

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 10 December 2014 at 17:00.

---

### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 26 November 2014 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 05/13/0067 Provision of student accommodation comprising up to 210 bed spaces, associated parking, landscaping and provision of sports pitches, including an all weather floodlit pitch, at Somerset College Of Arts and Technology, Wellington Road, Taunton
- 6 42/13/0079 Residential development comprising up to 37 dwellings with associated parking and landscaping at Canonsgrove Halls of Residence, Honiton Road, Staplehay (as amended)
- 7 38/14/0357 Conversion of dwelling into five self-contained units at 16 Victoria Street, Taunton.
- 8 38/14/0371 Change of use of second floor office to residential flat at 2 Middle Street, Taunton
- 9 38/14/0372LB Conversion of second floor office to residential flat at 2 Middle Street, Taunton
- 10 48/14/0035 Erection of 2 no. single storey dwellings with demolition of existing structures at South View Court, Monkton Heathfield, West Monkton (resubmission of 48/13/0018) as amended by plans showing pitched roofs etc. Plans no 2912/10A, 11A, 13A, 14A, 15A, 16 and 17
- 11 Planning Appeals - The latest appeals and decisions received (attached)

Bruce Lang  
Assistant Chief Executive

23 December 2014

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

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

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

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

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

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

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

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



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



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

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

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

**Planning Committee Members:-**

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

## **Planning Committee – 26 November 2014**

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

Officers: - Julie Moore (Major Applications Co-ordinator), Matthew Bale (Development Management Lead), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

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

(The meeting commenced at 5.00 pm)

### **110. Apologies**

Apologies : Councillor Coles (Vice-Chairman) and Councillor Bishop

### **111. Declarations of Interest**

Councillors A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillor Bowrah declared that he was the Ward Councillor for application Nos 43/14/0104LB & 43/14/0103. He declared that although he had been approached by local residents to discuss the applications he felt that he had “not fettered his discretion”.

### **112. Applications for Planning Permission**

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

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

#### **43/14/104LB**

**Change of use of ground floor only from A1 (retail) to A3/A5 (Restaurant/Take Away) with installation of kitchen, extractor unit and serving area at 20 Mantle Street, Wellington**

#### **Conditions**

(a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;

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

- (A3) DrNo 1484.101 Rev B Proposal Drawings;
- (A3) DrNo 1484.100 Rev A As Built Survey Drawings;
- (A3) DrNo 1484.099 Rev A Location Plan and Site Plan;

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

(d) Prior to its installation, full details of any extraction equipment/flue shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment shall be installed in accordance with the approved details shall thereafter be maintained as such;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of listed building consent.)

### **43/14/0103**

**Change of use of ground floor only from A1 (Retail) to A3/A5 (Restaurant/Takeaway) with installation of kitchen, extractor unit and serving area at 20 Mantle Street, Wellington**

### **Conditions**

(a) The development hereby permitted shall be begun within three years of the date of this development;

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

- (A3) DrNo 1484.101 Rev B Proposal Drawings;
- (A3) DrNo 1484.100 Rev A As Built Survey Drawings;
- (A3) DrNo 1484.099 Rev A Location Plan and Site Plan;

(c) 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;

(d) The use hereby permitted shall not be open to customers outside the following times 22:30 hours – 08:00 hours;

- (e) Prior to the commencement of the use hereby permitted, full details of the proposed storage of refuse/waste shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the use commencing and shall thereafter be maintained as such. No waste shall be stored within the side passage that gives access to Laburnum Cottages at any time;
- (f) Prior to its installation, full details of any extraction equipment/flue shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment shall be installed in accordance with the approved details shall thereafter be maintained as such;

(Note to applicant:- Applicant was advised that in accordance paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

### **27/14/0010**

**Erection of two storey extension to link farm house, swimming pool building and barn and conversion works to provide holiday accommodation with ancillary facilities at Allerford Farm, Norton Fitzwarren, Oake (amended description)**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A2) DrNo Y21/1K Ground Floor Plans;
  - (A3) DrNo Y21/3B Second Floor Plan;
  - (A3) DrNo Y21/3B Second Floor Plan;
  - (A3) DrNo Y21/4D South East and South West Elevation;
  - (A3) DrNo Y21/5C North West and North East Elevation;
  - (A3) DrNo Y21/6H Location and Site Plan;
  - (A3) DrNo Y21/7D Landscaping of Garden and Ancillary building Elevations and Floor Plan;
  - (A3) DrNo Y21/11 Revised Location Plan;
  - (A3) DrNo Y21/12 Revised Block Plan;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;

- (d) (i) Prior to its implementation, 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;
- (e) The accommodation shall be occupied for holiday purposes only; The holiday accommodation shall not be occupied as a person's sole or main residence; The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual rooms/units on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority;
- (f) No part of the accommodation hereby permitted shall be occupied until space has been laid out within the site for the parking of motor vehicles in accordance with the approved plan Dr No Y21/12 and shall thereafter be maintained at all times;
- (g) None of the accommodation shall be occupied until the sewage disposal and surface water drainage works have been completed in accordance with the details hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. Once implemented, the drainage schemes shall thereafter be maintained at all times;
- (h) Prior to the commencement of any works hereby permitted, a full wildlife survey shall be undertaken by a qualified Ecologist and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment of the approved development upon those species found and mitigation measures (to include timing of works) to be carried out in order to safeguard protected species in accordance with the law. Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise agreed in writing by the Local Planning Authority;
- (i) No development shall take place until the applicant has submitted to, and approved in writing by, the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall address and provide information on the matters:



#### During Demolition/Construction Process

- command and control (decision making process and communications to ensure activation of FEP);
- training and exercising of personnel on site (H&S records of to whom and when);  
flood warning procedures (in terms of receipt and transmission of information and to whom);
- site evacuation procedures and routes; and,
- provision for identified safe refuges (who goes there and resources to sustain them).

#### During Occupation of Development

- occupant awareness of the likely frequency and duration of flood events;
- safe access to and from the development;
- subscription details to Environment Agency flood warning system, 'Flood Warning Direct'.

(j) The pool, sauna, gym, steam room, wet rooms, treatment rooms and dining area and associated facilities shall not be used by other than persons/guests resident at Allerford Farm;

(Notes to applicant:- (i) Applicant was advised that in accordance with the paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (ii) Applicant was advised to note 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; (iii) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (iv) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.)

#### **113. Miscellaneous Report - Outline planning application for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved including the point of access on land at Hartnells Farm, Monkton Heathfield (48/13/0008)**

Reported that at its meeting on 13 August 2014, conditional approval had previously been granted for this development subject to a Section 106 Agreement to secure the measures set out in Minute No. 84/2014. Subsequent to the former resolution the applicant had been advised that there was a potential conflict between the Section 106 requirement to fund the

Western Relief Road and the payment of CIL monies which were applicable to this Core Strategy site. This concern was justified as the Western Relief Road could be construed as an item of transport and movement infrastructure that was related to the growth of Taunton even if it had the role of mitigating the impact of development and thereby covered by the CIL Regulation 123 list. Section 106 Agreement monies could not be requested for items covered by CIL.

In accepting the need for the Western Relief Road before the occupation of the 151<sup>st</sup> dwelling, the applicant had suggested the replacement of the S106 Agreement contribution with a Grampian condition, that no more than 150 dwellings should be occupied before the Relief Road was provided on site. This approach would leave the discussions over the acquisition of third party land and the provision of the Relief Road to the private developers who need it to continue with their development..

**Resolved** that the existing resolution to grant planning permission be amended as follows:-

- (i) The measures to be secured by the Section 106 Agreement to be:-
  - (a) 25% affordable housing to be split 60% social rent and 40% intermediate;
  - (b) Drainage contributions to enable (i) the completion of a flood risk option study to identify an appropriate solution to overcome the drainage restrictions for this site (£500,000 max); and (ii) the delivery of the agreed surface water drainage solution (£450,000 max);
  - (c) Various highway works as outlined in the application;
  - (d) Travel plan to reduce vehicular traffic movements from the new dwellings;
  - (e) Provision and maintenance of public open space and children's play areas; and
  - (g) On site provision of Integrated Public Art; and
- (ii) The following additional condition be added to those already agreed:-

“No more than 150 dwellings shall be constructed prior to the completion of the Western Relief Road and its opening for public use to vehicular traffic”.

#### **114. Appeals**

Reported that three decisions and three appeals were received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.00 p.m.)

## **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
- Clerk to Milverton Parish Council – Councillor Wren

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

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

Grid Reference: 321166.124822 Outline Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Members are asked to re-affirm their previous decision:

Recommended Decision: Conditional Approval

Subject to a Section 106 agreement to secure

- the improvements to Castle School running track and all weather pitch;
- provision of a community use agreement for all the sports facilities; and
- linking the timing of the student accommodation provision to development at Canonsgrove.

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

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

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

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

2. The student accommodation hereby approved shall be used only in conjunction with students undertaking educational courses, persons with a connection with the educational activities of the College, a resident warden and/or students working at the hospital.

Reason: To ensure the accommodation is used in conjunction with the

educational use of Somerset College and not as normal self-contained accommodation given the identified local need.

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

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

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

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

5. The student accommodation shall not be occupied until a parking scheme for the site, including at least 28 including 8 disabled spaces, has been submitted to and agreed in writing by Local Planning Authority and thereafter provided as agreed.

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

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

- Details of protective measures to include method statements to

avoid impacts on protected species during all stages of development;

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

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

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

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

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

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

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

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

Reason: To avoid potential harm to the root system of any hedge leading to

possible consequential damage to its health which would be contrary to retained Policy EN6 of the Taunton Deane Local Plan.

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

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

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

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

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

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

13. Before any part of the development hereby permitted is commenced a plan showing:
  - (a) the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the

crown spread of each retained tree (in accordance with Section 5 of BS 5837:2012); and

- (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.

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

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

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

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

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

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Core Strategy Policy DM1.



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

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

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

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

#### Notes to Applicant

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

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

#### **PROPOSAL**

The application comes back to Members following the implementation of CIL on 1st April and the decision of the Secretary of State not to call in the scheme on loss of playing field space.

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

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

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

## **SITE DESCRIPTION AND HISTORY**

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

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

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

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

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

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

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

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

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

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

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

approved.

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

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

Given the importance of the site on the edge of the green wedge (CP8) I recommend a landscape buffer of at least 20m along the northern boundary of the site. This will help to reinforce the rural character of the landscape to the north, reduce light spillage and help integrate the proposals into what is an open flat, publicly accessible flood plain. Without the above the proposals will have an adverse impact on the green wedge and river floodplain landscape character area to the north. If the application is to be approved conditions are recommended.

