



Planning Committee

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 25 February 2015 at 17:00.

Agenda

- 1 Appointment of Chairman
- 2 Apologies.
- 3 Minutes of the meeting of the Planning Committee held on 7 January 2015 (attached) 28 January 2015 (to follow).
- 4 Public Question Time.
- 5 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 6 48/14/0051 Construction of new link road between A38 and the A3259 to the south west of Monkton Heathfield (option C)
- 7 38/14/0424 Erection of dwelling with attached garage in the garden to the rear of 48 Charles Crescent, Taunton (resubmission of 38/14/0143)
- 8 34/14/0020 Replacement of flat roof areas to dwelling and garage with pitched roofs at 1 Stoneleigh Close, Staplegrove
- 9 Planning Appeals - The latest appeals and decisions received (attached)

Bruce Lang
Assistant Chief Executive

02 April 2015

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



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

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

Planning Committee Members:-

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

Planning Committee – 7 January 2015

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

Officers: - Bryn Kitching (Development Management Lead), Matt Bale (Development Management Lead), John Burton (Major Applications Co-ordinator), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Andrew Randell (Corporate Support Officer)

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

(The meeting commenced at 5.00 pm)

1. Apology/Substitution

Apology : Councillor Bishop

Substitution: Councillor Mrs Reed for Councillor Bishop

2. Minutes

The minutes of the Planning Committee meeting held on the 10 December 2014 were taken as read and were signed.

3. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Coles also declared that he was the Firepool Champion for application Nos 38/13/0035 and 38/14/0076. He felt that he had not 'fettered his discretion'. Councillor Gaines declared that he was present at the Wiveliscombe Town Council meeting when application No 49/14/0064 was being discussed. He declared that he did not take part in the discussion. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. 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.

4. 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:-

49/14/0058

Erection of 2 No. agricultural buildings for the rearing of livestock and storage at Der Bauernhof (The Farm), Jews Lane, Maundown, Wiveliscombe

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 plans:-

- (A3) Bottom Barn Elevations and Floor Plan;
- (A3) Top Barn Elevations and Floor Plan;
- (A4) Location Plan;

(c) No building hereby approved shall be erected on the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which had been submitted by the applicant and approved by the Local Planning Authority;

(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 entered into pre-application discussions to enable the grant of planning permission.)

38/14/0369

Installation of brick and stone ramp to the west face of the building to provide wheelchair access to the new Tourist Information Centre, The Market House, Fore Street, Taunton

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:-

- (A1) DrNo 14.2372/01 Plans and Elevations as Existing;
- (A2) DrNo 14.2372.02 Rev A Plans as Proposed;
- (A1) DrNo 14.2372/04 A West Elevation & Section B – B1 as proposed;

- (A1) DrNo 14.2372/05 Rev A North Elevation as Proposed;
 - (A2) DrNo 14.2372/08 Location and Block Plan;
- (c) 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: The detailed design of the handrails, at a scale of 1:10; details of the nosing for the steps and detail of how the new brickwork will be differentiated from the historic elements;

49/14/0064

Demolition of outbuildings with erection of two storey side extension at 1 West Road, Wiveliscombe

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo J87/09C Elevation and Section;
 - (A3) DrNo J87/08B Block and Location Plan;
 - (A3) DrNo J87/07A Proposed Garage Workshop;
 - (A3) DrNo J87/06C Proposed Elevation;
 - (A3) DrNo J87/05C Proposed First Floor and Attic Plan;
 - (A3) DrNo J87/04B Proposed Ground Floor Plan;

(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 has negotiated amendments to the application to enable the grant of planning permission.)

42/14/0065

Replacement of garage with erection of two storey side extension at 12A Trull Green Drive, Trull

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo J99/04B Proposed Ground Floor and First Floor Plans;

- (A3) DrNo J99/05A Proposed Elevations;
- (A3) DrNo J99/06A Site and Location Plan;

(c) 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 first floor window to be installed in the side (south) elevation of the extension shall be obscure glazed and non-opening (with only opening parts of the window more than 1.7 m above the floor level). The type of obscure glazing shall be of level 3, 4 or 5 obscurity, unless otherwise agreed in writing with the Local Planning Authority and shall thereafter be so retained.

(Notes 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 planning permission.)

38/14/0409

Erection of two storey side extension and single storey rear extension at 8 Parkfield Drive, Taunton

Conditions

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

- (A3) DrNo J105/01 Survey Drawing;
- (A3) DrNo J105/02A Proposed Floor Plans;
- (A3) DrNo J105/03A Proposed Elevations;
- (A3) DrNo J105/04 Block and Location Plan;

(Notes 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 and had granted planning permission.)

05/14/0051/LB

Replacement of attached garage with erection of single storey extension to the side of Bramdean, Bishop's Hull Road, Bishop's Hull (retention of part works already undertaken, resubmission of 05/14/0034/LB)

Conditions

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

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

- (A4) DrNo 5015-01 Location Plan;
- (A3) DrNo 5015-PLB 02 Proposed Rev B;
- (A3) DrNo 5015-PLBN-02A Existing Rev A;
- (A3) DrNo 5015-02 Site Plan;

(c) No development, excluding site works, shall begin until a panel of the proposed brickwork measuring at least 1 m x 1 m had been built on site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

(d) 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: details of terminal end of air extraction unit to new WC:

(e) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment, that shall first have been submitted to, and approved by the Local Planning Authority prior to their installation;

(f) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing by the Local Planning Authority;

(g) The rooflights hereby approved shall be fitted flush with the roof covering unless otherwise first agreed in writing by the Local Planning Authority;

(h) All guttering, downpipes and rainwater goods shall be constructed of cast iron or aluminium and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

05/14/0050

Replacement of attached garage with erection of single storey extension to the side of Bramdean, Bishop's Hull Road, Bishop's Hull (Retention of part works already undertaken, resubmission of 05/14/0036)

Conditions

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

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

- (A4) DrNo 5015-01 Location Plan;
- (A3) DrNo 5015-PLB 02 Proposed Rev B;
- (A3) DrNo 5015-PLBN-02A Existing Rev A;
- (A3) DrNo 5015-02 Site Plan;

(2) That **planning permission be refused** for the under-mentioned development:-

44/14/0010

Change of use of land and erection of dog breeding kennels at Beacon Lane Farm, Voxmoor, Wellington (Retention of works already undertaken)

Reason

The proposed development, by reason of the scale of the business, the location of the kennels and their design was considered to cause unacceptable noise disturbance and harm to the peace and tranquillity of the Blackdown Hills Area of Outstanding Natural Beauty (AONB). Visitors to the area currently enjoy a peaceful natural environment with little in the way of noise disturbances and the proposed development would fail to maintain the peace and tranquillity of the Blackdown Hills AONB and conditions could not overcome this harm. The proposed development therefore fails to comply with Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy and guidance within the National Planning Policy Framework.

5. Erection of 19 affordable apartments in a four storey block on land known as area F, Firepool Lock, Taunton (38/13/0035)

Reported this application

Resolved that subject to the applicant entering into a Section 106 Agreement to secure the following:-

- (a) 25% Affordable Housing to be provided on-site;
- (b) A contribution towards the provision of off-site children's play or on-site provision with long term maintenance and management agreements;

The Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

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

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

- (A3) DrNo 2960_PL_01 Location Plan;
- (A1) DrNo 2960_L_010 Rev F Proposed Site Plan;
- (A1) DrNo 2960_L_050 Rev E Unit 6-24 Ground Floor Plan;
- (A1) DrNo 2960_L_052 Rev D Unit 6-24 First Floor Plan;
- (A1) DrNo 2960_L_053 Rev D Unit 6-24 Second Floor Plan;
- (A1) DrNo 2960_L_054 Rev D Unit 6-24 Third Floor Plan;
- (A1) DrNo 2960_L_056 Rev C Unit 6-24 Roof Plan;
- (A1) DrNo 2960_L_110 Unit 6-24 Elevations;

(c) Before the proposal hereby permitted is occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times;

(d) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before the proposal is first occupied and thereafter maintained at all times;

(e) The area allocated for parking and turning on the submitted plan, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;

(f) Prior to the commencement of the development, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan shall include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There shall be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures shall continue to be implemented as long as any part of the development is occupied;

(g) No development, excluding site works, shall begin until a panel of the proposed materials measuring at least 1m x 1m has been built on the site and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

(h) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the

positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (i) (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;
- (j) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination;

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,

- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to, the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures;

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works;

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority;

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works;

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;

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

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

(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 applicant to enable the grant of planning permission.)

6. Erection of 5 No affordable housing dwellings on land known as area F, Firepool Lock, Taunton (38/13/0076)

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement to secure the following:-

- (a) 25% Affordable Housing to be provided on-site;
(b) A contribution towards the provision of off-site children's play or on-site provision with long term maintenance and management agreements;

The Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

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

- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 2960_PL_02 Rev A Location Plan;
 - (A1) DrNo 2960_L_011 Proposed Layout Plan;
 - (A1) DrNo 2960_L_051 Unit 1-5 Ground & First Floor Plan;
 - (A1) DrNo 2960_L_111 Unit 1-5 Elevations;
- (c) Before the proposal hereby permitted is occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times;
- (d) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before the proposal is first occupied and thereafter maintained at all times;
- (e) The area allocated for parking and turning on the submitted plan, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (f) Prior to the commencement of the development, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan shall include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There shall be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures shall continue to be implemented as long as any part of the development is occupied;
- (g) No development, excluding site works, shall begin until a panel of the proposed materials measuring at least 1m x 1m has been built on the site and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (h) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (i) (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;
- (j) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to;
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures;

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works;

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority;

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works;

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above);

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;

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

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

(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 planning permission.)

