

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 22 June 2016 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 25 May 2016 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 31/16/0009 Variation of Condition 04 (landscaping) and Condition 10 (temporary tents) of application 31/11/0026 at Woodlands Castle, Ruishton Lane, Ruishton
- 6 24/16/0007 Residential development with the erection of 20 No. dwellings (including 5 affordable dwellings) with provisions of public open space, children's play area and allotments on land to the south of Knapp Lane, North Curry
- 7 38/16/0146 Change of use of 9 No. units from A1 (retail) to A3 (restaurant) use within the Orchard Shopping Centre, High Street, Taunton
- 8 06/16/0012 "Variation of condition No.17 of Planning application 06/11/0032 to carry out the following highway works: Improvements to the junction of Greenway Road/Station Road and provision of footway from opposite the site entrance to the existing footway on Station Road in accordance with Drawing Number 31408/GA/101 rev C;  
Provision of signage to approach to the bridge, white lining to demarcate the edge of carriageway and surfacing material for informal pedestrian viewing area in accordance with Drawing Number GA/207 rev A;  
Provision of a new roundabout at the junction of Station Road and the A358 in accordance with Drawing Numbers 31408/GA/301 rev K and 31408/GA/301 rev F."
- 9 38/16/0141 Erection of two storey and single storey extensions to the rear of the property and erection of detached store at 10 Fremantle Road, Taunton

10 The latest appeals and decisions received

Bruce Lang  
Assistant Chief Executive

29 July 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.

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



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

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

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## **Planning Committee Members:-**

Councillor R Bowrah, BEM (Chairman)  
Councillor M Hill (Vice-Chairman)  
Councillor M Adkins  
Councillor C Booth  
Councillor W Brown  
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

## **Planning Committee – 25 May 2016**

Present: - Councillors M Adkins, Booth, Bowrah, Brown, Gage, C Hill, Mrs M Hill, Martin-Scott, Morrell, Nicholls, Mrs Reed, Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Susan Keal (Planning Officer), Roy Pinney (Legal Services Manager) and Tracey Meadows (Democratic Services Officer)

Also present: Councillor Gaines with regard to application No 49/16/0011 and enforcement item E/0101/35/16; Councillor Habgood with regard to application No 34/16/0010 and enforcement item E/0004/21/16; and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5.00 pm)

### **48. Appointment of Chairman**

**Resolved** that Councillor Bowrah be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

### **49. Appointment of Vice-Chairman**

**Resolved** that Councillor Mrs M Hill be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

### **50. Minutes**

The minutes of the meeting of the Planning Committee held on the 27 April 2016 were taken read and were signed.

### **51. Declarations of Interest**

Councillors M Adkins and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Martin-Scott declared personal interests as a trustee to the Home Service Furniture Trust, trustee to Bishop Fox's Educational Foundation and a trustee to Trull Memorial Hall. Councillor Townsend declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association. Councillor Townsend also declared that he was Ward Councillor for application No. 34/16/0010, he declared that he had not 'fettered his discretion'. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. He also declared a personal interest in enforcement item. E/0004/21/16 as the applicant was personally known to him. He declared that he would not take part in any discussion or vote on the

application. Councillor Bowrah declared that as Chairman he had previously made the delegated decision on application No. 42/16/0009. He stated that he would step down and not take part in any of the discussion and would pass this application over to the Vice-Chairman who would take the Chair. All Councillors declared that they had received correspondence with regard to application No 34/16/0010 and enforcement item E/0101/35/16. Councillor Wedderkopp declared that he had spoken to a member of the public on application No. 34/16/0010, he declared that he had not 'fettered his discretion'.

## **52. Applications for Planning Permission**

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

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

**43/15/0139**

**Erection of 1 No. two bedroomed bungalow and 1 No. two bedroomed house on land to the rear of 7 Martins Close, Wellington (amended scheme to 43/15/0029)**

### **Conditions**

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

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

- (A3) DrNo 001 V3 Location Plan;
- (A4) Site Plan;
- (A3) Boundaries Planting and Access;
- (A3) DrNo 003 NE and SE Elevations;
- (A3) Dr No 002 SW and NW Elevations;
- (A3) Dr No 005 First Floor Plan;
- (A3) Dr No 004 Ground Floor Plan;
- (A3) Dr No 008 Sections (2);
- (A3) Dr No 007 Sections (1);
- (A3) Dr No 006 Roof Plan;

(c) 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;

- (d) The parking spaces hereby permitted shall be surfaced in permeable materials (not loose stone or gravel) and/or provision shall be made for the disposal of surface water within the site in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwellings to which it relates and shall thereafter be retained as such;
- (e) The area allocated for parking on the approved plans shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of occupation of either of the approved dwellings; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to, or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1 March and 31 August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest. Removal of vegetation off site should be undertaken in a precautionary manner to minimise potential impacts on all wildlife;
- (h) 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;
- (i) Notwithstanding the provisions of Article 3 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 first floor to the bungalow and no addition or extension to the dwellings shall be carried out without the further grant of planning permission;
- (j) Notwithstanding the provisions of Article 3 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 outbuildings shall be erected without the further grant of planning permission;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that 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 birds are protected under the Wildlife and Countryside Act 1981 (as amended); (3) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (4) Applicant was advised that new water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages; Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence; further information can be obtained from our New Connections Team; S105a Public Sewers; (5) Applicant was informed that on 1 October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (Section 105a sewers); at the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our Sewer Protection Team at an early stage if you suspect that a Section 105a sewer may be affected.)

