

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 6 January 2016 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 12th November 9th December 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 10/15/0026 Erection of single storey holiday let, demolition of stables and erection of two storey holiday let at Cleve Farm, Oatens Farm Lane, Churchstanton
- 6 14/15/0027 Erection of 4 No detached dwellings with associated works in the garden to the rear of Somersby Lodge, Langaller Lane, Creech St Michael
- 7 38/15/0491 Conversion and extension to detached garage to form an annexe at 17A The Avenue, Taunton (amended scheme to 38/15/0346) as amended by plans received 14 December 2015
- 8 38/15/0144 Demolition of garage blocks and erection of 3 No four bedroomed terraced dwellings with associated parking and amenity space on land to the side of 79 Belvedere Road, Taunton
- 9 43/14/0105 Erection of 102 No dwellings with associated landscaping, engineering, highways, parking and open space on land at Cades Farm, off Taunton Road, Wellington
- 10 43/15/0082 Variation of condition No 2 (approved plans) of application 43/12/0081 on land to the rear of 39A Mantle Street, Wellington as amended
- 11 43/15/0083 Variation of condition No 2 (approved plans) of application 43/13/0127 to move development further north on land to the rear of 39A Mantle Street, Wellington

- 12 05/15/0035 Change of use of land from amenity to domestic and repositioning of boundary wall at 15 Waterfield Close, Bishop's Hull
- 13 Latest Appeals and Decisions Received

Bruce Lang
Assistant Chief Executive

08 March 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

10/15/0026

MRS BEHJAT HURREN

ERECTION OF SINGLE STOREY HOLIDAY LET, DEMOLITION OF STABLES AND ERECTION OF TWO STOREY HOLIDAY LET AT CLEVE FARM, OATENS FARM LANE, CHURCHSTANTON

Location: CLEVE FARM, OATENS FARM LANE, CHURCHSTANTON,
TAUNTON, TA3 7PU

Grid Reference: 318830.112308

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The National Planning Policy Framework seeks to locate developments in areas that facilitate the use of sustainable modes of transport, while development plan policies specifically direct permanently built holiday accommodation to within existing settlements, which are accessible by public transport, cycling and on foot, unless the proposal would support the vitality and viability of the rural economy in a way that cannot be sited within the defined settlement limits. The proposed holiday accommodation would not utilise existing buildings, but would require the erection of two new purpose-built buildings in a remote, rural location, distanced from adequate services and facilities, which would result in future occupiers being largely reliant upon the use of the private car. The proposal would not support the rural economy in a way that could not be achieved if located within the defined limits of a settlement, nor would it support economic diversification of existing farming or service enterprises. As such, the proposal is contrary to the provisions of policies DM1 (General Requirements) and DM2 (Development in the Countryside) of the Taunton Deane Borough Council Core Strategy and the relevant sections of the National Planning Policy Framework.

Recommended Condition(s) (if applicable)

Notes to Applicant

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

Proposal

This application seeks to demolish this building and replace it with a part two-storey/part single storey stone and tile building to create a two bedroom holiday let. It is also proposed to erect a further two bedroom holiday let to the north-west of the farmhouse, which is understood to have been the site of a single storey barn in the past. An element of amenity space and two car parking spaces are provided to each holiday unit.

Site Description

Cleve Farm lies in a remote rural location within the Blackdown Hills Area of Outstanding Natural Beauty (AONB), to the west of Churchinford. It lies on Oatens Lane, amongst a scattering of dwellings and on a sloping site. To the north of the farmhouse is a former stables building of part stone/part block with a corrugated roof.

Consultation Responses

CHURCHSTANTON PARISH COUNCIL - Steep sloping site requiring excavation to get ridges as same as current, all drains into septic tank, road is narrow/winding and used by wide loads with lots of potholes, caravans are at Buttles Farm. No objection.

BIODIVERSITY – Comments as follows:

Bats

The buildings to be demolished or converted do not support a bat roost. Agree that a precautionary approach to works should be adopted.

Nesting Birds

Building includes the remains of former nesting sites. Works should take place outside of the bird nesting season.

There should be an element of biodiversity gain for this proposal. Suggest condition and notes.

SCC - TRANSPORT DEVELOPMENT GROUP - Observations to follow. No further comments received.

BLACKDOWN HILLS AONB SERVICE - The Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policies of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

RET 1/C Support the development of sustainable tourism activities within the AONB that are compatible with conserving and enhancing natural beauty and the special qualities of the AONB, increase understanding and appreciation of the Blackdown Hills and benefit the local economy.

The principle of this proposal does not raise concerns in terms of landscape and visual impact. Traditional farm buildings and farmsteads are a vital component of the Blackdown Hills landscape and therefore detailed consideration of matters relating to design and materials, access, surfacing, domestic curtilage, external lighting and landscaping should help to ensure that the scheme would conserve and enhance the special qualities of the AONB.

Representations Received

Ward Member – Cllr C. Edwards – Supports.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

NPPF - National Planning Policy Framework,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

Local finance considerations

Community Infrastructure Levy

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

square metre. Based on current rates, the CIL receipt for this development is approximately £20,000.00 (index linked).

If the stables being demolished meet the lawful use criteria this figure will reduce accordingly.

Determining issues and considerations

Policy DM2 highlights that outside of defined settlement limits, holiday and tourism accommodation uses will be supported, subject to: (a) the accommodation being within existing buildings where there is an identified need and it is compatible with and supports economic diversification of existing farming and service enterprises. The policy goes on to refer to touring caravan and camping sites and tourist and recreation facilities other than accommodation, but makes no reference to permanently built tourist accommodation. There is therefore a presumption against new permanently built tourist accommodation unless within defined settlement limits.

It is accepted that the guests visiting the holiday units are likely to spend in the local area, therefore supporting local businesses and contributing to the rural economy, but this could equally be the case if further units of accommodation were provided within the defined settlement limits of a nearby village, such as Churchinford. As such, it is not considered that a further unit in this remote location would support vitality and viability of the rural economy in a way which could not be sited within the defined limits of a settlement.

It is also important to note that tourist accommodation needs to be accessible by public transport, cycling and on foot. The nearest shops available would be a farm shop at Willand, approximately 1.5 km away and the convenience store in Churchinford, approximately 3 km away. The nearest large settlement, Taunton offering a greater range of retail facilities would be over 15 km away. Whilst such a distance may not deter the most committed cyclist or walker, the distance of local services and topography of the site location is highly likely to result in the majority of occupants being reliant on the private car for most of their daily needs. The proposed holiday units would therefore be contrary to the general thrust of the NPPF that seeks to locate developments in areas that facilitate the use of sustainable modes of transport.

It is noted that Section 3 of the NPPF supports sustainable rural tourism developments that benefit businesses in rural areas. It is acknowledged that sustainability does not only relate to the environment and transport needs, but also relates to economic and social elements. However, as mentioned above, it is not considered that two further units in this location would support the vitality and viability of the rural economy in a way which could not be sited within the defined limits to settlements. As such, it is not considered that the social and economic benefits of the proposal would outweigh the disadvantages to the environment through the fostering of growth in the need to travel. It is also important to note that Section 3 goes on to say, this should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. It should therefore be pointed out that it specifically mentions facilities rather than accommodation.

It is noted that the site, although known as Cleve Farm, is no longer a working farm. The proposed new build holiday units are not therefore linked to a farm or service business and would not therefore support the economic diversification of a farming or service enterprise, as required by Policy DM2. Although there is an existing building on the site of one of the units, this is proposed to be demolished and a new building erected. The second unit of holiday accommodation is stated to be on the site of a former building. Whilst this may be the case, there is no building present now. As such, the proposal would not utilise existing buildings and does not meet the requirement that tourist accommodation should be provided within existing buildings where there is an identified need, is compatible with and supports economic diversification of existing farming and service enterprises. It is therefore wholly contrary to policy DM2. It is important to note that policy DM2 does allow for the conversion of existing buildings, subject to meeting the relevant criteria and pre-application discussions were held to this effect.

It has been argued in the past that as policy DM2 does not state that new build tourism proposals in rural areas are unacceptable and the fact that the policy is silent on this matter, should mean there is a presumption in favour of this type of development. It should be noted that policy DM2 is a positively worded policy in accordance with recent guidance. Policy DM2 specifically refers to holiday and tourism, within the list of uses that would be supported outside of defined settlement limits. It then goes on to set out the ways in which the provision of holiday and tourism outside of settlement limits would be acceptable, i.e within existing buildings where there is an identified need and it is compatible with and supports economic diversification of existing farming and service enterprises. On the basis that the policy clearly sets out cases which would be supported, it would follow that those not mentioned, would not be supported. Furthermore, the list of the types of uses supported is succinct. The policy is silent on a great deal of uses, which would clearly not be acceptable in a countryside location. On this basis, the proposed scheme to provide two new build holiday units in a remote rural area would be contrary to policy.

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

Contact Officer: Mrs K Walker

14/15/0027

MR R LAMB

ERECTION OF 4 No DETACHED DWELLINGS WITH ASSOCIATED WORKS IN THE GARDEN TO THE REAR OF SOMERSBY LODGE, LANGALLER LANE, CREECH ST MICHAEL

Location: SOMERSBY LODGE, LANGALLER LANE, CREECH ST MICHAEL,
TAUNTON, TA2 8DA

Grid Reference: 326864.126933

Full Planning Permission

Recommendation

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 3548/PL/09 Location Plan
(A3) Dr No 3548/PL/08 Proposed Garage Elevations
(A1) Dr No 3548/PL/07 Proposed elevations.sections (Plot 4)
(A1) Dr No 3548/PL/06 Proposed elevations/sections (Plot 3)
(A1) Dr No 3548/PL/05 Proposed elevations/sections (Plot 2)
(A1) Dr No 3548/PL/04 Proposed elevations/sections (Plot 1)
(A1) Dr No 3548/PL/03 Proposed first floor plans
(A1) Dr No 3548/PL/02 Proposed ground floor plans
(A1) Dr No 3548/PL/01 Site Layout/Roof Plan

(A1) DrNo 3548/PL/01 Rev A Site Layout/Roof Plan
(A1) DrNo 3548/PL/02 Rev A Proposed Ground Floor Plans
(A1) DrNo 3548 PL 03 Rev A Proposed First Floor Plan

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

3. Prior to the commencement of development full details of the surface water

drainage shall be submitted to and approved by in writing by the Local Planning Authority and shall thereafter be implemented as agreed.

Reason: In the interests of ensuring no risk of flooding elsewhere in accordance with policy CP8 of the Core Strategy.

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

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

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

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. 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.

7. The applicant shall undertake all the mitigation and enhancement measures detailed in sections 5 and 6 of Enviro- Plans Ecological Impact Assessment Report dated August 2015 and provide mitigation for birds as recommended.

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 maintenance and provision of the new bird boxes and related accesses **have** been fully implemented. Thereafter the resting places and agreed

accesses for birds shall be permanently maintained.

Reason: To protect wildlife and accommodate breeding birds which are protected by law.

8. Details of the visibility splay across the site frontage shall be provided prior to occupation of any dwelling and thereafter maintained as agreed.

Reason: To provide sight lines at the access drive junction in the interests of highway safety.

9. The details of the surface treatment to the access road and driveways shall be submitted to and agreed in writing by the Local Planning Authority before being brought into use and shall thereafter be carried out as agreed.

Reason: In the interests of highway safety.