7. Demolition of buildings and the erection of 66 No flexible living retirement flats and 12 No assisted living flats for people with learning difficulties (class C2 usage) and associated works at Parmin Close, Taunton 38/14/0355

Noted that this application had been withdrawn.

8. Installation of 5MW solar farm and associated infrastructure at land east of Montys Farm, Norton Fitzwarren (25/14/0028)

Reported this application.

Resolved that subject to the submission of further information regarding the archaeological potential of the site and the receipt of no ongoing objection from the County Archaeologist;

The Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

(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:-

- (A0) DrNo CW_XXXX_031 Plant Site;
- (A0) DrNo CW_XXXX_031 Restriction and Constaint Plan;
- (A3) DrNo CW_XXXX_031 Location Plan;
- (AO)DrNo ME_XXXX_031 Location Plan;
- (A3) DrNo S.L.P. Site and Location Plan;
- (A3) DrNo PL/Array Elev Elevations of Arrays;
- (A3) DrNo PL/DNO DETAILS/01 DNO Station Details;
- (A3) DrNo PL/Array Layout And Grid Con./01;
- (A3) DrNo Rev C Switch Gear Kiosk & Base Design General Arrangment;
- (A3) DrNo WPD Building;
- (A3) DrNo A3 TBC GA Sales Drawing;
- (A1) DrNo PL/Array Section/-01;
- (A1) Fence Details;
- (A1) PV Array, Plant and Camera Layout Plan;
- (A1) Restrictions and Constraints Plan;

(c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production;

(d) The site operator shall inform the Local Planning Authority within 5 days of being brought into use that the site is operational and producing electricity;

(e) No development shall commence until the public footpaths within the application site have been diverted onto the proposed route shown on drawing PL/RESTRICT & CONTSTRAINTS/01 and the new routes are fully open and available for public use;

(f) The development hereby permitted shall not be commenced until details of a strategy to protect and accommodate wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of the Magnificent Science Company's Extended Phase 1 Habitat Survey Report dated June 2014 and up to date surveys and include:

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

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 new habitat and 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 habitats and related accesses have been fully implemented;

- (g) (i) Before any part of the development hereby permitted 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. The scheme shall show the hedgerows and trees to be retained and the method of protection during the construction phase. The scheme shall be based on the "Planting Recommendations, revised issue 3rd December 2014" prepared by The Magnificent Science Company;
- (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;
- (h) Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. It shall include proposals for the ongoing management of hedgerows and landscaped areas over the lifetime of the permission hereby granted. The Environmental Management Plan and Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase;
- (i) Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the containers, substations, customer MV station and inverter housing hereby permitted shall have be

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;

- (j) Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within 3 months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority;
- (k) No development shall commence until a detailed surface water drainage strategy has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority;
- (l) No development shall commence until a pollution management plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include an assessment of the likely impacts of pollution during the construction and operation of the development to surface waters and groundwater abstraction sources. Where risks are identified through the assessment, appropriate mitigation measures shall be identified. The development shall be carried out and maintained in strict accordance with the approved plan;
- (m) Prior to their installation, full details of the proposed perimeter fencing and CCTV cameras shall be submitted to, and approved in writing by, the Local Planning Authority. The fencing shall be erected and thereafter maintained as such in accordance with such approved details;
- (n) The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction phase;
- (o) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, fences, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission;

- (p) No external artificial lighting shall be installed on the site;
- (q) No development shall commence unless a Construction Traffic Management Plan had 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 unless any variation was approved in writing by the Local Planning Authority. The plan shall include;
- Construction vehicle movements;
 - Construction vehicular routes to and from site;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- (r) There shall be no construction activity on the site other than between the hours of:

08.30 and 17.00 Monday to Friday
08.30 and 12.30 Saturdays

Unless otherwise agreed in writing by the Local Planning Authority.

9. E/0073/46/12 – Holiday lets allegedly occupied by long term tenants at Gerbestone Lodges, Gerbestone Lane, West Buckland

Reported that a complaint had been received that the four constructed lodges at Gerbestone Lodges, Gerbestone Lane, West Buckland were being occupied on a full time/ permanent basis and the occupants were not holiday makers. This was in contravention of the condition 02 of permission 46/08/0022.

Planning permission for 8 holiday lodges was granted by two separate permissions (4 each) in 2004 and 2005. To date only four had been built, three from one permission and one from the other. Planning Contravention Notices were served on each occupied Lodge and the information received back clearly showed that the units were indeed being occupied on a permanent basis. This meant that the occupancy condition was not being complied with.

The owner had been contacted and an application was submitted to vary the condition attached to the 2008 permission. This application (46/14/0029) was refused under delegated powers on 12/11/2014.

Resolved that:-

- (1) An enforcement notice be served requiring the cessation of residential occupation of the Holiday Lodges in contravention of the condition 02 of permission 46/08/0022;

(2) Any enforcement notice served should have 6 months compliance period;
and

(3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

10. Appeals

Reported that one appeal was received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 8.45 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
- Employee of UK Hydrographic Office – Councillor Tooze
- Clerk to Milverton Parish Council – Councillor Wren

48/14/0051

TAUNTON DEANE BOROUGH COUNCIL

CONSTRUCTION OF NEW LINK ROAD BETWEEN A38 AND THE A3259 TO THE SOUTH WEST OF MONKTON HEATHFIELD (OPTION C)

Location: STREET RECORD, B3259, MONKTON HEATHFIELD

Grid Reference: 324997.126568

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:

(A1) DrNo MJ004007-PL-OPTC-001 Location Plan
(A1) DrNo MJ004007-PL-OPTC-002 Red Line Plan
(A1) DrNo MJ004007-PL-OPTC-003 General Arrangement
(A1) DrNo MJ004007-PL-OPTC-004 Longitudal Sections String MC200 & String MC51 A3259 to Milton Hill
(A1) DrNo MJ004007-PL-OPTC-005 Cross Sections - M200
(A1) DrNo MJ004007-PL-OPTC-006 Cross Sections - M200
(A1) DrNo MJ004007-PL-OPTC-007 Cross Sections - M200
(A1) DrNo MJ004007-PL-OPTC-008 Cross Sections - M200
(A1) DrNo MJ004007-PL-OPTC-009 Cross Sections - M200
(A1) DrNo MJ004007-PL-OPTC-010 Cross Sections - MC51
(A1) DrNo MJ004007-PL-OPTC-011 Typical Sections
(A1) DrNo MJ004007-PL-OPTC-012 Landcaping & Ecological Mitigation
(A1) DrNo MJ004007-PL-OPTC-013 Street Lighting Plan

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

3. (i) Before any part of the permitted development is commenced, other than the A38 bus gate, 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 and shall include replacement hedgerow and orchard habitat.

- (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.

4. The applicant shall undertake all the recommendations made in Somerset County Council's Ecological Appraisal report dated March 2014 (Revised June 2014), including an up to date badger survey, pre construction checks for (non-horseshoe) bat roosts and fencing for otters and badgers at Allens Brook. A strategy shall be submitted which shall 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.

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 brought into use until the scheme for the maintenance and provision of the new **resting places** and related accesses **have** been fully implemented

Reason: To protect and accommodate wildlife.

5. Details in respect of noise mitigation measures including surfacing and a noise barrier shall be submitted to and agreed in writing by the Local Planning Authority and carried out before the road is brought into use and shall thereafter be maintained as such.

Reason: In the interests of limiting noise levels to safeguard amenity in accordance with policy DM1 of the Core Strategy.

6. Prior to the development hereby permitted being brought into use details of the lighting columns and lights including baffles to the lights adjacent to Allens Brook shall be submitted to and approved in writing by the Local Planning Authority and the applicant shall demonstrate that light levels will not exceed 1 Lux on Allens Brook, its bankside vegetation and other habitat used by lesser horseshoe bats. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

7. No development approved by this permission, other than the bus gate on the A38, shall be commenced until a surface water run-off limitation scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details prior to the road being brought into use.

Reason: To prevent the increased risk of flooding.

8. No new road construction shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

9. Prior to the development hereby permitted being brought into use the bus gate feature on the A38 shown on drawing PL-OPTC-003 shall be fully implemented.

Reason: In the interests of highway safety.

10. No development approved by this permission in catchments 3 and/or 4 of the Option 1 drainage strategy report (Dec 2014) shall be commenced until details of the Allen's Brook bridge crossing have been submitted to, and approved in writing by the Local Planning Authority. The approved crossing shall be implemented in accordance with the approved construction details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that local flood risk is not affected by the development.

11. No work shall commence on the development hereby permitted, other than the A38 bus gate, until all details of the proposed Western Relief Road (WRR) including design drawings, layout and longitudinal sections, cross sections, construction details, street lighting and any crossing details have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be fully constructed in accordance with the approved plans to the agreed specification prior to the Western Relief Road being opened for public use.

Reason: In the interest 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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. You are advised to submit a C3 Notice in accordance with the NRSWA arrangements to consider constraints and costs of mitigation works in relation to protection of Wessex Water infrastructure.
3. Your attention is brought to the following:

There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

Land Drainage Consent from the Lead Local Flood Authority (LLFA - SCC Contact Mr Steve Webster) may be required for any temporary or permanent works affecting the flow in the Allen's and Dyer's Brooks which lie in close proximity to the new road scheme.
4. The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning consent and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.
5. The proposed development will obstruct the right of way and a diversion will be necessary. The right of way will need to remain open and available until the (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The County Council would request to be consulted on the surface of any diverted public right of way.

