having to prove the existence of one). This includes avoiding adverse impacts on the species and habitats for which the site is designated, and avoiding deterioration of or damage to any habitats on which they depend.

A “Habitat Regulations Appraisal” (HRA) should be undertaken in respect of any development which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

The proposed project is not directly connected with, or necessary to, the management of a European site. This means that if the development is likely to

have an impact on the qualifying features of European Sites, then Taunton Deane Borough Council as the relevant Competent Authority would be required to carry out a Habitats Regulations Appraisal comprising:

- (i) an initial assessment of whether this proposal, either alone or in combination with other plans or projects, is likely to have a significant effect on the SACs; and,
- (ii) If a likely significant effect cannot be ruled out, an Appropriate Assessment to determine whether the proposal will adversely affect the integrity of the European Sites.

Following a screening assessment that identified that dredging could cause likely significant effects (LSE) on the Somerset Levels and Moors and Severn Estuary European Sites, the Environment Agency produced an Appropriate Assessment. Its conclusion was that the project would not cause an adverse effect on the integrity of the European Sites, provided a monitoring and mitigation programme is implemented to guide work during and after dredging.

Natural England agreed with the conclusion of the Environment Agency's Appropriate Assessment of the project.

We agree that the proposed creation of the stockpiles to store dredged silt until autumn 2015 will not change the conclusion of the original Appropriate Assessment and consequently it does not need to be revised.

#### Protected Species considerations \_

We agree with the measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in "*Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna*" and "*Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance*" in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014).

Badgers - We are not sure that the potential for badgers to excavate sets in the stockpiles after they have been established has been identified as a risk. We advise that the regular checks of the stockpiles for badger activity are added to the Environmental Action Plan to ensure that any setts established are not disturbed unintentionally.

If planning permission is granted and protected species licences are required, then licence applications must be supported by up-to-date survey data.

#### Landscape considerations \_

The Landscape and Visual Impact Assessment (LVIA) has been produced competently following the latest best-practice guidance. We agree with its findings.

#### Mitigation \_

All measures detailed in the Environmental Action Plan (equivalent to a Construction Environmental Management Plan) to avoid or reduce environmental impacts should be reinforced as planning conditions attached to any planning

permission granted.

We endorse the need for an ecological clerk of works to take overall responsibility for the success of the management plan, to advise project management staff and contractors on ecological issues and to ensure mitigation measures are implemented correctly.

### NERC Act 2006

Natural England reminds Taunton Deane Borough Council of its duty to conserve biodiversity under Section 40(1) of the Natural Environment & Rural Communities Act 2006.

Please note that in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters as determined by Taunton Deane Borough Council that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

*BIODIVERSITY* - The three stockpiles are located within close proximity to protected sites so Natural England should be consulted on this application. I support the findings of the HRA. I note that works will take place between April and October to avoid disturbance to over wintering birds and that stockpiling will not take place within 10m of any rhyne to minimise any impact on water voles and otters.

### *SCC - TRANSPORT DEVELOPMENT GROUP –*

The following comments are in connection with planning application 51/14/0006, to which my comments are made from on site observations and the information submitted supporting the planning application specifically the *Design & Access Statement, incorporating Planning Statement* prepared by *Black & Veatch* (April 2014) (Saltmoor Farm) and Drawing No. 122316 – 00028 and 122316 – 00038.

### Site Location – Land between Saltmoor Farm and West Yeo, Burrowbridge

The site is located on agricultural land south of the river Parrett and has been indicated on Drawing No. 122316 – 00028, which details that the main point of access is to be obtained via Moorland Road a designated classified unnumbered highway to which a National Speed Limit applies past the site frontage. Having checked accident data records I can confirm that there have been no recorded accidents in this location within the last five years.

### Site Access - Land between Saltmoor Farm and West Yeo, Burrowbridge

The access, lower than the existing carriageway level provides suitable visibility for vehicles emerging onto Moorland Road, providing that some of the existing overgrown vegetation can be trimmed back.

Additionally, it has also been covered that an alternative access is to be provided as part of access into the application site. The alternative access also obtains access onto Moorland Road in a location where the National Speed Limit applies past the site frontage.

Based on on site observations it is considered by the Local Highway Authority that the alternative access would be a preferred point of entrance to 'SITE 3' as traffic associated with dredging operation would not have to navigate a 2.0km journey along Moorland Road where carriageway widths are restricted with limited passing places.

