

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 9 December 2015 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 12 November and 25 November 2015 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 47/15/0002 Erection of a Scout Hall with toilet facilities with link to Chapel, use of chapel for scouting (D2 use) and replacement of lean to extension with the erection of a single storey extension to the rear of West Hatch Chapel, Slough Green, West Hatch
- 6 38/15/0424 Erection of 5 No 54m high floodlight masts and 2 No substations placed around the County Ground, Somerset County Cricket Club, St James Street, Taunton
- 7 38/15/0330 Change of use from dwelling (use class C3) to house in multiple occupancy (use class SUI GENERIS) at 24 Queen Street, Taunton
- 8 08/15/0012 Application for approval of reserved matters following outline application 08/10/0024 in respect of appearance, landscaping, layout and scale for the erection of 260 No. dwellings with associated works on land off Nerrols Drive, Taunton
- 9 E/0042/48/15 Unauthorised B1 / B8 business use of agricultural land by Normandy Windows
- 10 E/0120/43/15 Unauthorised dog breeding business, including erection of kennels, at 18 Trinity Close, Wellington
- 11 E/0156/37/14 Unauthorised change of signage at the Half Moon Inn, Stoke Road, Stoke St Mary

12 The latest appeals and decisions received

Bruce Lang
Assistant Chief Executive

12 February 2016

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

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Planning Committee Members:-

Councillor R Bowrah, BEM	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor M Adkins	
Councillor W Brown	
Councillor M Floyd	
Councillor J Gage	
Councillor C Hill	
Councillor S Martin-Scott	
Councillor I Morrell	
Councillor S Nicholls	
Councillor J Reed	
Councillor N Townsend	
Councillor P Watson	
Councillor D Wedderkopp	
Councillor G Wren	

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors, Coles D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Home Services Furniture Trust, Trustee to Bishop Foxes Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls

47/15/0002

MR G PINNEY

ERECTION OF A SCOUT HALL WITH TOILET FACILITIES WITH LINK TO CHAPEL, USE OF CHAPEL FOR SCOUTING (D2 USE) AND REPLACEMENT OF LEAN TO EXTENSION WITH THE ERECTION OF A SINGLE STOREY EXTENSION TO THE REAR OF WEST HATCH CHAPEL, SLOUGH GREEN, WEST HATCH

Location: SCOUT HALL, SLOUGH HILL, WEST HATCH, TAUNTON, TA3 5RR

Grid Reference: 327212.120324

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A4) Site Location Plan
(A3) DrNo WH/08 Site Location Plan
(A3) Dr No WHN/01A Proposed Site Plan
(A3) DrNo WH/03 Proposed ChapelFloor Plan
(A3) DrNo WH/04 Proposed Chapel Elevations
(A2) DrNo WH/05 Proposed New Hall Floor Plan
(A3) DrNo WH/06 Proposed New Hall Elevations
(A3) Dr No WH/15 Entrance elevations

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

3. Prior to work commencing on the new building and extension hereby approved samples of the materials to be used in the construction of the external surfaces shall 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.

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) The landscaping/planting scheme shown on the submitted plan WHN/01 A shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

6. The **access** shall be hard surfaced before it is brought into use. It shall be made of porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the **site, details of which shall have been submitted to and approved in writing by the Local Planning Authority.**

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

7. 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 modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 3m from the carriageway edge and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway. In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The area allocated for parking on the submitted plan WHN/01 A shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

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

9. The visibility splays shown on approved drawing WHN/01 A shall be fully provided before the use of the Scout Hall hereby permitted is first used and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10. Details of the means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out as agreed prior to the use of the scout hall being implemented and shall thereafter be maintained as such.

Reason: To prevent pollution and flooding in accordance with Section 10 of the NPPF.

11. The windows to be installed in the south elevation of the building shall be obscure glazed with restricted opening as shown on approved drawing WH/06 and shall not be modified thereafter without the prior written consent of the Local Planning Authority.

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. New water supply connections will be required from Wessex Water. Application forms and guidance information is available from Developer Services web-pages www.wessexwater.co.uk; or calling New Connections Team 01225 526222.

PROPOSAL

The proposal comprises the erection of a single storey building that will be used as a scout hut; the hut will have a covered walkway linking to the existing former chapel. The walkway will link into a replacement single storey extension to the rear of the former chapel. The proposal will also include for the change of use of

adjoining land to provide car parking, turning and a new access. The extension will be constructed in stone with a slate roof to match the existing building.

The new building and extension includes sanitary and catering facilities and a new store allowing the site to be put back into use as for the scouts. The new building will also allow for disabled access and toilet facilities.

The application has also been amended for the change of use of the building to a scout hall. This has been included due to the period of time that the scouts have not used the hall and that no previous application can be found. This will ensure to the use of the building as a scout hall.

SITE DESCRIPTION AND HISTORY

The former Wesleyan Chapel became a scout hall after being purchased by the West Hatch Scout Group in 1951. The building is sited at Slough Green in West Hatch, adjoining residential properties and agricultural land/paddock.

Permission has been granted for the extension and use of the chapel as a Scout Hall: -

47/13/0005/REX - Change of use of former chapel to Scout Hall, two storey extension and change of use of land to form parking area. Granted approval on 21st August 2013.

47/10/0001 - Change of use of former chapel to Scout Hall, two storey extension and change of use of land to form parking area. Granted conditional approval on 29th July 2010.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST HATCH PARISH COUNCIL – Comment as follows:

The Council recognizes the value of the Scout Association in general and the West Hatch Scout Troop in particular to the development of young people in rural villages. West Hatch Parish is home to both the local troop and to the wider scouting movement's facilities at Huish Woods on the A358. The West Hatch Troop has had an established presence, albeit interrupted, in Slough Green for more than 50 years and the Council commend their activities. Further the Council welcomes the proposal to renovate the Wesleyan Chapel which is in need of considerable attention

The Council, however, object to the present proposal on 2 main grounds:-

1. The appearance and size of the proposed new building/structure is NOT in keeping with its neighbours and the surrounding area. The proposed new wooden structure is not in character with the neighbouring bungalows and the existing Chapel. Its size is considerably larger than a nearby wooden stable structure and will be more in evidence from the road. The overall floor area of the proposed plan is more than 4 times greater than the area in the previous approved Planning

Application 47/13/0005.

2. There will be an increase in noise and disturbance from the comings and goings of extra traffic, namely the arrival and collection of scouts and the associated manoeuvring of vehicles. This is particularly the case because adequate provision has not been made for entering, turning, parking and exiting the site. Furthermore the Council is concerned with the likely increase in traffic along Higher West Hatch Lane. Although estimates of numbers and routes of traffic are unlikely to be those appearing on the TDBC Planning website, the increase will add substantially to the risks for pedestrians, dog walkers, horse riders, cyclists and other road users. The lane is narrow, twisting with no lighting or footpath and with few accessible verges. The increase in traffic is of major concern to all local residents and to the Council.

If TDBC against the present advice approves the application, this Council asks that two conditions be imposed:-

- i) a legally binding clause that, should the proposed new hall be surplus to requirements in the future, the site be returned to agricultural use, and
- ii) "Please Drive Carefully through our Village" signs be placed at access points along the road into Slough Green.

SCC - TRANSPORT DEVELOPMENT GROUP - Comments on amended plans:

Plans now show acceptable visibility splays for new access; parking provision with acceptable turning and access all acceptable; surface finish acceptable and layout and dimensions also comply with policy requirements.

Conditions to be applied regarding: recessed entrance; entrance gates; gradient; layout and surfacing; visibility splays.

WESSEX WATER - New water supply connections will be required from Wessex Water. Application forms and guidance information is available from Developer Services web-pages www.wessexwater.co.uk; or calling New Connections Team 01225 526222.

DRAINAGE ENGINEER - I note that surface water is to be discharged to soakaway. These should be designed and constructed in accordance with Building Research Digest 365 and made a condition of approval.

Representations

TWELVE LETTERS OF OBJECTION: -

- hazard leaving site with restricted view
- additional vehicles parking on narrow lane
- safety hazard to users of road and horse riders
- turning area insufficient
- affect on tranquillity of rural area
- noise pollution - use of field will create noise and will be annoying to residents
- visual impact of car park and use of cheap/modern materials
- not in keeping with materials of chapel; against advice of planning officer
- windows should be obscure glazing and non-opening

- treatment and disposal of foul water, ditch will not cope with output
- poor surface water drainage
- hall will be used by other groups increasing traffic
- no public transport
- lack of privacy
- no disruption to right of way over site
- protection of horses in adjoining field
- prohibit building from multiple nights use per week and loan/hire of building for other purposes
- building too substantial for quiet, rural location
- not suitable location for Scout HQ; should use other suitable village halls; Huish Woods can be used
- building too high, made worse by ground levels
- hidden agenda; no finance
- requirement for external lighting

ONE LETTER OF SUPPORT signed by 32 residents: -

- Old chapel is rightful home
- Purchase of land for sewerage treatment now allows extension and restoration of chapel
- Turning area could be organised for dropping off and collecting

ONE LETTER OF SUPPORT: -

- Should encourage scouting movement; provides opportunities and skills
- Contributes to well-being of community
- Renovation of chapel
- New building similar to other structures granted permission in the area
- Landscaping to reduce visual impact
- Increased traffic seen in context – excessive speeds of local residents and agricultural contractors; Farmers Arms generates greater traffic, should covers be restricted there
- Understanding that parents share lifts and sometimes stay, reducing the number of journeys
- Consideration for neighbour amenity
- Strong desire by residents to see West Hatch Scout Group return should be considered along other views

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 CP8 - CP 8 ENVIRONMENT,
 NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the

development, the impact on neighbouring property and the impact on the highway network.

Use of buildings as scout hall

The former chapel building has been used previously as a scout hall, and has been identified as a scout hall on plans during the construction of the adjoining bungalows. In recent years, due to the lack of facilities, the building has been used primarily as storage for the scout group. As there are no previous records of a change of use, though in 1951 it may not have been required, and the lack of use in recent years, a change of use would ensure the use of the building and the land.

It should be noted that the former chapel, along with a two storey extension and use of the land, has been granted planning permission to be used as a Scout hall in 2010 and renewed in 2013. As such, there is an existing permission that could be implemented for the same use; to use the site for Scouting. The existing permission to extend the building has not currently been implemented due to costs.

The scout hall and use is not considered to cause any detrimental harm to highway safety. There would a limited number of cars parked for a short period of time to drop off or collect children. The road at Slough Green does not have any restrictions and currently any visitors to the residential properties park on the roadside.

There is one nearby residential property sited the side of the chapel. Any harm to the amenity of the property would be minimal with the scouts meeting a few times a week, and are not expected to stay late into the evening. The adjoining land maybe used for camping etc. for a certain number of days a year while not requiring planning permission, and the land has an extant permission for such a use

It should again be noted that a change of use may not be required if a certificate of lawfulness was submitted and it should be remembered that the chapel has previously been used as a scout hall at a time when the residential properties had already been constructed.