10. The proposed estate road, footpaths, paving, verges, junction, lighting, drains, surface water outfall, vehicle overhang margins and gradients where applicable, shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins.

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

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

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

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

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

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

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

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

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

3. 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 Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. 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 be aware that there may be private services in the verge to be crossed to gain access to the site which may not show up on any of the usual service enquiries and therefore special care should be taken prior to any excavation in the verge and it is recommended that all initial excavation is carried out by hand.

Proposal

The proposal is to erect 4 dwellings and garaging within the side and rear garden of

Somersby Lodge with the formation of a new access road/drive.

The application is accompanied by a tree report, ecological survey, planning statement and a heritage statement.

Site Description

The site consists of a garden to the existing property which has a hard court tennis court, is largely otherwise grass and is screened along the boundaries by well established trees. There are a group of trees covered by a TPO along the boundary with the Lane. The site lies within the settlement limit identified within the Core Strategy.

Consultation Responses

CREECH ST MICHAEL PARISH COUNCIL – Comments as follows:

The PC is aware that it needs to give its observations based on planning reasons but it has formed the view that there are no such grounds it can make on the particular application.

Having said this is a high quality location and the PC expects any buildings permitted to be of character and merit to sit aside existing.

SCC - TRANSPORT DEVELOPMENT GROUP – Comments as follows:

Despite there being no speed survey data submitted with the application the visibility available from the access is considered acceptable based on the observed vehicle speeds on this part of the highway network. There are no capacity issues at any junctions likely to be affected by the traffic generated by the proposed development. Parking provision for the proposed dwellings is acceptable. The road is intended to be adopted and whilst this is unlikely to be a problem the applicant is advised to discuss their proposals with the Estate Roads Team at their earliest convenience to avoid problems later in the adoption process.

The recorded personal injury accident at the entrance to Langaller Farm is not considered indicative of a severe highway safety problem on this part of the network.

In the event of permission being granted, I would recommend that the following condition(s) is/are imposed:-

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

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

prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before any part of the development is brought into beneficial use and thereafter maintained at all times.

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

There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

I would also be grateful if you could add the following note to any decision notice: 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 Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. 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.

DRAINAGE ENGINEER – Comments as follows:

It is proposed to dispose of surface water to soakaways and this is acceptable but these should be designed and constructed in accordance with Building Research Digest 365 following in situ testing and made a condition of any approval. However, I am concerned that the site topography will result in the new access creating a flow path for surface water that will be directed towards an existing property in Langaller Lane, adding to the existing surface water problems. The properties in the development will not be at risk but the development could increase flood risk to others, contrary to NPPF p103.

I would be happy with a condition requiring the full details of the surface water drainage to be submitted to and approved by the LPA prior to commencement. My main concern relates to the access and the potential for this to direct runoff towards an existing property, the drainage of this will require careful design.

WESSEX WATER – Comments as follows:

New water supply connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

SOMERSET COUNTY COUNCIL ARCHAEOLOGIST – Comments as follows:

The site lies in an area which contains a rich variety of archaeological remains. These range from a group of undated crop mark enclosures to the north to a series of late Neolithic/Early Bronze Age and Romano-British features to the south west, which were identified during a recent evaluation. For this reason I recommend that the developer be required to carry out archaeological investigations and provide a report on any discoveries made as indicated in the NPPF (para 141). This should be secured by the use of model condition 55 attached to any permission granted.

BIODIVERSITY – Comments as follows:

The site consists of semi-improved grassland, tall ruderal vegetation, scattered mature trees, isolated buildings and a hard surface tennis court. An Ecological Impact Assessment was carried out in August 2015.

Findings were as follows:

Birds

Habitats within the site have potential to support nesting birds, although no active nests were found during the survey.

Removal of vegetation should take place outside of the bird nesting season. I support the proposal to erect bird boxes.

Bats

A full inspection of the buildings on site did not reveal any evidence that the buildings were being used by roosting bats. Trees on site did not appear to have any features suitable for roosting bats. The site however is likely to be used by foraging / commuting bats

I agree that a precautionary approach to demolition of buildings should be taken.

Badgers

The surveyor found no field signs of badger

Reptiles

The site provides some potential cover and basking opportunities for reptiles but the

surveyor considered it unlikely that reptiles would be affected by the proposal.

Suggest condition for protected species and informative note.

HERITAGE – Comments as follows:

My initial thoughts are that although it is not a Conservation Area, Langaller comprises almost completely of historic buildings and is unusual in that the C19 layout of the settlement survives intact. Langaller House and Langaller Cottage are listed buildings and are very close to the proposed development site.

I have read the Heritage Statement in support of the above application and can confirm that it satisfies the requirements of paragraph 128 of the NPPF in respect of the historic built environment.

The development would cause harm to the setting of the listed buildings, but as the listed buildings do not appear to have a direct relationship with the proposed development site, I would regard this harm as being less than substantial. If, in line with paragraph 134 of the NPPF, the benefits set out in the statement are deemed to outweigh this harm, I would suggest the site is adequately screened with a native hedge (perhaps in combination with a stone wall, as found in other locations in the hamlet), on its southern and western sides, to minimise the impact.

LANDSCAPE – Comments as follows:

Due to the existing vegetation and large trees surrounding the site the new houses will be well screened. Several trees on site are covered by a TPO, so a tree report has been submitted with the application. I support the findings of the report and have no objection to the limited tree felling.

Representations Received

Ward Members object on the grounds of:

- The narrowness of the lane.
- The access to the proposed site onto the lane.
- The height of the ground on the site as this is approximate 5ft higher than the lane.
- Due to surface water running out of the site onto the lane which already gets flooded, this is in a flooded area anyway and will cause more stress on the properties that already have to protect their homes with.
- 80% of the houses are grade listed and the new properties will not be in keeping with the area.
- On these grounds alone we would ask the Officers to object this planning application.

4 letters of **objection** on grounds of:

- increase in traffic,
- 4 dwellings almost doubles size of hamlet,
- 4 dwellings excessive, 2 acceptable,
- lane is narrow and access would seem inappropriate and dangerous,
- inadequate visibility,
- access should be via Core Strategy allocation SS1,
- increase in traffic noise,
- loss of protected tree,
- buildings will have a detrimental impact visually,
- loss of greenspace and wildlife impact,
- risk of surface water flooding,
- heritage statement does not make its case and development will compromise setting of the listed buildings,
- increase in risk to damage to listed building,

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

NPPF - National Planning Policy Framework,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP4 - TD CORE STRATEGY - HOUSING,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 SS1 - TD CORE STRATEGY MONKTON HEATHFIELD,
 M4 - TDBCLP - Residential Parking Provision,

Local finance considerations

Community Infrastructure Levy

The approximate CIL liability (to the nearest £500) would be £56,000 based on a residential rate of £70 per sqm.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough Council	£4316
Somerset County Council	£1079

6 Year Payment

Taunton Deane Borough Council	£25,898
Somerset County Council	£6474

Determining issues and considerations

The main issues for consideration with the development are the location, impact on the setting of the listed building, highway safety, amenity impact and impacts on landscape, drainage, wildlife and archaeology.

The site forms part of a large garden of an existing property that lies within the development boundary for Taunton. The land to the north is identified as part of the Strategic allocation SS1 for Monkton Heathfield in the Core Strategy. Consequently the principle of the development here is considered to be acceptable, subject to other constraints.

Heritage

The proposed site lies opposite the grade II listed Langaller House which lies adjacent to the narrow road. The proposed access would result in the loss of existing vegetation and open up a drive directly opposite the listed property that is considered to impact and detract from its current rural setting. A heritage statement has now been submitted with the application and the impact of the development has been addressed. The Conservation Officer considers the development to cause less than substantial harm to the setting, and in line with paragraph 134 of the NPPF the benefits of providing 4 dwellings are considered to add to the housing need and given that the site is well screened and within the settlement limit the benefits of the residential development are considered to outweigh the limited harm.

Highway Safety

The new access is proposed to be 5m wide and access onto a lane that is currently around 4m wide. The Highway Authority raise no objection to the scheme and consider the access is suitable subject to conditions. There is considered adequate parking provision to meet the County parking standards and this is illustrated on the drawings and does not require an additional condition. Surface water drainage is to be addressed by a specific condition and the other conditions in terms of the estate road, visibility and surfacing details can be suitably conditioned and therefore proposed.

Amenity

The site is well screened by existing trees some of which are covered by a TPO. A tree report has been submitted with the scheme and the main loss is a walnut that has previously suffered storm damage. The limited loss of trees on the site to develop the houses is considered acceptable by the Landscape Officer and not to be such an impact to harm the character of the area in general subject to protection of remaining trees during construction. The Ecological survey found nothing of note and subject to the general wildlife condition to secure habitat and enhance it the development is not considered to have an adverse impact on the wildlife or landscape character of the area.

Drainage

The Officer of the Lead Flood Authority has raised concern over the potential impact of the new access creating a new flood route for surface water which could increase flood risk to others contrary to the NPPF para 103. The site is not in a flood risk zone and the disposal of surface water to soakaways as part of the development is considered acceptable subject to condition. It should also be possible to prevent surface water run off from the new access drive causing harm. The Lead Flood Authority has recognised this and the Drainage Officer has recommended a condition to secure appropriate details before work is commenced on site.

Other Matters

The applicant has submitted a wildlife survey with the application. No protected species have been identified as being affected and the Biodiversity Officer has recommended a general wildlife condition to protect species and secure habitat and enhance it as well as an informative note. The development is not considered to have an adverse impact on the wildlife or landscape character of the area. The development would impact on archaeology, as recognised by the County Archaeologist, however a suitable condition could be imposed if all other matters were acceptable.

Conclusion

In summary the scheme as submitted would provide 4 dwellings set behind an established tree screen to the lane and the main issue is the impact on the setting of the adjacent listed building. While the Conservation Officer considers there will be an impact, advice is that this is not so severe to warrant refusal of the development. Other issues such as drainage, ecology and archaeology can be addressed by suitable conditions, however ultimately the benefits of the scheme of 4 dwellings are considered to outweigh the limited harm to the historic asset and the application is recommended for approval.

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

Contact Officer: Mr G Clifford

38/15/0491

MR J ALLEN

CONVERSION AND EXTENSION TO DETACHED GARAGE TO FORM AN ANNEXE AT 17A THE AVENUE, TAUNTON (AMENDED SCHEME TO 38/15/0346) AS AMENDED BY PLANS RECEIVED 14 DEC 2015

Location: 17A THE AVENUE, TAUNTON, TA1 1EB

Grid Reference: 322306.125349

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Condition(s) (if applicable)

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

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

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

(A3) DrNo J133/03A Survey Drawing
(A3) DrNo J133/02A Proposal Drawing
DrNo J133/02C Proposed Floor Plan and Block Plan

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

3. The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17A The Avenue.

Reason: To prevent the building being occupied or sold separately from the main dwelling in view of the relationship to the main house and character of the area.

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

Conversion and extension of existing detached garage to create a self-contained annexe for dependant relatives.

The existing garage will be extended to measure 9.2m in length by 5.5m in width and a ridge height of 3.6m. It will have self contained facilities including a kitchen/living room, bedroom and shower room. Materials will match the existing garage, rendered walls and a tiled roof.

The Agent has submitted information with the application to justify the need for an annex for a dependant relative within the curtilage of the property. The facilities contained within the annex are self-contained but will be linked by alarm to the main house in case of emergency.