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

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

Further to the letter received from WYG dated 5 March 2014 I have the following additional observations to make on this application :-

Overall this application would result in the loss of playing field land.

The provision of a grass playing pitch with enhanced drainage is to be welcomed, as is community access to the facilities. However details of the amount of community access have not been provided. Full details of this should be secured by a community use agreement within the Section 106 Agreement.

England Hockey should be consulted regarding the need for a half size 3G hockey pitch. The strategic plan for 3G pitches does not require an additional pitch in this area but will require one at Monkton Heathfield where a 3G pitch would be better

placed for use by Taunton Rugby Club.

The potential future development of a changing facility is not relevant to this application. It is not clear from this proposal however how the need created by the 3G for parking and changing facilities would be met.

The intention to upgrading and maintaining the existing facilities at the neighbouring school is not relevant to the loss of playing field land within this application. In the original applications for the neighbouring facilities Sport England requested formal community use agreements and that adequate maintenance arrangements were provided.

The 2010 Playing Pitch Strategy quoted in the letter is out of date and currently being reviewed. It is therefore premature to state there is currently an oversupply of adult playing pitches in the borough. It has been reported to Community Leisure by Sport England that local football teams state there to be a lack of adult football pitches.

Overall this application in its present form would result in the loss of 2 grass pitches for which local football teams have reported there to be a need. In the light of this information provision of 2 full sized drained adult pitches would be preferable to the 3G, 7 a side and pitch suitable for 13 -14 year olds proposed. If the reduced amount of playing pitch space within this proposal will not accommodate 2 x adult pitches than 1 x adult size pitch with the remaining area as grass pitches would be preferable to the 3G option.

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

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

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

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

Great Crested Newts - The ditches and pond to the north are potentially suitable habitat for breeding GCN. A survey was carried out May-June 2013 but no great crested newts or their eggs were found in any of the three water bodies. The survey

also indicates that the water bodies are either poor or below average suitability for GCN. Although unlikely to be using the terrestrial habitat on site I agree vigilance should be maintained during site clearance and construction. In the event GCN are found work should stop immediately.

Dormice - The hedgerow and woodland offer low potential for hazel dormice. A nest tube survey was carried out and no signs of their presence were recorded but I agree vigilance should be maintained during site clearance. I also agree the survey remains valid for 2 years, after which if work has not begun a further survey will be required.

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

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

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

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

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

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

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

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

Informative / advice to LPA: Whilst the drainage scheme put forward will require

further details to be submitted via condition, we consider that there is a viable and deliverable means of attenuating flows on site and directing them to an appropriate receptor to ensure that flood risk is not increased within the existing floodplain downstream.

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

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

*SCC - CHIEF EDUCATION OFFICER* - No comment received

*OPEN SPACES MANAGER* - It would be preferable that the lay-out of the smaller grass pitch, had an orientation North-South, running parallel to pitch 1, to minimise the chance of balls directed to goal, getting astray to adjacent pitch when both pitches are in use. It appears that there is sufficient space to accommodate this lay-out.

Run off areas must be compliant with current FA standards.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - no comment received

*SCC - FLOOD RISK MANAGER* - No comment

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

### Traffic Impact

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

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

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

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

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

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

### Travel Plan

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

### Site Drainage

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

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



in adopting these access roads.

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

### Conclusions & Recommendation

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

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

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

### *SPORT ENGLAND SOUTH WEST -*

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

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

Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

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

E1 - A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of

playing field provision in the catchment, and the site has no special significance to the interests of sport.

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

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

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

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

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

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

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

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

#### The Proposal on the Wellington Road Site

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

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

#### FA

The FA have consulted with the Somerset County FA and has the following

comments: There has previously been football use of both sites and at present there is limited community use on either site. Further comments are:

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

- The need for a 2nd Full Size 3G should be informed through the Playing Pitch Strategy – there is potential for displacement from the Castle 3GFTP?
- What are the technical specifications of the 3GFTP – proposed size and surface detail not provided
- Do they propose to fund the 3GFTP and grass pitch provision solely from the sale of Canonsgrove? This would not be a CFA priority to fund (if seeking funding), as other areas in the county are.
- Is there a business case for this facility? Including maintenance and a sinking fund.
- No detail on the management of the 3G or grass pitches and if they would be available to the community?

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

- SCAT – Loss of Adult pitch and 9v9
- Loss of Canonsgrove, Adult site that could be used for football – Trull area noted in 2010 PPS as having an undersupply of Adult pitches.

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

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

EH .

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

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

Taunton Civil Service HC train at Kings College and play their matches at Heathfield School, as Kings is not available due to Saturday school fixtures. Heathfield School

are looking to refurbish the sand carpet in the next 1 to 2 years dependant of funding, to continue hockey participation at the site.

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

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

## RFU

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

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

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

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

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

## The Proposal on the Wellington Road Site

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

1. A significant part of the playing field will be lost to a non sporting use in the form of student accommodation (to replace that lost at Canonsgrove). The indicative design doesn't attempt to minimise the impact on the playing field.
2. The second part of the proposal is the inclusion of an Artificial Grass Pitch (AGP) to offset the loss of playing field. The AGP specification is unknown, there is no proven strategic need and there is no business plan showing how annual and long term maintenance will be achieved to keep this facility to a high quality standard. In essence this is an artificial intensive use surface sports facility (with fencing and floodlights??) on a concrete base and the chances of it ever returning to grass is remote.

For a significant part of the site (the proposed student accommodation), this will lead to the permanent loss of playing field land useable for sporting activity and

clearly the proposal does not meet any of the exceptions to our Playing Fields policy.

The remaining part of the playing field site will have an AGP (fencing and lighting?) and 2x grass mini soccer pitches. The flexibility of playing sports like cricket on the

site will also be lost. The proposal does not meet any of the exceptions to our Playing Fields policy, as explained below:

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

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

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

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

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

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

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

#### REVISED COMMENT

This planning application should be REFUSED on the grounds that the development will lead to the loss of playing fields. It is in conflict with current Government Policy (National Planning Policy Framework paragraph 74) and Sport England's national Playing Field Policy (as set out in our letter dated 14th January 2014).

The agent has submitted an amended 'sports package'. The proposals if granted will see the loss of a sports hall and a playing pitch (adult football approx. 1.0ha) at Canonsgrove. At Wellington Road, the indicative layout plan shows significant playing field loss (approx. 0.9ha). The proposed gain to sport, as amended, includes:

- Enhance drainage to one adult football pitch. No specifications of what this work includes including confirmation of size of pitch
- 1 x sand based lit 'half sized' artificial pitch (with fencing).
- Investment into the adjacent 3G artificial grass pitch at Castle School. No specifications on the replacement carpet.

The submitted plan also shows a 'possible future' 8 court sports hall with changing BUT this does not form part of the proposed mitigation package. Its inclusion is mis-leading. Therefore there is no 'like for like' or better replacement for the existing sports hall to be lost at the Canonsgrove site.

Sport England has therefore re-considered the application in the light of its playing

fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

### The inadequacy of the proposed sport mitigation package

The Playing Pitch Strategy for Taunton Deane is older than 3 years without any review and therefore we would strongly encourage the Council to update it in line with paragraph 73 of the NPPF. Without this evidence base, we are not in a position to agree that the District can afford to lose any playing fields. Once lost, they are lost forever. In this case, the proposal is seeking to lose nearly 2 hectares of playing fields without adequate replacement.

We welcome the grass pitch (x1) enhancements including drainage at the Wellington Road site. We would like to see what pitch works is needed via an independent natural turf grass specialist report and their recommendations that might lead to improved drainage. If this report has already been carried out, we would welcome the opportunity to review the recommendations. We note the letter of general support from SASP. We disagree with SASP that this revised proposal is 'strategic'. Work that Sport England has carried out for SASP in the recent past shows a high level of supply of artificial grass pitches in the Taunton area. The provision of a 'half sized' sand artificial pitch is purely to meet a 'curriculum' need created by the College. It will be purely a training and recreational space not for competitive use. Being laid on a concrete base, it also leads to a loss of natural turf for sport.

The agent puts forward an interesting but misleading proposal to invest into a new carpet at the 3G artificial grass pitch (AGP) at the adjacent Castle School. The school was granted planning permission approximately a decade ago. On that planning application Sport England raised no objection to the loss of natural turf provided the proposed floodlit athletic track and AGP are made available for community use by way of a formal 'community use agreement' and adequate maintenance arrangements are clearly set out. The applicant was made aware that artificial surfaces are expensive to provide and require a significant revenue support. It is necessary to allocate significant budgets for on-going maintenance requirements. In addition a year on year sinking fund is required to ensure facilities are replaced when they are "worn out". This would've also been set out in the terms and conditions of the funding that this facility received. But 10 years later, there is a high level of community use but no money has been set aside by the school, the County Council nor the operator to replace the carpet. It is also our opinion that the planning system should not be used to make up for past management and maintenance failures on the adjacent site. There is also a questionable 'planning' link between the two sites other than geography.

Additionally, the AGP within the track is too small for competitive adult rugby matches. At best, with the right construction to meet the IRB22 performance standard, the pitch will be limited only if any community slots are available.

The current proposal does not include the 'future' 8 court sports hall and the inclusion of this on the revised masterplan is misleading as noted earlier in this letter.

We have sought views from the FA, RFU and England Hockey:

## FA

- There is still a loss of grass playing pitches that could be needed with the proposed increase in population levels in Taunton. It is irrelevant that they are not currently used, they could be.
- How can the existing 3G be increased to be 'rugby compliant' other than for training with a shock pad. It is surrounded by an athletics track – or is it simply going to be available for rugby training? If it is just for training, the pitch is at capacity with football use with 95% full use bar a couple off peak hours which has to take precedence due to the previous Football Foundation grant – any T&Cs will need to be novated to any new lease holder along with current user bookings being retained? Pricing policy would need to be maintained as it is.
- A sand dressed AGP is taking out further grass pitch area. Unsure if Netball can play on any AGP Surface
- The comment on The FA comment on the College and Castle School working closer together is noted and welcomed for sustainability – it should also be noted that the 3G surface should not have to be in the position where it needs to raise capital funding to replace it – there should have been a sinking fund or an agreement in place to do this without the need to sell other sites.