Scout hall

The proposed scout hall has a simple pitched roof design with a veranda, leading to a walkway that is connected to the former chapel. The hall will be finished with a timber cladding that is considered acceptable in this location.

The hall would be set back, and to the side of the chapel, with the gable end of the hall in line with the rear of the proposed lean-to extension. As such, the siting of the hall is not considered to harm the setting of the chapel.

Whilst close to the boundary of the neighbouring property, the hall has a shallow pitch with a ridge height of 5.9m, and the height of the eaves is 2.5m. Given the hall is sited to the north of the neighbouring property there is not considered to be any loss of light or shadowing form the hall. Furthermore, the side of the hall is partially screened by an existing boundary hedge and the neighbouring property adjoins a field/paddock that provides open views to the east; the proposed hall is therefore not

considered to be overbearing.

Any windows within the hall facing onto the adjoining neighbours garden will be obscure glazed and fixed shut.

Single storey extension

The extension is subservient to the chapel, designed with a simple lean-to roof, and will replace an existing lean-to extension in the same location. The extension will be finished in timber cladding to match the proposed scout hall. The use of timber is 'lightweight' in appearance and does not detract from the chapel.

The extension, as proposed, is considered to improve the visual amenity of the area as the existing single storey corrugated extension will be replaced.

Given that the extension is a smaller replacement, and that there are no windows, the extension is not considered overbearing or detrimental to the amenity of the adjoining property.

The extension will allow for storage and access to the chapel, where a kitchen area is to be provided, allowing the more space within the proposed scout hall, and reducing the size of the proposed hall.

A boundary hedge close to the extension can be protected during construction.

Visual amenity/Landscape

The site is bounded by existing hedgerow and tree planting and subject to some additional hedgerow planting, the parking area is not considered to harm the visual amenity of the area.

Existing hedgerows will screen the proposed hall; the hall will not project beyond the rear boundary of neighbouring properties into the adjoining field, and within the adjoining field there is a stable block. Given this context, the proposed hall is not considered to harm the visual amenity of the surrounding area.

Highways

It is proposed to use an area of land to the side of the chapel to provide parking for 8 vehicles, including one disabled parking space. The parking area will be accessed by an existing vehicular access into the field, whilst a second access is proposed to be used by users of the adjoining field. The parking area will be constructed with compacted scalplings (permeable).

An area for cycle storage is also proposed.

Access into the site will be widened and can provide the necessary visibility splays and vehicles have sufficient space within the site to be able to leave in forward gear. As such, subject to conditions, the Highway authority raise no objection.

Other Matters

A new foul drainage treatment system is proposed, details of which will be requested as a condition of this application.

Huish Woods is not a possible site for the Scout Group; Huish Woods provides facilities for Scout Groups to use, including access to some land, camping etc. The woods do not provide permanent bases for any Scout Groups.

The applicants have confirmed ownership of the chapel for 83 years and that regular meetings stopped due to the lack of facilities. The applicants also believe the chapel would not further decline once the building was refurbished and regular meetings were to start again.

Conclusion

The proposal is not considered to cause any detrimental harm the amenity of the area nor harm highway safety. The use of the building is considered appropriate within the locality providing facilities for local children by an association that has had links with the area since 1932. Furthermore, permission has been previously granted to extend and use the chapel as a scout hall, with associated land and parking. The proposal is therefore considered to be acceptable and recommended for approval.

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

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

38/15/0424

SOMERSET COUNTY CRICKET CLUB

ERECTION OF 5 No 54m HIGH FLOODLIGHT MASTS AND 2 No SUBSTATIONS PLACED AROUND THE COUNTY GROUND, SOMERSET COUNTY CRICKET CLUB, ST JAMES STREET, TAUNTON

Location: SOMERSET COUNTY CRICKET CLUB, ST JAMES STREET,
TAUNTON, TA1 1JT

Grid Reference: 322925.125058

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) Dr No EKV0015 Western Power Distribution Sub Station Surround
(A3) Dr No 133410J (2) Musco Spill Lighting Calculations
(A3) Dr No 133410J (1) Musco Spill Lighting Calculations
(A3) Dr No 331 Floodlight location C: Site Plan showing proposed changes to access steps & ground levels
(A1) Dr No 330 Rev A Site Plan Showing Mast Locations (A-E)
(A4) Dr No LE15256-1B Floodlight mast and light detail
(A4) Dr No LE15256-2B Floodlight mast and light detail

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

3. No development 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.

4. The floodlighting shall not be used between the hours of 23.00 and 10.00.

Reason: To limit the visual impact and disturbance caused by the lighting in accordance with Core Strategy policy DM1.

5. The use of the lights hereby approved shall be limited to no more than 15 occasions in any cricket season and shall not be used more than once per week.

Reason: To limit the visual impact and disturbance caused by the lighting in accordance with Core Strategy policy DM1.

6. The ecological enhancements and monitoring for bats specified in paragraphs 7.3 and 7.4 of the Clarkson & Woods Wildlife Impact Assessment dated October 2015 shall be carried out once agreed in writing by the Local Planning Authority prior to the lights being brought into use unless any variation thereto is agreed in writing by the LPA.

Reason: To enhance bird habitats and assess bat impacts in accordance with Core Strategy policy CP8.

Notes to Applicant

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

PROPOSAL

The proposal is the erection of 5 x 54m high floodlight masts and two substations spaced around the cricket ground to give suitable lighting coverage of the pitch to allow for lighting of a level to meet England and Wales Cricket Board (ECB) and International Cricket Council (ICC) standards and therefore enable international cricket to take place. It will also enable the playing of domestic limited overs matches into the evening on certain days through the summer cricket season. The masts are 1.5m wide, tapering to 0.55m at the top and 54m high to the top of the light head. Their finish will be in a galvanised steel. The works also involve the raising of land within the ground for the base of mast C and the relocation of a set of steps.

The application is accompanied by a Visual Impact Assessment, a Design and

Access statement, Flood Risk Assessment, an Archaeological Impact statement, a Floodlight Design statement and Economic Impact statement and a Floodlight Use Management Plan. A letter of support from the England & Wales Cricket Board (ECB) is also included.

SITE DESCRIPTION AND HISTORY

The site lies within the town and there is a specific policy in the Taunton Town Centre Area Action Plan for the development of the cricket ground and there have been a number of applications over recent years for improvements, new pavilions and stands for the ground. None of these are specifically relevant to the provision of the floodlighting masts.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comment.

BIODIVERSITY - To the immediate north west of the site is the River Tone, a Local Wildlife site. One of the floodlights is proposed to be positioned approx 11m from the river and another 13m from St James Church yard.

It is thought that the floodlights will be used for up to 15 events in one year between April to September. Other usage will be for initial testing, testing as required by the ECB and ICC and possible maintenance. It is not known if usage would be on consecutive days. During floodlight use, lux levels along the River Tone will increase by over 100 lux above current levels.

Clarkson and Woods carried out a Wildlife Impact assessment of the site in September 2015.

Findings of the report are as follows:

Bats

Detailed bat activity surveys (transect and automated) were carried out between June to August 2015. An emergence survey was carried out in August 2015 at St James Church. The surveyor states that two further transect and automated detector surveys were carried out in September and October and one further emergence survey in September 2015.

The surveys to date recorded a total of **eight** bat species, two species of which are particularly intolerant to light pollution in the area. Survey results indicate that common pipistrelle, soprano pipistrelle, noctule and leisler bat roosts are present close to St James Church. (Leisler's bat is considered to be rare in the UK.)

In addition, the surveyor has referred to other surveys carried out by Somerset Wildlife Trust's Routes to the River Tone project. These surveys identified high

numbers of bat passes by the bridge to the SW of the cricket ground.

Data from the project is still being analysed.

The surveyor states. There is also a possibility that a maternity roost used by common pipistrelle is located nearby, as yet un-located, although given the level of survey effort undertaken to date, if the roost was adjacent to the cricket ground it is likely its location would have been identified during the surveys. This suggests, if a maternity roost is present, it is located away from the cricket ground and is unlikely to be directly affected by the floodlights when in use.' However, myself and Larry Burrows do not see how this can be concluded with certainty if the roost site is not known and given the range of increased illumination we consider that further survey would be needed to determine the exact locations and aspects of this roost.

Generally there appears to be a problem with over lighting of the Tone through Taunton.

There is currently a significant amount of over lighting of the river between Firepool and French Weir, which is not good for light sensitive species but there seems to be some acceptance by Myotis bats and there may be localised dark areas due to bankside vegetative shielding.

There is no doubt in my mind that the increased light pollution caused by this proposal will impact on bats.

The question is, is this impact, which will be intermittent and temporary, reasonable? The Cricket ground cannot control lighting around the ground. There may be times when bats will not be able to fly around the floodlit area.

As stated, there appears to be an element of uncertainty in use of the lights- 'if the floodlights were required on several consecutive nights or several times a week throughout July or August, the impacts on bats would be significantly higher in those months compared to the other months.' And 'However, should consecutive use of the lights be required (i.e. for more than two consecutive nights) or other development schemes with their own lighting strategies be proposed for the vicinity of the cricket ground that would also impact on the River Tone and church yard, the cumulative impacts would most likely result in significant detrimental impacts on bats within the area.'

A maternity roost if affected would be in the sensitive period. This may affect emergence patterns, causing reduced fitness in pregnant and lactating females. **The use of floodlighting would need to be controlled to no more than once a week by condition to prevent cumulative effects occurring. This may not be acceptable to the applicant.**

Can the applicant really not offer some mitigation? Perhaps a contribution to improving existing lighting along the river to benefit bats. This would reduce the overall light spill, outside of the time the flood lights are on, so enhancing bats ability to use the river on other nights, thus reducing the impact of the small number of nights the flood lights will be used?

Additional planting along the river would be beneficial and consideration of the current management regime of riverside vegetation.

If permission is granted for this proposal, due to the County level importance of this river corridor, I agree that monitoring of bat activity by the Cricket Club should be

undertaken.

Monitoring should be conditioned and remedial actions need detailing should negative results occur.

Otters

During the survey period an otter and two cubs were observed in the river approximately 270m west of the cricket ground. There will be disruption to otters and water voles using the river corridor when the floodlights are in use, the question is will these animals become accustomed to the increased light levels?

Invertebrates

The floodlights will have a detrimental impact on invertebrates.

To conclude I consider that the results of all bat surveys carried out should be assessed prior to determining this application, and some creative means should be sought to provide some mitigation for bats.