PROPOSAL

The proposal is to erect an access road between the A3259 and the A38 to form the Monkton Heathfield Western Bypass. The scheme will divert traffic away from the village of Monkton Heathfield and provide access to the new residential developments. The scheme involves construction of 600m of new carriageway; widening/realigning 300m of the existing road; provision of pedestrian and cycle facilities, including two pedestrian crossings; provision of two junctions incorporating right hand turn lanes, where appropriate to maintain/enhance existing access arrangements and construction of a 20m span bridge over Allens Brook. The road generally comprises a new 7.3m wide carriageway with a 3m wide off-road segregated footway/cycleway and a verge of 0.5m between the carriageway and off road facility west of the Milton Hill roundabout.

The proposed layout of the scheme is based on the following criteria:

Providing a new route for traffic to bypass the village of Monkton Heathfield,
Providing access to areas of land to the south already allocated for housing,
Improving access to Heathfield Community school,
Retaining access to Milton Hill, Farriers Green and other existing residential and business properties, and
Providing facilities for pedestrians and cyclists.

SITE DESCRIPTION AND HISTORY

The site consists partly of existing roads and agricultural land and the route of the road was identified in the Taunton Deane Core Strategy and is specifically referred to in policy SS1. The creation of the new east-west link from the A38 to the A3259 will divert traffic from the village and allow easier access to the A38 and M5 for existing residents and those of the new housing development.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL - The Planning Supporting Statement by Richard Needs SCC/MJ004007/002 rev2.0 states in 14.1.3 the 'The proposed scheme has been through extensive public consultation through the Local Plan as well as a series of public exhibitions and meetings with groups of residents'. Many of the residents remember that the scheme was 'sold' to them on the basis that there would be a bus gate at Yallands Hill. This application, like the application for Option 1 does not show a bus gate at Yallands Hill; although it is to be noted and emphasised that the Parsons Brinkerhoff Transport Assessment has based the assessments for 2028 on the existence of a bus gate at Yallands Hill as well as at the other end of the village. Parsons Brinkerhoff Transport Plan page 36 para 6.3.2 '...as the 2028 scenarios include a two way bus gate on the A3259 west of Milton Hill'. WMPC believes that the stated aim 'The provision of the Western bypass...significantly reducing severance caused by the existing A3259 and A38 which both run through the settlement' in the Design and Access Statement Richard Needs SCC/MJ004007/001-2.0 will be negatively impacted by not including the bus

gate at Yallands Hill.

As with the W MPC response to Option 1, this response is in a number of sections.

Farriers Green

Farriers Green is an estate of circa 130 houses with no other way out, plus school traffic uses the top end of Farriers Green as a drop off, as it joins the footpath through to School Road.

Option C goes some way to assist entrance and exit at Farriers Green onto Milton Hill (WRR), by the installation of a right turning lane. To ensure that traffic can flow freely on WRR in both directions, the Parish Council suggests that space is created for filter lanes either side of the junction, so Farriers Green vehicles can speedily leave and enter the WRR without reducing the traffic flow. It is not altogether clear why in the Parsons Brinkerhoff Transport Assessment for 2028 the numbers of trips to and from Farriers Green was reduced from 135 arrivals and 146 departures to 22 arrivals and 61 departures – which then meant that the assessment showed there was no queuing at the junction either for morning or evening peak times.

In further support to keep traffic flowing on the WRR, the Parish Council suggests using the wide verge and visibility splay to create bus laybys for the two bus stops on the stretch of road from the new Aginghills roundabout to the junction A38/WRR. The one lying on the Tanpitts Farm side of the road may not be easy to achieve without land purchase, but on the Farriers Green side of the road it could be easier due to the wide verge and attenuation pond. Given that the aims of the new development included more use of cycling, walking and public transport, the buses will continue to follow the route of the WRR, perhaps with increased frequency. So every time a bus stops on the WRR, the traffic flow will come to a stop without bus laybys, because the road width doesn't allow cars to pass a stationary bus.

The Parish Council would be grateful if assurance could be given by SCC that the bus services used in the Parsons Brinkerhoff Transport Assessment (or their equivalent) will be protected in view of the current SCC consultation on provision of bus services. Table 3.1 page 15 Parsons Brinkerhoff Transport Assessment dated Dec 2014.

In this application as in Option 1, no heed appears to have been taken of the location of Farriers Green Park adjacent to the WRR. The Parish Council believes that in the interests of safety, a fence should be installed with a field gate into the park area to prevent children running out from the park onto the WRR. Defining the boundary may assist in creating the bus layby and the filter lane into Farriers Green. The Parish Council would expect to see a planting scheme in addition to the fence to maintain the 'Green' aspect of Farriers Green Park, which is currently undergoing extensive improvements and when completed, will be the flagship play provision site in the Parish, containing play equipment for all ages through to the adult outdoor gym provision. The soft landscaping described in Richard Needs SCC/MJ004007/001-2.0 section 5 page 5 could be extended to include the suggested fencing on the perimeter of Farriers Green Park.

The Parish Council would like to see bat and owl boxes provided in those areas

being landscaped 'to enhance the ecological benefits of the area.' Richard Needs SCC/MJ004007/001-2.0 section 5 page 5.

WRR/A3259

No reference has been made in this application (Option C) to the other end of the WRR at its junction with A3259. The Parish Council has strongly requested another bus gate is installed at Yallands Hill to protect the Safe Routes to School, since children will be crossing at the junction of WRR with A3259. Additionally, it is hard to see what the 'improved link to Heathfield Community School to the north' will be: Richard Needs SCC/MJ004007/001 – 2.0 page 4.

Following comments made by J Fellingham at a meeting in Dec 2014, the WMPC has been led to believe that the S106 for the bus gate at Prockters on A3259 is non-negotiable. The Parsons Brinkerhoff Transport Assessment dated December 2014 is based on the inclusion of a bus gate at Yallands Hill by 2028, and states that 'Although the exact location of the proposed A3259 bus-gate is currently unknown, it is anticipated that it would be located somewhere between Milton Hill and Blundells Lane and would prevent through traffic on the A3259 through Monkton Heathfield' PB TA page 30 para 5.6.4. WMPC requests clarification on the position and timing of the two bus gates considered in the Parsons Brinkerhoff Transport Assessment. In respect of the bus gate at the eastern end of the village, the Parish Council suggests that moving the bus gate closer to the village to a position between Richards Crescent and the Butchers shop would increase the efficiency of the traffic calming function of the bus gate. It could even become the fourth arm of the midi roundabout giving access onto Hartnells.

Please could SCC and TDBC comment on the following?

- *Was the S106 regarding Prockters imposed by SCC?*
- *Would developers have had to agree the conditions, including a more rigorous determination of location than apparently understood by PB?*
- *If the site was already defined, why did not Parsons Brinkerhoff know this?*
- *Would moving the location of the bus gate closer to Richards Crescent be contested by the developers in view of the Transport Assessment?*
- *Could a change of site be done by Deed of Variation if needed?*

The traffic movement surveys that were conducted to inform the traffic plan were taken at peak times on week days: Parsons Brinkerhoff Transport assessment Dec 2014, page 26 para 5.3.2. What is the view of SCC and TDBC about the circa 2000 cars that attend and leave the car boot sale at Prockters farm on Sundays? Were the bus gate to be installed at Prockters the current three options for the traffic leaving Prockters – left or right on A3259 or straight over Camels Hump to A38 - will be removed. Camels Hump will be no more anyway, the turn to the right will hit the bus gate, so it will have to all turn left ...or go to the rat runs through the 'back lanes'. If the bus gate were to be moved slightly towards the village, as described above, the right turn option could still be accommodated through the new road being built between A38 and A3259. The Parish Council has already registered its comments about this linking road being used by everyone to get between A 3259 and A38...the chances of it simply being an estate road are remote without traffic calming and other measures.

WRR/ERR

For the road infrastructure to work, it is crucial to keep the ERR working, so that traffic can feed from it into the WRR. The junction at Milton Hill is convoluted, so to assist and improve, WMPC strongly suggests that lines are painted on the ERR for some considerable distance approaching the new Bathpool roundabout to create two lanes. This will keep traffic travelling towards the Creech Castle separate from traffic heading for the WRR. So if Creech Castle is slowed to a standstill at peak times, as is currently the case, traffic to WRR will still flow. Otherwise the ERR will become slowed to a standstill at peak times. The Transport Assessment Junction Impact Assessment results (pp54 and 55 of the report) indicate there will be queuing at Creech Castle A38/A358, even after the junction is improved, so small efforts with painted road lines on the ERR could assist traffic flow. This comment emphasises the need for bus laybys and proper entrance/exit arrangements for the junction of Farriers Green with the WRR, as described earlier.

The installation of the A38 bus gate should not take place until after all possible improvements to traffic flow on the ERR/A38 junction have been completed. It is not understood why a speed limit of 20mph was used in the modelling to validate the A38 bus gate: page 31 PB TA in which 'it has been assumed that traffic speeds on the A38 through Monkton Heathfield would be restricted to 20mph'. Is it to be understood that traffic calming the A38 will include a speed restriction of 20mph... has consultation with the Police Authority endorsed this proposal?

Other comments

Parish Council would like to see 'Residents Only' signs on the A38 and A3259 in both directions as the roads enter the village to demonstrate SCC's stated intent to reduce the effects of severance through the village caused by these two roads.