**38/16/0151**

**Erection of a single storey extension to the side of 9 Westleigh Road, Taunton**

**Conditions**

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



- (A3) DrNo WC02007 Site and Location Plans;
- (A3) DrNo WC02007 Existing and Proposed Floor Plans;
- (A3) DrNo WC02007 Proposed Elevations;
- (A3) DrNo WC02007 Existing Elevations;

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

**49/16/0011**

**Demolition of outbuildings and erection of two storey extension and amenity buildings to be used as ancillary accommodation at Ashbeers Farm, Wiveliscombe Road, Wiveliscombe**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A1) DrNo 2405-309 Existing and Proposed Roof Plans;
  - (A1) DrNo 2405-300 Location and Site Plans;
  - (A1) DrNo 2405-302 Existing and Proposed Elevations 1;
  - (A1) DrNo 2405-303 Existing and Proposed Elevations 2;
  - (A1) DrNo 2405-304 Existing and Proposed Elevations 3;
  - (A1) DrNo 2405-305 Existing and Proposed Elevations 4;
  - (A1) DrNo 2405-306 Existing and Proposed Elevations 5;
  - (A1) DrNo 2405-307 Existing and Proposed Elevations 6;
  - (A1) DrNo 2405-308 Existing and Proposed Elevations 7,8 and 9;
- (c) Prior to their installation samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) The accommodation and facilities hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Ashbeers, Wiveliscombe;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had granted planning permission; (2) Applicant was advised that 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; (3) Applicant was advised regarding WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.)

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

**34/16/0010**

**Outline application with all matters reserved for the erection of 2 No. two storey detached dwellings with double garages at Millgrove House, Staplegrove**

#### **Reason**

The proposed development represents residential development outside the defined settlement limits for Taunton. It is, therefore, contrary to Policy CP8 of the Taunton Deane Core Strategy. The proposal would result in sporadic development in the open countryside, detrimental to the visual amenity of the area, contrary to Policy DM1 of the Taunton Deane Core Strategy.

**53. Erection of outbuilding in the garden of Amberd House West, Amberd Lane, Trull (42/16/0009)**

Reported that the above application had recently been determined under delegated authority.

It had now come to light that the matter should have been referred to the Planning Committee due to the level of objection received.

Whilst the decision had been made, it was now considered prudent to explore whether the Committee would have reached the same decision in order to establish whether any injustice had been caused by this failure to follow procedure.

Members were therefore requested to consider the submitted report and agree what decision they would have made had the application been before them in the normal manner.

After careful consideration, it was **resolved** that if the Planning Committee had originally considered the application, planning permission would have been granted, subject to the following conditions being imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A4) DrNo 5472-01 Plans and Elevations;
  - (A3) DrNo P/102 Block Plan;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no additional windows or other openings shall be installed in the north elevation of the development hereby permitted without the further grant of planning permission;
- (d) The development hereby approved shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Amberd House West and not used for permanent stabling of horses;

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

**54. E/0101/35/16 – Alleged untidy and unsafe site at the Globe inn, Appley, Stawley**

Reported that it had been brought to the Council's attention - by Stawley Parish Council - that renovation work to a barn on the north side of the Globe Inn, Appley, Stawley had currently been stopped although the owner had

indicated that work would be continued, using a phased approach, and was likely to be completed by March 2017. Noted that the barn was listed by virtue of the fact it was attached to the listed public house.

Stawley Parish Council had requested the Council to take action in accordance with Section 215 and /or a Section 54 of the Town and Country Planning Act 1990 due to the state of the site causing harm to the visual amenity of the area.

In the view of the Area Planning Manager,, it was not considered that the amenity of the land or the adjoining area was being adversely affected by the site. Serving a notice as requested by the Parish Council would therefore not be an appropriate course of action at this time.

**Resolved** that, although the site would continue to be monitored, no further action be taken at this time.

**55. E/0004/21/16 – Alleged unauthorised development/untidy site on land off Milverton Road, Langford Budville**

Reported that a complaint was received in January 2016 regarding the build-up of waste, materials and rubbish on land off Milverton Road, Langford Budville.

Following an inspection of the site, it had been noted that there had been a large accumulation of wooden pallets, vehicle tyres and bricks and builder's rubble. It was also noted that there were several cars, mobile homes and caravans located on the site. It was also reported that people intermittently came and stayed on the site for short periods of time.

The owner of the land had been instructed to either remove the materials or apply for planning permission to allow the materials, vehicles, mobile homes and caravans to remain on the land.