ENGLISH HERITAGE NOW HISTORIC ENGLAND (ALL CONSULTATIONS) -

The proposal to introduce five 54m high floodlights around the County Ground has implications for the setting of a number of highly graded listed assets, most notably St James Church which is Grade II*. The justification put forward is that the changes proposed will give the cricket ground the ability to host major matches and the Twenty 20 and One Day Formats. The proposals will result in harm to the setting of the church. Given the requirement under the NPPF for the local planning authority to ensure that harm is minimised or avoided we advocate consideration of the option of introducing a telescopic floodlight at location B.

Historic England Advice

Whilst there are many listed buildings within the surrounding area, given the urban context, the introduction of the floodlights relative to the secular buildings will have only a minor impact on setting. The primary impact will also be upon key views within, towards and from the Conservation Area of St Mary and St James, the focus of which is clearly the two churches. The Church of St Mary Magdalene is Grade I and St James Church is Grade II*.

Fundamental to our advice to local authorities is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the Act requires local authorities to consider the desirability of preserving or enhancing the character or appearance of conservation areas when reviewing applications. When considering the current proposals, in line with Para 129 of the NPPF, the significance of the asset's setting requires consideration. Para 132 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. It goes on to say that clear and convincing justification is needed if there is loss or harm. When considering development that has the potential to affect setting Historic England's Advice note 3, the Setting of Heritage Assets, should be referred to.

During pre-application discussion specific vantage points where there is potential harm to heritage significance and setting were identified. From these points balloons were raised to give an indication of positioning and height of the floodlights. This has resulted in the images produced within the visual impact appraisal.

The explanation and justification set out within the application is clear. The requirements of the ECB for a level B venue are the driver for the proposals. The changes proposed will give the cricket ground the ability to host major matches and the Twenty 20 and One Day Formats. We note that the specific positions have been chosen for technical reasons alone.

Relative to the Conservation Area the appraisal (2007), within section 5.3, identifies the view along Hammet Street towards St Marys as being significant. It also refers to “glimpsed views from various points moving through and around the Area where the towers of St James’s and St Mary’s provide a visual anchor and an important sense of place”. The view along Hammet Street will not be affected in any way and when closer to the church, as identified by view 7, given the distances involved the impact on setting will not be marked. The main impact, we would suggest, will be upon views through the conservation towards the north. Views from within the cricket ground south into the conservation area are inevitably open and are significant in that they are seen by large number of people. From here the church towers of St Mary Magdalene and St James will be seen alongside the new floodlights which will rise above the church towers, which currently dominate the skyline. Viewpoint 3 and 4 also show that the church tower of St James will no longer be seen as the dominating structures but will instead be seen alongside the new floodlights. No viewpoints are shown from within the churchyard of St James where the impact will be the most significant. Also no photomontages are shown from just to the east of St James’s or from the western end of Priory Avenue looking north. From these vantage points we believe floodlights A and B will dominate views to the church, which are integral to the character of the conservation area in this area. Given the information available we believe that the proposals will harm the setting of St James.

The NPPF explains that the assessments of significance should be used to review applications with the aim of minimising or avoiding harm (Para 129). During initial discussions a telescopic 5th floodlight at location B was proposed - this would reduce the degree to which St James’s would be over shadowed. At present the harm that the 54m floodlight at location B in particular will cause significant harm to the setting of St James. There is no discussion within the application of the specific impact on the setting of St James’s nor is there any review of proposals that could mitigate the harm, such as a telescopic floodlight. Off setting payments to provide some immediate improvement to the setting of St James's could be reviewed.

Recommendation

We advocate that this previously tabled modification be reviewed again prior to determination, with the use of photomontages, as whilst it will not negate the harm altogether it will minimise it. If further negotiation does not take place then in line with Paragraph 134 of the NPPF 134 it is for the local authority to weigh the harm caused against the public benefits of the proposal.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – No comments received.

ENVIRONMENT AGENCY - The Environment Agency interests will not be adversely affected by this proposal, although it is recommended that any electrical equipment is raised as much as possible to be protected from flood risk.

SCC - ECOLOGY - No comment received.

Representations

3 letters of support on grounds of essential need and will add to the reputation and economic development of Taunton

2 letters of no objection

6 letters of objection/concern on grounds of:

- visual impact as mast C will be raised and in full view of the riverside walk and it will be an eyesore,
- views of river are missing from the visual impact assessment,
- mast C will impact the views from the end flats in Pegasus Court,
- views from the flats will be adversely affected,
- will be unsuitable and impact on scenic venue,
- mast C should be moved to the north,
- concern over loss of light and outlook,
- concern over light pollution,
- concern over health risks from electricity substation,
- misinformation was given at the public meeting re mast C position.

1 letter with signatures from 21 flats on basis of obstruction to balconies and windows and that mast C should be moved north of the Trescothick stand.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
EN23 - TDBCLP - Areas of High Archaeological Potential,
T33 - TDBCLP - Taunton's Skyline,
CR1 - TTCAAP - Somerset County Cricket Club,

LOCAL FINANCE CONSIDERATIONS

There will be no CIL liability.

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

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the above development are the impacts on the skyline of the town, the setting of listed buildings, the impacts on residential amenity, wildlife and archaeology and whether the economic benefits outweigh any harm that may be identified.

The applicant has submitted a Floodlight Design Statement which looks at the various options potentially available and their suitability. The level of lighting across the ground is fixed by the ECB and ICC and these lighting levels have to be suitable for the broadcasting of matches. However the masts have to be within the site boundary and must be located so that they do not lie within 25 degrees from the wicket at both ends. This is required to ensure there is no undue glare that would impede the performance and safety of the batsmen, bowler and fielders.

Options for the type of mast systems were assessed before settling on the current proposal. The provision of temporary lighting has been provided at the ground before, however the temporary lighting system has no way of controlling glare, and has limits to the height it can be provided. This type of lighting no longer meets the ECB requirements and does not achieve the technical light qualities required for ECB or ICC level cricket. Another option was lighting masts with removable headframes. This option was rejected due to the fact that the regular handling of equipment would increase wear and tear and invalidate any warranty, the lights would have to be suitably stored when not in use, re-assembly would mean testing of lights for every match, 1-2 weeks of construction each time as well as 1-2 nights of testing. The costs of this approach and increased maintenance make the option unviable.

The provision of retractable or telescopic masts were evaluated as this would lower the headframe to a reduced height when not in use. However the retracted height would be between 30-35m and this would have a greater visual impact on the immediate surrounding area. The mast size and the foundation size would need to increase significantly as the section telescopes into the base section and this would mean a wider chunkier column that would have a greater visual impact. Foundation size is also an issue due to water table levels the physical build would be therefore more difficult and costly. The retractable masts are activated using hydraulic cylinders and these requires pump and reservoirs and this together with the costs of regular maintenance and insurance all add to significant costs, of potentially double. This solution was therefore considered unviable.

The most suitable and viable solution was considered to be the provision of fixed masts with tilted headframes and this is considered the most typical solution for grounds in the UK. This minimizes the width of the mast and keeps foundation size to a minimum while enabling a fixed headframe which lessens visual impact on the immediate surroundings. The Taunton Town Centre Area Action Plan policy Cr1 sets out under criterion a the need to provide improved facilities for cricket, including a new indoor school and provision for international matches. The current application can be considered to be compliant with that policy.

Town Skyline

The proposed development will result in 5 floodlight masts being erected and it is quite clear from the Visual Impact Assessment that these will have an impact on the views of the skyline across the town from a number of vantage points. Policy T33 of the Retained Local Plan states that "development which would detract from the distinct character and attractiveness of Taunton's skyline will not be permitted. This policy is also reflected in policy D1 of the draft Site Allocations and Development Management Plan. The Visual Assessment submitted identifies that the proposal will cause some visual intrusion on the skyline from certain points and it is clear that should permission be granted that this will change the skyline view of Taunton. Consequently the development is considered to be contrary to this policy.

It is also recognised that the masts will also be visible in more local settings and the position of mast C in particular will be visible right next the riverside walk and from views across the river to the north.

Listed Building settings

The development site lies outside of the conservation area but impacts on the setting of a number of listed buildings. In coming to any decision the Authority must have regard to making a determination in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses". Section 72 of the Act requires local authorities to consider the desirability of preserving or enhancing the character or appearance of conservation areas when reviewing applications. When considering the current proposals, in line with Para 129 of the NPPF, the significance of the asset's setting requires consideration. There are a number of historic assets adjacent to the ground which will be affected by the scheme and these include St James' church (Grade II*), Barnicotts building (Grade II) and Priory Lodge (Grade II) and Barn (Grade II*).

Para 132 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. It goes on to say that clear and convincing justification is needed if there is loss or harm. In this instance there is no loss of historic buildings, although the setting of certain buildings will be affected. Priory Barn is set back from the ground to the east and will not be directly affected by the new structures, although it will be possible to see the new masts from the exterior of the building. This in itself however is not considered a significantly harmful impact. The Priory Lodge also lies to the east of the ground and there is an adjacent boundary wall that is covered by the listing. The siting of one of the new substations was proposed next to this wall and in screening it from view would have a direct impact. The substation is however to be relocated away from the wall adjacent to the nearest stand and this amendment is seen as beneficial and removing immediate harm from the setting of the listed building. Barnicotts is an

industrial building and its environment is considered less sensitive to change. Mast E is to be sited to the east of the building and will tower over it as illustrated in montage view 10. This mast will be seen from Priory Bridge Road but will also be viewed in connection with other masts. Again this element is considered to cause a degree of harm that is not significant. Finally the most important heritage asset affected is the church of St James as identified by Historic England. The existing church towers currently dominate the skyline and the view from across the ground is important. The new floodlights particularly floodlight B will impact on views of the church and so will affect not just its setting but also views from the conservation area. I would agree that the scheme would have a significant impact and harm the setting of St James.

Historic England has made comment on the scheme and considers the proposal would result in harm to the setting of the Grade II* listed church of St James. In order to minimise harm it is suggested that the option of introducing a telescopic floodlight at location B be considered. This has been investigated, however the provision of such a mast in this location would mean the mast would be wider and would only be able to retract to around 30-35m in height. At this height the mast and headframe would have an even greater visual impact on the setting of the church tower than the current scheme. Consequently it is not recommended that this option be progressed.

Paragraph 132 of the NPPF advises that any harm should require clear and convincing justification. The justification in the application is clear. The requirements of the ECB for international one day matches are the driver for the proposals. Assessments of significance should be used to try and minimise and avoid harm. In this instance due to the technical requirements of the lighting, it is not possible to relocate the floodlight mast nearest the church. The option of a telescopic mast is considered to worsen the visual impact on the setting and so there is no suitable alternative solution that would lessen the harm. In light of this and where harm has been identified in paragraph 134 of the NPPF it advises that it is for the local authority to weigh the harm caused against the public benefits of the proposal. The public benefits of the scheme are seen as economic ones and the potential benefits area addressed below.