The Parish Council would endorse the use of directional LED lighting in the application and would add that installation of bat boxes and owl boxes would enhance wildlife.

Further to the letter from the EA dated September 2014, has the EA modelling now been completed using more robust and acceptable models of Allens and Dyers Brook? Given drainage problems in the Bathpool area, the attenuation ponds or underground storage facility will have to be carefully controlled. The Dyers Brook/Allens Brook/Kingston Stream are pretty much at capacity, particularly where culverted.

Ref SCC/MJ004007/001-2.0 Design and Access statement page 6 para 6.1.1, please could SCC define what street furniture they intend to provide along the length of the scheme?

The Parish Council would strongly endorse that an agreement about working hours on the site is defined and enforced; including start and finish times, access by construction traffic etc.

CHEDDON FITZPAINE PARISH COUNCIL - The Parish Council of Cheddon Fitzpaine is aware of the potential busgate-ing of West Monkton and of the impact of extra traffic on the road from South Lodge (Hestercombe) past Cheddon Lawns/Goosenford/Greenway toward West Monkton. In order to protect village life,

traffic calming measures are requested to be considered alongside this application. SCC Cllr David Fothergill is aware of the discussion at both Parish Council meetings. Both Parish Clerks to work together on this joint response.

Cheddon Fitzpaines' Parish Council meeting minutes on 8 January 2015 state:

Traffic calming for Rowford needs support from County Council. The preference is for table humps/tops as opposed to traffic gates as they are kinder to vehicles/passengers/ambulances/lorries etc. It was noted that with the proposed extra housing at West Monkton and associated roads that the back lanes from Greenway/Goosenford to Rowford will particularly suffer and as such a joint supported approach with West Monkton Parish Council for table humps to SCC Cllr Fothergill is recommended.

LANDSCAPE - See comments made in connection with option 1. The application is for the construction of the last link in a new road link between the A38 and the A3259 to the south west of Monkton Heathfield (Option 1). The proposal will involve the felling of several mature trees, orchard trees and several sections of hedgerow. The removal of existing vegetation will have a major impact on the character of the locality. Compensation planting is required and so I suggest the following landscape condition NE02

This option (option C) involves less tree felling and so from a landscape point of view would be my preferred option.

BIODIVERSITY - See comments made in connection with option 1. Somerset County Council carried out an Ecological Appraisal of the route options, dated March 2014, revised in June 2014. The report includes a species-led habitat Evaluation Procedure (HEP) being developed by SCC to quantify the amount of habitat creation needed to offset the impact of the proposed road. The report is supported by a Report of Bat Surveys and tree Assessments for the proposed road carried out by Kestrel Wildlife Consultants dated May 2014

It is estimated that 160 m of hedgerow will be lost due to the proposed development. To compensate additional tree planting is proposed.

The original Ecological Appraisal has been revised (December 2014) and been submitted in support of this application. As option C results in less hedgerow removal and no impact on the Tanpitts Farm Orchard, it is my preferred option from a biodiversity point of view.

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (footpath T 5/17) I have attached a plan for your information.

Any proposed works must not encroach on to the width of the footpath.

The proposed development will obstruct the right of way and a diversion will be necessary. The right of way will need to remain open and available until the (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. We would request to be consulted on the surface of any

diverted public right of way.

If the route is to be diverted, this will be dealt with by Taunton Deane Borough Council.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public bridleway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

SCC - TRANSPORT DEVELOPMENT GROUP - Summary:

The Highway Authority has reviewed the overall benefits and dis-benefits of both of the options and on balance recommend that permission can be granted for both of the proposed routes. The reasons for this recommendation are set out below.

For ease the Highway Authority will cover both applications in this response and will differentiate between the two where necessary.

Option C

Option C is similar to Option 1 in providing a new link between the A3259 and the A38 however instead of creating a new northern arm from the roundabout the junction of Milton Hill with the A38 will be re-profiled and its priority changed to link into the existing A38. In addition to these works a bus gate will be installed to stop through traffic utilising the existing A38.

Traffic Impact

In regards to both options the assumed trip generation within the SATURN model is reasonable, and was agreed at the scoping stage. Committed development at Monkton Heathfield and other parts of Taunton Deane and Sedgemoor have been included within the TA. However as the scheme its self does not generate traffic

and provided comparisons are reasonably robust and consistent the precise trip generation is not an issue.

In the sensitivity tests carried out, which include the A38 bus gate, reduced trip rates are assumed on the basis that substantial modal shift away from car traffic is achievable and this was agreed during the scoping stage. But it should be noted that this is an assumption and is only realistic if forthcoming development at Monkton Heathfield includes very substantial measures to encourage this shift. As for the trip redistribution has been undertaken within SATURN model, as agreed at the scoping stage, and is considered to be reasonable.

Turning to traffic impact the SATURN model has been reviewed and no major issues have been identified for either option.

Wider Network Impacts

Analysis of the SATURN output stats for 2028 demonstrates that, like-for-like, any scenario results in average journeys which are longer (in distance) and take more time. This is due to the implementation of the bus gates, which would force traffic to use the WRR rather than the most direct route. The Highway Authority's initial observations required the submission of a COBA-LT report. This has not been provided at the time of compiling this response although it is understood that one will be submitted. It is assumed that it would show an increase the potential for accidents due to traffic diverting along routes which include more junctions. Basically it is assumed that a longer route with more junctions and more conflict points would result in additional accidents.

It should be noted that by not providing the bus gates would mean that the road would have limited success in achieving its main objective. In regards to Option 1 it is likely that there would still be an element of 'rat running' on the A38 as it provides a bus gate and "Access Only" especially due to the anticipated congestion at the A38/Eastern Relief Road (ERR)/WRR roundabout. However Option C's approach would see the bus gate provided as part of the proposed works at the Milton Hill/A38 junction as a consequence there would be no rat running of the A38.

Junction Impacts

The junction modelling has been reviewed and is considered to be acceptable in most cases. The one exception is the A38/WRR/ERR roundabout, where it is unclear whether two lanes will be available for certain movements. The applicant would need to clarify this as the results will be affected. The details indicate that the minor junctions along the route of the WRR are shown to operate within capacity. The scheme is shown to have an adverse impact on the Creech Castle junction. This is likely due to the bus gating of the A3259, with more traffic using the ERR-A38-Toneway route into Taunton. The LinSig modelling shows that in 2028 the Practical Reserve Capacity (PRC) would reduce from 0 to -21 in the AM Peak and -19 to -65 in the PM Peak. This would represent a severe congestion at the junction. However it should be noted that issues with the capacity of this junction will be looked at under separate scheme and the developer is required under the original S106 agreement to provide a contribution to this.

The modelling also shows that there will be some impact at Junction 25 of the M5,

although there will be a separate scheme of mitigation measures planned for this location. The impact at Junction 24 is minimal.

In terms of the principle junctions affected by this development these have been modelled for 2028 in both options.

Option C

Under this proposal the A38/WRR/ERR will remain a three armed roundabout with the WRR splitting from the A38 to the north of the junction. The data shows that some congestion is expected, particularly on the ERR in the AM Peak.

The A38/Milton Hill junction would not exist in this option whilst the modelling shows that the WRR/Milton Hill junction will remain just within capacity in 2028.

Finally at the WRR/A3259 junction the model shows that once the A3259 bus gate is implemented there would be no congestion. Prior to the implementation of the gate there will be similar delays to that which has been seen in the other proposed option.

TA Summary

In conclusion the TA is considered to be technically sound with only some minor exceptions. These being that the applicant should look to clarify the design of the A38/WRR/ERR roundabout, to determine whether uneven lane usage is likely to be an issue. In addition once the final option has been determined, revisions to junction designs where congestion is modelled should be considered, where possible. The TA does demonstrate that the objective of the WRR will be achieved however this would be dependent on the bus gates being implemented on the A3259 & A38. However it is noted that one of the options does allow for the implementation of the bus gate on the A38. It should also be noted that the "Access Only" element provided in Option 1 would result in 'rat-running' on the A38, especially when other junctions are congested. The re-routing of traffic has been shown to have a severe impact on the Creech Castle junction by 2028, although it should be noted that improvements would need to be delivered under a separate scheme.

Conclusion and Recommendation

To conclude in terms of traffic impact the proposal is considered to be acceptable with some minor details to be amended, which the applicant should note. In terms of design submission both layouts are broadly considered to be acceptable with a few minor points that need to be addressed but it should be noted that these would not be until the full technical submission stage. The WRR would result in a detrimental impact on journey times with them becoming longer however this must be balanced against the need to provide the appropriate infrastructure to enable development in Monkton Heathfield.

Therefore taking into account the above information the Highway Authority raises no objections to application 48/14/0031 (Option 1) and 48/14/0051 (Option C) and if the Local Planning Authority were minded to grant permission of both schemes then the following conditions would need to be attached.

- No work shall commence on the development hereby permitted until details of the proposed Western Relief Road (WRR) shown on the submitted drawings have been submitted to and approved in writing by the Local Planning Authority.
This shall then be fully constructed in accordance with the approved plans to an agreed specification prior to the Western Relief Road (WRR) being opened for public use.
- 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.
- Prior to Eastern Relief Road (ERR) being open to traffic details of the proposed bus gating of the A38 shall be submitted to and approved in writing by the Local Planning Authority and it shall be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority or another statutory body.

Note:

The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning consent and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.