To date no planning application had been received and it appeared that more materials, together with a further caravan, had been located on the site.

**Resolved** that:-

(1) An enforcement notice be served to:-

- (a) Stop the use of the site off Milverton Road, Langford Budville for the stationing of a mobile homes and caravans;
- (b) Stop the use of the site for residential/domestic/commercial use;
- (c) Remove the mobile homes and caravans from the site; and

- (d) Remove all residential and domestic equipment, building materials, tyres, builder's rubble, wooden pallets and materials associated with the unauthorised uses from the site;
- (2) Any enforcement notice served to have a compliance period of three months from the date on which the notice took effect; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

**56. E/0044/36/16 – Unauthorised siting of a mobile home at Curryload Farm, Curload Road, Curload, Stoke St Gregory**

Reported that a complaint had been received in February 2016 regarding the unauthorised occupation of a mobile home sited at Curryload Farm, Curload Road, Stoke St Gregory.

Reported that the occupants of the mobile home were not family, but friends of the owner of the farm, and were currently listed on the Homefinder Somerset awaiting the allocation of a Council house.

If the mobile home was being used in connection with the farm then there would be an argument for allowing it to be kept and ensuring the residential use ceased. However, in the current circumstances it was considered appropriate that the mobile home should be removed from the site to ensure both the cessation of the residential use and the adverse impact on the amenity of the area.

**Resolved that:-**

- (1) An enforcement notice be served to:-
  - (a) Stop the use of the site atv Curryload Farm, Curload Road, Curload, Stoke St. Gregory for the stationing of a mobile home;
  - (b) Remove the mobile home from the site;
  - (c) Remove all residential and domestic equipment and materials associated with the unauthorised use from the site;
- (2) Any enforcement notice served to have a compliance period of six months from the date on which the notice took effect and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

**56. Appeals**

Reported that five new appeals and two decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 8.25pm.)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors, 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

31/16/0009

PYMAN BELL

**Variation of Condition 04 (landscaping) and Condition 10 (temporary tents) of application 31/11/0026 at Woodlands Castle, Ruishton Lane, Ruishton**

Location: WOODLANDS, ILMINSTER ROAD, RUISHTON, TAUNTON, TA3  
5LU

Grid Reference: 326023.124831

Removal or Variation of Condition(s)

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## **Recommendation**

### **Recommended decision: Conditional Approval**

#### **Recommended Condition(s) (if applicable)**

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule attached to the previous approval reference 31/11/0026.

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

2. Noise from amplified music or speech from the licensed premises shall not be audible at the points marked A, B and C on the attached plan at any times.

This condition shall NOT apply to amplified broadcasts made in connection with evacuation of the premises in the event of fire or other emergency.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).

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

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

4. The bollards to close the old access drive shall be maintained at all times.



Reason: In the interests of highway safety.

5. The reinstatement of the boundary wall of the walled garden shall be carried out prior to the new permanent conference building being brought into use.

Reason: In the interests of the character of the listed building.

6. The two temporary tents hereby permitted shall be removed from the site as early as possible and certainly on or before 31st May 2019.

Reason: To preserve the character and setting of the listed building.

7. There shall be no fireworks or chinese lanterns used at the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the amenity and safety of the surrounding area in accordance with policy DM1 of the Taunton Deane Local Plan.

#### Notes to Applicant

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

## Proposal

The proposal is to vary two conditions of planning permission 31/11/0026 which was for the erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse, extension of car park and temporary erection of two tents at Woodlands Castle. Condition 10 relates to the timing of the removal of the temporary tents and condition 4 relates to landscaping.

The applicant wants to extend the timescale for the removal of the temporary tents from 2016 to 2019 to allow for further income to provide the permanent building on site. A revised business plan has been submitted together with clarification of why costs of the works carried out so far were greater than expected. The revision to the landscaping is to reflect those works already carried out and to not alter the bund on the eastern boundary and a revised landscaping plan has been submitted.

## Site Description

The application site consists of a Grade II listed house set in extensive grounds and surrounding parkland. The house is 3 storeys and rendered with a slate roof and dates to around 1810.

## Relevant Planning History

Originally a planning permission has been granted for office use in 1997 (31/97/014) and 2002 (31/02/018). Permission was refused for conversion of the building to close care retirement flats and erection of 3 blocks of flats in the grounds in 2005 (31/04/029). Permission for retention of two marquees for conference and functions use was refused in 2007 (31/07/0017) and dismissed on appeal in April 2008. A refusal for change of use to conference and function use, creation of access and car park, change of use of outbuildings to toilets, retention of pond, landscaping works and two marquees for a temporary period was refused in 2008 (31/07/0029).

Permission for change of use to function facilities together with a new access and car park was submitted in November 2008 and granted in January 2009 (31/08/0027). Permission was granted in 2012 (31/11/0026) for erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse, extension of car park and temporary erection of two tents at Woodlands Castle.