In addition, illustrative schemes have been submitted with the application to show the possible locations of a single storey extensions, this would give a similar level of accommodation but would adversely impact on the design of the property and the character of the area.

Amended plans have been received to show the boundary of the site and also the level of parking and turning still available within the site should the conversion take place.

Site Description

17a The Avenue is a period property located within the Staplegrove Road Conservation Area. The original property (17 The Avenue) was extended and has previously been subdivided, 17a retains many of the original features from the split and has its garden to the front and side, south and east. The garage that is proposed to be converted was given planning permission in 1992 under reference 38/92/0178.

The garage 5.5m x 5.86m is located within eastern corner of the garden, with Chip Lane running behind and the boundary with the Neighbour at 16b The Avenue to the south. This boundary has a 1.8m wooden fence and is well screened by existing trees and planting.

Relevant Planning History

A similar application, reference 38/15/0346 was presented to Planning Committee with the recommendation of approval, but ultimately the application was refused.

The reason for refusal specified that the creation of the accommodation was tantamount to a new build (rather than conversion) and therefore contrary to Policy H18. In addition, it had not be demonstrated that a policy compliant extension to the property would be more damaging than the conversion of the garage.

Consultation Responses

None received.

Representations Received

1 letter of no observations

2 letters of **objection** on grounds of

- overloading drainage system,
- should convert the basement,
- the conversion would have to be raised or substantial landscaping undertaken,
- the house and grounds deserve to remain in their original form.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
H18 - TDBCLP - Ancilliary Accommodation,
CP8 - CP 8 ENVIRONMENT,

Local finance considerations

Community Infrastructure Levy

The application is for residential development in Taunton where the Community

Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £3500.00 (index linked) if the existing garage is not in lawful use or £1500.00 (index linked) if the existing garage is in lawful use.

New Homes Bonus

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

Determining issues and considerations

As per the previous application, the existing garage that is to be extended and converted to a separate annex is located in a part of the garden that is well screened by an existing boundary fence, trees and planting, which the Agent has indicated will remain. Although the garage will extend to the front and the ridge slightly raised (by 0.4m), it is considered that these proposed changes will not impact on the amenity of the adjoining neighbours or detract from the character or integrity of the existing property. It is accepted that although there will be a loss of parking due to the loss of the garage, a plan has been submitted to show where replacement parking and turning can be achieved to compensate for the loss. The site is large enough to accommodate parking within the garden for this to not to be an issue.

The Agent has supplied additional personal information with this application to specify why the Applicant requires to be living close to Family Members whilst retaining a degree of independence. Whilst the facilities within the annex will be self-contained, Policy H18 allows the conversion of outbuildings to such uses. While concern was previously raised over the extent of works to convert the building, even if the proposal were for a new building this would comply with policy H18: Policy H18 states that new building is allowed within the curtilage of a dwelling for ancillary accommodation but is not permitted unless:

(A) the proposal would be less damaging to the character of the main dwelling or the surroundings than an extension or conversion which meets the need;

(B) it would be close enough to the main dwelling to maintain a functional relationship;

(C) it does not harm the residential amenity of other dwellings;

(D) it does not unacceptably prejudice the future amenities, parking, turning space and other services of the main dwelling; and

(E) it does not harm the form and character of the main dwelling and is subservient to it in scale and design.

The proposed garage conversion would be clearly less damaging to the character of the main dwelling than an extension. In fact the plans show extending the main house would have a detrimental impact on its character that in my view would harm

the character of the conservation area. The garage to be converted would be only 13m away from the main house which is well related. It is not considered that the proposal would harm the amenity of other dwellings and it would certainly be less of an impact than extending the main house. The scheme maintains parking and turning for the property and is not considered to harm the main dwelling and is considered subservient to it in scale.

It is accepted that due to the location within the site an independent use could have an adverse impact on Neighbouring amenity, however a restrictive condition has been recommended that requires the annex to be used in connection with the main property.

In light of the above considerations the proposal is considered to comply with policy and it 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: Mrs S Melhuish

38/15/0144

MR G HUXTABLE

DEMOLITION OF GARAGE BLOCKS AND ERECTION OF 3 No FOUR BEDROOMED TERRACED DWELLINGS WITH ASSOCIATED PARKING AND AMENITY SPACE ON LAND TO THE SIDE OF 79 BELVEDERE ROAD, TAUNTON

Location: LAND TO THE SIDE OF 79 BELVEDERE ROAD, TAUNTON

Grid Reference: 322379.125269

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Condition(s) (if applicable)

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

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

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

(A1) DrNo 2542 201 Rev A Proposed Elevations
(A1) 2542 101 Proposed Floor & Roof Plans
(A1) DrNo 2542 003 Rev A Proposed Site Plan
(A1) 2542 004 Existing Site Plan
(A4) DrNo 2542 001 Rev A Site Location & Block Plan
(A4) Floorplan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the **first floor** window to be installed in the **east and west** elevations of the building shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall

thereafter be so retained.

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

4. 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 1 Class' A, B & C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: Unique reason example: to prevent over development in an area of housing at unusually high density; to ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 6 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

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

6. The development shall provide for bin storage facilities, details of which shall be submitted and approved in writing prior to occupation of the dwellings. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the

character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. No site clearance works or development (or specified operations) shall take place between **March** and **September** without the prior written approval of the Local Planning Authority.

Reason: To ensure that wild birds building or using their nests are protected and the Authority will require evidence that no breeding birds would be adversely affected before giving any approval under this condition bearing in mind that all wild birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), in accordance with Policy CP8 of Taunton Deane Core Strategy.

9. The development hereby permitted shall not be commenced until details of a strategy to protect **wildlife** has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of a First Ecology's Ecological Appraisal dated May 2015 and include:

- A further bat activity survey to ascertain the usage of the garages by bats. In the event that evidence of bats is found a dusk emergence and pre-dawn survey shall be required. The surveys shall be undertaken by an appropriately qualified person between May-October and use techniques and equipment appropriate to the circumstances
- A reptile mitigation survey to ascertain the usage of the site by reptiles. It shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances;
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

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

Reason: To protect and accommodate **wildlife** and their habitats.

Notes to Applicant

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

Proposal

Planning permission is sought for the demolition of the existing garages and re-development of the site with the erection of a block of three terraced two storey dwellings. Following negotiations with the agent amended plans have been received.

The dwellings will scale 5.3m to the eaves and 8.9m to the ridge. The block will measure 14.7m in width x 10.9m in depth (plus bay windows to the front elevation). The position of the block will be 13.8m back from Belvedere Road, 2.2m from the east boundary and 1.0m from the west boundary. The rear gardens of the proposed dwellings will be approximately 12.5m in length. There will be roof lights to the front and rear elevations.

The proposal is for each dwelling to have four bedrooms with accommodation over three floors (including the roof space). There will be a parking area to the front of the dwellings with two parking spaces provided for each dwelling. The application is accompanied by an Arboricultural Impact Assessment, a Preliminary Ecological Appraisal and a Design and Access Statement. The roof is to be tiled and the walls will be rendered.

Site Description

The site is located on the north western side of Taunton, within designated settlement limits. The south boundary adjoins the defined area of Taunton Town Centre. A public right of way, known as Chip Lane, runs along the west and north boundaries. Beyond the right of way to the west are the rear gardens of properties in The Avenue. The south of the site adjoins a private car park, currently used by Taunton Deane Borough Council. Dwellings are sited to the north and East.

The site comprises a disused parking and garaging area, measuring approximately 38m x 20m. The garages at the southern end of the site are in a poor state of repair and are un-useable. Within the site there are piles of rubble and other items that are being stored on the site. The access to the site is off Belvedere Road and is un-secured. There are several mature trees along the west boundary of the site and also some mature trees adjoining the southern boundary.

Relevant Planning History

None

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - The site is located on the north

western side of Taunton, within designated settlement limits. The south boundary adjoins the defined area of Taunton Town Centre. A public right of way, known as Chip Lane, runs along the west and north boundaries. Beyond the right of way to the west are the rear gardens of properties in The Avenue. The south of the site adjoins a private car park, currently used by Taunton Deane Borough Council. Dwellings are sited to the north and East.

The site comprises a disused parking and garaging area, measuring approximately 38m x 20m. The garages at the southern end of the site are in a poor state of repair and are un-useable. Within the site there are piles of rubble and other items that are being stored on the site. The access to the site is off Belvedere Road and is un-secured. There are several mature trees along the west boundary of the site and also some mature trees adjoining the southern boundary.

BIODIVERSITY -

WESSEX WATER - New water and waste connections will be required.

DRAINAGE ENGINEER -

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER -

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the proposed works at the present time (footpath T 33/17). I have attached a plan for your information.

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

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

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

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

If the work involved in carrying out this proposed development would

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

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

TREE OFFICER - I would agree with the assessment of the trees in the submitted arboricultural report. None of the ones on the western boundary are good quality

trees. I think that T2, T3, G4, and T5 will need to be removed for the build – no objection to that. G1 and T6 could probably be retained, but they are quite poor specimens (category C trees) so it would be better to replace them at this stage with some good new trees along the western boundary of the new front and rear gardens. The trees along the southern boundary are off-site and have some amenity value, so they should be retained and protected by fencing in the usual way and as shown on the tree protection plan.

Representations Received

Cllr Lees (Ward Councillor for Fairwater) – Objects to application; loss of light to No 79 Belvedere Road; this is compact area and proposal is overdevelopment; overlooking and loss of privacy to dwelling opposite.

Cllr Horsley (Ward Councillor for Fairwater) – Concerned with application; Concerned re loss of light to adjacent property; Overdevelopment for small site; Loss of privacy to No 124 Upper Belvedere Road.

1 Letter of joint representation from 4 people objecting to the proposal on grounds of;

- Development is beyond what is appropriate for this restricted space
- Buildings are not two storey dwellings
- A pair of semi-detached dwellings would be more appropriate and in keeping with this part of Belvedere Road.
- The site should be developed with something more modest and suitable to the limited space available.
- This is an attempt to offer a clean-up in exchange for planning permission.
- The trees on the site are important part of the amenity and their loss will have an impact on the neighbourhood.
- Over-shadowing of one property and loss of passive solar heating.
- Loss of overall light.

4 Letters of representation (2 supporting and 2 with comments regarding landscaping)-

- request upper west facing window to be opaque glazed
- Existing trees screen garden, the replacement trees may not offer same degree of screening.
- Parking is extremely restricted in the area. Adequate parking should be provided. Resident & guest permits should not be granted.
- Development will improve what is currently a dumping ground.
- Development will be 14m from rear garden, request trees to screen development.
- Using brownfield sites as opposed to greenbelt should be encouraged and there is a need for new houses. Existing garages look scruffy.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that

applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

Local finance considerations

Community Infrastructure Levy

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, if existing garages are in lawful use, the CIL receipt for this development is approximately £15,785

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 3,237
Somerset County Council (Upper Tier Authority)	£ 809

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£19,423
Somerset County Council (Upper Tier Authority)	£ 4,856

Determining issues and considerations

The site is considered to be a brownfield site located in a sustainable location. As already stated, the site is located within the defined settlement limits of Taunton. The principle of re-development of the site for housing is acceptable. The main considerations are the density of the development, visual impact, residential amenity, access and parking.