WESSEX WATER - There are a number of public water and sewerage apparatus in the location of the proposed road which will require protection. The applicant is advised to submit a C3 Notice in accordance with the NRSWA arrangements to consider constraints and costs of mitigation works.

We note 3.4.2 of Parsons Brinkerhoff Drainage Strategy indicating that it may be possible to drain highway flows into surface water apparatus. With the availability of watercourses within the vicinity of the proposals we do not believe this option will be necessary.

NATURAL ENGLAND - Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment¹ for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation. We have agreed no significant effects on the 8/12/14 but mitigation measures for bats from Hestercombe House SAC should be agreed with your ecologist and as stated in the test of likely significance, when determining changes to the junction with the A38.

The lack of case specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process.

In particular, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

Protected species

Where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the LPA should request survey information from the applicant before determining the application (Paragraph 99 Circular 06/05). Natural England has produced standing advice, which is available on our website *Natural England Standing Advice* to help local planning authorities to better understand the impact of particular developments on protected or BAP species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, local planning authorities should undertake further consultation with Natural England.

Local wildlife sites

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

Biodiversity enhancements

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

Landscape enhancements

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

SCC - *ECOLOGY* - No comments received.

ENVIRONMENT AGENCY - As a result of additional information, and further clarifications, the Environment Agency wishes to remove its holding objection in favour of the advised conditions and notes below to cover our interests.

Condition

No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

Note

It is recommended that the developer investigates and specifies appropriate Sustainable Urban Drainage Systems (SuDs) for surface water disposal from the site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:

- Interception and reuse,
- Porous paving/surfaces,
- Infiltration techniques
- Detention/attenuation
- Wetlands

As the proposed site does not directly affect any main river watercourse under our direct jurisdiction, we advise that the Council's Land Drainage Engineer, Mr John Herrington, and/or Somerset County Council (contact Steve Webster) should be consulted on any conditional details in due course, to ensure that their flood risk responsibilities are not adversely affected by the development.

Condition

No development approved by this permission in catchments 3 and/or 4 of the Option 1 drainage strategy report (Dec 2014) shall be commenced until details of the Allen's Brook bridge crossing have been submitted to, and approved in writing by the Local Planning Authority. The approved crossing shall be implemented in accordance with the approved construction details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that local flood risk is not affected by the development.

In the event of planning permission being given we request that the Decision Notice contain the following information:

There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

Land Drainage Consent from the Lead Local Flood Authority (LLFA - SCC Contact Mr Steve Webster) may be required for any temporary or permanent works affecting the flow in the Allen's and Dyer's Brooks which lie in close proximity to the new road scheme.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Awaited

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - The route of the road was archaeologically evaluated in 2011; as a result of this evaluation, the site of Roman occupation (HER no. 30328) and an undated enclosure (30329) are now known to be located on the route.

For this reason I recommend that the developer be required to archaeologically excavate the heritage assets and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

Representations

6 letters received raising the following issues:

- Concern over roundabout being bottleneck,
- Impact on Tanpitts Farm and amenities of holiday caravans and tents,
- Affect on visitor activity,
- Impact of noise
- Non provision of bus gate or traffic calming on A3259 and road should be closed to through traffic,
- Loss of and lack of off-line cycle/walking path,
- Old section of road will cause backing up and impact on a school route.
- Concern over proper level of attenuation of run-off from impermeable surfaces to

- ensure no worsening of downstream flooding.
- Bus gate on A38 will mean diversion to get into town.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
SS1 - TD CORE STRATEGY MONKTON HEATHFIELD,
T38 - TDBCLP - Maidenbrook Playing Field Allocation,
EN24 - TDBCLP - Urban Open Space,

LOCAL FINANCE CONSIDERATIONS

The scheme does not create a CIL liability.

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

DETERMINING ISSUES AND CONSIDERATIONS

There are a number of considerations with the proposed road scheme in terms of its policy compliance and impact on landscape, wildlife and the character and amenity of the area.

Policy

The provision of a western relief road for Monkton Heathfield has been proposed in policy terms since the 2004 Taunton Deane Local Plan. The up to date policy for the area is policy SS1 of the Core Strategy adopted in 2012. The current application is one option for the road and links the A3259 to Milton Hill with a new section of road and stream crossing and then has a modified road link along the line to the existing road to the A38 and incorporates a new bus gate on the A38 to ensure traffic will link to the Eastern Relief Road. The route of the new section of road runs roughly west to east and links to the road provided by the housing developer to the east. The road will cross part of the green wedge, however it is not considered that this would significantly detract from the openness of the area and the benefit of the road link and associated planting is considered to outweigh the limited visual harm of the road corridor through the area.

Access

A full Transport Assessment has been submitted with the application for the Western Relief Road (WRR). The purpose of the WRR is to relieve traffic through Monkton Heathfield on the A3259. The Core Strategy identifies the road to be

fundamental to the delivery of future development coming forward as part of the Urban Extension and the scheme forms part of policy SS1. The assessment has considered the traffic implications associated with the provision of the WRR for the plan period to 2028.

The Transport Assessment demonstrates that the provision of the WRR is anticipated to reduce two-way traffic flows along the A3259 through Monkton Heathfield and on Milton Hill. Option C provides a new link between the A3259 and the A38 and from the roundabout junction on Milton Hill the route to the A38 will be re-profiled and its priority changed to link into the existing A38. In addition a bus gate will be installed on the A38 to stop through traffic utilising the A38. The development itself does not generate traffic and the traffic impact is considered by the Highway Authority to be acceptable. The proposed option would see the bus gate provision on the A38 and as such the Highway Authority consider there would be no rat running of the A38. The Highway Authority consider the junctions along the WRR will operate within capacity. There will be an adverse impact identified on the Creech Castle junction, however it is recognised that there is already an issue with this junction and the capacity of the junction will be looked at under a separate scheme part funded by contributions through an existing Section 106. There is a recommendation that the bus gate be installed before the Eastern Relief Road is open, however the Eastern Relief road is already approved and largely built and it is not considered possible to condition the busgate in relation to that scheme. A condition is proposed to ensure the bus gate is installed before the WRR is opened.

All the junctions along the WRR are demonstrated as operating within capacity over the Plan period, although the ERR/WRR/A38 roundabout is considered to be operating close to capacity and may experience some queuing and delay during the morning peak on the ERR. The modelling shows the WRR/Milton Hill junction will remain just within capacity in 2028. The model shows the junction of the A3259/WRR would have no congestion with the implementation of the A3259 bus gate. However the provision of this bus gate is off site and under the control of the Highway Authority. The conclusion of the assessment however is that the WRR is suitable to serve future development within Monkton Heathfield, is not anticipated to result in significant detriment to the surrounding highway network and is vital to provide the appropriate infrastructure to enable future development in Monkton Heathfield.

Landscape

The site lies partly within the built up area and partly in the countryside and the western section of road will involve the removal of hedges and trees which will impact on the character of the locality. The road to the south of the existing and proposed development boundary and relates well to the built up area. While it projects into the green wedge along its northern section the impact on the openness of the area is considered a necessary and acceptable one to provide a vital piece of infrastructure. The scheme includes significant areas of compensatory landscape planting to offset that removed and to create replacement habitat. The Landscape Officer recommends a condition to secure the new planting and considers this option preferable to that previously submitted as there will be less impact and loss of orchard trees through the current scheme.

Wildlife

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 the road is clearly 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 a western bypass route to the existing village to secure longer term access and health benefits and this is considered to outweigh the harm to habitat along the route location and so it would follow that this test would be passed.

(ii) That there is no satisfactory alternative

The need for the road and the reason why this site can be considered for development has been considered in the policy section of this report, above. As previously discussed, given the current local planning policy framework, it is considered that there is no satisfactory viable alternative in terms of the overall location of the development and for these reasons, the test would be passed. This option is preferred to the other put forward as it does not entail crossing an existing orchard at the southern end of the site. 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 additional native species planting and habitat creation to mitigate against the impact of loss of trees and hedge. 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 proposed development has not been specifically objected to by

Natural England and the County Ecologist has produced an Assessment of Likely Significant Effect in respect of the Hestercombe SAC and it is concluded that the scheme would not have a significant effect on lesser horseshoe bats at Hestercombe provided there are conditions to ensure habitat enhancements of 0.78ha and a detailed street lighting plan to ensure baffles on certain street lamps are achieved. Natural England has responded to the Assessment of Likely Significant Effect and recommend the proposed mitigation including lighting levels in relation to Allens Brook. The County Ecologist is satisfied that the lighting levels can be achieved and a condition is required to address this point.

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 provision of mitigation and enhancements for the site is considered a necessary condition.

Drainage

The proposal involves the construction of a new road between the A3259 and the A38 part of which will utilise the existing route adjacent to the Milton Hill roundabout. In terms of drainage it is important that the surface water run-off created by the impermeable surface of the sections of new road are adequately dealt with and attenuated so as to limit run-off levels and prevent any increase in risk to flooding downstream towards Bathpool. The Environment Agency initially raised concern over the scheme and has since advised that the development of Option C is suitable subject to conditions to secure a drainage strategy for surface water attenuation and details of the brook crossing. These conditions are reproduced as part of the recommendation.