## RFU

1. Currently there is no IRB 22 Compliant AGPs in Taunton Deane for community use.
2. No technical specification of the surface or dimensions of the area have been provided, thus making it difficult to establish what and how the proposed facility can be used for. i.e Junior Matches, Senior Matches, Training provision. The RFU are mindful that the surface is proposed to be used for football – will the surface be divided into small sided pitches with the use of wiretrack netting?
3. No formal business plan has been produced to identify the usage and availability for potential rugby use. The RFU would wish to see a robust plan identifying both a maintenance budget and an appropriate sink fund is identified.
4. All artificial grass pitches are required to be tested within three months following completion to confirm that they have been installed to meet IRB Regulation 22 standards. This field testing is carried out by independent test laboratories on behalf of the club/operator. The club/operator is then required to provide the RFU with a copy of the report in order to gain permission for the use of the artificial grass pitch for the next two years.

RFU permission requires the club/operator to:

- Follow the regulations detailed in the RFU Handbook for the use of artificial surfaces.
- Monitor and log injuries sustained by players participating on the pitch in line with the normal injury reporting procedures set out by the RFU.
- Ensure that an appropriate maintenance programme using appropriate maintenance machinery is undertaken and logged in accordance with a maintenance programme issued by the installer. This should be requested from the contracted installer if not made available.
- The club/operator will then be required to test the artificial grass pitch before

the end of the two-year period to provide evidence that the pitch continues to meet the standards.

5. Taunton RFC do have a need for additional training and playing surfaces, this surface could potentially support their activities if the Community Access Agreement was in place.

EH

In addition to comments in the original response where it was stated that there are 9 hockey specific AGPs in Taunton, the Artificial Grass Pitch at Heathfield School - currently this AGP will be refurbished in the near future, which will extend the life of the existing sand carpet. Taunton Civil Service HC an accredited club play at this site.

Smaller sized sand AGP at Somerset College - this will be ideal for curriculum use by both the SCAT and Castle. However the community use for hockey will be very limited. Possibly a Rush Hockey site.

In light of the above, Sport England maintains its objection to the proposal because is not considered to accord with any of the exceptions in Sport England's playing fields policy and Government Policy regarding playing fields.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit. We would expect them to give serious consideration to 'calling-in' this application.

For the avoidance of doubt, Sport England is objecting on the following grounds:

That the proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned;

- That where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.
- We would welcome the opportunity to comment on a further revision to this application which provided replacement playing fields that would have the potential to meet E4 of our Playing Fields Policy and the second criterion within paragraph 74 of the NPPF

It is a concern that 'good planning' is being side-lined by the agent's need to generate a planning approval before the 1 April 2014 when this development (if approved) would be required to make a payment to the Community Infrastructure Levy. As stated in this letter there are a number of issues and unknowns with the proposed sports package which need to be sorted.

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



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

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

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

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

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

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

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

SCC - *ECOLOGY* - No comment.

## **Representations**

13 letters of objection on grounds of

- noise levels
- increase in traffic
- increase in use of Heron Drive/Silk Mills intersection
- Silk Mills junction unable to cope at peak times
- problems of parking in Heron Drive
- will increase danger on Heron Drive and junction should have traffic lights
- staff parking is a problem
- very inadequate parking provision
- will impact on parking of local residents
- noise and light pollution

- loss of peace and quiet for care home and hospice
- no security regarding student behaviour affecting residents
- set precedent
- unnecessary
- will increase flooding
- an all weather pitch will restrict type of activities
- loss of grass
- floodlights will affect residential property
- loss of privacy
- noise and disturbance at evening and weekends
- disruption of construction
- smoking and litter
- wildlife impact
- no place to expand in future
- loss of view of Quantocks
- loss of property value

1 letter of no objection

1 letter of support from Somerset Activity & Sports Partnership. Letters of support also received from Taunton RFC, Castle School, Somerset County Council Community Infrastructure and 1610 Leisure Trust.

## **PLANNING POLICIES**

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

## **LOCAL FINANCE CONSIDERATIONS**

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

### Community Infrastructure Levy

In the event that planning permission is granted for this development it would be liable for CIL at a rate of £70 per square metre. The current scheme is an outline, however indication is that there would be a gross internal area of 6046sqm and so the CIL charge applicable would be around £423,000.

## **DETERMINING ISSUES AND CONSIDERATIONS**

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

### Policy

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

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

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

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

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

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

that would be lost and so therefore would comply with the development plan. The revised sports provision is supported by the Somerset Activity and Sports Partnership, Castle School and the County Council.

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

This improvement to sports facilities and community access is considered to weigh in favour of the development but it is ultimately for Members to determine whether this improvement outweighs the objection to the loss of part of the grass playing field at the site. The Secretary of State has been advised of the Sport England objection and has confirmed that the development will not be called in due to the loss of playing field provision.

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

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

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

New National Planning Practice Guidance (NPPG) and recently been launched and this includes advice on prematurity. The advice has not significantly changed from before and prematurity in itself is not generally a reason for resisting planning proposals. The development would not prejudice the development of other sites around Taunton and would not be so substantial as to undermining the plan making process given that the emerging plan is not at an advanced stage and is not formally part of the development plan. Advice states "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end

of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process." In this instance it is not considered a prematurity argument could be sustained. The proposal is linked to an educational use and is in a sustainable location.

### Viability

The Council has sought independent advice concerning the viability issues of the development. Viability is a material consideration in determining applications. The benefits of relocating the student accommodation onto the main campus has a major benefit in terms of sustainability and helping secure the long term future of higher education in the town. In order to secure the necessary replacement accommodation on the College site it is necessary to secure additional funding to make the development viable. To secure the necessary funding to fill the viability gap the redevelopment of the existing halls site at Canonsgrove is required. A number of scenarios have been considered for the Canonsgrove site, however for any scheme to be considered appropriate it should be limited to the least number of units given the location. With CIL now applicable the viability assessment has identified 37 units as a minimum across the whole site. Such properties would be large 4 and 5 bed executive properties to secure the biggest return.

### Drainage

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

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

### Landscape and Ecology

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

wedge and would assist in softening the appearance of any buildings when viewed from the north.

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

### Highway Impacts

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

A Travel Plan has been submitted with the application and the Highway Authority consider it should be secured through a legal agreement. In this instance it is considered that a suitable grampian condition to secure agreement before commencement is acceptable.

### Other Issues

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

### Summary

The development proposed is an opportunity to secure student accommodation in a sustainable location on the College campus and would help secure the future

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

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

**RESIDENTIAL DEVELOPMENT COMPRISING UP TO 37 DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING AT CANONSGROVE HALLS OF RESIDENCE, HONITON ROAD, STAPLEHAY (AS AMENDED)**

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

Grid Reference: 321021.121265 Outline Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

Subject to a Section 106 to secure

- the maintenance for play area and open space, wildlife areas and water attenuation feature at Canonsgrove, and
- linking the timing of the residential development at Canonsgrove to Student accommodation provision at Somerset College.

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

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

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

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

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

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



Taunton Deane Core Strategy.

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

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

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of WYG's Extended Phase 1 Habitat Survey Report dated December 2013, Bat Activity Survey Report dated January 2014, Great Crested Newt survey report dated January 2014, Hazel Dormouse Survey dated January 2014 and Reptile survey dated January 2014 and include:
  - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - Measures for the retention and replacement and enhancement of places of rest for the species.
  - Details of lighting

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

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

5. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and

the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

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

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

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

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

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

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

adjacent to the site.

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

9. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:2012 (Tree Work)].
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

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

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Core Strategy Policy DM1.

11. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning

Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

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

12. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. Details of the proposed play area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling hereby permitted. The scheme shall be constructed in accordance with approved details within 18 months of the first occupation and shall thereafter be retained as such and used solely for the purpose of children's recreation.

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

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

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

Reason: In the interests of highway safety.

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

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

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

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

#### Notes to Applicant

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

### **PROPOSAL**

The proposal is an outline residential scheme, now amended to erect up to 37 executive houses to replace the existing Canonsgrove Halls of residence as a means of funding new student halls of residence on the College campus in town. The scheme was originally for 50, was then amended to 32 and, since last considered by Members, has recently been amended by 5 dwellings from 32 to 37 to take account of the viability report as CIL now applies to the site. The student accommodation is poorly located and some are in poor condition with high maintenance costs and the College is losing students to other locations in the south west. The houses will be located across the site and include a former playing pitch as well as the halls to be demolished.

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

### **SITE DESCRIPTION AND HISTORY**

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

### **CONSULTATION AND REPRESENTATION RESPONSES**

#### **Consultees**

*TRULL PARISH COUNCIL* - strongly objects to this application.

[Comments on original application](#) (for 50 dwellings)

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

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

#### Comments on amended application (reducing to 32)

Trull Parish Council would like to reaffirm its strong opposition to this amended application. Whilst the number of dwellings has been reduced the development would still have a large impact on local resources and infrastructure. It does not address transport, highways or schooling problems that would arise, and it brings no benefits to the parish at all as there is still no provision for affordable housing or any community contribution. Trull Parish Council's response to the recent Site Allocations and Development Management Plan consultation stressed that development in this rural area is not viable. This piecemeal application does nothing to convince us otherwise. The findings from a recent questionnaire carried out by the Trull Neighbourhood Plan group also showed a strong desire to protect the area around Canonsgrove from development. This is particularly important bearing in mind the future possibility of 2,000 homes in the Comeytrowe area as identified in the Core Strategy. With reference to this application "enabling" Somerset College to build new student accommodation on campus, the Parish Council is concerned that the radical reduction in the number of dwellings will not actually generate sufficient funds to finance the linked proposal. The Parish Council is also concerned at the loss of local recreation facilities that despite alternative provision being made available in a new location would not be convenient for many parishioners to access. We still believe this application seeks to take advantage of the planning process in order to benefit Somerset College at the expense of disabling the parish of Trull.

#### Further comment on second amended plan (increasing to 37)

Trull Parish Council would like to register its strong objection to this amended application. The Parish has objected to a series of amendments over the year reducing the number of dwellings. This time the increase from 32 to 37, has generated a greater objection.

Even with the 32 approved dwellings the development would have a large impact on local resources and infrastructure. An increase in number can only constitute an

increase in pressure on services, including transport, highways and schooling.

The Parish Council would also echo the concerns of local residents about the inadequacy of drainage on the site for the approved number of houses, let alone five more.

Whilst the applicants make reference to an updated 106 plan, it is regrettable that this is not available to view on the planning portal. Trull Parish Council is still not satisfied that there is any direct benefit to the parish in the form of provision for affordable housing or community projects.