Density of development

In accordance with the core strategy, proposals within the settlement limits need to make efficient use of the land. The proposal of three dwellings on the site will result in an acceptable density, in keeping with the form and layout of dwellings within the surrounding area. The width of the dwellings and the size of the rear garden areas are very similar in size to the terraced dwellings in Belvedere Road.

Visual Impact

The site has been neglected for a number of years with overgrown vegetation and garage buildings in a poor state of repair. Whilst there are a number of trees on the site, none of them are protected with a Tree Preservation Order and may be removed at any time.

The proposed dwellings have been designed to reflect the characteristics of surrounding properties. Amended plans show the dwellings to be rendered with stone quoins, tiled roof and PVCu windows. The two end units will have a ground floor bay window and there will be a canopy roof running between them, picking up on the feature of the adjoining terrace. The dwellings will not have dormer windows but there will be a fake dormer at each end to break up the roof line and form bookends to the terrace. The design is in keeping with the vicinity and, with suitable landscaping, will contribute to the visual amenities of the area.

Residential amenity

The proposal will not result in a significant loss of privacy to adjoining properties. The proposed window on the east elevation will be obscure glazed. The proposed dwellings will be set back behind the building line of the existing terrace and only part of the rear gardens of the adjoining properties will be able to be viewed from the rear windows of the proposed development. Following concerns raised from nearby residents regarding overshadowing of adjoining properties, amended plans have been submitted by the agent repositioning the development slightly further west, moving as far away from the adjoining terrace as possible whilst retaining a pedestrian access on the west side. Whilst there are some windows on the west elevation of the adjoining property, the proposed development is not considered to result in significant loss of light to these windows.

There is considered to be no impact upon the residential amenities of the properties with rear gardens that back onto Chip Lane. The dwellings are considered sufficient distance away to not be affected by the development. There will still be some screening from the trees sited along Chip Lane.

Access & parking

The proposal will provide two car parking spaces per dwelling. Given the close proximity of the site to the town centre and nearby public transport provision the proposed parking provision is considered adequate. The access and parking provision will need to be controlled through appropriate conditions.

Other matters

Concern has been raised regarding the loss of trees. The application is accompanied by a tree survey. The trees to be removed on the site are not of good quality and the Council's Tree Officer agrees with the Arboricultural report. However, the tree outside of the site along the southern boundary have some amenity value and will need to be protected during development.

The middle unit will have no pedestrian access to the rear garden. In terraces properties bin storage can result in unsightly storage of bins across the frontage of the buildings. To protect the visual amenities of the area a condition should be imposed to ensure the development has a defined bin store.

Summary

The proposal is considered to be of suitable design and density and will not significantly affect the residential or visual amenities of the surrounding area. The application is recommended for conditional approval.

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

Contact Officer: Ms F Wadsley

43/14/0105

PERSIMMON HOMES (SW) LTD

ERECTION OF 102 No DWELLINGS WITH ASSOCIATED LANDSCAPING, ENGINEERING, HIGHWAYS, PARKING AND OPEN SPACE ON LAND AT CADES FARM, OFF TAUNTON ROAD, WELLINGTON

Location: CADES FARM COTTAGE, TAUNTON ROAD, WELLINGTON, TA21
9HG

Grid Reference: 314573.120752

Full Planning Permission

Recommendation

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:

(A0) DrNo 100 Rev Y Planning Layout

(A3) DrNo 101 Rev H Location Plan

(A2) DrNo 104 Rev P Materials Key Plan

(A1) DrNo 105 Rev J Refuse Key Plan

(A2) DrNo 106 Rev M Affordable Housing Key Plan

(A1) DrNo 107 Rev B Fences & Enclosure Details

(A1) DrNo 150 Rev F Street Scenes

(A0) DrNo 202-3 Rev E Engineering Layout Sheet 3 of 5

(A0) DrNo 202-4 Rev D Engineering Layout Sheet 4 of 5

(A0) DrNo 202-5 Rev E Engineering Layout Sheet 5 of 5

(A1) DrNo 203-1 Rev B Road Construction Details Sheet 1 of 2

(A1) DrNo 203-2 Rev B Road Construction Details Sheet 2 of 2

(A1) DrNo 208-4 Rev A Road & Sewer Sections Roads 12,13 and 13 Turning Head

(A1) DrNo 208-5 Rev A Road & Sewer Sections Roads 14,15 and 14 Turning Head

(A0) DrNo 211 Rev F Section 38 Plan

(A0) DrNo 302 Rev H Landscaping Layout Sheet 3 of 5
(A0) DrNo 303 Rev F Landscaping Layout Sheet 4 of 5
(A0) DrNo 304 Rev G Landscaping Layout Sheet 5 of 5
(A2) DrNo 305 On-Plot Plant Schedule and Landscape Specification
(A0) DrNo 307 Rev H POS Landscaping Layout Sheet 1 of 5
(A0) DrNo 309 Rev F POS Landscaping Layout Sheet 3 of 5
(A0) DrNo 310 Rev F POS Landscaping Layout Sheet 4 of 5
(A0) DrNo 311 Rev F POS Landscaping Layout Sheet 5 of 5
(A2) DrNo 312 Rev B POS Plant Schedule and Specification

(A3) DrNo 800-3-1 Rev B House Type AI
(A3) DrNo 800-4-1 Rev B House Type AI
(A3) DrNo 800-6-1 Rev A House Type AI
(A3) DrNo 801-3-1 Rev B House Type Ha
(A3) DrNo 801-4-1 Rev D House Type Ha
(A3) DrNo 801-6-1 Rev A House Type Ha
(A3) DrNo 802-2-1 Rev C House Type Ro
(A3) DrNo 802-6-1 Rev C House Type Ro
(A3) DrNo 802-6-2 Rev B House Type Ro
(A3) DrNo 806-2-1 Rev B House Type Ru
(A3) DrNo 806-6-1 Rev B House Type Ru
(A3) DrNo 807-1-1 Rev B House Type Ht
(A3) DrNo 807-2-1 Rev A House Type Ht
(A3) DrNo 807-6-1 Rev / House Type Ht
(A3) DrNo 808-4-1 Rev B House Type 2B
(A3) DrNo 808-5-1 Rev B House Type 2B
(A3) DrNo 809-4-1 Rev B House Type 3B
(A3) DrNo 809-5-1 Rev B House Type 3B
(A3) DrNo 810-4-1 Rev B House Type 1B
(A3) DrNo 811-3-1 Rev A House Type Mo
(A3) DrNo 812-2-1 Rev / House Type Ha Corner
(A3) DrNo 812-6-1 Rev A House Type Ha Corner
(A3) DrNo 820 Rev A Garages

Where there is any discrepancy between the details contained within the layout/house type drawings, the planning layout shall take precedence.

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

3. Prior to the commencement of the development hereby permitted, full details of the proposed means of surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall ensure that surface water run-off from the site is limited to no more than 2 litres per second per hectare of impermeable area unless otherwise agreed in writing by the Local Planning Authority. The approved surface water drainage details shall subsequently be implemented so as to ensure that each part of the site is not occupied/brought into use prior to being drained in accordance with the details so approved and such drainage facilities shall thereafter be maintained as such.

Reason: To prevent the increased risk of flooding as a result of the development through the use of SuDs.

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EDP's submitted report, dated October 2010 and include:
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.

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

Reason: To protect wildlife and their habitats from damage and to ensure the favourable conservation status of the dormouse.

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

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

The roads and footways shall be completed in complete accordance with the approved plans prior to the occupation of the 90th Dwelling hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate highway infrastructure exists for the traffic likely to be attracted to the site.

6. Prior to the occupation of plots 185-202 a post and wire mesh fence shall be installed along the boundary of these properties with the adjoining hedge in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a definitive boundary line to avoid encroachment into the adjoining hedgerow in the interests of protecting wildlife and ecological interests on the site.

7. Prior to the occupation of any dwellings hereby permitted, full details of the proposed layout of the public open space identified on drawing 309 Rev F hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The details shall indicate the location of any equipment, benches, bins, footpaths and other facilities that may be provided together with details of these items. The approved details shall be implemented prior to the occupation of the 50th dwelling hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that adequate public open space facilities are provided for the residents of the dwellings hereby permitted.

Notes to Applicant

Proposal

This application seeks full planning permission for the erection of 102 dwellings on land at Cades Farm. The application is on land that was previously subject to the outline planning permission granted in 2012 for up to 300 dwellings (43/10/0127). In the event, the 300 dwellings have been accommodated within part of the site by developing at a higher density than previously envisaged and the area of the current application was not required to deliver the 300 dwellings permitted.

The current application seeks to deliver further dwellings within the area previously permitted for residential development. The general format of the residential development would be continued into this area utilising the same house types, materials and layout principles. One area around a protected tree would be surrounded by dwellings in a fairly high density formal square with grassed open space area; whereas development around the open areas to the north would be larger, detached dwellings as in the remainder of the site. Open space would be provided by enlarging the area originally proposed for public open space.

A Section 106 agreement is already in place which secures:

- 25% affordable housing
- The provision of additional play equipment on the recently approved children's play area
- The ongoing maintenance of public open space

- The submission and implementation of a travel plan

Site Description

The site comprises a relatively flat area of agricultural land on the eastern side of Wellington. It is situated to the east of the residential areas of Priory, Gay Close, Lillebonne Close and Jurston Lane, Sylvan Road, Parker Close. It is surrounded by existing residential development in the above named streets and that under construction following the previous grant of planning permission on the Cades Farm sites.

A public footpath runs across the site from Lillebonne Close/Gay Close towards Westpark 26, although the definitive route it is currently blocked at Chelston House Farm, with an informal route existing out to Taunton Road.

In the western corner of the site, dwellings in Parker Close back onto the site at fairly close proximity. Numbers 13-37 (odd) Gay Close face the site at close proximity as they are accessed via a footpath which runs along the site boundary.

Relevant Planning History

This part of Cades Farm site gained outline planning permission under reference 43/10/0127 in 2012. The first phase of reserved matters for Persimmon on the area to the north was approved under application 43/12/0103 and the second, for Wainhomes, under reference 43/13/0084. A third phase (Persimmon) was approved earlier this year under application 43/14/0026 and the balance of the 300 dwellings under application 43/14/0051. All of the S106 obligations in terms of land use have been/can be met within the area that now benefits from reserved matters approval. Therefore, the current application can be considered as a stand-alone application, in the context of what has been permitted around it.

Consultation Responses

WELLINGTON TOWN COUNCIL - **Recommended** that the application be **refused** for the following reasons:

- The proposed dwellings would be in excess of the requirement in the Core Strategy;
- The additional number of dwellings would have an adverse effect on the town's infrastructure
- The proposal would be an overdevelopment of the site.

NOTE: The Town Council were disappointed with the limited consultation process that had taken place. In addition no consideration would appear to have been given to the overall planning strategy for the whole site. If permission were granted then this would also affect the level of contribution that would need to be made in accordance with Section 106 Agreement.

SCC - TRANSPORT DEVELOPMENT GROUP – Comment as follows:

The submitted Transport Statement (TS) provided a methodology to determine the trip generation. The 85th percentile trip rates used for site trip generation are considered to be reasonable. However, the TRICS output has not included the calculation reference to allow the Highway Authority to be able to check the trip rates. The assumed trip distribution for this proposal has been replicated from the Transport Assessment submitted for the proposed phase 2 Cades Farm development, which has been previously accepted by the Highway Authority.