Residential Amenity

The scheme will provide 5 x 54m high masts around the ground and these will give illumination across the ground during matches. The lighting has to be at a certain lux level uniformly across the field of play but peaking across the central wicket. This average level is over 2000lux, however the design of the lights reduces this level to the mid hundreds beyond the field of play. The residential properties around the ground will be affected by the light levels when the matches are on. The main impact will be on the retirement flats at Pegasus Court where light levels during operation will be around 5-600 lux at the pitch side of the building. In gardens of the St Augustine street properties the level however is well below 100. Given the limited operation of the lights during the summer months this level of impact is considered an acceptable one.

The other amenity impact if the development is that of the lighting columns themselves which will be seen by local residents. The view of the masts will impact

on views from certain properties, although there is no specific right to a view. Masts closest to residential properties are masts B and C adjacent to Pegasus Court. Mast B is located at an angle off the south east end of the building so as not directly impinge in views out of the flats, although it will be visible from them and is only around 10m away. The mast C is sited around 14m from the northern end of the building and is proposed on land that will be raised so the 1.5m width of the mast will be clearly visible through the windows of the flats in the end of Pegasus Court. While there is no right to a view the consideration of a development being overbearing and dominant in terms of visual amenity is clearly a planning issue. The mast will be clearly visible from within the flats, however it will be viewed as a 1.5m column set away from the building. It is not considered that the amenity impact of the mast is such that this would warrant an objection on amenity grounds.

Wildlife

The proposed development does not directly impinge on wildlife habitat through the erection of the flood light masts however the lighting levels of the flood lights does raise concern with the Biodiversity Officer and the impact on wildlife using the river corridor and particularly bats. The wildlife surveys do not identify any bat roosts affected and the lighting of the limited section of river corridor and church yard. There is no suitable mitigation for lighting levels when the floodlights are in operation due to the requirements of providing sufficient light levels across the field of play. However the lights design minimizes any negative impact of sky glow and the lights will be turned off at 11pm. In addition it is proposed to limit the number of uses per season to 15 and ensure that there is no more than one use per week. The enhancement of bird nesting facilities around the ground is proposed and monitoring of bat activity along the river corridor before and after installation is proposed as part of the wildlife mitigation in the report. These elements are covered by conditions.

Archaeology

An archaeological assessment was submitted with the application and the area is one of archaeological interest as witnessed from previous works carried out around the ground. The scheme will involve the excavation of foundations for the new masts and of service runs for the ducting between the masts and substations. The relocation of one substation will marginally reduce the extent of ducting. The provision of a condition to secure the monitoring and reporting of finds during construction is considered a necessary requirement should a permission be granted.

Economic Impacts

The applicant claims that the approval of the submitted scheme will have a significant economic impact to the club and to Taunton. It is stated that the use of ICC compliant floodlights will become an essential requirement of T20 matches and that the current 17.30 hours start time without lights results in the ground only being 65% full at the start of a match. By having lights and starting later will increase full capacity and will have a positive impact on the night time economy of the town on major match days with the transition of spectators into restaurants and bars across the town centre. It is estimated that the impact of floodlights under a revised

domestic season schedule equate to £260K added value to the Club and an additional £315K direct spend in Taunton on major match days over the course of a season.

Should the ground be used for hosting final stages of domestic competitions, based on the analysis of the 2012 T20 quarter final this equated to an economic impact of £60K into the local economy. In terms of international cricket the ground has been identified as a venue for the 2019 Men's World Cup. During the event the ground will host three matches and on the basis of the ground being at capacity this will indicate a major economic impact on local transport providers, accommodation venues, restaurants and bars. Indicative analysis suggests an associated economic impact to Taunton and its environs of £900K during the course of the World Cup. The flood lights will able the Club to stage further international matches in the future, thereby providing a longer term impact on the Club and town.

Summary

This decision rests on a balance of significant visual impact and harm to the setting of heritage assets against substantial economic and cultural benefits. As outlined above, the proposal will change the skyline of the town (contrary to policy T33), impact on heritage assets (contrary to policy CP8), in particular the church of St James, residential amenity and wildlife, albeit that the latter two issues are not substantial, given the recommended conditions.

However, weighed against this are substantial economic benefits to the Taunton and Somerset. The financial spin-off's to the town have been outlined above. Coupled with this, the development will facilitate international cricket in Taunton, putting the town on the world sporting map. It will also secure the long term future of the cricket club and first class cricket in the centre of the county town. These non-quantifiable cultural and likely further economic benefits are considered to weigh heavily in favour of the development.

For these reasons, it is recommended that planning permission is granted.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

38/15/0330

TAUNTON ASSOCIATION FOR THE HOMELESS

CHANGE OF USE FROM DWELLING (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPANCY (USE CLASS SUI GENERIS) AT 24 QUEEN STREET, TAUNTON

Location: 24 QUEEN STREET, TAUNTON, TA1 3AS

Grid Reference: 323482.124511

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to receipt of amended plans and room size, permission be granted.

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A4) Location Plan
(A4) Site Plan

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

This application seeks planning permission for the change of use of the dwelling to a house of multiple occupation (HMO) containing 8 rooms; the property is currently a

four bedroom dwelling. As proposed, on the ground floor there are 3 rooms, a shared kitchen/utility room and a shared shower room; on the first floor there are 5 rooms a shared wc and a shared shower. No external alterations are proposed.

Amended plans have been requested to delete one of the bedrooms on the ground floor to allow access to the rear garden and confirmation has been sought to confirm the room sizes comply with standards set out by Housing Standards.

There is a garden to the rear of the dwelling that can be utilised for cycle storage.

SITE DESCRIPTION AND HISTORY

The property is large mid terraced property and is currently used as a four bedroom dwelling. The row of terrace properties are set back from the footpath with small front gardens. Larger gardens are found to the rear. The area predominately comprises terraced residential properties, with some commercial buildings also within Queen Street. Parking is predominately on the street and is restricted by residents parking permits.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

HOUSING STANDARDS -

All works must comply with the current Building Regulations. Housing Act 2004, the Housing Health and Safety Rating System - No Category 1 hazards must be present.

The requirements and guidance for fire safety, provision of kitchen and bathroom facilities, minimum room sizes for a HMO can be found at www.swpshp.gov.

If the property is 3 storey's or more, occupied by 5 or more persons who form 2 or more households it will require a HMO licence.

SCC - TRANSPORT DEVELOPMENT GROUP - See Standing Advice.

Representations

EIGHT LETTERS OF OBJECTION: -

- Impact on amenity - increased noise and disturbance.
- Cramped, intensified use - property never designed for 8 adults.
- Unbearable impact on adjoining neighbours,
- Anti-social behaviour and crime; previous anti-social behaviour from HMO.
- Increased pressure on off-street parking from residents, staff and visitors; street already at capacity.
- Overlooking.

- Existing HMOs, adding another will unbalance mix in this area; changing character of historic streets by converting family homes.
- Concern over residents who may have ongoing drug and alcohol issues - may encourage drug related crime.
- No 20 was a HMO, now flats, and now peaceful atmosphere.
- Existing right of way alley gated at advice of police - therefore no rear access for 24 Queen Street - unsuitable from a fire exit point of view.

OBJECTION (SUMMARISED) FROM WARD COUNCILLOR (Cllr R Lees): -

- HMOs in area can bring noise and anti-social behaviour; drain on police resources; police, councillors and residents have worked hard to reduce problems, one more HMO may see them return.
- Too many occupants; house in Church Street turned down some time ago for 5 occupants.
- Drug dealing in Queen Street puts future occupiers at risk of being exposed; anti-social behaviour.
- Impact on adjoining properties.
- Impact on car parking.
- Right of way across the back of 23 Queen Street would impact on amenity of the occupiers.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, impact on highways and neighbouring amenity.

Use

A dwellinghouse (Class C3) permits the use of the dwelling to be used by up to six individuals where care is, or is not, provided. The Class C3 also allows the change to a HMO, also up to six individuals without the need for planning permission. As such, it is not considered that one additional room would give rise to any additional harm to the amenity of the area, or noise, beyond the permitted use of the building as a dwelling (C3) or HMO (C4), which would not require planning permission.

Highways

With the removal of the eighth room, there is access available to the rear garden if space is required for cycle storage. Whilst parking concerns are recognised, and the area already has parking restrictions and permits in place, the location and siting of

the property, close to the town centre facilities/services and public transport, car free development is acceptable. Any staff visiting the property would be able to cycle, walk or use public transport.

Overlooking

There is one existing bedroom window within the first floor rear elevation of the two storey projection at the rear of the property. This window would overlook the rear end of the neighbouring property. Whilst there may be some additional use of the room the window serves, beyond the existing bedroom use, this is not considered to be detrimental to amenity of the neighbouring property as to warrant refusal of the application.

Other matters

The use of the right of way to the rear of 23 Queen Street may, or may not be used; this is a matter for the applicants to decide. If used infrequently any impact on the amenity of the neighbour would be minimal and no greater than the existing situation.

Whilst there is some concern regarding anti-social behaviour and crime based on previous activities, there is no reason to suggest that this application would give rise to these matters. As such, these reasons are not considered to justify any reason for refusal.

Conclusion

The proposed HMO is sited in a suitable location close to the town centre and associated facilities. Whilst concerns have been raised by neighbour residents, a HMO for seven residents, one above the permitted six, is not considered to give rise to any increased impact on the amenity of neighbouring properties to warrant refusal of the application. The application is therefore recommended for approval.

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

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

08/15/0012

DAVID WILSON HOMES SOUTH WEST

**APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING
OUTLINE APPLICATION 08/10/0024 IN RESPECT OF APPEARANCE,
LANDSCAPING, LAYOUT AND SCALE FOR THE ERECTION OF 260 No
DWELLINGS WITH ASSOCIATED WORKS ON LAND OFF NERROLS DRIVE,
TAUNTON**

Location: CHEDDON FITZPAINE, MAIDENBROOK LANE, CHEDDON
FITZPAINE, TAUNTON

Grid Reference: 324409.126597 Reserved Matters

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

3. The applicant shall undertake all the recommendations made in the Ecology Solutions Ltd's Ecological Management Strategy for the Nerrols development dated September 2015 along with the scheme for mitigation of Impact on the Lesser Horseshoe Bat Mitigation Strategy produced by AMEC in February 29014, to discharge condition 13 of the outline planning application, and the Landscape Strategy and Management plan submitted in respect of condition 15 (produced by Golby and Luck landscape architects)

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.

The development shall not be occupied until the scheme for the provision and maintenance of the new bat roosts and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect, enhance and accommodate wildlife.

4. No dwelling shall be occupied on the development hereby permitted until the off-site highway works have been submitted to and approved in writing by the Local Planning Authority. The said works shall then be fully constructed in accordance with the approved plan, to an agreed specification before the first dwelling is occupied.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety

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

Reason: To ensure that the proposed estate is available in the interests of highway safety

7. No part of the access drives for the dwellings hereby permitted shall be laid out at a gradient steeper than 1 in 10.

Reason: In the interests of highway safety.