## **Consultation Responses**

*RUISHTON & THORNFALCON PARISH COUNCIL* - The Council has received objections from neighbouring properties in Woodland Drive that the applicant has breached condition 6 in regard to noise on application 31/11/0026 on a number of occasions. To extend the permission for two tents until May 2019 will adversely affect the quality of life in regard to noise nuisance for residents at neighbouring properties.

The applicant was given 3 years to raise the necessary funds for a permanent building. The Council consider the applicant was given ample time to comply with condition 10.

The two tents have an detrimental impact on the listed building.

*HERITAGE* - No comment

*BIODIVERSITY* - Any vegetation to be thinned should not be undertaken during the bird nesting season.

*ECONOMIC DEVELOPMENT* - No comments received.

*LANDSCAPE* - The proposed landscape plan is satisfactory.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Thank you for consulting on the above application to extend the use of temporary tents at the above premises.

Environmental Health did receive complaints about noise from the tents when they were first used and a condition about noise was put on the planning permission and also on the Premises Licence. Some complaints were received since permission was given, and Env Health did investigate these and contacted the premises to try and resolve the problem informally. The most recent complaints were in 2014.

If Planning do extend the permission for use of the tents the existing condition regarding noise should be retained. Environmental Health can work with Planning and Licensing if there are complaints about the condition being breached.

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to Standing Advice.

## **Representations Received**

4 letters of objection on grounds of

- have breached noise levels condition,
- impact on quality of life,
- flawed business plan,
- landscaping plan to be varied,
- detrimental affect on setting of listed building.

1 letter of support as are understanding and considerate to needs of villagers

## **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,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP8 - TD CORE STRATEGY - ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,  
M3 - TDBCLP - Non-residential Development & Transport Provision,

## **Local finance considerations**

### **Community Infrastructure Levy**

Not applicable.

### **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**

The main issues with the proposed variation of conditions are the impact of the proposed works in terms of amenity and specifically noise, the setting of the listed

building and landscaping.

The site lies outside the defined settlement of Ruishton and consists of a listed property in business use. The approved scheme was to expand the business use and the current business is one that is successful and helps maintain the listed building. The proposal would further this latter objective.

There is considered to be an economic benefit in terms of the current use both in terms of support for other local businesses as well as employment. It would potentially create further jobs. It is not considered that allowing this scheme would set a precedent for future development in the area. The question has to be raised as to whether there are harmful impacts of the development which would outweigh the variation of the two conditions.

### **Setting of the Listed Building**

The development previously approved will result in a permanent building set within the walled garden area and 5.8m in height. This reflects the height of the existing outbuildings within the adjacent courtyard and this height is considered acceptable in terms of design and subservience of the building. The Conservation Officer supported the proposals on the basis of the tents being temporary. The scheme was therefore considered to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of the Authority having special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The permanent building is not considered to harm any feature of the building or historic fabric and will retain and repair historic fabric.

The temporary tents were allowed on the basis they were temporary and should be removed by the end of May 2016. The variation requested would see their retention potentially until May 2019. While there is still a concern visually, a justification for their temporary siting was previously accepted. A further temporary siting is considered unfortunate, however to resist this would mean removing the applicant's ability to raise further income from wedding events and so would impact on the business and may not secure the permanent building previously granted. The tents siting and impact on the setting of the listed building was previously accepted, and a variation of the condition to limit their presence is considered appropriate to ensure their removal at the earliest opportunity.

### **Amenity and Noise**

The main area of local concern with the proposal is the issue of noise disturbance from the site. The Environmental Health Officer comments on the proposal but raises no objection to the scheme considering the noise condition imposed. A Noise condition was originally imposed to protect the amenity of the nearest residential properties. Such a condition is still considered reasonable as this would relate to the conclusions on the previous noise report in being able to mitigate levels of music from the site to satisfy the condition. There has been a noise complaint to the Planning Department in 2014, however this was addressed without having to resort to legal action.

If further complaints are received they will be investigated in the normal way and

action can be taken in light of the condition. It is not therefore considered that the revision to the conditions requested should be resisted on the basis of adverse impact on amenity.

## **Landscaping**

The main house and outbuildings are situated on land totalling almost 5ha which has a gentle southwards facing slope. The land immediately around the house to the west, south and east sides is enclosed and about a third of a hectare in extent. There are a number of mature trees to the north west of the house and a row of mature limes forming an avenue along the original main entrance forming a parkland setting for the house. A strong belt of maturing trees act as a screen along the southern boundary with the A358.

The current proposal has a revised landscaping scheme submitted with it and the Landscape Officer finds the revised details to be acceptable and this will be a subject to a condition of the permission here.

## **Conclusion**

The proposed new structure sits within the confines of the walled garden and was previously accepted and was not considered to detract from the setting of the listed building. The provision of temporary tents were considered acceptable before and the economic benefits of the scheme are considered to outweigh the issue of the site being outside of settlement limits and the concerns over noise and landscaping can be addressed by conditions. There is not considered to be substantial harm proven to occur to local amenity, landscape or the listed building to outweigh the benefits of the scheme previously identified and a variation of the two conditions requested is considered acceptable. Imposition of outstanding relevant conditions of the part implemented scheme are considered appropriate and necessary for clarity.