Section 2.9 of the TS sets out the permitted development which has been included in their assessment. In this case it is the development at Longforth Farm and Westpark Industrial Development. The applicant notes that the traffic distribution for both permitted developments has been taken from the corresponding Transport Assessments. However, this not provided within the submitted TS and it is not possible to verify the permitted development trip distribution although this is unlikely to have a material impact upon the outcome of the TS.

Turning to the traffic impact as part of the TS, it is understood that Automatic Traffic Counters (ATCs) were put in place at various points on the surrounding highway network for data collection. This was undertaken to determine the base year flows and assessed peak periods for assessment within the traffic models. Although the results have been provided the raw data has not been provided for verification. For the Chelston Roundabout junction, a comparison of 2010 and 2014 traffic flows have been undertaken. The overall flow difference between the years is less than 1% and it is considered reasonable that the 2010 data has been used within the TS.

The base year, baseline year and the forecast year scenarios which has been assessed within the TS have not been stated. Whilst this is unlikely to materially affect the outcome of the assessment, clarification of the assessment years and scenarios is required. Paragraph 6.2.1 of the TS states that 'local traffic growth in locations such as Wellington which are away from main through traffic routes is determined principally by development'. Given the proximity of the A38 and the lack of evidence to support the statement the Highway Authority cannot accept this statement. However, given the limited traffic generation of the proposed intensification of the site, the lack of significant background traffic growth within the assessment is not considered to materially alter the conclusions.

A reduction in the traffic generated by the Westpark Industrial Park has been set out in Paragraph 2.9.6. Whilst the principle of the reduced traffic is accepted, further evidence to support the reduction in traffic is required.

In terms of the modelling of the junctions a base year scenario has not been assessed. This is generally required to provide a calibrated base model from which the impact of additional traffic can be assessed. The TS provided a summary of base year + permitted and base year + permitted + development scenarios, although there are no detailed modelling outputs apart from the summarised modelling results presented in Appendix 9 of the TS. As a consequence it is not possible for the Highway Authority to check the junction measurements and other modelling elements. The process of modelling calibration has not been discussed in the TS. Consequently further detail of the modelling is required.

From the modelling results provided in the TS it indicates that both the site access junction and the Chelston Roundabout operate within capacity both with and without the proposed development in place. The High Street/Longforth Road/Red Lion Court junction is shown to operate with a maximum of 99.9% degree of Saturation in the base year+ permitted scenario PM peak hour. The additional traffic generated by the proposed development results in the junction operating with a maximum Degree of Saturation of 100.7%. The junction is shown to operate over capacity as a result of the development. However it is acknowledged that the overall volume of development traffic passing through the junction is low and that the cumulative impacts of the development at this location will not be severe.

In accessibility terms the proposal will have access to the existing pedestrian and cycle links which have been provided as part of the first phase of the Cades Farm development and these provide links to the centre of Wellington. In terms of public transport Taunton Road carries a frequent bus service. As a consequence the Highway Authority has no issue with the accessibility of the site. In regards to the parking provision the application form indicates that 194 spaces have been proposed. Having reviewed the submitted plans the proposal allocation is in accordance with Somerset County Council's Parking Strategy. As a consequence the level of parking is considered to be acceptable.

Taking into account the above information, although there are some issues with the work that has been provided as part of the submission. However, taking into account the current consent for the site and limited generation of the proposed development it is unlikely the Highway Authority would be able to raise an objection on traffic impact grounds.

Travel Plan

The applicant proposes to include this development under the Travel Plan that covers the existing phases of Cades Farm. The Highway Authority has no objection to this but would advise that the Travel Plan is updated to reflect this.

Estate Roads [comments relate to original layout]

In terms of the site layout the proposal has been subject to an Estate Road audit and our observations are set out below.

Firstly the applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advance Payment Code.

At the point of access to the adopted highway allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain to depths of the bituminous macadam.

Having reviewed the compliance statement indicates that the length of the Secondary Street will be provided with 2.0m wide footways along both sides.

However, this is not the case when looking at drawing number 211/F as no footway has been provided fronting plots 171-186. In addition the statement indicates that Mews Street will take the form of a 5.0m wide shared surface without any footways. However, the detail shown within drawing number 211/F does not reflect this. If the Mews Street together 'the square' is to take the form of a block paved shared surface carriageway then the minimum longitudinal gradients should be no slack than 1:80.

The 'Green Lane' that extends between plots 295/300 is not a continuous adoptable link, due to the fact that there is a 'break' between plots 298 to 299. Therefore, if it is the intention for the 'Green Lane' to be adopted by the authority, a suitably sized turning head(s) will need to be provided unless a continuous link between plots 295/300 can be provided. According to the 'key' within drawing number 211/F, the 'Green Lane(s)' has been indicated as being private parking courts, built to an adoptable standard. Can the applicant please confirm that this is correct? It is noted the low level bollard lighting may be provided within the 'Green Lane(s)'. Such lighting would not be deemed acceptable to Somerset County Council in terms of adoption. Standard lighting columns would be required.

The secondary street appears to have an effective straight in excess of the recommended distance of 70m as outlined within 'Manual for Streets'. It may be necessary to introduce a form of traffic calming within this road to keep vehicle speeds down to 20mph. The length of the 'main street' that is shown as terminating within this application between plots 220 and 228 should be extended to the south-east so that it can accommodate a temporary turning head of adoptable standards, in case the construction of the remainder of the 'Main Street' is delayed for any reason.

In terms of general layout points the applicant should note that adoptable 25m forward visibility splays, based on vehicle speeds of 20mph, will be required throughout the inside of all carriageway bends with the proposed site. There shall be no obstruction to visibility within these areas that exceeds a height greater than 600mm above adjacent carriageway level. Adoptable visibility splays based on dimensions of 2.0m x 20m as measured from the back edge of footways, shall be provided at the eastern and western ends of the footpath/cyclepath that runs parallel to plots 295/300. There shall be no obstruction to visibility within these areas that exceeds a height greater than 300mm above adjacent carriageway level and the full extent of the splays will be adopted by Somerset County Council.

No doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes and steps. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by Somerset County Council will be required for all trees that are to be planted adjacent to the highway boundary to prevent future structural damage to the highway. A planting schedule shall be submitted to Somerset County Council for checking and approval purposes for any planting within or immediately adjacent to the highway.

Regarding parking provision any private parking bay that but up against footways/footpaths or any other form of structure, including planting, should be constructed to a minimum length of 5.5m, as measured from the back edge of the prospective public highway boundary. Tandem parking bays should be constructed to a minimum length of 10.5m as measured from the back edge of the prospective public highway boundary.

It is noted that a sustainable drainage system will be provided to help drain surface water. Can the applicant please provide details of this from comment. Should soakaways be proposed, the applicant must ensure that they must be located at least 5m away from any structure and not within 3m of any existing or prospective public footway/footpath and 5m from any existing or prospective carriageway. Soakaways as a means of disposal of highway surface water, will normally not be accepted unless there are very special circumstances, and will only be considered as a final resort after all engineering means to provide a positive drainage system have been explored and found to be realistic.

Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to Somerset County Council. Surface water from all private areas, including parking bays and drives, will not be permitted to discharge onto the prospective public highway. Private interceptor drains should be provided to prevent this from happening.

The Environment Agency, Inland Drainage Board and riparian land owners, should be consulted as to whether or not ditches or watercourses within the development site are to be piped or require culverts. Any such works will require the approval of the Local Highway Authority under Section 263 of the Public Health Act 1936. Finally the existing carriageway gullies/drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the development. If any extraneous matter from the development site enters an existing carrier drain or public sewer, the developer shall be responsible for its removal.

In respect of the amended plans:

The amendments shown on submitted Drawing No. 211 Rev E have shown amendments to the public open space and the layout and housing types.

Having reviewed the information provided there have been some minor amendments to the highway layout to compensate for the increase in the public open space. These amendments are considered to be acceptable and will not have a material impact on the overall layout.

Consequently the Highway Authority raises no objection to this proposal.

Drainage

The Chelston Brook is defined as an ordinary watercourse consent would be required from Somerset County Council to construct the outfall. Consent forms can

be obtained from our website

www.somerset.gov.uk/environment-and-planning/flooding/work-on-an-ordinary-watercourse. The Highway Authority will need assurances that the design of the retention ponds, particularly the one located on the western boundary of the site will not compromise the stability of the adjacent assumed prospective public highway or present a safety hazard to road users. Furthermore the designer will need to develop a suitable maintenance regime for the pond to include consideration for access from the estate road.

The Flood Risk Assessment makes reference to the use of porous paving as part of the overall drainage strategy. The applicant should note that permeable paving is not currently adoptable on prospective public highway areas and that consideration needs to be given to any interface between private permeable paved areas and prospective public highways. The applicant would need to allow the Highway Authority to undertake maintenance operations without the risk of compromising the effectiveness of these permeable paved areas, it being standard practice to provide a buffer of standard pavement construction between the prospective public highway and permeable paving.

It is assumed that like Cades phase 2 that Wessex Water will be adopting the main carrier system under a Section 104 agreement with Somerset County Council adopting gullies and connections only.

Finally it is noted that the access road is to be located within flood zones 2 & 3. The requirement for the design of this infrastructure is that in times of flooding safe access can be maintained. Details of this would need to be submitted at the detailed design stage.

Conclusion and Recommendation

In conclusion the proposal would lead to an increase in vehicle movements on the adopted highway, however it is not considered to be severe enough to warrant an objection on these grounds. In terms of sustainable travel the existing Travel Plan will be updated to include this proposal. Regarding the internal site layout the main route will be a continuation of the existing highway, which is considered acceptable whilst the layout is broadly considered to be acceptable. Finally the principle of the proposed drainage details are considered to be acceptable although the detailed design will need to be included as part of the S38 submission.

Therefore taking into account the above information the Highway Authority raise no objection to the above application and if planning permission were to be granted the following conditions would need to be attached to the planning permission:

- Condition survey of public highway
- Submission of Construction Environmental Management Plan
- Submission of estate road details
- No access to be steeper than 1 in 10.
- A footway to be constructed over the entire site frontage
- Estate roads to be constructed prior to the occupation of each dwelling
- A network of cycle/footpath links to be submitted
- A right of discharge of surface water to be obtained

- A hardstanding of 6m to be provided between the highway and garage doors.

BIODIVERSITY – Comments as follows:

The submitted wildlife reports by EDP dated October 2010 are out of date. However as Encompass Ecology Ltd has resurveyed the site and confirmed that the earlier reports are still valid I can accept the reports to inform this application

At outline stage, due to grave concerns, about the impact of this development on wildlife, particularly dormice, (see comments made in connection with 43/10/0127) it was agreed that all existing hedges would be buffered.

As stated previously I am not happy that some of the houses back onto the hedge on site. My concerns are that residential ownership of hedges could lead to haphazard maintenance of the hedge and also to disturbance to dormice.

It would appear that a hedge will be breached to accommodate the access road. This breach should be as small as possible. Could the road be narrowed at this point? At the very minimum standard trees should be planted on either side of the road to minimise the gap in the hedge. I agree with Encompass Ecology that an EPS licence will be required to breach any hedges

WESSEX WATER - Thank you for your consultation in respect of the above / attached. No issues for Wessex Water in this instance – please continue to consult with Wessex Water where our interests may be affected.

HOUSING ENABLING – This scheme layout has been discussed in detail through previous reserved matter applications. The location and layout of the affordable housing is acceptable and meets the affordable housing obligation. The developer should seek to provide the housing association tied units from the Taunton Deane preferred affordable housing development partners list.