8. None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

9. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of public safety.

12. Notwithstanding the submitted details full details of the play equipment for the LEAP and NEAP and their layout on site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable scheme.

13. The open spaces hereby permitted shall be laid out in accordance with the submitted details. Once provided on site the open spaces shall be available and maintained for the use of the general public at all times.

Reason: in the interests of the amenity of future the future residents.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 2 Class A of the 2015 Order other than

that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the open space areas associated with the development.

Notes to Applicant

1. You are reminded to check that all the relevant Outline conditions are cleared prior to commencement of works on site.
2. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Traffic and Transport Development Group, Somerset County Council, Taunton TA1 4DY or by phoning 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

The developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council on 0300 123 2224.

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.

3. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained from the appropriate Authority.

PROPOSAL

This planning application seeks approval for the layout, scale, appearance and landscaping for 260 dwellings and associated works. The application is submitted in accordance with condition 1 attached to the current outline planning application (ref.08/10/0024). The reserved matters includes a range of house types based on a traditional design including 25% affordable housing split 25% social rent and 25% shared ownership.

The proposals include the detailed internal highway proposals and includes the parking for cars and cycles in a range of options from on site garages to parking courtyards. The proposal also includes a network of cycle and footpath links throughout the site, a range of public open spaces and facilities including children's play areas and allotments with internal and country park landscape proposals.

Strategic wildlife mitigation associated with the core site have already been agreed but this application includes proposals for the enhancement of wildlife habitats throughout the site.

SITE DESCRIPTION AND HISTORY

The site is located to the north east of Taunton on the outside edge of the settlement limit, approximately 2km from the town centre. The site comprises 14.5 hectares (ha) of agricultural land with outline permission for mixed use development. Land immediately to the north of the site is agricultural land forming part of the overall site with outline planning permission. Agricultural land to the east forms part of the "green wedge", which separates Taunton from Cheddon Fitzpaine (less than 1km to the north of the site) and Monkton Heathfield (1km to the east) and is proposed in policy SS2 as a future Country Park. To the south of the site lies agricultural land which has outline planning permission for a school site with employment uses beyond.

Nerrols Drive runs along the western boundary of the site beyond which lies the existing residential development of Nerrols Farm. Nerrols Drive runs N-S and links to the Maidenbrook roundabout junction which in turn links to the A3259 Taunton to Monkton Heathfield road, the Maidenbrook Farm residential estate and the Crown Industrial Estate. The site is currently accessed from the A3259 via an unclassified farm road serving Nerrols Farmhouse.

The site has good access to existing public transport services which use the A3259, and link the site to the Railway Station and town centre. It is also in close proximity to the Crown Medical Centre to the south (140m) and local shopping centre of Priorswood approximately 1km to the north west.

08/10/0024- Erection of up to 630 residential dwellings, live work units, retail space, other mixed use development and Open space to include play areas and a linear park and associated landscaping at Land off Nerrols Drive, Taunton. Conditional planning permission granted 14th December 2012

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHEDDON FITZPAINE PARISH COUNCIL - request a footbridge over Maidenbrook on the Phase 1 site of New Nerrols to link into footpaths in the proposed Country Park.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST -

ENVIRONMENT AGENCY - The Environment Agency has no objections to this Reserved Matters application, but wishes to make the following comments.

The surface water drainage details provided by the applicant are satisfactory for

phase 1 of the application. The rest of our interests have been covered at the outline stage

SCC - CHIEF EDUCATION OFFICER - no comment

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that crosses a proposed access to the site at the present time (footpath T 5/14).

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

We would request improved surfacing of the crossing right of way through the development. Associated infrastructure (e.g. fencing) may be required. Authorisation for such works must be obtained from SCC Rights of Way Group.

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 footpath 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.

WESSEX WATER - Foul Water

- Wessex Water can advise that appraisal confirms that capacity is available for a local connection to the public sewer.
- The point of connection to be agreed between Wessex Water and the developer subject to adoption requirements.
- Floor levels exceed a minimum of 15.90m AOD recommended for proposed properties
- This will ensure that satisfactory service levels can be maintained during storm conditions.

Surface Water

- The surface water drainage strategy includes flood risk measures
- Surface water disposal allows for attenuated discharge to land drainage systems
- Wessex Water will adopt the proposed sw sewers subject to formal agreement

HERITAGE - The impact on the listed building has been adequately considered in the outline permission.

BIODIVERSITY - The submitted Ecological Management Strategy includes the required up to date surveys. It contains Management objectives and a schedule of works as part of the Strategy. This plan is to be read in conjunction with the

Landscape Strategy and Management plan. I consider the Ecological Management Strategy to be sound and suggest a condition to ensure its appropriate implementation.

LEISURE DEVELOPMENT - A S106 agreement is in place which the developer will need to comply with. Details of the allotments, LEAP and NEAP will need to be submitted to the Leisure Department for agreement prior to installation. All POS area should be overlooked with natural surveillance.

LANDSCAPE - The proposed plot and avenue trees are considered acceptable. In th POS the applicant is requested to have less ornamental trees and an increase in native species. The Landscape Management Plan is considered to be satisfactory

HOUSING ENABLING - The proposed mix is considered to largely meet the current need. I note that 3 disabled adapted units are included rather than the four that are required however this would be preferable provided 2 x 2 bedrooomed units are included within that 3 .Additional plans are awaited showing the proposed split of units between Social rent and Shared ownership.

NATURAL ENGLAND - Based on the information provided it is unlikely to have a significant effect on a European Site.

The application is approx 1.7 km to the south of Hestercombe House Special Area of Conservation (and SSSI) designated as it contains one of the two largest breeding groups of Lesser Horseshoe Bats in SW England. It is protected under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitats Regulation). This reserved matters application has not undergone a Test of Significance but we note that the mitigation proposals follow the recommendations made in relation to the site in the Habitats Regulation Assessment for the Taunton Deane Core Strategy. This will create habitats with strict lighting controls which will allow for the foraging and linear pathways which will allow the bats to the open countryside.

For other protected species please refer to the Standing Advice.

This area would benefit from enhanced green infrastructure provision and the LPA should ensure that such areas can contain mitigation within a relatively short period; the planting design, species mix are appropriate to their landscape setting; and that the area is appropriately managed including funding

PLANNING POLICY - no comment

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - no comment

SCC - ECOLOGY - no comment

WEST MONKTON PARISH COUNCIL - recommends a combined footpath and cycleway bridge across the Maiden Brook to link the existing footpath to the new estate, through the green part to give access to Maidenbrook Lane and the greenwedge and to allow for a future footpath and cycle link to be developed. It would enhance the safety of children going to Heathfield School along the "safe routes to school" if a footpath cycleway could be developed on the northern side of the A3259 across the green park designated area, rather than have them cross the road at Nerrols roundabout area. We consider there should be more footpath cycle links to criss cross the site to ease the access out of the estate and onto the wider footpath network. The middle lane shown on the A3259 is essential to secure the safety of the south eastern access to the estate by a junction on the A3259 between Nerrols Drive and Maidenbrook Lane.

Native apple trees should be are included in the tree planting schedule thereby extending the orchard trail being established within the Monkton Heathfield development. In addition to the street furniture grit bins and parish notice boards should be provided. Down lighting LED's should be used for all estate lighting. The attenuation banks should be part terraced to allow greater use of the areas by the

community during dry periods.

SCC - TRANSPORT DEVELOPMENT GROUP - Subject to the inclusion of conditions as recommended above no objection. The principle has been accepted at the outline stage along with the details for the entrances off the existing highway into the site. There are a number of comments regarding the internal layout:

- junction visibility splays shall be acceptable throughout
- shared surface roads will need adequate service and vehicle overhang margins
- Footpath/cycle links will need to be identified as formal (SCC) or informal. If formal they will need vis splays which are adopted by SCC
- private drives shall be a minimum of 6m in depth, tandem arrangements shall be a min of 10.5m in depth
- species of trees within parking areas must be agreed with SCC and not interfere with the parking spaces
- permeable surfaces will not be accepted within the publically maintained highway

These will need to be resolved prior to the Section 278 agreement with SCC.

SOMERSET WASTE PARTNERSHIP - please refer to the Sw design requirements for residential properties contained within the SCC web site.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - This development is covered by a Section 106 requirement and CiL payments will not be applicable

SCC - FLOOD RISK MANAGER -

Under section 23 of the Drainage Act there is a need to gain consent to culvert or obstruct a watercourse. Private permeable paved areas will need to be designed to ensure that water does not affect the highway and a buffer will need to be provided between the two. The ownership of surface water pipes needs to be established especially where they run to the surface water drainage attenuation ponds

1. **Crime & ASB Statistics – Both** are considered to be ‘low’ reported crime levels.
2. **Layout of Roads & Footpaths** – appears to be visually open, direct and likely to be well used. The use of road surface changes by colour or texture and traffic calming measures helps reinforce the defensible space of the development giving the impression that the area beyond is private. Any secluded footpaths in the area of the Maidenbrook Country Park should be avoided. The single footpath shown on the Site Layout plan appears to be fairly straight and well overlooked by nearby dwellings.
3. **Orientation of Dwellings** – all the dwellings appear to be positioned facing each other enabling neighbours to easily view their surroundings and make the potential offender feel vulnerable to detection. The majority of dwellings are also ‘back to back’, which is also recommended, as this helps restrict unauthorised access to the rear of dwellings.
4. **Communal Areas** – have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. In this regard, I have some concerns regarding the location of the proposed LEAP and NEAP which are located at the edge of the development near the Allotments. Although overlooked by four dwellings, they appear to be separated from these dwellings by a hedge which will restrict surveillance of this area. I recommend that the LEAP and NEAP be relocated to an area within the development with better all-round surveillance opportunities. If this is not feasible, low growing shrubs should be used along this boundary, maximum height 1 metre, or an alternative boundary treatment used which allows good visibility through it to enable surveillance of the play areas.
5. **Dwelling Boundaries** – it is important that boundaries between public and

private spaces are clearly defined and generally speaking this appears to be the case. Dwelling frontages should be kept open to view to assist resident surveillance of the street and public spaces and front boundary treatments i.e. walls, fences, hedges etc should be kept low i.e. maximum height 1 metre to assist in this respect. Vulnerable areas such as exposed side and rear gardens need more robust defensive barriers by using walls, fences, hedging etc to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fencing and lockable.