Trull Parish Council response to the Site Allocations and Development Management Plan consultation stressed that development in rural areas is not viable. The findings from a recent questionnaire carried out by the Trull Neighbourhood Plan group also showed a strong desire to protect the area around Canonsgrove from development. This is particularly important bearing in mind the possibility of 2000 homes in the Comeytrove area as identified in the Core Strategy. With this in mind the Parish Council refute the claim contained in the updated Design & Access Statement that the proposal would provide "much needed housing".

Our previous response to the amended application in March 2013 included the comment: "With reference to this application "enabling" Somerset College to build new student accommodation on campus, the Parish Council is concerned that the radical reduction in the number of dwellings will not actually generate sufficient funds to finance the linked proposal."

The applicants acknowledge that this proposed increase in dwellings is required specifically in order to finance the new build halls of residence due to both developments attracting CIL payments. Trull Parish Council therefore feels justified in its concern and finds it hard to not to feel that our local environment is, in fact, the sacrificial lamb.

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

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

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



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

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

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

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

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

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

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDs). SuDs are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SuDs techniques available means that virtually any development should be able to include a scheme based around these principles.

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

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

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

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

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

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

#### *POLICE CRIME PREVENTION DESIGN ADVISOR –*

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

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

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

Dwelling Layout & Orientation – the enclosed nature of the development with only one entrance/exit point has advantages from a crime prevention perspective in that it can help frustrate the search and escape desire of the potential offender. Dwellings are positioned to face each other, which is also recommended, as this allows neighbours to watch over one another and creates conditions where the potential criminal feels vulnerable to detection.

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

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

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

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

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

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

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - No comment received.

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

30 primary places per 150 dwellings; so  $50/150 \times 30 = 10$  places

Trull Primary School is currently already over capacity

Cost per place; £12,257; so  $10 \times 12257 = £122,570$  contribution

30 secondary places per 210 dwellings; so  $50 / 210 \times 30 = 7$  places

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

Cost per place; £18,469; so  $7 \times 18469 = 129,283$  contribution

3 pre-school places per 100 dwellings;  $50 / 100 \times 3 = 1.5$  (2) places

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

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

*SCC - FLOOD RISK MANAGER* - No comment

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

*SCC - TRANSPORT DEVELOPMENT GROUP* –

## Traffic Impact

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

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

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

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

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

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

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

Therefore to conclude in terms of traffic the proposal is likely to have a minimal

impact on the surrounding highway network. However the applicant will need to provide further details on the future bus services from the site.

### Travel Plan

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

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

### Estate Roads

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

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

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

(Section 3.15) will be required at the end of the proposed estate road, closest to the north-eastern site boundary.

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

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

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

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

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

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

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

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

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

#### Flood Risk Assessment & Drainage Strategy

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

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

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

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



area. This would allow the Highway Authority to understand the drainage of the site and how it will reflect the surrounding area.

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

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

### Conclusion and Recommendation

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

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

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

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

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

- A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, cat, motorcycle, and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance

with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.
- At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road levels within the visibility splays shown on the submitted plan. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

#### *SPORT ENGLAND SOUTH WEST -*

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

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

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

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

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

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

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

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

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

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

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

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

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

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

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

### The Proposal on the Canonsgrove Site

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

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

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

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

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

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

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

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

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

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

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

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

#### Revised comments

This planning application should be REFUSED on the grounds that the development will lead to the loss of playing fields. It is in conflict with current Government Policy (National Planning Policy Framework paragraph 74) and Sport England's national Playing Field Policy (as set out in our letter dated 14th January 2014).

The agent has submitted an amended 'sports package'. The proposals if granted will see the loss of a sports hall and a playing pitch (adult football approx. 1.0ha) at Canonsgrove. At Wellington Road, the indicative layout plan shows significant playing field loss (approx. 0.9ha).

The proposed gain to sport, as amended, includes:

- Enhance drainage to one adult football pitch. No specifications of what this work includes including confirmation of size of pitch.
- 1 x sand based lit 'half sized' artificial pitch (with fencing).
- Investment into the adjacent 3G artificial grass pitch at Castle School. No specifications on the replacement carpet.

The submitted plan also shows a 'possible future' 8 court sports hall with changing BUT this does not form part of the proposed mitigation package. Its inclusion is mis-leading. Therefore there is no 'like for like' or better replacement for the existing sports hall to be lost at the Canonsgrove site.

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

#### The inadequacy of the proposed sport mitigation package

The Playing Pitch Strategy for Taunton Deane is older than 3 years without any review and therefore we would strongly encourage the Council to update it in line with paragraph 73 of the NPPF. Without this evidence base, we are not in a position to agree that the District can afford to lose any playing fields. Once lost, they are lost forever. In this case, the proposal is seeking to lose nearly 2 hectares of playing fields without adequate replacement.

We welcome the grass pitch (x1) enhancements including drainage at the Wellington Road site. We would like to see what pitch works is needed via an independent natural turf grass specialist report and their recommendations that might lead to improved drainage. If this report has already been carried out, we would welcome the opportunity to review the recommendations.

We note the letter of general support from SASP. We disagree with SASP that this revised proposal is 'strategic'. Work that Sport England has carried out for SASP in the recent past shows a high level of supply of artificial grass pitches in the Taunton area. The provision of a 'half sized' sand artificial pitch is purely to meet a 'curriculum' need created by the College. It will be purely a training and recreational space not for competitive use. Being laid on a concrete base, it also leads to a loss of natural turf for sport.

The agent puts forward an interesting but misleading proposal to invest into a new carpet at the 3G artificial grass pitch (AGP) at the adjacent Castle School. The school was granted planning permission approximately a decade ago. On that planning application Sport England raised no objection to the loss of natural turf provided the proposed floodlit athletic track and AGP are made available for community use by way of a formal 'community use agreement' and adequate maintenance arrangements are clearly set out. The applicant was made aware that artificial surfaces are expensive to provide and require a significant revenue support. It is necessary to allocate significant budgets for on-going maintenance requirements. In addition a year on year sinking fund is required to ensure facilities

are replaced when they are “worn out”. This would’ve also been set out in the terms and conditions of the funding that this facility received. But 10 years later, there is a high level of community use but no money has been set aside by the school, the County Council nor the operator to replace the carpet. It is also our opinion that the planning system should not be used to make up for past management and maintenance failures on the adjacent site. There is also a questionable ‘planning’ link between the two sites other than geography.

Additionally, the AGP within the track is too small for competitive adult rugby matches. At best, with the right construction to meet the IRB22 performance standard, the pitch will be limited only if any community slots are available.

The current proposal does not include the ‘future’ 8 court sports hall and the inclusion of this on the revised masterplan is misleading as noted earlier in this letter.

We have sought views from the FA, RFU and England Hockey:

### FA

1. There is still a loss of grass playing pitches that could be needed with the proposed increase in population levels in Taunton. It is irrelevant that they are not currently used, they could be.

2. How can the existing 3G be increased to be ‘rugby compliant’ other than for training with a shock pad. It is surrounded by an athletics track – or is it simply going to be available for rugby training? If it is just for training, the pitch is at capacity with football use with 95% full use bar a couple off peak hours which has to take precedence due to the previous Football Foundation grant – any T&Cs will need to be novated to any new lease holder along with current user bookings being retained? Pricing policy would need to be maintained as it is.

3. A sand dressed AGP is taking out further grass pitch area. Unsure if Netball can play on any AGP Surface

4. The comment on The FA comment on the College and Castle School working closer together is noted and welcomed for sustainability – it should also be noted that the 3G surface should not have to be in the position where it needs to raise capital funding to replace it – there should have been a sinking fund or an agreement in place to do this without the need to sell other sites.

### RFU

1. Currently there is no IRB 22 Compliant AGPs in Taunton Deane for community use.

2. No technical specification of the surface or dimensions of the area have been provided, thus making it difficult to establish what and how the proposed facility can be used for. i.e Junior Matches, Senior Matches, Training provision. The RFU are mindful that the surface is proposed to be used for football – will the surface be divided into small sided pitches with the use of wiretrack netting?

3. No formal business plan has been produced to identify the usage and availability for potential rugby use. The RFU would wish to see a robust plan identifying both a maintenance budget and an appropriate sink fund is identified.

4. All artificial grass pitches are required to be tested within three months following completion to confirm that they have been installed to meet IRB Regulation 22 standards. This field testing is carried out by independent test laboratories on behalf of the club/operator. The club/operator is then required to provide the RFU with a copy of the report in order to gain permission for the use of the artificial grass pitch for the next two years.

RFU permission requires the club/operator to:

- Follow the regulations detailed in the RFU Handbook for the use of artificial surfaces.
- Monitor and log injuries sustained by players participating on the pitch in line with the normal injury reporting procedures set out by the RFU.
- Ensure that an appropriate maintenance programme using appropriate maintenance machinery is undertaken and logged in accordance with a maintenance programme issued by the installer. This should be requested from the contracted installer if not made available.
- The club/operator will then be required to test the artificial grass pitch before the end of the two-year period to provide evidence that the pitch continues to meet the standards.

Taunton RFC do have a need for additional training and playing surfaces, this surface could potentially support their activities if the Community Access Agreement was in place.

## EH

In addition to comments in the original response where it was stated that there are 9 hockey specific AGPs in Taunton, the Artificial Grass Pitch at Heathfield School – currently this AGP will be refurbished in the near future, which will extend the life of the existing sand carpet. Taunton Civil Service HC an accredited club play at this site.

Smaller sized sand AGP at Somerset College – this will be ideal for curriculum use by both the SCAT and Castle. However the community use for hockey will be very limited. Possibly a Rush Hockey site.

In light of the above, Sport England maintains its objection to the proposal because is not considered to accord with any of the exceptions in Sport England's playing fields policy and Government Policy regarding playing fields.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit. We would expect them to give serious consideration to 'calling-in' this application.

For the avoidance of doubt, Sport England is objecting on the following grounds:

- That the proposed development would result in a deficiency in the provision



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

We would welcome the opportunity to comment on a further revision to this application which provided replacement playing fields that would have the potential to meet E4 of our Playing Fields Policy and the second criterion within paragraph 74 of the NPPF.

It is a concern that 'good planning' is being side-lined by the agent's need to generate a planning approval before the 1 April 2014 when this development (if approved) would be required to make a payment to the Community Infrastructure Levy. As stated in this letter there are a number of issues and unknowns with the proposed sports package which need to be sorted.