LANDSCAPE – I would like to see buffer planting adjacent to existing hedges.

POLICE ARCHITECTURAL LIAISON OFFICER – No further comments to make on this application from previous submissions [which were considered to be acceptable from a crime prevention perspective].

LEISURE DEVELOPMENT – Various discussions/correspondence have taken place relating to the overall quantum of open space. Amended plans have now been received that provide the appropriate amount of open space required by Leisure Development.

SCC - CHIEF EDUCATION OFFICER – No comments received.

PLANNING POLICY – No comments received.

SCC - FLOOD RISK MANAGER – The EA should be asked to comment as this is an amendment to a previous application.

Having been advised that the EA were not consulted as standing advice applied to the proposal the Flood Risk Manager has confirmed that he is content that a condition requiring detailed drainage design should be imposed.

Representations Received

2 letters of **objection** raising the following issues:

- The site is not sustainable.
- None of the development to date has required any house to have solar panels.
- There are many applications for solar farms on green field sites, this should be prevented by ensuring panels on residential and business development.
- The continued development of housing in Wellington has not been properly considered regarding current levels of infrastructure. There are insufficient schools and medical facilities.
- There is very little green space left which is affecting wildlife.
- There is serious traffic congestion. Pedestrian safety is being compromised in the town centre by impatient motorists.

1 letter of **comment** (do not object) from the developers of Jurston Farm:

- The site should be considered as a windfall and should not be used to justify a reduction in required numbers at Jurston Farm.

Somerset Wildlife Trust

Object for the following reasons:

- Support comments of Biodiversity Officer.
- Support recommendations for enhancement made by EDP
- This was a golden opportunity to create a development which was sympathetic to wildlife by the creation of wildlife corridors through the site and by ensuring a high degree of connectivity. This is obviously not the case, with the inclusion of a spur road in the southeast corner indicating a plan for further development on adjacent land.
- On site landscaping is minimal.
- Other than at the boundaries, no attempt has been made to create an attractive wildlife friendly development.

RSPB

- Concerned that the mitigation proposals in the Ecological Appraisal doesn't take into consideration that this type of Development will create a different eco-system to the one it replaces.
- We support the retention of mature hedges and trees and the planting recommended by your Biodiversity Officer but suggest that your Council is not meeting its obligations to Protect and Enhance the biodiversity of the site if you don't provide for the species that would normally occupy our private and public green spaces and nest/roost in buildings.
- Installing nesting/roosting boxes for building dependant species during construction in residential developments with a ratio of one box per unit of accommodation is good practice.
- Advice provided regarding bird boxes and recommend a long term Landscape and Environmental Management Plan.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
SS4 - TD CORE STRATEGY - WELLINGTON CADES/JURSTON,

Local finance considerations

Community Infrastructure Levy

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

New Homes Bonus

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£117,345
Somerset County Council (Upper Tier Authority)	£29,336

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£704,070
Somerset County Council (Upper Tier Authority)	£176,017

Determining issues and considerations

The main issues in the consideration of this application are the principle of the development, the impact on the highway network, ecology and biodiversity, flood risk and drainage, layout and design, and impact on surrounding property and development.

Principle

The site is within the settlement limit for Wellington. It is part of the site that was previously granted outline planning permission for up to 300 dwellings and which forms part of the Cades/Jurston allocation in the Core Strategy under Policy SS4. Reserved matters for those 300 dwellings have now been approved on other land within the outline permission.

The 300 dwellings already permitted at Cades together with the 650 permitted at Jurston total 950. The allocation under policy SS4 is for around 900. Both developments provide policy compliant amounts of open space and between them will provide the local centre, community hall and primary school sites required by the policy. In this context, the application site is not required for additional facilities to make development of the SS4 site acceptable in planning terms.

It is not considered that the provision of 1052 dwellings against the policy requirement of 'around 900' will prejudice the overall strategy for Wellington. Indeed, it would provide further housing on a deliverable site that is recognised in the Core Strategy to be a sustainable location, contributing to the 5 year supply of housing which is supported by the NPPF.

The development would provide 25% of the dwellings as affordable in a form, tenure and layout that has the support of the Housing Enabling Lead. This, too, is compliant with policy CP4 of the Core Strategy.

With regard to these points, subject to the detailed consideration of the other issues below, the development is considered to be sustainable within the meaning of the NPPF and Core Strategy and is acceptable in principle.

Highways

The site has been designed as part of the wider Cades/Jurston urban extension. Indeed it has been planned as an integral part of the Cades development. It will be

linked to the main highway network through the existing Cades site to the B3187, Taunton Road and existing roundabout.

The Highway Authority have examined the submitted Transport Statement and are content that the development would not result in a severe impact on the wider highway network including the Town Centre junctions. It is acknowledged that the development would likely result in the Town Centre junctions operating beyond their design capacity, with a consequential increase in queuing in these locations. However, this has been accepted in terms of the wider impact of development in Wellington, including the recent resolution to grant permission for the 650 home development at Jurston. It is not considered that this development alone would result in a significant additional impact above and beyond those existing planning permissions/commitments.

The Highway Authority are content that the existing travel plan for the original outline is carried forward to this development. This can be secured through the S106 agreement.

The plans indicate a link to Gay Close for emergency services, cycles and pedestrians. This will be delivered as a requirement of the original outline planning permission and falls outside the current application site. There is, therefore, no need to condition its delivery now.

The Highway Authority have recommended a number of conditions, however, being a full application some of these are not considered to be necessary. The condition relating to the footway across the entire site frontage does not appear relevant as the site does not have a frontage and all footways/cycleways are shown in these full application drawings in any case.

The adjoining (original) outline permission does not require a construction management plan, nor does it require surveys of the wider highway network. These conditions are not, therefore, considered to be reasonable or necessary.

With regard to the above factors, the proposed development is considered to be acceptable in highway terms.

Ecology

Ecology, in particular the impact on dormouse populations, has always been a difficult issue for development at Cades/Jurston. The site and surroundings are known dormouse habitat and ensuring the favourable conservation status of the dormouse has been dealt with in two opposing ways on the Cades and Jurston sites.

At Jurston, the strategy has focussed on the creation of new high quality dormouse habitat to facilitate substantial amounts of hedgerow removal within the site. At Cades, the strategy has focused on hedgerow retention with wide areas of buffering around those hedgerows. This strategy has been carried forward into the current proposals, although there are no significant hedgerows running through this part of the site.

The biodiversity officer has referred to the hedgerow breach required for the access road, but this is outside the current site and has already been approved under the original outline permission. In fact, the boundaries around the current application site are considerably weaker than some of the other hedgerows further to the west within the development. The one exception is the boundary behind proposed plots 185-197. Here the dwellings will back onto the hedgerow. Elsewhere on the site a post and wire mesh fence has been provided to give a definitive boundary line for residents to 'trim' to without eroding the hedgerow. This should be required by condition of this application.

Given that all of the hedgerow removal has been permitted under the previous permission, it is not considered that the development in this application in itself would result in the deliberate disturbance of protected species; therefore, the derogation tests in the habitats regulations do not need to be considered as a Natural England license would not be required. However, given that the development will abut existing hedgerows, it is still considered necessary to impose a condition to ensure that the development does not harm wildlife interests.

Flood risk and drainage

The application is accompanied by a flood risk assessment (FRA). It is the same FRA that covered the previous outline permission, updated to reflect the greater intensity of development and the more stringent discharge rate of 2//s/ha detailed in the Environment Agency's standing advice.

The applicant has been intending to develop the site at the scale now proposed for some time and, therefore, the flood attenuation measures already in place should be sufficient to cope with the proposed development. However, for the avoidance of doubt, a further condition should be imposed on any new planning permission requiring the submission of a detailed drainage scheme for this portion of the site. With such a condition in place, the SCC Flood Risk Manager is content that the development would not lead to any increase in off-site flood risk.

Layout, design and impact on neighbours

The proposed layout has been designed as an extension of the existing development. It is in two clusters of development. The smaller cluster of 36 dwellings will be in a typical cul-de-sac layout, with dwellings arranged either side of a central access road and around a turning head. In general, the pattern of development already permitted along the first part of this cul-de-sac to the north would be continued. Parking is proposed to the front of the dwellings which would be somewhat dominating in the street scene, but it is an enclosed area with no onward connections that will, in general terms only be accessed by those people living in that location. In this regard, it is considered to be acceptable.

The remainder of the site sits to the western extent of the site, adjoining Gay Close and Parker Close. The area would be of higher density than much of the previous phases of the site, but this is characteristic of the adjoining areas. Furthermore, the dwellings, by and large, still propose good sized private gardens and it adjoins the main area of public open space on the site. In addition, a formal square has been

proposed around a large mature tree and this area will provide a green focus away from the built form. It is considered to be a well-conceived area and, whilst the parking will be present within the square, this will be integrated into the space through careful positioning of planting and continuous surface materials.

Along the northern boundary of this area, a strip of open space will separate new dwellings from those existing dwellings on Gay Close. The new dwellings will be higher than their existing neighbours but given the separation, this is considered to be acceptable. Larger, detached dwellings are also proposed here and this will further soften the impact. The dwellings backing onto Parker Close on the extreme west boundary of the site will also have an acceptable relationship with those existing dwellings.

After substantial negotiation, sufficient public open space to meet the needs of the proposed development is now proposed. Further equipment will be required in the children's play areas and this can be secured through the S106 agreement.

House types and materials will follow those previously approved.

Overall, the design and layout of the development is considered to be an acceptable one.

Conclusions

The site is within the settlement limit for Wellington and in an area that is both allocated and previously permitted for housing. The provision of this additional housing in a sustainable location is considered to be acceptable and in accordance with local and national planning policies. The proposal would have an acceptable impact upon the highway network, ecology, flood risk and neighbouring residential property.

The design is acceptable and the development will provide appropriate amounts of public open space and children's play facilities. With regard to these matters, it is considered that the proposed development is acceptable. It is, therefore, 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 M Bale

43/15/0082

MR R BIRD

VARIATION OF CONDITION No 2 (APPROVED PLANS) OF APPLICATION 43/12/0081 ON LAND TO THE REAR OF 39A MANTLE STREET, WELLINGTON AS AMENDED

Location: 39A-A MANTLE STREET, WELLINGTON, TA21 8AX

Grid Reference: 313556.120366

Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Condition(s) (if applicable)

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

(A3) DrNo MS.2 Elevations
(A3) Block Plan & Floor Plan

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

2. Prior to the occupation of the dwellings hereby permitted, full details of the proposed bin storage facilities, shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site, and are provided in a manner that does not harm the character and appearance of the area.

3. Prior to the occupation of the dwellings hereby permitted covered and secure spaces for no less than 4 bicycles shall be provided in accordance with further details that shall first have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and available for use prior to the occupation of the dwelling to which they relate and shall thereafter be retained as such.

Reason: To ensure that adequate facilities are included for the storage of

cycles.

4. The 'parking bollard' indicated on the drawing hereby permitted shall be fully provided prior to the occupation of any of the dwellings on the site in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the garden area is not given over to additional car parking, to restrict the traffic attracted to the site, in the interests of highway safety.

5. Prior to the occupation of the dwellings hereby permitted the windows installed in the first floor of the dwellings shall be obscured glazed and fitted with restrictive opening stays. The type of obscure glazing and details of the restrictive stays shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings.