6. **Car Parking** – appears to be a mix of garages and hard standings within dwelling curtilages, communal on street parking spaces and rear courtyard parking. The former is the recommended option and where communal parking spaces are essential, they should be in small groups, close and adjacent to the homes they serve and within view of habitable rooms in these homes. The communal parking for some of the affordable housing appears to comply with this being directly in front of the homes they serve. Rear parking courtyards are discouraged as they introduce access to the vulnerable rear elevations of dwellings where the majority of burglaries occur. Three rear parking courtyards appear to be proposed, only one of which is partially overlooked by dwellings at the entrance.
7. **Planting/ Landscaping** – should not impede opportunities for natural surveillance and, in areas where visibility is important, shrubs should have a mature growth height of no more than 1 metre and mature trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.
8. **Street Lighting** – all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5489:2013.
9. **Secured by Design** – if planning permission is granted, the applicant is advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, cycle storage etc in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website – www.securedbydesign.com.

Representations

1 letter has been received raising the following objections:-

Not enough thought has been given to the impact of the extra number of cars that will be in the area on queues at existing road junctions. the queues currently extend from the Obridge Roundabout to the Crown Industrial estate. Chaos and delays are inevitable.

PLANNING POLICIES

FZ2 - Floodplain Zone 2,
FZ3 - Floodplain Zone 3,
EN28 - TDBCLP - Development and Flood Risk,
EN12 - TDBCLP - Landscape Character Areas,
EN13 - TDBCLP - Green Wedges,
ROW - Rights of Way,

LOCAL FINANCE CONSIDERATIONS

Officers' Note - Contributions are included within a signed S106 agreement and CiL

payments are not applicable to this development.

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) £280,558

Somerset County Council (Upper Tier Authority) £70,139

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £1,683,346

Somerset County Council (Upper Tier Authority) £420,837

DETERMINING ISSUES AND CONSIDERATIONS

Policy

The planning application is for the residential development of 260 dwellings and associated works in connection with the Core Strategy site at Nerrols Farm which has outline planning permission for up to 630 dwellings.

The outline application was initially submitted as an early release “ interim” site proposed within the core Strategy for development. This is now included within the adopted Core Strategy and as such is covered by the requirements of policy SS2 :

Policy SS2 refers to the development of this site and states:-

Policy SS 2 - PRIORSWOOD / NERROLS

Within the area identified at Nerrols / Priorswood a new sustainable neighbourhood will be delivered including:

- Phased delivery of around 900 new homes at an average of 35 - 40 dwellings per hectare;
- 25% of new homes to be affordable homes in line with Policy CP4: Housing;
- A new mixed-use local centre comprising 600 m2 (gross) retail (A1), 440 m2 (gross) financial and professional services (A2), restaurants and cafes (A3) and drinking establishments (A4), 10 live-work units and 30 new homes, and community facilities;
- 1 hectare (gross) of additional employment land for research and development (B1 (b)), light industrial (B1 (c)), general industrial (B2) and storage and distribution (B8);
- 1 new primary school;
- A country park within the green wedge between Priorswood and Monkton Heathfield, including part of the green link between Halcon and the Quantocks;
- Infrastructure for bus rapid transit;
- A new highway link between Bossington Drive and Lyngford Lane/Cheddon Road;
- New homes will be energy efficient and will be built to government guidelines;
- A suitably located energy centre to provide locally generated electricity to the

- new development;
- Strategic SUDS infrastructure;
- A multi-purpose 'green necklace' surrounding the settlement providing allotments, outdoor recreation and wildlife habitat. This will also include:-
 - A 20m wide buffer of woodland planting around the boundaries facing bat activity from Hestercombe House SAC; and
 - Off-site offset habitat in accordance with the recommendations of Hestercombe House SAC Appropriate Assessment to compensate for the loss of habitat of lesser horseshoe bats. The off-site offset habitat should be functional prior to the commencement of any development.

The development form and layout for Nerrols / Priorswood should provide:

- A neighbourhood that attracts a wide range of people by providing a range of housing types, including family homes, market and affordable housing, shared ownership and key worker housing;
- An accessible, compact local centre with a mix of uses and facilities that can be accessed easily and safely on foot;
- A positive relationship between the local centre, Priorswood roundabout and the Crown Medical Centre to create an attractive gateway to the neighbourhood;
- A permeable street network which accommodates pedestrians, cyclists and vehicles, provides good access to Yallands Hill / Priorswood Road and the public transport corridor and integrates with the existing street network in Priorswood;
- Well designed public open spaces (including semi-natural spaces) which are enclosed and overlooked by new development;
- A positive relationship between new housing and existing communities;
- A well defined green edge to the urban area that protects views from Hestercombe House and the Quantock Hills.

The current application generally complies with the policy requirements.

Housing

The application is for 260 dwellings which will attain a net density of 35 per hectare. The more dense element of the development is focused along the "main spine road which runs generally n-s through the site. Areas adjacent to the edges of the site are generally at a lower density, in particular to the east of the site where it borders the linear open space that contains Maiden Brook. The proposal includes 65 affordable dwellings which represents 25% of the total as required by the existing Section 106 agreement, attached to the outline permission. Currently this is split 50% social rent and 50% shared ownership. The affordable housing is provided in a mix of dwelling sizes and types that has been agreed with the Housing Enabling officer.

Education

The S106 agreement attached to the outline permission provides for land to be allocated for the provision of a new primary school. The S106 requires the developer to offer the primary school land to Somerset County Education Authority upon the occupation of 100 dwellings. In addition the developer is required to pay the standard commuted sums for primary and secondary school places associated with the development.

Design Code and Detailed Estate Design

The outline planning permission included a design and access statement for the future development of the site plus the requirement for the submission and approval of a design Code prior to the approval of the first reserved matter application. Alongside this application the developer has included a design code for the whole site. The Design Code identifies the overall vision for the whole site and, based on the original illustrative masterplan, provides a strategy for the future development of the site. The Code establishes varying Character areas throughout the site based upon their location within the vision. The character areas prescribe the type of layout building heights parking standards etc that will be appropriate to that part of the site. It also provides for a hierarchy a range of access routes throughout the site (including a strategy for walking and cycling routes), key streets and spaces where special attention needs to be paid to the design and character of the areas. The code also proposes a range of open spaces within the site with a positive high quality design approach. The code reflects the detailed design contained within this application and I consider that, as a document, it provides a guide that will help to ensure a cohesive approach to the development of the site especially if the development of the northern area is undertaken by a different developer.

The detailed design of the dwellings is based upon the traditional building styles and materials of the area and range from 2 - 2.5 stories in height. The type of dwelling used varies depending on the character of the area. For example the eastern edge will border onto the western portion of the country park and the dwellings are generally detached within larger gardens and a softer highway layout. The higher density areas are to the west of this in close proximity to the community facilities and the density generally gets lower as the site progresses northwards. The exception to this is the design and layout of the main road which will run through the site to provide connectivity for the whole site. The spine road stretches from the school site and local centre proposals at the south of the site up to the central open space and onto the next phase of the development to the north. The density and size of the dwellings along the road reflects the functional importance of the main street. The dwellings along this road are generally 2.5 stories in height reducing to two stories as they progress northwards. This street frontage has been designed so that the street scene provides a continuous built form with a positive relationship to the street.

The Design Review Panel have considered this proposal and, other than a few minor points seemed generally pleased with the scheme. I am awaiting their final comments and will summarise these within the update for the committee.

Highways

The site lies to the east of Nerrols Drive which would be used for access. The main accesses into the site are were granted full permission and those matters have not changed within this reserved matters application. The detailed permission establishes two access points serving this proposal. One at the south off Nerrols Drive and one directly off the A3259 to the east of Maidenbrook Lane. Both of these accesses introduce right hand turn lanes to enable safer traffic movement at the junctions. The outline permission also provided for improvements to the wider highway network

The proposed accesses would be linked by an internal access route "the spine/main road" which runs from the access off the A3259 west to the school land and north through the site into the next phase of the development. There will be a highway hierarchy within the site with the main spine road ranging from 6-6.5m in width estate road (wide enough to enable a bus link if required), with footpath links on either side and "country lane" with shared surfaces (generally fronting the linear open space to the east of the site). As a result of these proposals a bus route is proposed to be re-introduced along Nerrols Drive to serve existing and proposed residents. As the development of the site progresses northwards it is expected that this route will be amended to include a service through the estate. The highways are designed to give access for foot and cycle links and, in addition the proposal includes a network of footpath and cycleway. A range of car parking options are proposed including on plot parking spaces and garages; formal and informal on street spaces and gated rear courtyards.

The applicant has also submitted a travel plan to SCC highways for consideration and approval under the S106 agreement. This includes cycle, motorcycle parking; green travel vouchers and welcome packs that will be judged against the SCC requirements.

Somerset County Highway Authority raise no objections to the principle of the proposals and amendments have been requested on a few minor points to ensure that the development is acceptable in highway terms.

Drainage

A surface water drainage strategy was agreed at the outline stage. The current proposal is designed in accordance with those agreed principles. The site currently drains via the Maiden Brook drainage basin which runs to the west of the site. The draft drainage strategy would attenuate increased surface water run off rates and volumes resulting from the development of the site allowing for the 100 year rainfall event plus 30% for climate change. Run-off rates will be managed through source control measures such as permeable paving and through swales and attenuation basins prior to their discharge to the Maiden Brook. The proposal includes four attenuation basins of various sizes. These are located within areas of open space and permeable paving under the courtyard parking areas. The details are considered to be acceptable by the Environment Agency and lead Drainage Authority (SCC).

Landscaping

The landscape impact of the proposal can be divided into two distinct topics. Firstly the impact of the development on the existing landscape character and secondly the proposed landscape character that would be associated with the development in order to enhance street scenes, public open space and the environment within the development itself.

The landscape impact on the character of the existing area was thoroughly assessed in the Environmental Statement submitted with the outline planning permission. As a result there is an agreed strategic landscape for the site. The proportions of the site and its location mean that the site cannot easily be seen in

total from any one place. The southern and eastern parts of the site, which are the subject of this application, are generally low lying and can be seen from the immediate locality from the west, south west, south and south east and in small part from the fringes of the Quantock Hills. The detailed landscape proposal has sought to retain as much existing hedging and trees as possible in addition to using new planting to help create a variety of character areas within the development. It is also proposed that the design of the open spaces, sustainable urban drainage features and country park reinforce the character of the surrounding area and help to settle the development into the character of the area.

Country Park.

Core Strategy policy SS2 requires the provision of a Country Park on green wedge land to the east of the new development. The current proposal includes the provision of a 100+m wide section of the required country park as envisaged in the Core Strategy, covering the Maiden Brook floodplain. The applicants have been asked to consider future linkages between this site and the green wedge land to the east that has been identified for the future countryside park and I await their response.