*BIODIVERSITY* - Findings of the reports are as follows:

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

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

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

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

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

Dormice - The hedgerows on site connect to a wider network in the landscape and contain hazel, a species which dormice typically depend on for food and so offer a high potential for dormice. A survey was carried out by WYG placing fifty nest tubes at 20m intervals in hedges on site in March 2013. A hazel dormouse nest was found in June 2013 confirming the presence of dormice. (A population was also recorded

in hedgerows to the north.) Any removal of vegetation on site will therefore require a Dormouse EPS licence. The surveyor suggests that to minimise impacts on dormice on site, private gardens should not back on to the hedgerows but that the hedgerows should be managed as part of the public open space. The current housing layout does not appear to follow this advice.

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

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

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

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

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

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

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

Further to the letter received from WYG dated 5 March 2014, I have the following additional observations to make on this application:

The application will lead to the loss of a senior football pitch which the WYG letter states "is not used by any local sports team nor does it provide and community benefits". However evidence of offer of use and subsequent refusal by local teams or the wider community has not been supplied to support this.

The 2010 Playing Pitch Strategy quoted in the letter, as evidence to support loss of this pitch, is out of date and currently being reviewed. It is therefore premature to state there is currently an oversupply of adult playing pitches in the borough. It has been reported to Leisure Development by Sport England that local football teams state there to be a lack of adult football pitches. I would therefore question whether this pitch is actually surplus to requirements. Grass pitches once lost are not likely to be replaced.

The application will in addition to the loss of grass playing pitch still result in the loss of an indoor sports hall.

Sport England and the Football Foundation should be asked to comment on this application.

*OPEN SPACES MANAGER* – Provide detailed plans of the POS to be offered for adoption together with the areas, numbers and types of play equipment etc for approval by the Open Spaces Department prior to commencement of construction works.

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

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

*SCC - ECOLOGY* - No comments received.

*SOMERSET WILDLIFE TRUST* - Further to our previous comments we note that detailed species surveys have now been provided covering Bats, Dormice, Great Crested Newts and Reptiles. We have also noted the recent comments of the Council's Biodiversity Officer, dated 10th February 2014. We have noted that the surveys have confirmed the presence of a small number of Slow Worms as well as Dormice and a population of Great Crested Newts occurring in several ponds on the site. We have also noted that a bat survey indicates that the site is of Regional importance to bats, which include rare species such as Barbastelle. We note that several enhancements are proposed which include the retention of existing trees and hedgerows, although which trees and hedgerows are referred to is unclear. It is also suggested that there should be restrictions on external lighting, although again the proposed restrictions are not specific enough. There is a proposal for 4 bat boxes but in view of the importance of the site we consider this to be only a token gesture. A buffer zone along the western boundary is proposed and this would be

sensible. It is also suggested that the housing layout is amended so that private gardens should not back on to the boundary hedges but this should be essential, not advisory. We are also concerned about the inevitable impact of domestic cats from the new housing development on the local populations of dormice, slow worms and great crested newts. In these circumstances we strongly object to the proposed development

#### Comment on amended plan

We note the revised Masterplan and welcome the proposed buffer zone. However previous concerns about private houses backing onto hedgerows have not been addressed. Instead it has been proposed that there should be a protected zone between the ownership boundaries and fence defining the property. This seems to us to be avoiding the issue and it is likely that future owners will abuse the protected zone and it is unclear how this would be enforced. This is just passing the buck. There are also no recommendations for enhancement as are legally required and we therefore continue to object.

#### **Representations**

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

I accept the fact that the present Canonsgrove site already has residential development and therefore have no objection to this principle of development on the existing site. My objection is to the proposed extensive development of the surrounding playing fields for housing which is unacceptable and I understand is purely to generate the necessary funds for development of replacement play areas at Somerset College allowing the ability to develop the student accommodation on site at the College. The financial considerations of Somerset College or any other organisation or business should play no part in the decision making of a planning decision.

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

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

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

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

Wilton and Sherford Community Association - object on basis of school capacity and children of new development getting priority over existing children and inadequate provision for increased traffic.

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

### 36 letters of OBJECTION on grounds of

- circumnavigates the Neighbourhood Plan,
- development is premature,
- it is not treating the proposal on its merits,
- it is outside the development plan,
- it is piecemeal development with no masterplan,
- contrary to Core Development Strategy,
- it does not reflect policy considerations of the Local Plan
- viability must be considered on a stand alone basis
- site is not sustainable,
- demolition of modern reusable buildings is wrong and wasteful
- it is development in the countryside,
- it requires an EIA,
- 50 dwellings is too many,
- too dense a development,
- proposal will be car reliant,
- does not address provision of school places,
- no provision for affordable housing,
- no benefit would accrue to Trull,
- lack of infrastructure,
- sports field should remain as green land,
- Canonsgrove is not a heritage asset and so it cannot be considered as "enabling development"
- playing field is not brownfield
- housing not necessary,
- brownfield sites should be considered
- should be used as an arts centre, conference centre or training centre,
- site should be used for light industry
- lack of medical, hospital and education facilities
- overcrowding
- will lead to more development on green field land,
- financial needs should not influence a planning decision
- contrary to views of majority of local resident responses of neighbourhood plan questionnaire
- it is not enabling development as not related to a heritage asset. Secretary of State considered enabling development of similar nature at London Irish Rugby Club Training Ground to be unacceptable. The sites are separate.
- There are no policies in the Core Strategy for Somerset College provision of new accommodation. It must be considered on its merits and it fails.
- it involves demolition of functional residences and is unsustainable development.
- The public are not privy to the viability statement.

- The reduction of numbers does not make it sustainable. It remains isolated with no facilities, outside the settlement boundary and too far from services.
- increase in traffic would be unacceptable
- road can't deal with additional traffic,
- speed of traffic using the road can lead to accidents in relation to Staplehay Cross junction
- travel plan and transport statement are inaccurate regarding trip generation and accident data
- traffic impact is unsustainable
- access to Sweethay should be prevented
- it would add to flood risk and the system to deal with surface water would need to be substantial
- an unsustainable urban drainage system is proposed
- impact on flooding in Sweethay Lane and the Levels
- impact on wildlife,
- mitigation does not compensate for the loss of habitat, a habitat for protected species will suffer significant harm,
- surveys on protected species are required
- surveys on archaeology are required
- impact on residents during construction
- it does not lead to local employment
- the sports pitch should be offered to the local community

#### 8 additional letters of OBJECTION to amended plan

- raising issues above and impact will be worse with increase in dwellings of over 10%,
- precedent and unsustainable and unnecessary,
- contrary to NPPF para 55 re sustainability,
- conflicts with Local Plan,
- does not improve infrastructure,
- new accommodation at SCAT not a material consideration
- zone to protect wildlife unenforceable,
- TDBC poor record on securing Section 106 enabling development,
- not shown that conditions could be met,
- viability assessment not independent and out of date,
- there should be no development feeding onto the Blagdon Road,
- lack of available school places,
- flood risk.

#### 2 letters of SUPPORT

- The site should be taken up market and a new boundary fence be provided but concern that reducing numbers will make it less viable. Somerset College has no money and it is only with an enabling exercise that it will go ahead for the benefit of all Taunton. Should we risk the demise of Somerset College being a campus for Bridgwater
- College with EDF's support and possibility of Taunton losing its County Town status.

#### 1 letter of NO COMMENT

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP7 - TD CORE STRATEGY - INFRASTRUCTURE,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
M4 - TDBCLP - Residential Parking Provision,  
SS7 - TD CORE STRATEGY - COMEYTROWE/TRULL LOC GROWTH,

## **LOCAL FINANCE CONSIDERATIONS**

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

### 1 Year Payment

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

### 6 Year Payment

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

### Community Infrastructure Levy

CIL is now applicable to the development. The development would be liable for CIL at a rate of £125 per square metre. The application is an outline scheme and the level of new floor space is not set in stone. On the basis of the likely floor area proposed 7757sqm less the existing 5479sqm the CIL payment would be around £285,000.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The proposal is amend from the previous 32 to now erect up to 37 executive style homes on the existing College site at Canonsgrove in order to help close the viability gap on providing new student accommodation at the site within the College campus

in Taunton. The revision is made following the implementation of CIL on the 1st April 2014.

## Policy

In the absence of a Site Allocations Document the application should be considered against the National Planning Policy Framework (NPPF) and the development plan unless material considerations indicate otherwise. The 2013 SHLAA identifies sufficient land to meet the 5 year land supply requirements and satisfies the NPPF requirements for a 5% buffer. Nevertheless paragraph 14 of the NPPF emphasises the presumption in favour of sustainable development and indicates planning permission should be granted unless:

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

The development is part brownfield site and part former playing pitch. In terms of the brownfield site it would be difficult to resist the residential re-use of this site given the current use. The former pitch however is a greenfield site outside of the development boundary and in a non-sustainable location. The playing pitch loss has led to an objection by Sport England. The pitch here, however, is not used by a local sports team, is not used by the community and is only infrequently used by students staying at the halls. It is not identified in the Playing Pitch Strategy and in this location it is not considered to be conveniently located to satisfy likely future demand and so not be detrimental in light of the Playing Pitch Strategy. The Strategy was produced in 2010 in light of Sport England guidance at the time and while this may now need updating it is the current information available. Consequently it is considered that an assessment has been carried out in terms of policy E1 of Sport England policy and would result in no further reduction in the supply of conveniently located, quality playing fields to satisfy the current and likely future demand. Ideally provision of additional facilities to compensate for the loss should be accommodated at the Somerset College campus. The facilities that are to be provided there will provide opportunities for multiple sports, including football, rugby, hockey and tennis, they would be suitable for junior sports clubs and the replacement facilities would be subject to community use agreements which would ensure that they would be far more accessible to the community and subject to far better management arrangements.

Each application has to be considered on its merits and should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is sited in a location that is outside settlement limits and contrary to the plan and is recognised as being an unsustainable one and therefore for permission to be granted here the community benefits of the linked schemes should be considered to demonstrably outweigh the disbenefits. The other material considerations of securing the future student accommodation in a sustainable location and assisting in the long term future of higher education in the borough are clearly important ones and the question for Members is whether the benefits are sufficient to overcome the policy objection of new housing and loss of sports facilities in an unsustainable location.



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

### Viability

The Council has sought independent advice concerning the viability issues of the development. Viability is a material consideration in determining applications. The benefits of relocating the student accommodation onto the main campus has a major benefit in terms of sustainability and helping secure the long term future of higher education in the town. In order to secure the necessary replacement accommodation on the College site it is necessary to secure additional funding to make the development viable. To secure the necessary funding to fill the viability gap the redevelopment of the Canonsgrove site is required. A number of scenarios have been considered for the Canonsgrove site, however for any scheme to be considered appropriate it should be limited to the least number of units. The viability assessment has identified 37 units without affordable provision as a minimum across the whole site with CIL in place. Such properties would be large 4 and 5 bed executive properties to secure the biggest return.