In terms of vehicular visibility this access is in a more adequate location. Being positioned on the outside of a bend, suitable visibility for vehicles emerging from the access onto Moorland Road can be achieved. It is considered that Manual for Streets visibility splays would be acceptable in this location coinciding with estimated traffic speeds approaching the bend along Moorland Road. As result visibility splays should be implemented at the point of access (2.4m x 33m).

#### Additional Information – Land between Saltmoor Farm and West Yeo, Burrowbridge

Within *Appendix F: Somerset levels – Traffic Volume Calculations* of the submitted *Environmental Statement*, traffic calculations have been provided for the duration of the project, which indicate averages during the dredging works. This would need to be clarified in detail within a Traffic Management Plan.

It is considered that the proposal will lead to an intensification of vehicle movements to the surrounding highway networks. However, the application is of a temporary nature and therefore the proposal is considered acceptable.

It maybe beneficial for the use of temporary signage to be positioned in close proximity to the application site (access) to notify highway users of the ongoing operations as part of the planning application. Whilst there are no objections to the erection of temporary signage along the proposed route, the locations of such signage will need to be agreed in writing with the Area Highway Office if the signage is on highway land.

It is stated within *Section 7.40* of the *Design & Access Statement, incorporating Planning Statement* that a Traffic Management Plan is to be prepared and implemented as part of the proposal to minimise any disruption during the dredging phase. A suitably worded condition should be attached to any planning consent if the Local Planning Authority is like minded to grant approval of the proposal. A Traffic Management Plan should detail the hours of operation (to minimise peak traffic times), types of vehicles to be used during the dredging phase, use of banksmen and methods to prevent any discharge of mud/slurry on the adopted highway.

#### Conclusion – Land between Saltmoor Farm and West Yeo, Burrowbridge

It is acknowledged by the Local Highway Authority that the proposal will result in disruption to the highway network in the vicinity to the application site. However, the need and temporary nature of the project outweigh the inconvenience and it is

considered that a robust Traffic Management Plan should be submitted and implemented to minimise the disruption caused by the vehicles movements generated in association with this application.

In light of the above mentioned comments the Local Highway Authority, therefore raises no objection to the proposal and in the event of permission being granted, I would recommend that the following condition is imposed:-

Prior to any engineering works are carried out a Traffic Management Plan providing details on the operations of the dredging traffic and equipment to the site shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved the dredging traffic and equipment to the site shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

#### NOTES:

The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area at The Highways Depot, Burton Place, Taunton, Tel No 0845 345 9155,, He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

#### *ENVIRONMENT AGENCY –*

We believe that the sites are acceptable in terms of the sequential test . This site is located within flood zone 3 however, it is located away from any property and is of a temporary nature. You may want to satisfy yourselves that the site passes the sequential test.

Despite the fact that these works will increase ground level within flood zone 3, the impact on the flood storage capacity in the moor is negligible in terms of the moor's overall flood storage capacity. Furthermore the dredging work will offset the increased flood level by creating more capacity in the channel, this removes the need for any on site mitigation.

To ensure that the stockpiles are a temporary fixture I would recommend a condition restricting the time in which they can be retained.

#### CONDITION

The stockpiled dredged material shall be removed and ground levels re-instated within 18 months of the completion of the dredging work.

Reason: to reinstate the floodplain storage capacity of the moor.

I would recommend the following informative:

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.

## **Representations**

None received.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP8 - CP 8 ENVIRONMENT,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERATIONS**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues for consideration with the proposal for temporary storage of dredged material are drainage, wildlife and landscape impact and traffic.

### Drainage

The reason for storage of material is to enable re-use of the dredged material for either flood risk management works or as a soil improver. This will involve the storage of material for up to a year on land that is part of the flood plain and would be at risk of flooding. However the amount of dredging stored would be minimal in relation to the overall capacity of the flood plain and given that the material has come out of the river channels it would not increase the risk of flooding elsewhere. The Environment Agency has designed the overall scheme with this in mind and there is no objection from the Agency to the development.

### Wildlife and Landscape

The site has been identified as not lying within a SSSI or RAMSAR site and would not impact on the over wintering birds. A specific wildlife assessment has been carried out in relation to the site and there is not considered to be any adverse impact on protected species. The application has not received an objection from Natural England, who were consulted in the drawing up of the scheme, and the

Biodiversity Officer also raises no objection. Natural England agrees with the mitigation measures put forward. Mitigation to protect species has been designed into the proposal with further assessment of the site prior to storage commencing and siting of stockpiles 10m away from drainage ditches and covering of the stockpiles. A Habitat Regulations Assessment has been carried out by the Environment Agency and it concluded that the dredging project would not cause an adverse effect on the integrity of the European Sites, provided a monitoring and mitigation programme is implemented to guide work during and after dredging. The storage of dredged material outside of designated sites for a temporary period as specified is similarly not considered to have an adverse effect on the integrity of European sites and Natural England confirm this view.