Ecology

An Environmental statement was submitted with the outline application which identified the wildlife on or using the site as habitat, the impact of development on that wildlife and mitigation measures to overcome that impact. This indicated that the site is used by a variety of protected wildlife including 7 species of bats including Lesser Horseshoe bats known to roost at Hestercombe House Special Area of Conservation, 5 priority bird species, slow worms and badgers. The outline planning permission agreed a range of mitigation measures that ensured the enhancement of the habitat for Lesser Horseshoe bats which primarily included the planting of a belt of woodland around the northern boundary of the site and this has now been undertaken by the land owner, Crown Estates. Natural England have confirmed that, with the assessment and mitigation included within the outline planning permission, they do not consider that the proposal will have a significant effect on the Hestercombe House Lesser Horseshoe bats.

Condition 14 of the outline permission required the submission and approval of an Ecological Management Strategy. This was submitted as part of this reserved matters application and includes details of an updated wildlife survey of the site and proposed mitigation measures for the enhancement of the site for wildlife. This includes not only the retention of as much of the hedge and trees that are on the site but also the provision of a bat house, bat and bird boxes throughout the scheme and sympathetic planting throughout. The Biodiversity Officer advises that this is acceptable.

Leisure

The outline planning permission condition 21 requires the submission of full details of the public open spaces and children's play areas. This reserved matters proposal includes such details within the landscape plans. The children's play areas (1 x LEAP and 1X NEAP) are proposed within the central green area that lies to the north of this reserved matters application. This proposal also includes the provision of allotments within the central green area. The area has been designed with dwellings fronting onto it so that there is a degree of overlooking for security and

safety reasons. West - East footpath and cycle links have been provided through this area and they will link to those on the other side of Nerrols Drive which link to the schools.

The land adjacent to the Maiden Brook is being provided as a "Country Park" in lieu of playing field provision for this site. Policy C4 requires 45m of playing field space per dwelling which results in an area of 2.6ha being required as usable Country Park. The proposal is for the provision of 5ha around the Maiden Brook to be designated as Country Park. The land will have a multi functional use including drainage attenuation basins, north - south green links and wildlife mitigation. In the circumstances it is considered to be acceptable.

Noise

The Environmental Statement submitted with the outline application identified that the main source of noise for the site is from the adjacent highway network. The report considered that there would be no significant effect from the development to existing residential properties. The development proposals also have to ensure that there is an acceptable maximum level of noise for new residents. As a result the applicant has submitted a noise report to assess the impact of noise on the proposed dwellings. This report concludes that, with standard ventilation and appropriately glazed windows (as proposed) a reasonable or good level of noise would be achieved inside the dwellings. This report has been forwarded to the Environmental Health Officer and his comments awaited thereon

Archaeology.

Geophysical surveys were undertaken over the whole site in association with the outline planning permission. Results identified isolated anomalies of possible archaeological origin. As a result an archaeological "watching Condition" was applied to the outline permission.

This application has undertaken a further desktop assessment of the site and as a result it proposes additional excavation works to further investigate, recover and record any archaeology that is present in the identified areas of potential.

Conclusion

The site forms part of the Core Strategy allocation and has outline planning permission for a mixed use development. The current proposal is for the reserved matters details of the residential development of the southern part of the allocated site. The proposed layout, house design and mix of house and tenure types, highway layout and proposal parking are considered to be acceptable as are the proposals for Landscape, wildlife and archaeology

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

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

E/0042/48/15

**UNAUTHORISED B1 / B8 BUSINESS USE OF AGRICULTURAL LAND BY
NORMANDY WINDOWS**

OCCUPIER:

OWNER:

MRS BARBARA HEDGES
HYDE EGG FARM, HYDE LANE, BATHPOOL
TAUNTON
TA2 8BU

MR AL HEDGES
HYDE EGG FARM, HYDE LANE, TAUNTON
TA2 8BU

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the unauthorised change of use of the site to cease and the removal of all materials relating to the activity from the site.

RECOMMENDATION

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

The Enforcement Notice shall require:

- a) Cease the use of the site for B1 Office, B8 Storage and Distribution and sui generis use as a showroom and car repair.
- b) Remove all equipment and materials associated with the unauthorised use from the site.

Time for compliance:

With regards to a) above 6 months from the date on which the notice takes effect.

With regards to b) above 6 months from the date on which the notice takes effect.

SITE DESCRIPTION

The site is located off of Hyde Lane, a small non classified road that links to Creech St Michael; Hyde Lane itself is accessed off the A38. The site is located on the southern side of Hyde Lane adjacent to Hyde Park sports ground (to the east of the site). The site is bounded by open fields to the south and west. There are residential dwellings opposite the site and approximately 115 metres to the west.

The site is accessed from a single driveway with a double gate. The front boundary

is an established high hedge which limits some visibility from the access.

The site comprises of a number of old agricultural buildings that were used as part of the Hyde Egg Farm business (now ceased) and what appear to be newer commercial buildings, shipping containers and open storage of building materials.

There is also a mobile home located on the site, this is permitted and not subject to this report.

BACKGROUND

The site has an established history of operating as an agricultural business (egg farm). Permission has also been granted in the past for a mobile home for the operator of the farm as a personal permission.

It is understood that the agricultural business ceased some time ago and that the buildings on the site have been leased or rented out in an ad hoc manner since.

A complaint was received in March 2015 about a new business operation in one of the buildings. The business in question related to a double glazing and conservatory company that had established their office and workshop in one of the buildings. The complaint also made reference to the use of the other buildings for car repair and car breaking.

The site was inspected and it was identified that a number of different commercial activities were being undertaken on different parts of the site. There was a directional sign just inside the site directing observers to one business and the mobile home. There was a variety of commercial vehicles located around the site and a number of vehicles that were in the process of being repaired. There were also a number of shipping containers that appeared to have been located on the site for some time.

On the western side of the site a building was clearly signed with the name of a glazing and conservatory company. Inside the building was a reception area and show room along with a number of offices and a workshop. The web site for the business refers to their site address called "Hyde Business Park".

The entire site comprises of a number of buildings with appear to be leased to a number of different parties both formally and informally.

The owner of the site has been instructed to rectify the matter through submitting an application for planning permission or a certificate of lawfulness. Despite assurances this matter would be rectified no application has been submitted. The owner's agent has stated that an application will be forthcoming in the near future. However officers seek authority to serve an Enforcement Notice in the event that this is not submitted or is subsequently refused. Officers are concerned that this matter has been ongoing for some time and that the activity continues on site without any controls or planning permission in place.

DESCRIPTION OF BREACH OF PLANNING CONTROL

Without planning permission the unauthorised change of use from an Agricultural use to a mixed use as a B1 Office, B8 Storage and Distribution and sui generis use

as a showroom and car repair.

RELEVANT PLANNING HISTORY

N/A

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Para 207 – Enforcement

Policy DM1 of the Taunton Deane Core Strategy

DETERMINING ISSUES AND CONSIDERATIONS

The current use of the site is unauthorised and not controlled through any conditions attached to a valid planning permission. The number of users of the site appears to have slowly increased over time and there are currently no limitations on the scale of the activity or the noise or traffic it generates. There are a variety of different users of the site and a large number of associated vehicles.

Complaints about the site relate to the noise of the operations, traffic coming and going from the site and the nuisance caused by deliveries to the site. The new uses potentially give rise to a large number of vehicle movements. There is no formalised traffic or parking control on site and limited visibility from the access.

The development is the change of use of agricultural buildings to various employment uses. In principle, some of these uses are compliant with Policy DM2 of the Taunton Deane Core Strategy, which permits such change of use in principle. Be that as it may, the changes of use are currently unregulated and in the absence of any planning conditions relating to noise or hours of operation, the development has a harmful impact upon nearby property. The only mechanism for the Local Planning Authority to impose such controls is through the grant of planning permission and no application has been forthcoming. It is, therefore, considered expedient to serve an enforcement notice. The site is also in Flood Zone 2. In the absence of any form of flood risk assessment, it is not possible to ascertain if the flood risk posed to users of the site is appropriate and, again, without a planning permission to control the use, it is not possible to ensure that adequate safeguards are in place.

It is considered that the use of the site has an unacceptable adverse impact to the amenities of neighbouring residents by reason of noise and traffic contrary to Policy DM1 (e) of the Taunton Deane Core Strategy

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

PLANNING OFFICER:

Mr M Bale

PLANNING ENFORCEMENT OFFICER: Christopher Horan

CONTACT OFFICER:

Christopher Horan, Telephone 01823 356479

E/0120/43/15

UNAUTHORISED DOG BREEDING BUSINESS, INCLUDING ERECTION OF KENNELS, AT 18 TRINITY CLOSE, WELLINGTON

OCCUPIER: MR ASHLEY CLARK

OWNER: V CLARK
18 TRINITY CLOSE, WELLINGTON, TA21 8TZ

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the unauthorised change of use of the site to cease and the removal of materials and equipment related to the unauthorised use.

RECOMMENDATION

The Solicitor of the Council be authorised to service an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- a) Cease the use of the site for the breeding and sale of puppies and dogs.
- b) Remove the kennel structure located in the rear yard from the site
- c) Remove all dogs associated with the breeding and sale business from the site
- d) Remove all equipment associated with the breeding and sale of dogs from the site.

Time for compliance:

With regards to a) above 1 month from the date on which the notice takes effect.

With regards to b) above 3 months from the date on which the notice takes effect.

With regards to c) above 3 months from the date on which the notice takes effect.

With regards to d) above 3 months from the date on which the notice takes effect.

SITE DESCRIPTION

Trinity Close is located off Mantle Street, the main road into Wellington. While Mantle Street this is a major busy road the site is located approximately 40 meters away and is reasonably well screened from noise.

The property is an end of terrace residential dwelling located in a cul-de-sac. The property is one of four dwellings in the terrace and abuts other residential properties on three sides. To the west the property is the access road to a hotel and spa resort.

BACKGROUND

A number of complaints were received regarding the erection of a kennel structure in the rear garden of the site and about the use of the residential dwelling for a business. The complaints also made reference to the large number of dogs located on the premises. Complainants stated that the smell emanating from the site was significant and that they were concerned with the number of people visiting the site.

The site was inspected by an Enforcement Officer where it was noted that a large kennel structure had been erected in the rear garden. There were several dogs in the kennel and two running loose in the rear yard. The officer also noted that there were five litter boxes inside the dwelling that each held a bitch and a litter of puppies. In total there were 18 dogs and five litters of puppies located on the property.

The rear yard appeared to be used as an exercise area for the dogs, at the time of the inspection there was two dogs running loose in the yard and it was almost totally devoid of grass. There was a strong odour emanating from the site related to the dogs and their faeces in the rear yard. The enforcement officer also visited an adjoining property and it was noted that there was a strong odour present. It was also noted that the noise from the dogs was significant and could be heard some distance from the site.

The dogs are bred on site and raised by the mother for two months before being offered for sale. The puppies are advertised on line via various pet and trading websites. Potential customers visit the site to inspect and/or purchase the animals.

DESCRIPTION OF BREACH OF PLANNING CONTROL

Without planning permission the unauthorised change of use of the site from a C3 residential dwelling to a sui generis use as a residential dwelling and for the breeding and sale of dogs.