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**

STRONGVOX HOMES

**Residential development with the erection of 20 No. dwellings (including 5 affordable dwellings) with provisions of public open space, children's play area and allotments on land to the south of Knapp Lane, North Curry**

Location: LAND TO THE SOUTH OF KNAPP LANE, NORTH CURRY

Grid Reference: 331689.125292

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Conditional Approval**

Subject to a Section 106 Agreement to secure affordable housing at 25%, a travel plan, improvements to the local footpath network upgrading the adjacent public footpath to adoptable standard over its length from the site into North Curry and maintenance of the open space and surface water drainage pond.

### **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:

- (A2) DrNo 15.20.32 Street Elevations
- (A2) DrNo 15.20.31 Garage Elevations
- (A2) DrNo 15.20.30 Garage elevations - Sheet 2 Elevations
- (A2) DrNo 15.20.29 Garage Elevations - Sheet 1 Elevations
- (A2) DrNo 15.20.28 Garage Plans
- (A2) DrNo 15.20.27 Plots 12.13.14, 15 & 16 - Types G, J & H
- (A2) DrNo 15.20.26 Plot 7 - Type F Elevations
- (A2) DrNo 15.20.25 Plot 6 - Type F Elevations
- (A2) DrNo 15.20.24 Plot 5 - Type F Elevations
- (A2) DrNo 15.20.23 Plot 8 - Type E Elevations
- (A2) DrNo 15.20.22A Plot 20 - Type D Elevations
- (A2) DrNo 15.20.21 Plot 19 - Type D Elevations
- (A2) DrNo 15.20.20 Plot 11 - Type D Elevations
- (A2) DrNo 15.20.19 Plot 3 - Type D Elevations
- (A2) DrNo 15.20.18 Plot 10 - Type C Elevations
- (A2) DrNo 15.20.17 Plot 4 - Type C Elevations
- (A2) DrNo 15.20.16 Plot 1 - Type C Elevations

(A2) DrNo 15.20.15 Plot 17 - Type B Elevations  
(A2) DrNo 15.20.14 Plot 2 - Type B Elevations  
(A2) DrNo 15.20.13 Plot 18 - Type A Elevations  
(A2) DrNo 15.20.12 Plot 9 - Type A Elevations  
(A2) DrNo 15.20.11A Floor Plans - Type J  
(A2) DrNo 15.20.10A Floor Plans - Type H  
(A2) DrNo 15.20.09A Floor Plans - Type G  
(A4) DrNo 15.20.08A Floor Plans - Type F  
(A2) DrNo 15.20.07A Floor Plans - Type E  
(A2) DrNo 15.20.06A Floor Plans - Type D  
(A2) DrNo 15.20.05A Floor Plans - Type C  
(A2) DrNo 15.20.04A Floor Plans - Type B  
(A2) DrNo 15.20.03A Floor Plans - Type A  
(A2) DrNo 15.20.02F Site Layout - Roof Plans  
(A2) DrNo 15.20.01L Site Layout - House Types  
(A3) DrNo 15.20.00 Site Location Plan  
(A1) DrNo 201102\_SK01 Proposed Off Site Surface Water Drainage Route

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

3. 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.

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

4. No wall construction, excluding site works, shall begin until a panel of the proposed 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.

5. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before wall construction commences and thereafter installed and maintained in accordance with the approved details.

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

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

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

7. There shall be no occupation of any dwelling hereby approved until such time as the improvements to provide a hard surfaced footpath link from the site to the village have been carried out and completed and made available for use to the public. The footpath link and public access thereto shall thereafter be maintained as such.

Reason: To ensure a suitable alternative walking route to the village centre.

8. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.

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

9. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ethos Environmental Planning's Ecological Assessment Report, dated February 2016 and include:
  1. Details of protective measures to avoid impacts on protected species during all stages of development;
  2. A further survey for badgers prior to any development commencing;
  3. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.



#### 4. Measures for the enhancement of places of rest for wildlife

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.

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

Reason: to plan the protection of wildlife and their habitats from damage during construction works and to enhance the site for wildlife.

10. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted commenced and shall thereafter be maintained at all times.

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

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

Reason: In the interests of sustainable development.

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

Reason: In the interests of highway safety.

13. No dwelling shall not be occupied until a means of prevention of surface water from draining from its curtilage onto the carriageway has been constructed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, the surface water drainage details shall thereafter be maintained as such.

Reason: In the interests of highway safety.

14. A plan indicating the positions, design, materials and type of boundary

treatment to be erected, including the parking court shall be submitted to and approved in writing by the Local Planning Authority prior to its implementation. The agreed boundary treatment shall be completed before the building to which it relates is occupied and shall thereafter maintained as such.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy DM1(E) of the Taunton Deane Core Strategy.