Visually the storage will be on average no higher than 2m and while the dredgings will be visible from local public vantage points and from a limited number of residences, the impact will be time limited and is not considered to have a significant visual impact on the character of the area to warrant either specific planting mitigation or an objection to the scheme.

### Traffic

The proposed development will clearly see an increase in traffic flows over local roads as a result of the need to transport the materials to the stockpiles and their decommissioning. This is anticipated to result in up to 180 vehicle movements a day between April and October 2014 and there will be considerable variability in traffic throughout the construction period as a whole and also throughout individual days. During the decommissioning of the stockpiles this is likely to be 129 tractor/trailer movements per day over the same period in 2015. This increase in vehicle movements will obviously have an impact on local traffic flows and cause disruption. This impact is unavoidable, however it will be temporary and short term and given the importance of the work is not seen as grounds to object to the development.

It is not intended to utilise the full capacity of the sites 1 and 2 due to the impact of traffic disturbance and the main site is intended to be site 3. Site 3 has a maximum capacity of 96,000 cubic metres and the proposed capacity is intended to be this volume in order to try and limit the traffic impacts at the other two sites. The application detail indicates that a traffic management plan will be put in place to limit the impact of additional traffic and address safety issues that may result. Given that this is proposed and elements of any such plan would not be enforceable through a planning condition it is not considered that such a condition be imposed. The access to the site is along two possible driveways, both of which are considered to have suitable access to the Moorland Road, although the Highway Authority prefer the alternative access on the outside of a bend closer to Burrowbridge. A note concerning the need for any approval of the Highway Authority for works within the highway is proposed.

### Other Matters

It is not considered that the proposed storage areas will have any significant long term impact on archaeology, ancient monuments or listed buildings given their locations. A single letter of concern has raised the issue of odour from the dredged materials, however this has been considered and led to the siting of the stockpiles away from immediate boundaries with residential properties and for the stockpiles to

be covered. Also any contaminants identified in the dredgings would be removed from the site.

### Summary

It is considered that the benefits of the scheme in terms of reducing the flood risk in the area outweigh the harmful effects of the short term traffic increase that would result and in light of this, the above issues and the other planning matters it is considered that the development should be supported and temporary permission granted.

**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**

52/14/0012

MR EVANS

**ERECTION OF 6 FLOODLIGHTS TO ILLUMINATE SPORTS PITCH AT QUEENS COLLEGE, TRULL ROAD, COMEYTROWE**

Location: QUEENS COLLEGE, TRULL ROAD, TAUNTON, TA1 4QS

Grid Reference: 321593.123059

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 CC4217 02 Philips Floodlights  
(A1) DrNo GTB-PO-17-1 Proposed Lighting

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

3. The floodlighting hereby permitted shall be illuminated only between the hours of 14:00 and 21.30 Monday to Saturday and not at any times on Sundays and only in the months of October to March inclusive.

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 and as stated in the submitted application.

4. The floodlighting scheme hereby permitted shall be implemented fully in accordance with the details and specifications set out in the design and access statement with accompanying Philips Lighting document received 28 March 2014 and shall thereafter be retained as such.

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.

5. (i) Before any part of the permitted development is in use, 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.

#### 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 landscaping scheme should include some trees and higher growing shrubs.

#### **PROPOSAL**

The application is for the installation of six pole mounted floodlights to illuminate an existing all weather sports pitch. The columns are shown to be 14m in height and approx 430mm in diameter at the base, with each having three luminaires at the top of each column. The column in the south east corner, closest to the adjoining residential properties, will have an 'optiviso' fitted which will ensure light is directed even more accurately so as to avoid any spillage towards the adjoining residential properties. The lighting report shows the lighting to be focused on the pitch itself with little light spill outside the pitch. The application proposes that the lights will be available for use from October to March between the hours of dusk to 21.00, which would allow the use of the sports pitch by the pupils at the school of for local sports clubs who have booked to use the facility.

The agent advises that the telescopic design has provided problems due to restrictions over how they can be used in conditions where the wind is over 18 mph, this operational difficulty would not occur with the lights as now proposed. The submitted report also states that the lights are similar to the approved application for 8 x 15m columns that provide 20 floodlights at Taunton School which is also relatively close to residential properties (16 – 20m).