Notes to Applicant

Proposal

This application seeks full planning permission for the erection of two dwellings. It is a retrospective application seeking to retain a development that has been carried out not in accordance with the approved plans. The application proposes to retain the dwellings as built, but to install obscure glazing in the first floor windows.

Site Description

The site is the former Ship Inn and land to the rear. The former pub building is a mid-terrace building and stands directly on the rear of the footway of Mantle Street. It has now been converted into two dwellings. At the right hand (east) side, vehicular access exists through a narrow tunnel under part of the first floor, which gives access to the rear of the site, and the current application site.

In the past, a two-storey function room and single storey skittle alley occupied the site. This has now been demolished to allow for the construction of the two dwellings subject to this application and single dwelling subject to application 43/15/0083. Overall, three dwellings are being constructed on the site in a terraced mews.

Neighbouring gardens adjoin the site on either side. There are high walls along the

east and west boundaries, although the ground level of the garden to the east (37 Mantle Street) is significantly raised up above the application site at its northern end.

At the northern end of the application site, the site widens out to incorporate a raised garden area. This area is surrounded by bungalows.

Relevant Planning History

Since 2012, there have been a number of applications on the site seeking to redevelop the site for residential use.

Initially, permission was granted for the conversion of the pub to 2 dwellings and conversion of outbuildings at the rear to a further two dwellings under application number 43/12/0016. Only the conversion of the main pub building directly fronting Mantle Street has taken place.

Subsequently, permission was granted (43/12/0081) for the demolition of the outbuildings – the function room and skittle alley – and the erection of two 2 bedroom dwellings.

An application for a further dwelling (43/13/0093) was withdrawn following concerns expressed by planning officers that the proposed dwelling would have an unacceptable overbearing impact on the bungalow to the north. That dwelling was proposed to be sited on the higher ground at the northern end of the site. However, an additional dwelling, attached to the northern end of those permitted under application 43/12/0081 was subsequently permitted.

Since construction of the three new-build dwellings has reached first floor level, concerns have been received from neighbouring residents regarding the height of the development and the overlooking that has occurred. Examination of the site by the Council's Enforcement Officer revealed that the dwellings had not been built in the correct locations, albeit that their height and first floor window positions was broadly correct. However, the incorrect siting of the dwellings means that they are unauthorised and do not currently benefit from planning permission.

The investigations also revealed that the boundary wall between the site and 37 Mantle Street was incorrectly surveyed and detailed on the earlier planning applications. In considering application 43/12/0081, officers were concerned about the potential to overlook the neighbouring properties to the east, but drawings were provided indicating that the wall would 'remain at 4.3m high', indicating that no such concern would actually exist. It is now apparent that the eastern boundary wall was only ever a little over 3m at the northern end of 37 Mantle Street's garden. The decision to grant planning permission was, therefore, based upon incorrect information supplied by the applicant.

Consultation Responses

WELLINGTON TOWN COUNCIL – It was not clear from the application or the submitted plans exactly what this proposed variation involved. In view of the lack of sufficient information it was felt that no comment or recommendation could be made

in respect of this proposal

SCC - TRANSPORT DEVELOPMENT GROUP – No observations to make on this application.

HERITAGE – No comments received.

Representations Received

The following letters have been received in respect applications 43/15/0082 and 43/15/0083. Most do not distinguish between the two applications, so for the purposes of considering these proposals, they have been amalgamated.

7 letters of **objection** from 5 different people raising the following points:

- The developer knew the extent of the cellars before commencing construction.
- The development seriously overlooks 3 Tottles Court.
- The site is currently under investigation by the Council and it would be inappropriate to grant planning permission.
- Previous concerns regarding the overbearing nature of the development are reiterated.
- A heritage statement should have been previously produced as the site is in a conservation area.
- The erected dwellings have no sympathy with the surrounding dwellings in terms of materials and have a very cheap appearance.
- Query why the neighbouring property ground levels were never checked – if they had, the application would never have been approved.
- The footings for the western boundary wall could have been disturbed and it may collapse.
- It is not correct that windows of the former function room looked into neighbouring properties – they looked north and south, the proposed look east.
- 35 and 33 Mantle Street are now overlooked.
- The properties should never have been built, the positioning too far north has exacerbated the problem.
- The development is now 3.8m closer to 2 The Gardens and the kitchen is now overlooked from the first floor.
- No additional parking facilities are proposed, Mantle Street is already crowded and this will be exacerbated.

1 letter of **Comment** raising the following points

- 39a, 39b and 41 Mantle Street are the most affected and do not have an objection.
- The properties have been finished to a high standard and the mews houses will be an asset to Wellington.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

Local finance considerations

Community Infrastructure Levy

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

New Homes Bonus

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

1 Year Payment

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

6 Year Payment

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

Determining issues and considerations

The main issue in the consideration of this application is the impact of the development on neighbouring property, particularly those dwellings adjoining the site to the east, however, the site is surrounded by residential dwellings on all sides so all relationships should be considered.

Dwellings to the west – 37 Mantle Street, 3 Tottles Court and beyond

Clearly planning permission has been granted previously for the development of three dwellings on this site in broadly the same position and design. In such circumstances, it is usually held that there is a strong fallback position that the previously permitted development could occur, however, in this case the assessment of the relationship of the proposed dwellings with those dwellings to the east was based upon false information supplied by the applicant's agent. It is, therefore, considered that little weight should be given to the fallback position and the development should be considered on its own merits in respect of this particular issue.

The proposed development has a very intimate relationship with the rear garden of 37 Mantle Street. The dwellings are just 2m from the boundary at their closest, widening to 4m at the southern end of the site. The ground level of the northern section of the garden of 37 Mantle Street is considerably higher than the application site, such that it is possible to stand in the rear garden and look directly into the first floor windows of the new dwellings. Such is considered to be unacceptable.

Furthermore, the southernmost proposed dwelling is around 9.5m from the front elevation of 3 Tottles Court which faces directly towards the application site. 3 Tottles Court is at slightly higher ground level to the proposed dwelling and as such, there is direct intervisibility between this existing and the proposed dwelling at first floor level. This is also unacceptable.

There are further private gardens to the east of 37 Mantle Street which are similarly overlooked, although the degree of overlooking and associated harm reduces as the distance increases.

In response to these relationships, the applicant now proposes to install obscure glazing in the first floor windows of both proposed dwellings. This is considered to mitigate the overlooking concerns and will restore the privacy previously enjoyed by the neighbours' gardens and 3 Tottles Court.

It has been suggested in representations that the development is overbearing upon these neighbouring properties to the east. It is true that they are clearly visible from the rear garden areas and 3 Tottles Court. However, it is considered reasonable to have regard to the structures that were previously present on the application site: A former function room used to stand behind the main pub building, it was two-storey and built directly off the boundary wall. It faced north-south, with flat roof element to the north, so the gable end and side wall occupied a significant proportion of the boundary and, effectively, extended the southern part of the boundary wall height. This has now been removed and the wall is, more or less, level along the boundary.

The high section of the (now demolished) function room did not extend all the way along the eastern boundary. Therefore, the northern end of the garden of 37 Mantle Street was more open and received afternoon sun. It has been suggested that the development now blocks the sunlight and the garden is shady. This may be the case, however, in considering the lower height at the southern end to that which previously existed, on balance, it is not considered that the development is so

overbearing as to warrant the refusal of planning permission.

With the recommended obscure glazing condition attached, therefore, it is considered that the impact upon the neighbouring properties to the east is acceptable.

Dwellings to the west – 41 Mantle Street and beyond

In the case of dwellings to the west, it is considered reasonable to attach weight to the fallback position. The previous application proposed to build the development directly on the boundary wall separating the site from the neighbouring gardens. The as built development for which permission is now sought has actually been built entirely within the application site and the wall is unaffected.

No windows have ever been proposed facing the neighbours' gardens and none exist now. In light of the previous mass of the function room, it is not considered that the development would be unreasonably overbearing upon these neighbouring dwellings; it is certainly no more overbearing than the previously considered planning application.

Dwelling to the north – 1 and 2 The Gardens, Court Drive

These dwellings are affected by the single dwelling proposed under application 43/15/0083. It is not considered that the revised proposals subject to this application have an unreasonable impact upon these properties.

Other matters

It is considered reasonable to attach weight to the previous permissions in regard to their impact upon the wider highway network, parking and general design principles. The designated conservation area includes the main building fronting Mantle Street but not the developable part of the application site. It is not considered that the setting of the conservation area would be harmed by the development; in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the character and appearance of the area would be preserved.

Conclusions

It is considered that the proposed development is acceptable in terms of its impact on properties to the west and north. With the imposition of a condition requiring the obscure glazing of first floor windows, it is also considered that the impact on the amenity of dwellings to the east is acceptable.

With regard to these matters, the proposal is considered to be acceptable and it is, therefore, 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 M Bale

43/15/0083

MR R BIRD

VARIATION OF CONDITION No 2 (APPROVED PLANS) OF APPLICATION 43/13/0127 TO MOVE DEVELOPMENT FURTHER NORTH ON LAND TO THE REAR OF 39A MANTLE STREET, WELLINGTON

Location: 39A-A MANTLE STREET, WELLINGTON, TA21 8AX

Grid Reference: 313555.120392

Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Condition(s) (if applicable)

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

(A3) DrNo MS.2 Elevations
(A3) Block Plan & Floor Plan

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

2. Prior to the occupation of the dwelling hereby permitted, full details of the proposed bin storage facilities, shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site, and are provided in a manner that does not harm the character and appearance of the area.

3. Prior to the occupation of the dwellings hereby permitted covered and secure spaces for no less than 2 bicycles shall be provided in accordance with further details that shall first have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and available for use prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

Reason: To ensure that adequate facilities are included for the storage of cycles.

Notes to Applicant

Proposal

This application seeks full planning permission for the erection of one dwelling. It is a retrospective application seeking to retain a development that has been carried out not in accordance with the approved plans. The application proposes to retain the dwelling as built, but to install obscure glazing in the first floor windows.

Site Description

The site is the former Ship Inn and land to the rear. The former pub building is a mid-terrace building and stands directly on the rear of the footway of Mantle Street. It has now been converted into two dwellings. At the right hand (east) side, vehicular access exists through a narrow tunnel under part of the first floor, which gives access to the rear of the site, and the current application site.

In the past, a two-storey function room and single storey skittle alley occupied the site. This has now been demolished to allow for the construction of the two dwellings subject to this application and single dwelling subject to application 43/15/0083. Overall, three dwellings are being constructed on the site in a terraced mews.

Neighbouring gardens adjoin the site on either side. There are high walls along the east and west boundaries, although the ground level of the garden to the east (37 Mantle Street) is significantly raised up above the application site at its northern end.

At the northern end of the application site, the site widens out to incorporate a raised garden area. This area is surrounded by bungalows.

Relevant Planning History

Since 2012, there have been a number of applications on the site seeking to redevelop the site for residential use.

Initially, permission was granted for the conversion of the pub to 2 dwellings and conversion of outbuildings at the rear to a further two dwellings under application number 43/12/0016. Only the conversion of the main pub building directly fronting Mantle Street has taken place.

Subsequently, permission was granted (43/12/0081) for the demolition of the outbuildings – the function room and skittle alley – and the erection of two 2 bedroom dwellings.