15. Prior to the commencement of the development hereby permitted, full details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate no greater than greenfield runoff rates. Such works shall be carried out in accordance with the approved details and timing of works and shall thereafter be maintained as such.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

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

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

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

In the UK badgers are protected under the Protection of Badgers Act 1992.

Planning and licensing applications are separate legal functions

All excavations left open at night should either be cover plated or have a means of escape should an animal fall in.

Any chemicals should be stored away from any obvious badger runs, which should not be obstructed with any materials.

Security lights should be directed away from areas of the site where badger runs are evident.

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 the Traffic and Transport Development Group, County Hall, Taunton, or by phoning 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

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

## **Proposal**

The proposal is to erect 20 dwellings on the site and provide access, garaging, parking, open space, flood attenuation, a play area and allotments. Affordable housing to meet the policy requirement is also proposed. A Design & Access statement, Landscape and Visual Appraisal, Flood Risk Assessment, Transport Statement, Ecological Assessment, Tree Constraints Report and Historic Environment Assessment have all been submitted together with a Statement of Community Involvement.

## **Site Description**

The site consists of an arable field of 1.95ha bounded by hedges.

## **Relevant Planning History**

None, although the site is a housing allocation in the Site Allocations and Development Management Plan.

## **Consultation Responses**

*NORTH CURRY PARISH COUNCIL* - The Parish Council challenge the need for additional major development in North Curry at this time:

- North Curry has already met the original target of 40 houses set within the emerging SADMP\*. The plan covers until 2028 but all 40 houses are expected to be completed by 2018, based on development already approved and under construction.

- Once existing developments have been completed, the village will have expanded by 10% over a period of less than five years.
- The village cannot sustain further development. The Health Centre, village primary school and Village Hall were all built in the 1980s; in excess of 160 houses have been constructed in the last four decades, with no associated expansion of these community facilities.

The Parish Council does not believe the site is deliverable for the following reasons:

- Localised flooding is a major concern in and around the village centre. During heavy rain some flooding occurs adjacent to the site especially by the footpath proposed to be used. The proposals show an attenuation pond which should assist the situation but this pond will require a connection to the existing surface water system (not shown on application) which is very old and obviously inadequate as it is unable to drain the village centre during heavy rain. Concerns were raised by Wessex Water as to the suitability of the surface and foul water drain.
- Knapp Lane is not suitable for additional traffic and pedestrian movements. Between the site and village centre the road is very narrow and, in at least two points, under the recommended width. The junction with The Shambles is sub-standard with insufficient space for vehicles to enter and exit simultaneously. These failings were accepted when the Knapp Lane Acre planning application (24/14/0011) was refused, highway issues being specifically mentioned. The developers reported width of Knapp Lane is also challenged.
- The site is not sustainable. Due to lack of pavement along Knapp Lane and the unsuitability of the footpath to Windmill Hill, it is likely that local traffic will increase to access local facilities. There is limited opportunity for employment in the village, residents will therefore also be commuting, increasing traffic on narrow lanes (the bus service is very limited and threatened on an annual basis).
- Whilst it is proposed to upgrade a public footpath that exits onto Windmill Hill, the Parish Council has concerns that, while this could be a useful route, human nature will come into play and residents of the proposed development wanting to visit the shop/public house on foot, would take the shortest route by walking along Knapp Lane, bringing them into conflict with traffic, including large agricultural equipment, as no pavement exists and there is insufficient room for one to be installed.
- Due to the level of the site, which is approx. 1m plus above the adjoining carriageway and adjoining gardens, the Parish Council considers that the houses will be too prominent in the landscape (North Curry ridge is a special landscape feature) and will overshadow adjoining properties.
- In contradiction to the developer's report, it is reported that there is an active badger sett on the site.

North Curry Parish Council has concerns about the revised site layout (which is different to the one shown at the public consultation).

- The Parish Council object to the positioning of the social housing adjacent to existing dwellings.
- The Parish Council consider the village needs more, smaller houses.
- The Parish Council disagrees with the developer's assertion that the houses are in keeping with the village.

- It should also be noted that some of the site falls outside the proposed development line shown in the draft SADMP.

As shown in the representations on the planning website, a large number of Parishioners object strongly to this development. This was also reflected during the developer's Parish consultation, an exit poll undertaken by the Parish Council showed that of the 109 attendees who responded, 91 were against the development and 10 were undecided.

In conclusion, the Parish Council urge Taunton Deane to take on board the many well considered responses submitted regarding this application and turn it down.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposal relates to the development of 20 dwellings and public open space.

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

The applicant has provided information relating to the existing level of use of Knapp Lane in both directions. From the information provided it indicates that Knapp Lane the average level of movements per day are 213 with 21 movements in the AM peak and 18 in the PM peak with the average speed of vehicles along the lane being 23.4mph. The TS also provides information on the bus services operating in this location. From the details provided there appears to be one service that has a frequency of 120mins Monday to Saturday with no services in the evenings and on a Sunday. As a consequence based on this information it is unlikely that there will be shift away from the use of the private car.