The columns will appear more 'slimline' than the retractable columns due to their nature, and will only be lowered for maintenance (there is a pivot point approx 6m from the ground).

The agent has been asked to reconsider the retractable columns to help reduce visual impact and to focus the lighting so that it does not 'spill' towards the west. To date the lighting consultant has not responded, but it is assumed that due to the costs involved and the difficulties of erecting/using the retractable columns in windy conditions, that this element of the proposal will not be changed. However the light spill issue can be overcome and this amendment is expected.

## **SITE DESCRIPTION AND HISTORY**

The site is to the west of the existing sports centre which is located to the west of the listed part of the college. The pitch to which the application relates is set approx 3 to 4 m below the sports centre and the dwellings in Ferndale Drive, which are bungalows, whilst the properties on Claremont Lane are two storey detached dwellings. The pitch is situated approx. 30m from the nearest bungalow, the proposed lighting columns would be 27m from the nearest points of nos 4 and 5 Ferndale Drive, and the nearest column would be approx. 23m from no 6 Ferndale Drive. There are a series of artificial pitches and playing fields sited to the west of Queen's College. There are already floodlit facilities on the adjoining pitches/courts which are used beyond dusk in the winter months; these lights are either on 6m columns or on telescopic columns, which are 5m when retracted and 15m when extended.

### Relevant History

52/06/0044 erection of telescopic lighting columns to floodlight Hockey Pitch, approved 06/03/07. (The site is to west of application site.)

52/88/0032 Construction of an all weather playing pitch with associated fencing and roadway, approved on 24/10/88, subject to conditions including planting to bank to rear of Ferndale Drive properties. (Application Site.)

52/88/0015 Construction of an all weather playing pitch with 8 x 16m floodlighting columns, refused (09/08/88), on grounds of detrimental intrusion into playing fields by reason of noise and visual encroachment into existing open setting resulting from the proposed lighting and columns and fencing, and the glare and high degree of illumination from the floodlighting. (Application Site.)

## **CONSULTATION AND REPRESENTATION RESPONSES**

## Consultees

*COMEYTROWE PARISH COUNCIL* - supports if the columns are telescopic as those on the adjoining pitch. The PC feel that the permanent columns would not be in keeping with the surrounding area and especially the private properties close by and would be an unfortunate blot on the surrounding landscape and area as they would be clearly visible. the Council agree that the columns should not be used in the evenings after 9pm.

*(As the application is for non-telescopic columns, the PC comments have been taken as an objection.)*

*SCC - TRANSPORT DEVELOPMENT GROUP* - no observations.

## Representations

8 letters of OBJECTION raising the following issues:

- Concerned about the cumulative effects of floodlighting;
- Request an EIA to assess potential impact on bats;
- Object to permanent nature of floodlights;
- View from property will be dominated by floodlights;
- The nearest column will be 26m from the rear of properties and will be higher than the apex of the roofs;
- The rural and open nature of the area will be changed even further;
- A previous scheme was revised and retractable columns installed, the permanent columns will be closer and have greater detriment;
- Value of property affected if columns permanently raised;
- There are no trees to lessen the visual intrusion;
- Non-retractable lights are incongruous and conflict with the existing telescopic lights;
- Conflict with the surrounding hills including views of the Quantocks Area of Outstanding Natural Beauty;
- Noise from hockey matches that will occur with the lighting;
- The light will enter the bungalows' windows – irrespective of what the calculations say;

2 letters of COMMENT

- No objection subject to a 10.15pm switch off;
- retractable columns would be acceptable;

## PLANNING POLICIES

NPPF - National Planning Policy Framework,  
CP8 - CP 8 ENVIRONMENT,  
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
EN24 - TDBCLP - Urban Open Space,  
C3 - TDBCLP - Protection of Recreational Open Space,

## **LOCAL FINANCE CONSIDERATIONS**

Not Applicable

## **DETERMINING ISSUES AND CONSIDERATIONS**

The history of the site and the adjacent site shows that there have been concerns in the past in respect to the installation of floodlighting, relating to the issue of floodlighting itself which residents consider a nuisance and the visual intrusion of the floodlighting columns in a generally open area.

### Planning Policy

In policy terms, the NPPF, section 73, states - Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.....

Taunton Deane Core Strategy, Policy CP5, relates to inclusive communities, and the need to reduce inequalities and address accessibility to health.....and leisure and other community facilities ensuring a better quality of life for everyone both now and future generations. Policy DM1e relates to the criteria to be met for development, including .....potential lighting, glare and other former forms of pollution which could arise as a result of the development will not unacceptably harm public health....the amenity of individual dwellings or residential areas. The Taunton Deane Local Plan has retained policies which seek inter alia to retain open space, playing fields, sports grounds etc.