### Drainage

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

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

### Landscape and Ecology

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

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

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

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

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

These tests are considered below:

*(i) Overriding reasons of public interest for disturbance*

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

*(ii) That there is no satisfactory alternative*

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

*(iii) That the FCS can be maintained*

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

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

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

### Highway Impacts

The scheme as amended proposes 37 houses on the site in lieu of the 200 student units currently in existence. The vehicular impact of this change is not considered to cause a significant impact on vehicular movements and the access serving the site is considered adequate from a safety point of view to serve the development. The Highway Authority consider the traffic impact minimal and not to have a detrimental impact on the surrounding network. As this is an outline application conditions can be imposed to address the issues raised by the Highway Authority in respect of

drainage, the travel plan, estate roads and junction visibility. The suggested conditions 3-5 of the Highway Authority are considered elements that are covered by other legislation and are not reasonable and enforceable conditions.

### Summary

The proposal for up to 37 dwellings on the site is put forward on the basis that the development is required to plug the viability gap in the provision of replacement student accommodation at the Somerset College campus. Such housing is considered the minimum necessary to fulfill this requirement and secure the longer term future for the higher education provision at the College. The site is clearly in a non sustainable location and the scheme does not allow for affordable housing provision. To do so would mean the potential for more houses on the site in this unsustainable location. The decision for Members is therefore whether they are satisfied that the benefits of the scheme in terms of locating student accommodation in a sustainable location and to assist the long term future of Somerset College constitute such exceptional circumstances as to outweigh the scale of new build at Canonsgrove over and above that comprising the existing built footprint, the lack of affordable housing required by policy and loss of sports facilities in this case.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

38/14/0357

GABLES PROPERTY MANAGEMENT LTD

**CONVERSION OF DWELLING INTO FIVE SELF CONTAINED UNITS AT 16 VICTORIA STREET, TAUNTON.**

Location: 16 VICTORIA STREET, TAUNTON, TA1 3JB

Grid Reference: 323596.12453

Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Subject to the receipt of an elevation drawing showing the proposed replacement windows, and agreed with the Planning Authority, permission be granted.

Recommended Decision: Conditional Approval

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

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

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

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

(A3) DrNo 5028\_01C Proposed Floor Plans  
(A3) DrNo 5028\_02 Existing Floor Plans  
(A4) DrNo 5028\_03 Location Plan  
(A4) DrNo 5028\_04A Site Plan

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

3. Lockable cycle and bin storage, as indicated on the illustrative plan submitted, shall be provided on site prior to occupation of the flats hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities exist for the future residents of the site, in accordance with policies DM1 of the Taunton Deane Core Strategy and Saved Policy M5 of the Taunton Deane Local Plan.

## Notes to Applicant

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

## **PROPOSAL**

The proposal comprises the conversion of a three storey dwelling into five flats; one larger flat on the ground floor, two flats on the first and second floor. The only external alterations proposed are to replace the timber windows with UPVc.

An amenity area for bin/cycle storage is available within the rear garden and is accessed via a garage that has an entrance on Queen Street; additional cycle storage can be provided within the large communal entrance/hallway.

## **SITE DESCRIPTION AND HISTORY**

The three storey stone dwelling forms part of a larger dwelling that has previously been divided to create two separate dwellings; the adjoining dwelling has already been converted into flats. The other adjoining property is a two storey brick dwelling. The property has a garden to the rear that has direct access to a garage that is accessed via Queen Street.

The property is sited in Victoria Street, which is predominately a residential area on the edge of the town and within close proximity to East Reach.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - If existing dwelling within lawful use there will be no CIL liability. If not lawful use, a CIL rate of £70 per sqm would apply and a total of £13,300 would be liable.

### **Representations**

None received.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
M4 - TDBCLP - Residential Parking Provision,  
M5 - TDBCLP - Cycling,

## **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) £4316

Somerset County Council (Upper Tier Authority) £1079

#### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £25898

Somerset County Council (Upper Tier Authority) £6474

### **DETERMINING ISSUES AND CONSIDERATIONS**

#### Principle of development.

The proposed flats are located close to the town centre, close to facilities, shops and public transport. As such, this is a suitable location for the use. The proposal will provide storage areas for bin and cycles and an amenity space for each dwelling. The proposal is therefore considered to provide the necessary amenities and facilities required for the proposal.

#### Highways

The proposed flats will be located within an area close to the town centre, its facilities, public transport and public car parks. The Somerset Parking Strategy would normally require an optimum level of parking of 1 space per bedroom, though lower levels of parking provision can be considered in sustainable locations and by type of development. As such, car free development is acceptable in this location.

A covered, lockable cycle store is proposed within the garden of each flat.

#### Other matters

An elevation drawing has been requested to show the proposed changes to the windows on the front elevation. The use of UPVc would be acceptable in this location and the adjoining property also has UPVc windows. The elevation drawings will confirm that the windows will reflect similar details from the existing timber sash windows.

#### Conclusion

The proposal is sited in a suitable and sustainable location for flats and the dwelling can be converted without any detrimental harm to the visual or residential amenity of the area. The proposal is therefore considered acceptable and recommended for approval.

**In preparing this report the Planning Officer has considered fully the**

**implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**



38/14/0371

MR S HICKIE

**CHANGE OF USE OF SECOND FLOOR OFFICE TO RESIDENTIAL FLAT AT 2 MIDDLE STREET, TAUNTON**

Location: FRONT WEST SECOND FLOOR, RAGLAN HOUSE, 2 MIDDLE STREET, TAUNTON, TA1 1SH

Grid Reference: 322948.12478

Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) DrNo 5030\_P\_01 Location Plan

(A4) DrNo 5030\_P\_02 Rev A Site Plan

(A2) DrNo 5030\_P\_03 Existing and Proposed Floor Plans

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

3. The parking space shown on drawing 5030\_P\_02 Rev A shall be made available prior to the residential unit hereby permitted being brought into use and shall thereafter only be used in connection with the development hereby permitted.

Reason: In the interests of highway safety.

**Notes to Applicant**

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

## **PROPOSAL**

2 Middle Street is a brick and slate listed building within a row of similar style properties, also listed. The row consists of a mix of residential and commercial properties with small garden/gravel areas to the front. A garage lies opposite. The building is currently used as offices and there is a yard area and parking area to the rear. The site lies just outside of the Taunton Town Centre boundary and within the Conservation Area and Area of High Archaeological Potential.

This application seeks planning permission to change the second floor to a 2 bedroom residential unit. No external alterations are proposed and the ground and first floor would remain as offices. A car parking space within the yard to the rear would be made available for the proposed residential unit. An application for Listed Building Consent is also currently being considered.

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

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*COMMUNITY INFRASTRUCTURE LEVY OFFICER* - Measurements taken from plans held on file. No additional floorspace created. If existing office in lawful use, no CIL liability. If not in lawful use, CIL liability £4,480 (Rate £70 per sqm)

### **Representations**

None

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

## **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) £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**

The surrounding area is predominantly residential and the principle of a further residential unit in this location is therefore acceptable. Whilst the loss of part of a commercial unit is noted, it is within a predominantly residential area, outside of the town centre boundary and it is important to note that the other two floors would continue in office use.

The proposal would not involve external alterations to the building and would not therefore result in any adverse impact on the appearance of the listed building, its contribution to the terrace of listed properties or to the Conservation Area and street scene as a whole.

There are no new windows proposed and the use of the property as residential is not considered to result in increased overlooking of neighbouring properties beyond the current situation.

Whilst the site lies within an Area of High Archaeological Potential, there are no excavations or any other changes proposed to the ground and therefore no adverse impact on archaeology.

The site lies in close proximity to the town centre, with easy access to adequate services and facilities. One car parking space is proposed to serve the property and this is considered sufficient in view of its location. The receipt of the New Homes Bonus is noted, however, it is considered that this matter carries very limited weight in this case.

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

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

38/14/0372/LB

C & N PROPERTIES LTD

**CONVERSION OF SECOND FLOOR OFFICE TO RESIDENTIAL FLAT AT 2 MIDDLE STREET, TAUNTON**

Location: FRONT WEST SECOND FLOOR, RAGLAN HOUSE, 2 MIDDLE STREET, TAUNTON, TA1 1SH

Grid Reference: 322948.12478

Listed Building Consent: Works

---

**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 5030\_P\_01 Location Plan

(A4) DrNo 5030\_P\_02 Rev A Site Plan

(A2) DrNo 5030\_P\_03 Existing and Proposed Floor Plans

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

3. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: air/waste extraction from the new second floor bathroom.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the relevant guidance in Section 12 of the National Planning Policy Framework.

## Notes to Applicant

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

## PROPOSAL

2 Middle Street is a brick and slate listed building within a row of similar style properties, also listed. The row consists of a mix of residential and commercial properties with small garden/gravel areas to the front. A garage lies opposite. The building is currently used as offices and there is a yard area and parking for two cars to the rear. The site lies just outside of the Taunton Town Centre boundary and within the Conservation Area and Area of High Archaeological Potential.

This application seeks planning permission to change the second floor to a 2 bedroom residential flat, which would involve the installation of two stud partition walls, one to form a bathroom and one at the top of the stairs to form a new doorway. It is also proposed to insert a vent into the kitchen wall. No external alterations are proposed and the ground and first floor would remain as offices. An application for planning permission is also currently being considered.

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

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*HERITAGE* - Proposed works would appear to have minimal impact on the historic significance of this designated heritage asset. If approval is granted, please include a condition for further details of the air/waste extraction from the new second floor bathroom.

### Representations

None

## PLANNING POLICIES

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

## 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) £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**

As this application relates to listed building consent, the matter for consideration relates to whether the internal alterations would respect the character of the historic building without harm to its long term preservation.

The insertion of the small section of stud walling, along with the installation of a bathroom and kitchen with venting, is considered to have a minimal impact on the historic merit of the building. There are no external alterations proposed with the exception of the kitchen vent to the rear, which would not protrude excessively and is not therefore deemed to appear prominent or to harm the historic and traditional character of the listed building. In order to ensure that any extraction to the bathroom does not result in any harm to the listed building, details of such extraction have been conditioned.

As such, the appearance of the listed building from the road to the front would appear as per the current situation and the part it plays within the row of listed buildings would be unaffected. The proposed scheme would allow for the building to be altered in such a way that it's traditional and historic character is preserved and retained.