The applicant has utilised the TRICS data sets to generate the potential trip generation of this proposal. These trip rates were discussed with the Highway Authority at the pre application stage. The information provided states that the proposal would result in an additional 12 movements in the weekday AM peak and 10 movements in the PM weekday peak. In terms of the weekday daily movements this is projected to be a total of 100 vehicle movements. This would equate to 4 extra movements per hour. As a consequence this application is unlikely to see a significant increase in vehicle movements over and above the existing use of the lane. As a consequence in traffic impact terms of this proposal cannot be considered to be severe in terms of Section 4 of the National Planning Policy Framework (NPPF).

It is likely that a high percentage of traffic will utilise the junction of Knapp Lane with The Shambles. The junction is narrow but does provide sufficient space to allow two standard sized cars to pass although visibility is considered to be limited in both directions although it is noted that a one-way system is in place as such traffic will only be coming from the left. From visiting the site there is a section of pavement/hard standing outside the existing dwelling on the left of the junction. However from reviewing the road record it is apparent that this area private and not adopted highway. Consequently this area could be parked upon and therefore obstruct the visibility further. As a consequence the Highway Authority would have concerns over any proposal that would result in a significant increase in vehicle

movements on this junction. However as set out above this proposal would only result in an extra 4 movements per hour, therefore although the proposal would result in an increase in traffic through the junction it is unlikely that it would be severe enough in capacity and safety terms to warrant an objection on highways grounds.

Having reviewed the submission the applicant has not provided a Travel Plan document. Please note that Somerset County Council's Travel Plan guidance states that a Measures Only Travel Statement would need to be provided for a proposal of this size and scale this will need to be submitted for comment and secured via a S106 agreement.

Turning to the internal layout the applicant has proposed a 5.0m wide access, which is sufficient to allow two-way vehicle flow with splays of 2.4m x 43m in either direction. These splays are based on Manual for Street design guidance and in keeping with the 85%tile speeds that were recorded by the ATC data provided in the TS as such they are considered to be acceptable.

The applicant should note that a 2.0m wide footway should be provided on one side of the carriageway throughout the site whilst the Highway Authority would also require a 1.0m margin throughout the site. Please note that the Advance Payment Code (APC) would apply as some of the site will result in the laying out of a private street as the allotment parking area will need to remain private. In terms of the footpath link shown to the south would the applicant be able to confirm whether this is going to be offered up for adoption. If it were to be utilised by both pedestrians and cyclists it would need to provide a minimum width of 3.0m. In regards to the attenuation pond who is going to be responsible for this? Please note that should be a minimum distance of 5.0m between this and the adopted highway. Finally the applicant has proposed a pedestrian link to join Knapp Lane. Would the applicant be able to confirm whether it is proposed to offer this for adoption by the Highway Authority? If it were to be put forward for adoption the stair providing the link to Knapp Lane would need to be subject to a review by Somerset County Council's Structure Team. Where this footpath joins the adopted highway suitable pedestrian visibility should be provided in either direction. It is noted that details of these splays have been provided as part of the appendices in the TS and are in keeping with the 85%tile speeds which were recorded on Knapp Lane. Consequently these splays are considered to be acceptable.

In regards to the site drainage the applicant reviewed a variety of SuDS methods with the preferred option utilising surface attenuation with runoff generated by the proposed development being routed into a detention basin or similar feature. This will then run surface water into the existing drainage system located within Moor Lane. Although no details have been provided on whether there is suitable capacity in the existing system to accommodate the proposed development. Consequently the applicant will need to prove there is sufficient capacity in the system.

In conclusion the proposal will result in an increase in vehicle movements over and above the existing use of Knapp Lane. However the proposed development will only result in an extra 4 movements per hour which is not considered to be severe enough to object on traffic impact grounds. The Highway Authority accepts that the junction of Knapp Lane with The Shambles is substandard in terms of visibility however it is noted that the junction is within the one-way system of the village.

However as the proposal will not lead to a significant increase in traffic at this junction it would be un-reasonable for the Highway Authority to raise an objection on the use of this junction. No Measures Only Travel Plan Statement has been provided as part of this proposal the applicant will need to provide one and it would need to be secured via a S106 agreement. In regards to the internal site arrangement this is broadly considered to be acceptable although there are some elements that would need to be addressed as part of any S38 submission. Finally in terms of the drainage the proposed SuDS are considered to be acceptable although the applicant will need to prove that there is sufficient capacity within the existing system to accommodate this proposal.

Therefore taking into account the above information on balance the Highway Authority raises no objection to this proposal and if permission were to be grant we would require the following elements to be secured.

- Travel Plan via a S106 agreement.
- A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
- No development shall commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicle per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. For this purpose, plans, and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- The proposed roads, including footpaths and turning spaces where

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

- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted commenced and shall thereafter be maintained at all times.

**NOTE:**

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Traffic and Transport Development Group, County Hall, Taunton, or by phoning 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

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

**WESSEX WATER** - The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance.



The Flood Risk Assessment proposes attenuation of surface water flows on site and discharge to the existing surface water sewer in Moor Lane.