### Benefits of the Development

The application does not relate to the creation of new facilities, but would allow for a greater use of the existing all weather facilities. The benefits for the pupils and pre-booked sessions for local sports clubs include the improvement of the recreational facilities allowing the newly resurfaces pitch to be used in the late afternoon and evening during the winter months, resulting in a longer time within which games can be played, and an increased opportunity for physical activity which is generally considered to be beneficial for health and wellbeing.

### Residential Amenity

The proposed columns will be visible from the 8 residential properties immediately adjacent to the pitch, of those 8, 6 have objected. The objectors' properties are sited to the southwest on land which is higher than the pitches, which slightly lessens the viewed height of the columns, but will result in visual impact, as will the lit pitch in the evening times. The agent has been asked to reconsider the use of retractable columns, to help reduce visual impact, but at the time of writing there has been no response. Nonetheless, such visual impact to these residents should be weighed against the potential benefit in the sporting activity of the school pupils and other sports clubs' players. A previous landscaping scheme has resulted in some shrubs, but these would not provide any screening for floodlighting columns.

The submitted information indicates that the light will be focused upon the pitch, however there is a light spill to the west which impinges slightly on the gardens of the houses in Claremont Lane. This is due to be amended to avoid this situation.

Whilst the views from the properties will be interrupted by the columns, these are located some 27m away from the dwellings, and this is considered an acceptable distance not to be overpowering.

In respect of noise, there will be some noise from the playing of games as is usual from playing fields and pitches. The application site is closer to residential properties than the existing floodlit pitches and thus it is likely that there will be some increase in the noise levels. However the noise from pupils/teams playing sports is not considered to be unacceptable close to residential properties.

The condition on hours of use will help in respect to light and noise issues, and the switching off at 21.30 is considered to be appropriate for this location in the vicinity to residential properties.

### Character of the Area

The general nature of the pitches and playing fields is unaltered, the character is slightly altered in that there will be additional illumination in the evenings, but I would consider that the character of the area as a whole will not be detrimentally affected.

### Wildlife

No assessment has been provided over the potential impact on wildlife. The lights would be predominantly used over the winter months (the application confirms the usage would be October through to March), whilst the main bat activity is over the spring and summer. Given that there are existing lights on the adjacent pitch and the warm up area, it is considered that the impact on wildlife is unlikely to be significantly greater than the existing. It is not considered that there will be a significant cumulative effect as a result of these additional lights, and an EIA is not required.

### Summary

In conclusion, it is considered that there will be some impact on the local residents, but such visual impact is outweighed by the greater use of the pitch by the school and sports clubs. The NPPF supports the promotion of healthy communities and this is one step in this area. There should however be more landscaping in the area of the slope, which could help screen the pitch when illuminated and the hours of illumination should be strictly controlled.

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

**CONTACT OFFICER: Ms K Marlow Tel: 01823 356460**

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 21 MAY 2014**

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/13/2 210793	CONVERSION OF STABLE BUILDING TO HOLIDAY LETTING ACCOMMODATION AT PICKET MEAD, OLDWAY LANE, HATCH BEAUCHAMP	Policy DM2 Part 7 of the Taunton Deane Core Strategy makes provision for the conversion of existing buildings in the countryside, provided the building is of permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension; and sets out a sequential approach to alternative uses in order of priority. The building is a timber stable building with a corrugated sheet roof. By virtue of its existing construction and the level of rebuilding required, the building is not considered to be of sufficient substantial construction that could be converted without major rebuilding or significant alteration. Furthermore, it has not been demonstrated that the building is not suitable or required for the alternative uses set out in the	47/13/0004	The Inspector considered the various issues and concluded the proposal would not support an existing farming or service enterprise and found it has not been demonstrated that the sequential approach to the conversion of buildings in the countryside, set out in the development plan, has been followed. Furthermore, the building is not of substantial construction and its conversion would require significant alterations and be tantamount to major rebuilding. As such the proposal would be in direct conflict with Policy DM2 of the Core Strategy. Having taken into account the support given to sustainable rural tourism by the framework, and in particular the economic benefits of providing visitor accommodation, the Inspector concluded these

		sequential list above holiday and tourism uses. The scheme is therefore contrary to Policy DM2 (Part 7) of the Taunton Deane Core Strategy.		factors do not outweigh the conflict with the development plan and therefore DISMISSED the appeal.
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