**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**

48/14/0035

SEC PROPERTIES LTD

**ERECTION OF 2 NO. SINGLE STOREY DWELLINGS WITH DEMOLITION OF EXISTING STRUCTURES AT SOUTH VIEW COURT, MONKTON HEATHFIELD, WEST MONKTON (RESUBMISSION OF 48/13/0018) AS AMENDED BY PLANS SHOWING PITCHED ROOFS ETC. PLANS NO 2912/10A, 11A, 13A, 14A, 15A, 16 AND 17.**

Location: SOUTHVIEW, MONKTON HEATHFIELD ROAD, MONKTON  
HEATHFIELD, TAUNTON, TA2 8NU

Grid Reference: 325748.127051 Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) Location Plan  
(A2) DrNo 2912/1 Rev A Site Plan  
(A3) DrNo 2912/6 Plans and Elevations as Existing  
(A2) DrNo 2912/10 Rev A Proposed Site Plan  
(A4) DrNo 2912/11 Rev A Floor Plan -Plot 1  
(A4) DrNo 2912/12 Elevations Plot 1  
(A4) DrNo 2912/13 Rev A Floor Plan Plot 2  
(A4) DrNo 2912/14 Rev A Elevations Plot 2  
(A4) DrNo 2912/15 Rev A Elevations Plot 2  
(A4) DrNo 2912/16 Elevations Plot 1  
(A3) DrNo 2912/17 Site Section A-A

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

3. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and

the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

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

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

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

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extension, conservatory, garage, car-port, any outbuildings, additional windows or additional rooflights/velux windows shall be carried out or erected without the further grant of planning permission.

Reason: To ensure there is no overlooking or detriment to the amenities of neighbouring residents, and the appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the bathroom windows to be installed in the northern elevations of the dwellings shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

7. The area allocated for parking/turning on the submitted plan 2912/10A shall be properly consolidated, surfaced, drained and marked out before the dwellings hereby approved are occupied and shall not be used other than for the parking/turning of vehicles in connection with the development hereby permitted and for the owners/occupiers of the flats at Southview.

Reason: To ensure that there is adequate space within the site for the parking



of vehicles clear of the highway in accordance with retained Policy M4 of the Taunton Deane Local Plan.

8. No dwelling shall be occupied until spaces have been provided within the site in accordance with plan no 2912/10A for bicycles to be parked.

Reason: In the interests of highway safety.

9. The existing levels of the land, as shown on plans 2912/1A and 2912/10/A, upon which the buildings are to be erected and proposed floor levels of the dwellings shall not be increased in height to facilitate their construction unless with the written permission of the Local Planning Authority.

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

10. The development hereby permitted shall not commence until such time as details of the sewage disposal and surface water drainage have submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.

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

#### Notes to Applicant

1. 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. Wessex Water advises:

#### Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from Developer Services web-pages at website: [www.wessexwater.co.uk](http://www.wessexwater.co.uk)

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from the New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

### Building near a Public Sewer

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

The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus.

3. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

4. Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)

### **PROPOSAL**

The proposal is to erect two detached single storey dwellings on land to the rear of properties fronting the A3259. The existing buildings, which are used as a butchers shop and stores, would be demolished. The original plans showed the two dwellings with flat roofs, with significant amounts of fenestration facing south-east. These plans showed roof lights providing light to the living space and kitchen of both plots. Both dwellings will have amenity space to their south east. Plot one, the one nearer the road, will be timber clad with felt roof and timber window and door frames. Plot

two, to the south-east will be brick with felt roof and upvc windows and door frames. Plot one scales 10m at south-east side, 10.7m on north-west side, by 7.6m and 2.8m in height. Plot two has a more complex shape but the overall measurements are approx. 17m in length, a max of 7m width for the two bedrooms and reducing to 3.5m at the bathroom and 6m at the living room, it scales at 2.8m in height (not counting the rooflights). The amenity areas of the plots are, plot 1 approx. 64sqm, and plot 2 approx. 75sqm.

Revised plans have been submitted which retain the proposed shape and format of the footprints of the dwellings, but introduce pitched roofs at approx. 25 degrees and both buildings will now be brickwork. The arrangements of rooflights has also been altered. A section through the site has been submitted which show the finished floor levels in relation to the existing ground level, and the outlines of the buildings to be demolished.

Parking for 4 vehicles has been shown at right angles to the hedge boundary with Middle Cottage. Two parking spaces for South View have now been shown, one to the rear of South View in the area of the current garden area to the lower flat and one adjacent to the boundary with the Almshouses. The plans show the existing hedge to Middle Cottage and the other boundaries retained. The existing gate access to Middle Cottage is shown to be closed off. The plans have existing spot heights and finished floor level which indicate the floor level of plot 1 to be 50.75m in an area where the existing ground level is between 50.58 and 50.32m and for plot 2 the finished floor height is 50.30m where the existing ground level is 50 and 50.17m.

A technical note dated June 2013 relating to the highway and transportation issues relating to the site and an Ecological Appraisal have been submitted as part of the application.

## **SITE DESCRIPTION AND HISTORY**

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

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

### **History:**

48/13/0018 – erection of 2 no single storey dwellings with demolition of existing structures at South View Court, refused on basis of overdevelopment of site, 10/09/13. Subsequent appeal dismissed on the effect on the living conditions of future occupiers, 02/04/14.

48/07/0031 – change of use of garden to from additional parking/turning area to be used in conjunction with shop, approved, 10/07/07;

48/00/0043 – erection of extension to form meat preparation area and cold store and extension to customer parking and turning area, approved 09/01/01;  
48/91/0020 – conversion of South View to two flats, approved 20/06/91 subject to conditions to provide and maintain parking and turning areas and a plan showing 3 parking spaces for the 2 flats.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WEST MONKTON PARISH COUNCIL* - 48/14/0035 The Parish Council objects to this application.

There is no datum point.

The main sewer crosses the road from Hartnells and crosses underneath the area designated for Plot 2. The development of circa 150 houses at Hartnells farm is in the pipeline, so the sewer usage will change. The developer proposes to alter the sewer line by adding bends, which in view of its function, is an inappropriate solution.

The site and the neighbours' gardens adjoining it are prone to flooding: reportedly there used to be a duck pond in that location, and the water table is very high; the neighbouring property had to have extensions on its foundations before solid ground was met. The plans do not indicate that adequate measures have been put in place to deal with the high water table and the drainage of water off the site.

The impact on existing neighbours is not clearly demonstrated in the drawings: because of the lie of the land, there will be a noticeable difference in height between the proposal and the Spital bungalows. The extensions that the Spital bungalows have at the rear of the properties are not shown (Drawing 2912/10), if the extensions were to be included in the drawings then it would be clear that the distance between the existing Spital bungalows and the proposals is less than 3 feet. The proposal represents over development of the site: the side of Plot two having 11 window panes along its length overlooks closely and completely into the neighbours garden.

The design of the two proposed buildings is not in keeping either with the street scene or with each other (one is wood, the other is brick), and the style of the buildings (13 ft high with flat roofs and roof lights) themselves do not look like residential buildings.

Access by emergency vehicles, particularly to Plot 2 would not be possible on the plans drawn, as no parking is shown outside Plot 2.

The parking figures provided to Hydrock (authors of the technical report) are disingenuous: whilst the opening hours of the shop may very well be advertised as 9-5, resulting in 17 parking movements, the reality is that the shop is often closed by about 1.00pm or thereabouts nearly every day, and the car park is never full. This calls into question the projected traffic movements on and off the site and the hypothesis showing that the proposed residential properties would cause fewer traffic movements on and off the main road (A3259).

The calculations regarding the required visibility splay for access onto the A3259 need to be done in the knowledge that the site slopes away from the main road, so access onto the main road is uphill. No provision is made in the proposal for the parking requirements of the houses lying on the main road which have enjoyed parking permission on the site for many years. There is no opportunity for cars displaced by the proposal to park on the A3259 because it is too dangerous (the road bends slightly at this location affecting visibility), and parking in Heathfield

Drive is difficult due to roadside parking by residents of the road, and the narrowness of the road.

Should planning permission be granted, the residents of the two new properties will be overlooked by the flats at South View and the other neighbours. Additionally, the gardens are small and do not show any soft landscaping and provide no privacy.

*comments on amended plans -*

previous comments apply and added the following:

In respect of overdevelopment: drawing 2912/10 does not show the extensions added at the back of Spital Row (the almshouses). These extensions come within a metre of the boundary fence and are higher than the proposals.

A resident, who has worked for 14 years with wheelchair users, stated that the disability access shown is narrow, and gradients are not helpful to wheelchair users. The Parish Council notes the Inspectors Report (2/4/14) from the last appeal and these plans do not appear to have paid any heed to them.

The run-off issues due to the hard landscaping have not been addressed in the amendments, and the flooding issues have not been addressed.

The 11 windows down the side of the proposed buildings look into the neighbouring property.

The proposed overdevelopment of the site is severely affecting the quality of life of the neighbouring residents.

The loss of the rear entrance to the middle cottage on the A3259 has not been replaced.

The Butchers Shop opening hours are now advertised as 7.00am to 1.00pm – which is what residents have said all along, and therefore the calculations of car movements on and off the site based on all day opening of the butchers shop are not correct.

It is suggested that the site would be more suitable for a single dwelling, where soft landscaping could assist in the resolution of the drainage problems.

Residents reported difficulties in communications with Planning Officer Marlow.

*SCC - TRANSPORT DEVELOPMENT GROUP – comments on previous application for two dwellings:*

no objection - I refer to the above-mentioned planning application received on 2nd April 2013, to which I have the following comments relating to amended information submitted relating to the proposed scheme which was received in my department on the 4th June 2013 to which I have the following observations on the highway and transportation aspects of this proposal:-

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

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

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

made with the site to accommodate the existing property known as 'South View'.

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

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

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

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

*DRAINAGE ENGINEER* - I note that surface water is to be disposed of to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval.

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

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

*BIODIVERSITY* - the site currently has no value to wildlife.

## **Representations**

4 Letters of OBJECTION:

### Traffic/parking

- The butcher's shop is closed on a Sunday and Monday and closes most days between 1 and 2, so the traffic figures are misleading;
- Inadequate parking for the development and the existing residents who park in the current car park, this will be displaced to adjacent road which has parking issues;

- Dangerous egress onto main road;
- Poor visibility for vehicles;
- Resident who has parked within the existing carpark for many years will not have a space within the scheme and may have to park in a dangerous place on the main road;
- Where will the builders and tradesmen park?