Amenity and noise

A Noise Assessment has been submitted with the application and has assessed existing and proposed noise levels within the study area of within 1km of the proposed route. The impact of noise from the highway has been assessed in terms of both its construction and the level of traffic using the highway once completed. In summary the long term noise impact for Option C would be that the majority of dwellings would experience a negligible change in noise levels and 17 properties would experience a moderate increase in noise. No properties would experience a major increase in noise and over 300 properties would experience a decrease in levels. This noise impact would affect the amenity of properties but it is not considered that this impact is so severe to warrant an objection on amenity grounds under policy DM1. The main area of noise relates to the new section of road and mitigation is proposed in terms of surfacing and a noise barrier. A condition is imposed to address this point, and with the mitigation the design is likely to offer sufficient noise reductions so that no significant impacts occur. The noise increase at Yallands Hill end of the development would be addressed by bunding and planting to the west of the brook while the road surfacing proposed would be a high stone content Hot Rolled asphalt as this is a low noise surfacing material and the road will be subject to a 30mph speed limit. Such mitigation in terms of surfacing should

reduce road traffic noise levels by 1dB(A). In terms of the Tanpitts Farm area the existing noise level on Milton Hill is 70dB(A). The area is identified as undergoing a minor increase between 1 and 2.9dB(A) and is identified as experiencing a noise increase of around 2dB(A) before mitigation. A potential increase in noise level as described is considered to be an increase that would not significantly harm amenity in the area to warrant an objection to the scheme.

In addition to the above points the County Archaeologist recognises that there may be remains of interest on the route and therefore is recommending a condition to secure their excavation as part of the works. This is considered necessary and appropriate and a condition is recommended.

Summary

In conclusion the development of the Western Relief Road secures part of the important infrastructure required in the Local Plan under policy SS1 and would enable the future development of residential schemes within the area. The development would have impacts in terms of landscape, wildlife, flooding and noise however these can be mitigated to an acceptable degree and be subject to suitable conditions. The Highway Authority are satisfied that the road will not result in major traffic congestion and support the proposal and as a result the application is recommended for approval.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

38/14/0424

MR E PALLANT

ERECTION OF DWELLING WITH ATTACHED GARAGE IN THE GARDEN TO THE REAR OF 48 CHARLES CRESCENT, TAUNTON (RESUBMISSION OF 38/14/0143)

Location: 48 CHARLES CRESCENT, TAUNTON, TA1 2XP

Grid Reference: 324999.124905

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:

(A3) DrNo 1001B Site Location Plan
(A3) DrNo 1002 D Site Plan as Existing
(A3) DrNo 2012 Site Plan as Proposed
(A3) DrNo 2016 Floor Plans as Proposed
(A3) DrNo 2017 Elevations as Proposed
(A4) DrNo 2018 Sections and Perspectives as Proposed

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

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

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

5. The area allocated for parking to serve the proposed dwelling shall be provided before the dwelling hereby permitted is brought into use. The garage and parking area shall thereafter be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

6. The driveway shall be hard surfaced before it is brought into use. It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the proposed dwelling.

Reason: In the interests of highway safety.

7. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level forward of lines drawn 2.0 metres back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage. Such visibility shall be fully provided before the access hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

8. Provision shall be made within the site for the disposal of surface water so as

to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

Reason: In the interests of highway safety.

9. 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 extensions, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures shall be carried out without the further grant of planning permission.

Reason: To protect the appearance of the surrounding area and the residential amenities of neighbouring properties, in accordance with Policy DM1 (D) & (E) of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. Notes at request of Wessex Water:
 - Application forms and guidance information for new water supply and waste water connections is available from www.wessexwater.co.uk/developerservices
 - 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.
 - No surface water connections will be permitted to the foul sewer system.
 - Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
 - On 1 October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers). At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our records plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Buildings Regulations purposes. More information relating to this transfer can be found on the Wessex Water website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

3. Note at request of Council's Drainage Officer:
 - As property is former Council Property, the applicant/developer should contact the Council's Housing Division Property Manager and the Assets Holding Manager to check whether any consents are required from them.
4. The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area Highways Office, Burton Place, Taunton, Somerset, TA1 4HE; telephone no 0845 345 9155, email: countyroads-tdeane@somerset.gov.uk. He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
5. 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

48 Charles Crescent is a semi-detached dwelling fronting Charles Crescent with a large garden to the rear, which abuts an adopted road to the east, known as Illminster Road. On the opposite side of this road is a row of four link detached dwellings, permitted in September 2004, under application 38/04/0351.

To the north of these are two blocks of flats known as Brendon Court, accommodating 12 flats in total. These flats were permitted in March 2007, under application 38/06/0600 and are also accessed via the later element of Illminster Road. To the south of the site are properties facing onto the main Illminster Road with properties facing Charles Crescent abutting the site to both sides. The properties to Charles Crescent incorporate a mix of brick and render with tile roofs, some of gabled design, whilst others are of Cornish style. These are set within large plots, although no.48 is noticeably larger than other properties along this stretch of the road. The four properties on the other side of the later element of Illminster Road are of brick and slate, set in considerably smaller plots. A turning area is located between properties no. 34 and 36.

This application seeks planning permission to erect a detached three bedroom dwelling in the rear of the garden to 48 Charles Crescent. This would be accessed from the later element of Illminster Road, at a point opposite no. 36 and would have an open frontage with 1.8 metre high fence and planting to the four other boundaries. The dwelling would be constructed of brick and slate with an attached single garage to the north-eastern side and a driveway to the front, hence two car parking spaces would be provided within the site.

This is the resubmission of a earlier planning application, submitted in May 2014. This application differs from the previous application in the following ways: the

dwelling has been re-positioned within the site; the design has been revised in terms of floor plans and elevations, which also includes locating the garage to the north-eastern side; and the access and driveway has been repositioned to the north.

The application is accompanied by a Technical Note from a Transport Engineer.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WARD CLLRS SLATTERY AND GADEN – Object on the grounds of:

- Proposal would demonstrably harm the amenities enjoyed by local residents.
- Concerns regarding on-road parking, valuable green space, privacy and right to enjoy a quiet and safe residential environment.
- Proposal would significantly alter fabric of area and amount to serious cramming. Proposed development is over-bearing, out-of-scale with existing development.
- Concerns regarding little room for landscaping and gross overdevelopment of the site.
- Proposal would lead to loss of valuable green space and adversely affect the residential amenity of neighbouring owners.
- Highlights Human Rights Act.
- Development will lead to an unacceptable loss of light to neighbouring property owners/occupiers.
- Proposal will compromise road safety, likely to generate a significant increase in amount of traffic on adjacent roadways.
- Loss of on-road parking will result in loss of valuable amenity and lead to potential highway safety issues.
- Formally request Council to refuse this application.

SCC - TRANSPORT DEVELOPMENT GROUP – “Refer to standing advice”.
Standing advice requires:

Parking

1) The parking provision for developments should be in accordance with the adopted SCC parking strategy (Appendix 11.6).

2) The requirements for parking space and garage dimensions are also contained within the adopted SCC parking strategy and should where possible be adhered to (Appendix 11.7).

Visibility Splays

Where accesses and junctions are to be formed, this advice considers that Manual for Streets is the appropriate guidance for visibility splays. (Appendix 11.1 & 11.3) unless otherwise stated.

Visibility splays should be determined by the posted speed limit, unless physical measures, speeds or change is agreed by the Local Planning Authority. There may be occasions where the Highway Authority recommends that standing advice

applies to an application, but that an alternate (Design Manual for Roads and Bridges) visibility splay is more appropriate. Under these circumstances, the visibility splay requirements will be clearly defined with the initial consultation response.

Pedestrian Visibility

Where a new pedestrian access is proposed, it is necessary to ensure that adequate visibility splays are provided. These will be 2.0m x 2.0m and will be provided to the rear of the footway, or where the access meets the carriageway edge. (Appendix 11.2)

Surfacing and drainage

Adequate provision shall be made to ensure that surface water does not drain onto the public highway. Equally any new access shall be designed to ensure that highway water does not drain onto the development site.

Creation/alteration of a driveway

- 1) In Somerset up to two dwellings may be served by a driveway. This advice will therefore apply, provided that the proposal does not constitute the laying out of a street. As defined within the Highways Act 1980.
- 2) Visibility splays shall be in accordance with Manual for Streets visibility splay criteria (Appendix 11.3) unless otherwise stated. The visibility splays will be required to be provided within the control of the applicant, which is allocated within the red/blue lines of the applicants' boundary or highway land.
- 3) Any access for a single residential unit should have a minimum width of 3.0 metres. Where an access serves more than one unit, adequate width to pass two vehicles should be secured. Recommend a minimum width of 5.0 metres over a minimum of 6.0 metre length.
- 4) The gradient of any driveway shall not exceed 1 in 10, for at least the first 6.0 metres from the edge of the adopted highway.
- 5) Any new or altered access, must be consolidated or surfaced for at least the first 5.0 metres of its length, as measured from the edge of the adjoining carriageway, (not loose stone or gravel).
- 6) Positive drainage shall be provided, to prevent the discharge of water from private land to the adopted highway. It may also be considered necessary to take measures to prevent the 'run off' of water from the adopted highway onto private land. Details of such an arrangement should be approved by the Highway Authority prior to implementation.
- 7) Any entrance gates shall be hung to open inwards and shall be set back a minimum distance of 5.0 metres from the carriageway edge. Gates for pedestrian only access should be hung to open inwards.
- 8) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation or alteration of an access to the highway will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Area Highway offices - Taunton Deane Area Highways Office - Burton Place, Taunton. The Area Highways Office, is contactable on the following telephone number No. 0845 345 9155. Applications for such a permit should be made at least four weeks before access works are intended to commence.

WESSEX WATER - New water supply and waste water connections will be required from Wessex Water to serve this development. Suggest note regarding application forms guidance and further information, sewer connections signed adoption agreement.