An application for a further dwelling (43/13/0093) was withdrawn following concerns expressed by planning officers that the proposed dwelling would have an unacceptable overbearing impact on the bungalow to the north. That dwelling was proposed to be sited on the higher ground at the northern end of the site. However, an additional dwelling, attached to the northern end of those permitted under application 43/12/0081 was subsequently permitted.

Since construction of the three new-build dwellings has reached first floor level, concerns have been received from neighbouring residents regarding the height of the development and the overlooking that has occurred. Examination of the site by the Council's Enforcement Officer revealed that the dwellings had not been built in the correct locations, albeit that their height and first floor window positions was broadly correct. However, the incorrect siting of the dwellings means that they are unauthorised and do not currently benefit from planning permission.

The investigations also revealed that the boundary wall between the site and 37 Mantle Street was incorrectly surveyed and detailed on the earlier planning applications. In considering application 43/12/0081, officers were concerned about the potential to overlook the neighbouring properties to the east, but drawings were provided indicating that the wall would 'remain at 4.3m high', indicating that no such concern would actually exist. It is now apparent that the eastern boundary wall was only ever a little over 3m at the northern end of 37 Mantle Street's garden. The decision to grant planning permission was, therefore, based upon incorrect information supplied by the applicant.

Consultation Responses

WELLINGTON TOWN COUNCIL – It was not clear from the application or the submitted plans exactly what this proposed variation involved. In view of the lack of sufficient information it was felt that no comment or recommendation could be made in respect of this proposal

SCC - TRANSPORT DEVELOPMENT GROUP – No observations to make on this application.

HERITAGE – No comments received.

Representations Received

The following letters have been received in respect applications 43/15/0082 and 43/15/0083. Most do not distinguish between the two applications, so for the purposes of considering these proposals, they have been amalgamated.

7 letters of **objection** from 5 different people raising the following points:

- The developer knew the extent of the cellars before commencing construction.
- The development seriously overlooks 3 Tottles Court.

- The proposed increase in height of the wall will remove the overlooking, but have a significant impact on light. All windows of 3 Tottles Court face the development site and proposed wall.
- The site is currently under investigation by the Council and it would be inappropriate to grant planning permission.
- Previous concerns regarding the overbearing nature of the development are reiterated.
- A heritage statement should have been previously produced as the site is in a conservation area.
- The erected dwellings have no sympathy with the surrounding dwellings in terms of materials and have a very cheap appearance.
- Query why the neighbouring property ground levels were never checked – if they had, the application would never have been approved.
- The footings for the western boundary wall could have been disturbed and it may collapse.
- It is not correct that windows of the former function room looked into neighbouring properties – they looked north and south, the proposed look east.
- 35 and 33 Mantle Street is now overlooked.
- The properties should never have been built, the positioning too far north has exacerbated the problem.
- The development is now 3.8m closer to 2 The Gardens and the kitchen is now overlooked from the first floor.
- No additional parking facilities are proposed, Mantle Street is already crowded and this will be exacerbated.

1 letter of **Comment** raising the following points

- 39a, 39b and 41 Mantle Street are the most affected and do not have an objection.
- The properties have been finished to a high standard and the mews houses will be an asset to Wellington.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

W1 - TDBCLP - Extent of Wellington,
 STR2 - Towns,
 STR4 - Development in Towns,

EN23 - TDBCLP - Areas of High Archaeological Potential,
EN14 - TDBCLP - Conservation Areas,

Local finance considerations

Community Infrastructure Levy

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

New Homes Bonus

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

1 Year Payment

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

6 Year Payment

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

Determining issues and considerations

The main issue in the consideration of this application is the impact of the development on neighbouring property, particularly those dwellings adjoining the site to the east, however, the site is surrounded by residential dwellings on all sides so all relationships should be considered.

Dwellings to the west – 37 Mantle Street, 3 Tottles Court and beyond

Clearly planning permission has been granted previously for the development of three dwellings on this site in broadly the same position and design. In such circumstances, it is usually held that there is a strong fallback position that the previously permitted development could occur, however, in this case the assessment of the relationship of the proposed dwellings with those dwellings to the east was based upon false information supplied by the applicant's agent. It is, therefore, considered that little weight should be given to the fallback position and the development should be considered on its own merits in respect of this particular issue.

As with the proposals for application 43/15/0082, it is proposed to install obscure glazing into the first floor windows. However, this northernmost dwelling sits beyond

the garden of 37 Mantle Street and the dwellings face into their own private garden at the northern end of the site. In this respect, it is not considered necessary for the first floor windows of this proposed dwelling to be obscure glazed.

The dwelling does, of course, add to the overbearing impact of the two dwellings to the south as it adds to the bulk of the building. However, given their location off the northern end of the garden of 37 Mantle Street, it is not considered that this impact is so significant as to warrant the refusal of planning permission.

Dwellings to the west – 41 Mantle Street and beyond

In the case of dwellings to the west, it is considered reasonable to attach weight to the fallback position. The previous application proposed to build the development directly on the boundary wall separating the site from the neighbouring gardens. The as built development for which permission is now sought has actually been built entirely within the application site and the wall is unaffected.

No windows have ever been proposed facing the neighbours' gardens and none exist now. In light of the previous mass of the function room, it is not considered that the development would be unreasonably overbearing upon these neighbouring dwellings; it is certainly no more overbearing than the previously considered planning application.

Dwelling to the north – 1 and 2 The Gardens, Court Drive

The Gardens are bungalows built in very close proximity to the site boundaries. They are at a significantly higher level to the application site and ground floor level of the proposed dwellings.

1 The Gardens does not have any windows facing the site and it is not considered that this dwelling is adversely affected by the proposals.

2 The Gardens does have a kitchen window facing the application site. However, this is positioned to the side of the gable end of the proposed dwelling. There is also an existing boundary fence which obscures some of the outlook from the window. In light of this, it is not considered that the proposed dwelling is unacceptably overbearing upon 2 The Gardens and the proposals are acceptable in this regard.

The proposed dwelling is 3.85m from the boundary of 2 The Gardens. Application 43/13/0127 proposed that it would be 4.9m. However, for the reasons given above, this alteration is not considered to make the development unacceptable.

Other matters

It is considered reasonable to attach weight to the previous permissions in regard to their impact upon the wider highway network, parking and general design principles. The designated conservation area includes the main building fronting Mantle Street but not the developable part of the application site. It is not considered that the setting of the conservation area would be harmed by the development; in

accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the character and appearance of the area would be preserved.

Conclusions

It is considered that the proposed development is acceptable in terms of its impact on neighbouring properties. With regard to these matters, the proposal is considered to be acceptable and it is, therefore, 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 M Bale

05/15/0035

MRS E VINING

CHANGE OF USE OF LAND FROM AMENITY TO DOMESTIC AND REPOSITIONING OF BOUNDARY WALL AT 15 WATERFIELD CLOSE, BISHOPS HULL

Location: 15 WATERFIELD CLOSE, BISHOPS HULL, TAUNTON, TA1 5HB

Grid Reference: 320616.124353

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Condition(s) (if applicable)

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

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

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

(A4) DrNo P.01 Site Location Plan
(A3) DrNo P.03 Rev A Site plan As Proposed
(A3) DrNo P.05 Elevations As Proposed

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

3. 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 1 Class E 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 area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

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

Proposal

15 Waterfield Close is a semi-detached property, set back from the road to the rear of the attached dwelling. A pedestrian path passes to the west and north, with a 1.8 – 1.9 metre high staggered boundary wall, forming the garden boundary set back between 4.8 metres and 7.4 metres from the northern path. This leaves an open grassed area between the garden wall and path.

This application seeks planning permission to change the use of the land from amenity to domestic and reposition the boundary wall. The new wall would be of the same appearance and height and would be set back 2.0 metres from the path to the north.

This application comes before committee as the applicant is a member of staff.

Consultation Responses

BISHOPS HULL PARISH COUNCIL – Supports.

DIVERSIONS ORDER OFFICER - Mr Edwards – No comments received.

Representations Received

One letter received from the occupier of 1 Jarmyns objecting on the grounds of:

- Giving away land designated for public amenity
- Would set precedent for others to do the same

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,

Local finance considerations

None.

Determining issues and considerations

It is acknowledged that the area currently has an open feel, with the boundary wall being set back over 4 metres from the path. The proposed boundary wall would be of the same materials and height as the existing wall, but would be brought closer to the path. It is however important to note that it would not abut the path, being set back 2 metres from it. A sense of openness would therefore be retained and the fence is not deemed to dominate the path.

It is accepted that the proposal would change the feel of the area, however, the repositioned wall is not considered to cause an unacceptable level of harm to the appearance of the surrounding area that would warrant a refusal. In addition, to retain control over any structures on this element of land, it is recommended that permitted development rights are removed. The repositioned wall lies a sufficient distance from neighbouring properties to avoid any harm upon their residential amenities. In addition, it would not cause any adverse impact to highway safety.

A concern is raised that this would set a precedent for others to do the same. Every application is assessed on its own merits. If further applications are received for a similar nature of development, these would be assessed against the relevant planning criteria at that time. In addition a concern is raised that the applicant is claiming public space as their own. The agent has however signed to say that all the land to which the application relates is within the applicant's ownership.

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

Contact Officer: Sue Keal

APPEALS RECEIVED

**Site: HIGHER KNAPP FARM, HILLFARRANCE ROAD, HILLFARRANCE,
TAUNTON, TA4 1AN**

**Proposal: ERECTION OF OFFICE / KITCHEN / STAFF ACCOMMODATION
BUILDING AT FIVEOAK CATTERY, HIGHER KNAPP FARM, HILLFARRANCE
ROAD, HILLFARRANCE**

Application number: 27/15/0017

Appeal reference: APP/D3315/W/15/3139245

Enforcement Appeal

Site: GROVE FARM, TOLLAND ROAD, TOLLAND LYDEARD ST LAWRENCE, TAUNTON, TA4 3PN

Alleged Breach of planning control: ALLEGED UNAUTHORISED USE OF PROPERTY AS A HOLIDAY LET WITH BREACH OF AGRICULTURAL TIE AT GROVE FARM, TOLLAND

Reference Number: E/0074/41/14

Appeal decision: Dismissed



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 18 December 2015

Appeal ref: APP/D3315/C/15/3132002

Land at Tower View, Grove Farm, Tolland Road, Tolland, Lydeard St Lawrence, Taunton TA4 3PN

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr Alan Gammon (FG NK & AJ Gammon Ltd) against an enforcement notice issued by Taunton Deane Borough Council.
- The notice was issued on 9 July 2015.
- The breach of planning control as alleged in the notice is "Unauthorised occupation of the Property for use as a holiday let which is contrary to an agricultural tie condition".
- The requirements of the notice are: "a) Cease the occupation of the Property by holiday makers and/or persons not complying with the Agricultural Tie Condition".
- The period for compliance with the requirements of the notice is "3 (three) months from the date that this Enforcement Notice takes effect".
- The appeal is made on ground (g) as set out in section 174(2)(g) of the amended 1990 Act.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The appellant requests that the period to comply with the notice be extended to 6 months in order to honour Christmas bookings for the use of the premises as a holiday unit. As some 3 months have elapsed since the appeal was submitted and the compliance period will begin again from the date of this decision, the 3 months given in the notice will extend the period to well beyond Christmas. Therefore, there is no reason to extend the time to comply with the notice any further. In these circumstances, the appeal on ground (g) fails accordingly.

Formal decision

2. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld.

K McEntee