#### Amenity/character

- Inappropriate materials;
- There are no flat roofs in the area;
- Overdevelopment;
- Loss of privacy/overlooking to existing properties from the large windows;
- Loss of privacy/overlooking to proposed properties;
- Overshadowing;

#### Flooding

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

#### Levels

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

#### Other

- The South View properties are tenants of the applicant so unlikely to comment;
- The Wessex Water comments may alter the shape of the dwelling;
- Has Wessex Water's support been given to move the sewer?
- No datum levels given;
- An appeal was dismissed, so should this scheme;
- Disruption from building works:
- The plans are incorrect in respect to boundaries;
- The shape of the Spital Row bungalows is incorrect;
- Existing pedestrian gate access has been closed off with no consultation with the owner;
- No landscaping.

#### comments on amended plans:

4 letters of objection:

- Re submitting previous comments;
- The floor space is bigger than for the two semi-detached properties;
- Greed of the developer;
- Concern that the appeal result is being ignored as the application is now for two dwellings with large windows;
- One property would be preferable;
- The datum points are still missing;
- The plans are misleading;
- Enough houses being built within the Parish;

- Entry and exit from the site is difficult now;
- Traffic will increase;
- The 30mph sign is ignored.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP8 - CP 8 ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

The CIL liability is £3,150.

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£2 158
Somerset County Council (Upper Tier Authority)	£540

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£12 949
Somerset County Council (Upper Tier Authority)	£3 237

## **DETERMINING ISSUES AND CONSIDERATIONS**

The application site is within the settlement limits of Monkton Heathfield, with direct access from the A3259. The site is already developed and in use as a butchers shop and stores. The main issues raised are traffic/parking, amenity/character, flooding/drainage, levels and other matters.

Before addressing the objections and matters raised, mention should be made of the most recent application and appeal decision. The application was for two semi-detached dwellings with 5 parking spaces. The application was refused on grounds of overdevelopment. The subsequent appeal inspector found that the area had a mixed character, with detached, semi-detached and terraced housing of various heights and designs; the proposal would be of a similar density to the prevailing density in the area, the proposal would not appear cramped, the proposal would have an acceptable effect on the character and appearance of the area. Opportunities for mutual overlooking between neighbouring properties would be limited as the development is single storey, most overlooking would take place at first floor level, at ground level the site is partially screened by boundary fences and vegetation which restrict overlooking, even though there are some differences between heights of neighbouring plots. The Inspector states that he does not consider the private outdoor space provided for either plot 1 or plot 2 would provide a good standard of amenity, and concludes that the proposal would have a harmful effect on the living conditions of future occupiers.

From the above, it is clear that the principle of residential development is accepted, that subject to acceptable living conditions, there is no issue with the density and



character of having two dwellings on the site. The inspector has all the letters and objections raised by the Parish Council and residents, but did not consider any issue to warrant further examination. (Inspectors can consider any aspect of the application, even if it has not been raised by the LPA as a reason for refusal.)

### Traffic issues

Given that there is no restriction to that particular user or occupant, the buildings could be used for any retail use and there could be substantially more customer traffic than at present. The Somerset County Highway Authority's officer had previously advised that there is a substandard vehicle access onto West Monkton Road, which provides limited and poor visibility. The erection of two dwellings has the potential to generate 12 – 16 vehicle movements a day. The submitted traffic analysis report shows that the proposed dwellings are likely to be less intensive than the existing butchers use. Additionally any heavy goods vehicles that were previously associated with the butchers that stopped on the public highway interrupting the free flow of traffic along West Monkton Road in proximity to the site will now cease. Although the site access is considered substandard, it would be unreasonable for the Highway Authority to object given that the proposal is a reduction in vehicle movements. The Planning Inspector did not raise objections to this matter.

The comments from the Parish Council and neighbours about the visibility issues are noted, but given that the Highways Authority did not object to the previous application for two dwellings, it would be inappropriate and contrary to Central Government advice to raise a reason to refuse on this basis.

### Parking

The plans show two car parking spaces for each of the two proposed dwellings, and two spaces for the existing South View flats, one to the south east side of South View itself, the other alongside the south western boundary in the space of the existing butcher's shop. There is space for cycle parking. Objectors have claimed that there was an informal agreement with the previous occupier of Middle Cottage, that she could park in the butcher's car park which has been carried forward to the current owner. However as this was informal the applicant does not have provide any replacement. If this resident has any written agreement, this must be pursued privately. The proposal meets current standards. The parking space for the ground floor flat at South View lies with the private garden of that property and significantly reduces the small garden to a 'T' shape, 1.6m wide by 5.4m, and 1.8 by 6.6m. This is considered to be a poor relationship, but does provide both some amenity space and a parking space, and is the same as the previous application, and was not raised as an issue.

### Amenity/character

Any new building is bound to change the character of the area. Whilst the properties around are mainly two storey, the Almshouses are single storey with pitched roofs. The amended current application shows two single storey dwellings with pitched roofs which are acceptable. The original materials were not considered to be appropriate; the timber cladding of plot one was not considered to be acceptable in this location which is dominated by brick built buildings, with a few rendered properties. Now however, the amended plans show both proposed buildings being brick built with pitched roofs and therefore appropriate for the area.

In respect to the loss of privacy/overlooking issue, the proposed windows are all on the ground floor and the intervening fences and fence/walls will provide a large degree of privacy. There should be no loss of privacy from the roof lights. The Planning Inspector did not consider there to be an issue with loss of privacy to/from the existing/proposed residents. The proposed amenity areas for the new dwellings are now of a reasonable size and location, in line with the Planning Inspector's views.

The floorspace of the current proposal is approx. 140sqm. The previous floorspace was approx. 168sqm. Therefore the current proposal is a lesser floorspace than the previous proposal. There is no landscaping proposed. This is a fully surfaced site at present with no landscaping. The occupiers of any new dwelling usually will plant trees/shrubs. It is not considered that there will be significant overshadowing of any existing property as a result of this application, given the new dwellings will be single storey.

#### Flooding/Drainage

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

#### Levels

The proposal is for two single storey units, it is not considered that the height of the buildings will impact on the neighbours. Spot heights and finished floor levels were given on the initially submitted plans, and these indicated that the finished floor levels will not be a significantly increased in height above the existing ground levels. Plot 1 is set at 50.75 as finished floor level, the existing ground level varies between 50.58 and 50.32. Plot two is 50.30 as finished floor level with the existing levels at between 50.00 and 50.38. A planning condition to ensure that site levels are not subsequently altered without prior approval could be imposed on any approval.

#### Plans

The plans do not show the north-easterly projections of the Almshouses, however it is not considered that this omission material affects the determination of the application. The proposal is to their north east, the nearest building is plot 1, part of which is in a similar position to the existing shop, the new building is sited approx. 1m from the boundary, and given the Almshouses are on higher land, the windows facing the site are unlikely to be detrimentally affected. One neighbour is concerned that the boundaries are incorrectly shown. The degree of potential discrepancy is not considered material to the determination of the application.

#### Other

The surrounding area (other than the allotments) is residential and the land on the other side of the main road around Hartnell's Farm will be a large residential area. The allocation of this area, does not result in the Local Planning Authority not having to consider any new applications in the area. If the hedge/trees belong to a neighbour, the applicant will need the requisite permission. Potential damage to

properties and moving of an individual's gate are a private matter. The information provided by the traffic report has been assessed by the County Highway Authority, but it is not only the numbers of customers that is relevant. The County Highway Authority's Officer is satisfied that there will be an overall reduction in the number of HGVs accessing the site and parking on the main road. It is acknowledged that the visibility splays are poor and cannot be improved as there are on a third party's land. There is a sewer crossing the site; the applicant and agent are aware of this and will be approaching Wessex Water with the intention of reaching a "building over" agreement.

In respect of the previous application for two single storey dwellings on the site, the Planning Inspector concluded that the proposal to be acceptable in terms of its effect on the character and appearance of the area. However, this was not sufficient to outweigh his concerns regarding the effect of the proposal on the living conditions of future occupiers. The Local Planning Authority has to have regard to the conclusions of the Inspector and cannot consider overdevelopment to be an issue. However the revised design of the proposed dwellings is different to the previous application and it is now considered to be acceptable. The other comments raised by objectors have been considered, and are not material to the determination of the application.

The payment of the New Homes Bonus and CIL are material considerations in the determination of this application, however officers consider that it should be attributed limited weight in this case.

#### Conclusion

The proposal is considered to be acceptable. The residential nature of this area is not disputed, the application plans show two single storey buildings in an area which has some single storey dwellings (Almshouses) as well as the two storey dwellings. It is considered that there will be no undue loss of amenity to the surrounding properties from the proposal and the living conditions of the new residents will be acceptable. The traffic generation has been assessed by the County Highway Authority and is not considered to be unreasonable for the site, albeit that there is existing poor visibility at this location. It is considered that the application should be approved as the concerns of the Planning Inspector have been overcome.

**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 – 10 DECEMBER 2014**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>INSPECTOR'S REMARKS</b>
APP/D3315/A/14/2223665	ERECTION OF 4 NO. DETACHED DWELLINGS WITH GARAGES AND ASSOCIATED WORKS ON LAND TO THE SOUTH OF THE COACH HOUSE, SIDBROOK, WEST MONKTON	The proposed development represents an unacceptable extension of ribbon development beyond the settlement boundaries of Monkton Heathfield into open countryside and an area of greenwedge. It would result in the loss of open space beyond the settlement limit and have an unacceptable impact on both the rural character and appearance of the area and would be contrary to the up to date, adopted development plan - Taunton Deane Core Strategy Policies CP1, CP8, SP1, DM1 and DM2.	48/13/0082	The Inspector considered the main issues to be: (1) Whether the Council can demonstrate a five year supply of deliverable housing sites and (2) The effect of the proposed development on the character and appearance of the area. Taking all matters into account, he found the Council does have a five year supply of deliverable sites and concluded the appeal proposal is not necessary to meet an identified unmet need in the Borough. After consideration, the Inspector concluded the proposed development would harm the character and appearance of the area thus bringing it into conflict with the development plan. The benefits of the scheme would not outweigh this harm. Therefore, having had regard to all other matters raised, it is concluded that the appeal should be DISMISSED.



**APPEALS RECEIVED FOR COMMITTEE AGENDA – 10 DECEMBER 2014**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/A/14/2229087	RESIDENTIAL DEVELOPMENT OF LAND FOR UP TO 6 NO WORKPLACE HOMES AT KNAPP LANE ACRE, KNAPP LANE, NORTH CURRY	24/14/0011