DRAINAGE ENGINEER - Assume that the property is former council property, therefore Council's Housing Division Property Manager and the Assets Holding Manager should be contacted as application could affect housing private sewers.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - Measurements taken from plans currently held on file. Total liability £8,120.

Representations

21 letters of OBJECTION received from 12 different households on the grounds of:

- Overlooking of habitable rooms of properties opposite from bedrooms. Concerns regarding window to window relationship. Loss of privacy to bedroom and lounge at no.36. Overlooking of back garden at no. 46 from bedroom windows. Overlooking of kitchen at no.30.
- Overshadowing/Loss of daylight and sunlight to properties opposite, including garden and front windows.
- Loss of outlook from properties opposite.
- Scheme overbearing and out of scale with existing houses.
- Narrow road and concerns that driveway will result in difficulty for residents opposite to park to the front of their properties. Concerns that there are no/limited visitor parking spaces for 17 dwellings in Illminster Road. Concerns regarding construction traffic.
- Access not sufficient to allow a vehicle to safely enter or exit due to limited visibility and width of road. Would result in loss of pavement, increasing risk to pedestrians. Current road very narrow, lorries often have to reverse up road. Turning bay regularly used for parking. Concerns regarding access of emergency vehicles. Major problem with parking. Cars parked along Illminster Road impair visibility for all road users. More cars will use flats parking area for turning. Car accidents have already been witnessed. Adverse impact upon highway safety.
- Queries collection of data and contents in traffic technical note.
- Density already crowded. Overdevelopment of the area exacerbating traffic problems. Concerns for safety of children, residents and visitors.
- Impact upon wildlife and the environment.
- Suggest parking restrictions.
- Suggest retention of planting to northern and southern boundaries. Little space for landscaping on site. Loss of green space.
- Concerns regarding human rights.
- Suggest land could you sold to residents in street to build garages or parking area.
- Request no weekend or evening construction work.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP8 - CP 8 ENVIRONMENT,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development within the settlement limits of Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £8,000.

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

Principle

The site lies within the settlement boundary for Taunton where the principle of residential development is acceptable, subject to the relevant planning criteria being met. The matter for consideration is therefore whether the proposed scheme is acceptable in terms of the design and impact upon the surrounding area, the amenities of neighbouring properties and highway safety.

Design and impact on surrounding area

The surrounding area is characterised by a mix of properties. The properties most closely related to the proposed dwelling, on the opposite side of the road are of brick and slate with a gabled roof design and single storey attached garages. The proposed dwelling has been designed to reflect the style and materials of these properties and would not appear out of character with the surrounding area.

The properties opposite lie on a well established building line, fronting the road. The close proximity of the proposed dwelling to the road, albeit at an angle, is not

deemed to detract from the building line evident in nearby stretches of the road, to the detriment of the appearance of the street scene.

The properties on Charles Crescent, which lie in close proximity to the site, are characterised largely by similar sized plots, although it is acknowledged that no.48 does sit within a larger/wider plot than many. The properties further along Charles Crescent however sit in smaller plots. Similarly, the dwellings on the opposite side of Illminster Road are also located in smaller plots with limited garden space to the rear. As such, the separation of no.48 into two is not considered to result in plot sizes that are cramped or out of character with the surrounding pattern of development, particularly as the proposed plot relates more closely to Illminster Road than Charles Crescent. Taking this into account, it is considered that a sufficient level of amenity space remains available to no.48 and would be provided to the proposed dwelling.

As such, the proposed dwelling is not deemed to result in an adverse impact upon the street scene or the appearance of the surrounding area that would warrant refusal.

Impact on neighbouring property

The proposed dwelling would be positioned at an angle to the road and would not therefore directly face the dwellings opposite. By virtue of the angle, the front windows would face largely towards the turning bay and gable end of no.34, in which there are no windows positioned. Objections have been received regarding overlooking of the properties on the opposite side of Illminster Road. The dwelling has been designed with the closest first floor window serving the bathroom rather than a habitable room with the entrance porch below at ground floor level and a small WC window in the side elevation. As such, there are no habitable room windows in the part of the property closest to the dwellings opposite.

To the side of these windows is a lounge window at ground floor level with a bedroom window above, which, due to the angle of the dwelling, are set further away from the properties opposite. By virtue of the orientation of the dwelling to those properties opposite, these habitable room windows would not allow direct overlooking of the nearby dwellings and would be a sufficient distance from the gardens to the rear. Any views from the proposed dwelling would be at an angle to those windows, rather than looking directly into them and the scheme is not therefore deemed to result in a material loss of privacy to the properties opposite.

A concern has also been raised regarding overlooking of the garden to the rear of no.46. Again, due to the angle of the window, this would largely face the rear corner of the remaining garden to no.48 and is considered a sufficient separation distance from the main amenity space of no.46 in terms of direct views. Whilst the closest bedroom window in the rear lies reasonably close to the side boundary, this is a common relationship between residential properties and to gain clear views over the neighbouring garden would require looking at an angle. It is acknowledged that the rear bedroom windows would face towards the rear of no.46, although this is positioned 21 metres from the rear windows, which is deemed to be a suitable separation distance. The proposed scheme is not therefore considered to result in unacceptable overlooking of the amenity space or rear windows of the neighbouring

property.

A concern has also been raised regarding a loss of light and overbearing impact to the properties opposite. The dwelling is set at an angle, with the forwardmost part being the corner of the two storey section, which lies over 12 metres from the front of no.36 (the closest property), with the rest of the property set further away. This is considered a sufficient separation distance to avoid an unacceptable loss of light to the windows and is even further from garden areas to the rear. It is also important to note that this is in excess of the distance in many situations where properties face each other across a road. It is acknowledged that the outlook from these properties has in the past been garden land and that this would change. The proposed dwelling is not however deemed to result in such detriment to the outlook or overbearing impact to those properties that would warrant a refusal of the application.

The property is set well within the plot, with the closest element to the boundary with no.50 being single storey and there are no windows above ground floor level on this elevation facing in that direction. As such, the scheme is not deemed to result in an impact upon the amenities of that property. The closest element to the boundary with no.46 is two storey, although this is set at an angle to the boundary and set away over 4 metres from it. The proposed dwelling is not therefore considered to cause a loss of light or overbearing impact to that property.

The scheme is therefore deemed to result in a good standard of amenity for future occupants of the dwelling, as required by Paragraph 17 of the NPPF. Whilst it is acknowledged that the scheme would have an impact upon nearby properties, it is not considered to lead to a level of harm to the living conditions of the occupiers of those properties that would warrant refusal.

Impact upon highway safety

The proposed dwelling would involve the construction of a new access from the later element of Illminster Road, which would be located at the northernmost point of the boundary with the road. Whilst the speed limit for this stretch of road is 30 mph, it is acknowledged that by virtue of the narrow width and nature of the road, vehicle speeds are anticipated to be below this, although it is not deemed that traffic speeds would be as low as that set out in the statement prepared by Hydrock. It is envisaged that, taking into account the nature of the road, speeds would typically be 20-25mph travelling north away from Illminster Road, resulting in a visibility splay requirement of 25 – 33 metres. It is acknowledged that Manual for Streets states that in certain lower speed/lightly trafficked situations, the x-axis can be reduced from 2.4m to 2.0m and this is considered reasonable in this instance.

A visibility splay of 25 metres can be achieved to the south, which is considered reasonable in this case. It is acknowledged that a splay of only 15 metres can be achieved to the north. However, it is important to note that the proposed access is only approximately 25 metres from the access to the flats. As such, vehicles leaving the flats are unlikely to have reached very high speeds by the time they pass the access point and certainly by the time they come into sight within the visibility splay. As such, whilst the visibility splay achievable falls short of that ideally sought, taking into account the surroundings, it is deemed reasonable in this instance.

It is also pertinent to take into account the situation of the dwellings opposite, whereby garages are set back from the front of the dwellings, with the addition of a timber fence to the front roadside boundary. As such, when exiting the garage, whether in forward or reverse gear, visibility is limited by virtue of the positioning of the front wall/front boundary fences of the dwellings. Therefore a situation has already been permitted in close proximity to the site, whereby vehicles reverse onto/off of the highway with limited visibility available when exiting the property. This is deemed to be a material consideration.

The proposed access would require an area of kerb to be dropped and a note to the applicant concerning the appropriate consents is attached. The scheme incorporates two car parking spaces, one within the garage and one to the driveway, which is deemed an acceptable level of car parking for a three bedroom property and a condition to this effect is suggested. Many objectors raise concern regarding the road being narrow and significant problems with parking, parked cars impairing visibility, parking in the turning bay, lorries having to reverse up the length of the road and concerns regarding access of emergency vehicles. Whilst it is acknowledged that there may be difficulties with parking, it is important to note that this is an existing situation. In terms of assessing the application, it is necessary to consider whether this situation would be unacceptably exacerbated by the proposed dwelling. On the basis that the proposed dwelling has been designed to incorporate an appropriate level of off-road car parking, along with the considerations on visibility above, the scheme is not deemed to result in such detriment to highway safety that would warrant refusal.

The site lies in an area with a network of footpaths and cycle ways connecting to the town centre and other more local facilities and amenities, along with regular bus services and bus stops within easy reach along the main Illminster Road. Taking this into account, along with there being ample space within the site for the storage of cycles, the scheme is considered to provide alternative sustainable modes of travel.