RELEVANT PLANNING HISTORY

N/A

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Para 207 – Enforcement

Policy DM1 of the Taunton Deane Core Strategy

DETERMINING ISSUES AND CONSIDERATIONS

The site is a small residential property predominantly surrounded by other residential dwellings. The intensive use of the site for breeding of dogs gives rise to unacceptable effects on the residential environment by way of odour and noise.

The commercial nature of the site also gives rise to a large number of visits to the site. Often potential customers will visit the site to view the puppies and then (if they wish to purchase) return on a later date to pick up their dog. The additional traffic

adversely impacts on the amenity of the residential area.

It is considered that the use of the site has an unacceptable adverse impact to the amenities of the surrounding residential properties by reason of noise, odour and traffic contrary to Policy DM1 (e) of the Taunton Deane Core Strategy

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

PLANNING OFFICER: Mr M Bale
PLANNING ENFORCEMENT OFFICER: Christopher Horan

CONTACT OFFICER: Christopher Horan, Telephone 01823 356479

E/0156/37/14

UNAUTHORISED CHANGE OF SIGNAGE AT THE HALF MOON INN, STOKE ROAD, STOKE ST MARY

OCCUPIER:

OWNER:

THE MANAGER
HALF MOON INN, STOKE ROAD, STOKE ST MARY
TAUNTON
TA3 5BY

ENTERPRISE INNS PLC
3 MONKSPATH HALL ROAD, SOLIHULL, WEST MIDLANDS
B90 4SJ

PURPOSE OF REPORT

To consider whether it is expedient to take prosecution action relating to the unauthorised display of a sign at the property.

RECOMMENDATION

The Solicitor of the Council be authorised to take prosecution action subject to sufficient evidence being obtained for the unauthorised display of the advertisement.

SITE DESCRIPTION

The site is a historic public house within the village, although not listed. The main frontage of the building and the signage lies perpendicular to the road, however the advertisement is highly prominent to users of the road.

BACKGROUND

A complaint was received regarding replacement signage at the property in late 2014. It was noted that a number of signs were being replaced on the property. There was originally one large sign on the front of the building located on the gable closest the road. When the signage was replaced an additional sign was erected on the other gable of the building.

Following instructions from the Enforcement Officer a retrospective planning application was submitted to the Council for the replacement signage and the additional sign.

A split decision was issued by the council relating to the signs in May 2015 (Ref: 37/15/0001/A). The replacement signs were subsequently approved and the additional sign on the gable was refused.

The owners of the site have been instructed to remove the unauthorised sign on a number of occasions however this has not occurred. It is now considered that the

only course of action is to proceed with prosecution proceedings in order to deal with the unauthorised development and to provide sufficient motivation for the owner to rectify the issue.

DESCRIPTION OF BREACH OF PLANNING CONTROL

Without advertisement consent the unauthorised erection of a sign on the gable of the building.

RELEVANT PLANNING HISTORY

37/15/0001/A - DISPLAY OF 2 No ILLUMINATED FASCIA SIGNS, 1 No NON ILLUMINATED FASCIA SIGN, 1 No ILLUMINATED PROJECTING SIGN AND 2 No NON ILLUMINATED BOARD SIGNS AT THE HALF MOON INN, STOKE ROAD, STOKE ST MARY (RETENTION OF WORKS ALREADY UNDERTAKEN) AS AMENDED – Split Decision

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Para 207 – Enforcement

EC26 – TDBCLP – Outdoor Advertisements and Signs.

Policy D3 of the Draft Site Allocations and Development Management Plan.

DETERMINING ISSUES AND CONSIDERATIONS

The addition of a second high level externally illuminated sign on a gable that previously has had no sign has a harmful effect on the visual amenity of the site. This adds to the visual impact of the signs on the premises and the sign obstructs the view of the window head detail of the building. This is contrary to criterion A of policy EC26 and the replacement draft policy D3 of the emerging Site Allocations and Development Management Plan. It is considered this does detract from the visual amenity of the area and the split decision was therefore considered appropriate on this scheme to refuse the new high level illuminated gable sign and to approve the other replacement signs.

The owner has not removed the unauthorised sign and given no explanation for this. The owner of the site has also not appealed against the refusal of Advertisement Consent. Prosecution is seen as the appropriate method to deal with the unauthorised development and will provide sufficient incentive for the owner of the site to remove the sign.

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

PLANNING OFFICER:

Mr M Bale

PLANNING ENFORCEMENT OFFICER: Christopher Horan

CONTACT OFFICER: Christopher Horan, Telephone 01823 356479

APPEALS RECEIVED

Site: HEYWOOD COTTAGE, CHURCH ROAD, STAWLEY, WELLINGTON, TA21 0HP

Proposal: ERECTION OF A SINGLE STOREY EXTENSION WITH GARAGE TO THE FRONT AND RELOCATION OF ACCESS AT HEYWOOD COTTAGE, CHURCH LANE, STAWLEY

Application number: 35/15/0006

Appeal reference: APP/D3315/D/15/3138558

Site: 24 PORTLAND STREET, TAUNTON, TA1 1UY

Proposal: ERECTION OF PROJECTING BALCONY TO REPLACE JULIET BALCONY ON SOUTH WEST ELEVATION AT 24 PORTLAND STREET, TAUNTON

Application number: 38/15/0286

Appeal reference: APP/D3315/D/15/3138359

Appeal Decisions

**Site: GREENACRE HOUSE, HONITON ROAD, SHOREDITCH, TAUNTON, TA3
7BL**

**Proposal: APPLICATION TO FELL ONE OAK TREE INCLUDED IN TAUNTON
DEANE BOROUGH (ORCHARD PORTMAN NO.1) TREE PRESERVATION
ORDER 1996 AT GREENACRE, SHOREDITCH, TAUNTON (TD652)**

Application number: 30/15/0027T

Reasons for refusal:

The tree has a high amenity value and is very prominent. It is considered that there is insufficient justification for removing the tree entirely. It is not agreed that the tree is in severe decline, as stated in the report. The report recommends that pruning works would be sufficient to make the tree acceptably safe (see Notes).

Appeal decision: DISMISSED

5RECEIVED

3/25 Hawk Wing (Env)
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444
Customer Services: 0303 444 5000
Fax No 0117 372 6298
e-mail: environment.appeals@pins.gsi.gov.uk

Tree Officer
Taunton Deane Borough Council
The Deane House
Belvedere Road
Taunton
Somerset
TA1 1HE

Your Ref: 30/15/0027/T
Our Ref: APP/TP0/03315/4809
Date: 17 November 2015.

Dear Sir/Madam

**THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012, SINO. 605
APPLICATION FOR CONSENT TO CARRY OUT WORKS TO PROTECTED TREES
APPELLANT: Stephen Bushell
SITE: Greenacre, Shoreditch, Taunton, TA3 7BL**

I enclose a copy of our Inspector's decision on the above appeal.

The appeal decision is final unless it is quashed following a successful challenge in the High Court on a point of law (see enclosed leaflet). If the challenge is successful the decision may be quashed but the case will probably be returned to the Secretary of State for re-determination. However, if it is to be re-determined, it does not necessarily follow that the original decision on the appeal will be reversed.

An application under Section 288 of the Town & Country Planning Act 1990 must be made to the High Court promptly and in any event within 6 weeks of the decision in question. This is an absolute time limit that cannot be extended by the Court.

A challenge must be made on one or both of the following grounds:

- (1) the decision is not within the powers of the above-cited Regulations;
- (2) any of the relevant statutory requirements have not been complied with.

A decision will not be overturned by the Court merely because someone does not agree with an Inspector's judgment. It would need to be shown that a serious mistake was made by the Inspector when reaching his or her decision or, that the site visit was not handled correctly, or that the appeal procedures were not carried out properly. Even if a mistake has been made, the Court may decide not to quash the decision if it is decided that the interests of the person who has sought to challenge the decision have not been prejudiced.

If you have any complaints or questions about a decision, or about the way we have handled the appeal write to:

Appeal Decision

Site visit made on 23 October 2015

by Keith Rushforth

BSc(For), FICFor, FARborA, MCIHort

an Arboricultural Inspector appointed by the Secretary of State for Communities and local Government

Decision date: 17 November 2015

Appeal Ref: APP/TP0/03315/4809

Greenacres, Shoreditch, Taunton, TA3 7BL

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order (TPO).
 - The appeal is made by Mr Steve Bushell against the decision of Taunton Deane Borough Council.
 - The application Ref: 30/15/0027/T, dated 1 June 2015, was refused by notice dated 3 August 2015.
 - The proposed work is to fell one oak (T2).
 - The relevant TPO is the Taunton Deane Borough (Orchard Portman No. 1) Tree Preservation Order 1996, which was confirmed on 20 March 2015.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed work on the appearance and setting of the area and whether the condition of the tree provides justification for the work.

Reasons

The effect of the proposed work on the appearance and setting of the area

3. The tree is located at the edge of the 83107 opposite one of the entrances to the race course and is prominent in the views in this part of Shoreditch.
4. Accordingly I conclude that compelling reasons need to be demonstrated to outweigh the impact of the proposed work.

Whether the condition of the tree provides justification for the work

5. At the time of the site inspection the tree was in the early stages of losing the 2015 foliage. However, a significant proportion of the foliage remained and this was of a light green to yellow colour, which is typical of the early stages of autumn leaf drop. The crown shows a reasonable density of foliage on the branches. The crown contains some deadwood, including the branch shown in the appellant's arboricultural assessment report at Fig. 3. Neither the foliage nor the structure provide evidence of major decline in the tree's condition.

6. The 2015 extension growths appear satisfactory for a tree of its size and age which suggests adequate root function.
7. The base of the bole shows good buttressing with no evidence of significant defects.
8. Accordingly whilst I note that there are some defects, including the deadwood and crossing branches mentioned in the appellant's arboricultural report, I find no evidence to support the assertion that the tree is in severe decline. I also find no evidence that the tree is likely or liable to be uprooted during the normal course of events.
9. The appellant's arboricultural report includes a Quantified Risk Calculation which is based on several assumptions. The assessment assumes that no mitigation work is carried out. However, the report recommends work to the tree and the Council's decision recommends "pruning works." Accordingly I attach no weight to the calculation.

Other Matters

10. A proforma observation from Pitminster Parish Council has ticked the "Supports the granting of permission for the following reason(s)" box but presented no reasons for the support.

Conclusions

11. The tree makes a significant contribution to the setting of Shoreditch.
12. There is evidence of some defects in the crown but these can be addressed without need or justification for felling the tree.
13. There is no evidence that the tree is likely to be uprooted.
14. Therefore I do not find any compelling support for the proposed felling of the tree and accordingly I dismiss the appeal.

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Arboricultural Inspector