Concerns have also been raised that the location of the access would prevent other local residents from being able to park to the front of their properties. It has also been stated that it was in fact intended for residents to park onto the highway to provide an additional parking space to the front of the properties. Parking on the public highway is a common situation in certain places within the Borough, however in locations where there is no restrictions, such parking is not limited to the owners of adjacent properties, nor is it a right of such occupiers to park on the section of highway to the front of their dwellings. As such, limited weight can be given to this matter. Furthermore, it is important to note that the properties opposite the site each have a garage and parking space to the front, i.e 2 parking spaces, which was considered a sufficient level of parking for those properties when planning permission was granted in 2004.

Other matters

The receipt of the New Homes Bonus and Community Infrastructure Levy is noted, however, it is considered that this matter carries very limited weight in this case.

Concerns are raised regarding construction traffic and hours of construction. In processing the planning application, the local planning authority must give consideration to the impact of the end development on neighbouring properties, the local planning authority cannot get involved with how the development is constructed. As such, these issues are civil matters to be agreed between the relevant parties, rather than planning matters and limited weight can be attributed to these matters in determining the application.

The site is garden land and on this basis there may be potential nesting opportunities for birds within the site and potential habitats for reptiles. 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. A note to this effect is suggested. As such, it is considered that the development could be undertaken without harm to wildlife or their habitats.

Conclusion

The proposed dwelling is of a design and proportion that reflects surrounding properties, without resulting in an excessive cramped appearance or significant harm to the character of the street scene and surrounding area. It is acknowledged that there are highways difficulties along this stretch of Illminster Road, however it is not deemed that the scheme proposed would exacerbate this to result in such detriment to highway safety that would warrant refusal of the scheme. Furthermore, whilst it is acknowledged that the presence of the dwelling on former garden land would have an impact upon the residential amenities of neighbouring properties, this is not considered to result in such material harm that would warrant a refusal of the application.

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

34/14/0020

MR & MRS J CLIFFORD

REPLACEMENT OF FLAT ROOF AREAS TO DWELLING AND GARAGE WITH PITCHED ROOFS AT 1 STONELEIGH CLOSE, STAPLEGROVE

Location: 1 STONELEIGH CLOSE, STAPLEGROVE, TAUNTON, TA2 6ET

Grid Reference: 321304.126613

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:

(A3) DrNo WEL1182 Proposed and Existing Roof Plans

(A3) DrNo WEL1182 Existing Elevations

(A3) DrNo 1182 Location and Site Plan

(A3) DrNo WEL1182 Proposed Elevations

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

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 granted planning permission.

PROPOSAL

Permission is sought for the erection of a pitched roof over the flat roof to the front of the property, above the garage to the south and the flat roofed area to the north side

elevation. The roof tiles will match the main roof of the existing property

The application is being presented to Planning Committee as the Applicant is related to a member of staff.

SITE DESCRIPTION AND HISTORY

The property is detached dwelling and finished in brick and under a tiled roof. There is a single flat roof garage to the side and off road parking.

Other properties within Stoneleigh Close have had similar works undertaken.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

STAPLEGROVE PARISH COUNCIL - Supports the application.

Representations

One letter received - supporting the application.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
H17 - TDBCLP - Extensions to Dwellings,

LOCAL FINANCE CONSIDERATIONS

Not applicable in this instance.

DETERMINING ISSUES AND CONSIDERATIONS

The proposed pitched roof is to be constructed over the existing flat roof porch area and will include a pitched roof over the single attached garage - the roof tiles will match the existing main roof of the property.

The style of the pitched roof blends in well with the dwelling and as there have been several other properties in the area with similar additions it is seen as in keeping with the mix of dwelling designs in this area.

There would appear to be no additional impact on either the neighbouring amenity or on the street scene.

It is therefore considered that this application is granted.

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

CONTACT OFFICER: Mrs P Hogg Tel: 01823 356371

APPEAL DECISIONS FOR COMMITTEE AGENDA – 17 FEBRUARY 2015

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/14/2226157	ERECTION OF 1 NO. DETACHED DWELLING, ASSOCIATED AMENITY SPACE AND SINGLE GARAGE, IN THE GARDEN AT THE REAR OF 65 PRIORSWOOD ROAD, TAUNTON	<p>The proposed dwelling would result in an incongruous development due to its design and prominent position which would be out of keeping with the pattern of development in the area and would result in a detrimental impact upon the character and appearance of the area, contrary to NPPF paragraph 56 and Taunton Deane Core Strategy Policy DM1(d) (General Requirements).</p> <p>The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users near to the junction of Grange Drive and Priorswood Road. The proposal is therefore contrary to Taunton Deane Core Strategy DM1(b) (General Requirements).</p>	38/14/0196	<p>The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area and the effect of additional parking on highway safety.</p> <p>Taking all matters into account, the Inspector found that, due to its scale, design and location, the proposed new dwelling would represent a cramped form of development which would appear incongruous with the overall character of the area.</p> <p>In addition, having regard to the likely car use generated by this proposal, the lack of on-site car parking provided and the potential parking locations on the public highway, the Inspector considered this would be contrary to Policy DM1(b) of the Taunton Deane Core Strategy that contains general development requirements including the need not to give rise to road safety problems and the</p>

APP/D3315/A/14/2 228193	REPLACEMENT OF DOUBLE GARAGE WITH THE ERECTION OF 1 NO. DETACHED DWELLING IN THE GARDEN OF THE LODGE, RUMWELL PARK, BISHOPS HULL	The proposed development is outside the settlement limit. It would lead to ribbon development along the A38, and the ad-hoc expansion of Taunton in an unplanned way. The development is, therefore, considered to be unsustainable and contrary to Policies CP8 and DM2 of the Taunton Deane Core Strategy. Insufficient information has been provided to demonstrate that the development would not have an adverse impact upon trees on and adjoining the proposed development. The loss of these trees would cause the development to be more visually intrusive in the landscape and the setting of Rumwell Park, contrary to Policy CP8 of the Taunton Deane Core Strategy.	05/14/0028	appeal was DISMISSED. The Inspector found the main issues to be whether the proposal would be an appropriate form of development and whether the scheme is likely to have an adverse effect upon the health of surrounding trees. Having taken all factors into account, it was considered the dwelling would be in a sustainable location, reasonably accessible to facilities in the town and within easy reach of a public transport service along the A38. Subject to appropriate material finishes and landscaping, the scheme would be acceptable in terms of scale, siting and design. It was concluded the appeal scheme would be an appropriate form of development at this location, in overall accord with national and local planning policy. With regard to adjacent trees, the Inspector found the site of the construction to be well outside the branch spread of any protected tree and the additional margin normally expected to constitute a root protection zone. Taking these issues into consideration, it was concluded the proposed
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				development would protect the intrinsic beauty and character of the countryside. The appeal was ALLOWED subject to the conditions listed.
APP/D3315/A/14/ 2227705	OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR THE ERECTION OF 1 NO. THREE STOREY DWELLING IN THE GARDEN ADJACENT TO WHITEWELL COTTAGE, 6 MOOR LANE, NORTH CURRY	<p>The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map). It would lead to ribbon development and the ad-hoc extension of North Curry in an unplanned way. The proposal is therefore considered to be an unsustainable development contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.</p> <p>The application does not demonstrate that proposed development would not have a significant landscape impact as seen from the nearby public footpath (on the opposite side of the road running from east to west) and from Moor Lane. The feasibility study shows that the proposed house elevation from Moor Lane although set back from the edge of the property would be quite dominating to walkers and to a lesser extent drivers and would be locally prominent interfering</p>	24/14/0030	<p>The Inspector considered the main issue to be the effect of the proposed dwelling on the character and appearance of the area. Having taken into account the rural setting of the proposal, it was considered the large size of the proposal would intensify the built up area along the lane and unacceptably erode the open and spacious appearance of the hillside. The Inspector therefore found the proposed house would have an adverse impact on the character and appearance of the area, contrary to the requirements of the policy of the Taunton Deane Core Strategy (2012) (CS) and the Taunton Deane Local Plan (2004). The appeal was therefore DISMISSED.</p>

		<p>with the attractive middle and longer distance views when looking in an easterly direction. Also, the proposed entranceway which would open up views into the site, which would have an urbanising impact on the entrance route into North Curry. All of this would have a detrimental impact on the appearance and character of this rural area and the open countryside beyond and is therefore contrary to policies CP1(g), DM1(d) and CP8 of the adopted Taunton Deane Core Strategy and retained policy EN11 [Special Landscape Feature – North Curry Ridge] of the Taunton Deane Local Plan, adopted November 2004.</p>		
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APPEALS RECEIVED FOR COMMITTEE AGENDA – 17 FEBRUARY 2015

APPEAL NO	PROPOSAL	APPLICATION NUMBER
APP/D3315/W/14/3001909	PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM AGRICULTURAL BUILDING TO DWELLING HOUSE (USE CLASS C3) AND ASSOCIATED BUILDING OPERATIONS AT SAWYERS HILL, WEST BUCKLAND	46/14/0033/CMB
APP/D3315/C/15/3002755	UNAUTHORISED DEVELOPMENT 82 RUSSET CLOSE WELLINGTON	E/0084/43/14
APP/D3315/W/15/3003156	CHANGE OF USE OF LAND FROM PLANTED BELT TO GARDEN WITHIN DOMESTIC CURTILAGE AND ERECTION OF FENCE TO THE SIDE OF 19 MANNING ROAD, COTFORD ST LUKE (RETENTION OF WORKS ALREADY UNDERTAKEN)	53/14/0007