Since the Flood Risk Assessment was written we have advised the consultant that the surface water sewer in Moor Lane has limited available capacity to serve the proposals and the applicant will need to consider a new outfall sewer to the land drainage system with approval from the appropriate Authorities.

Furthermore, your Authority and the LLFA will need to be satisfied that the applicant has provided enough evidence to conclude that infiltration techniques will not be suitable at this location in accordance with the SuDs hierarchy.

Finally, it is noted that this submission is for a full planning application, as such we believe a drainage layout plan should be submitted with the planning application which shows the proposed point of connections for foul drainage and surface water outfall as discussed above (subject to confirmation that infiltration will not be suitable).

#### COMMENT ON REVISED PLAN 10/6/16

Thank you for advising receipt of amended plans in respect of the above planning application. I note the Proposed Offsite Surface Water Drainage Route and the FRA Addendum.

The applicant, in accordance with SuDs hierarchy, is proposing an attenuated surface water flow to the existing watercourse to the west of the site. The strategy seeks to mimic existing greenfield run off and is preferable to connection via existing limited piped systems through Moor Lane. The proposed surface water sewer route from site to discharge point will be constructed subject to agreement with the landowners or the applicant can requisition the sewer from Wessex Water. The route will be subject to Section 98 (Water Industry Act 1991) requisition arrangements including environmental surveys; the route may alter from that shown. The applicant will also require approval from the riparian owner (watercourse) and LLFA.

The on site drainage apparatus will be subject to Section 104 adoption arrangements. Ponds are not adoptable features; ownership and maintenance are usually the responsibility of a management company.

*LEAD LOCAL FLOOD AUTHORITY* - The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

Within the submitted Flood Risk Assessment (FRA) the applicant has indicated an intention to utilise a detention pond to the North East corner of the site with a controlled outfall (held back to greenfield runoff rates) to the existing surface water drainage system located within Moor Lane, comments from Wessex Water appear to approve this proposal but include caveats to ensure the developer investigates

and confirms suitability of the existing system to take the additional flows.

The LLFA would support the proposed surface water drainage proposal in principle but would require more detailed design information. Prior to commencement of any works on site.

The LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

**Condition:** No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate no greater than greenfield runoff rates. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

**Reason:** To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

COMMENT ON REVISED PLAN 13/6/16

I have no further comments at this time.

*SOMERSET DRAINAGE BOARDS CONSORTIUM* - The site is located just outside the boundary of the Parrett Internal Drainage Board area however any surface water run-off generated will discharge into the Board's area, within which it has jurisdiction and powers over matters relating to Ordinary Watercourses. The Board's responsibilities require it to ensure flood risk and surface water drainage are managed effectively.

The Board have viewed the application details produced to support the submission and the concept appears to be use of balancing with a discharge to an existing surface water system. The Board would encourage a sustainable surface water approach and any infrastructure constructed must be adequately maintained for the future so there is no increase of flood risk to the development or existing properties.

The Board would suggest that if the committee of the Local Planning Authority are of a mind to approve the application the condition and informative set out below must be included within the certificate.

**Condition:** No development should proceed until foul and surface water drainage including any watercourse proposals have been agreed with the Local Planning Authority in conjunction with the Parrett Internal Drainage Board

**Reason:** The application has insufficient details to determine if drainage matters are to be properly addressed. It is not possible at this time to know if the development of the site will have an adverse impact on flood risk elsewhere. This is contrary to the principles set out in Section 103 of the National Planning Policy Framework and Section 2 of the Technical Guidance to the National Planning Policy Framework which requires that the development should not increase flood risk elsewhere.

The Board had brief discussions with the developer's agent regarding surface water disposal but it is important that surface water run-off and flood risk is considered and improvements made.

*ENVIRONMENT AGENCY* - We have assessed the application and can confirm that we have no comments to make as this consultation does not fall within a category to which we required consultation on.

*BIODIVERSITY* - The Somerset Levels and Moors Ramsar site lies 1 km to the north of the site.

The site consists of arable land. It is bounded on all sides by hedgerows. The development proposals include the retention of all hedgerows on site with the exception of the removal of a small section of the northern hedge for the access road

Ethos Environmental Planning carried out an Ecological Assessment of the site in

February 2016.  
Findings were as follows

### **Bats**

Trees in the hedgerow had no potential for bats.

During the activity survey there was very low levels of bat activity recorded, restricted to a total of two common pipistrelle bats passing the site along the SW boundary and a single noctule flying above the site. The static survey recorded seven species of bat, considered to be commuting bats.

I support recommendations with regard to sensitive lighting for bats and the incorporation of bat bricks in the new build houses.

### **Reptiles**

The site had low potential for reptiles.

### **Badgers**

No evidence of badgers using the site were noted.

### **Birds**

Birds are likely to use the crop on site as well as the hedgerows for foraging. Removal of vegetation should only take place outside of the bird nesting season.

I support the recommendation to erect four bird boxes on site.

### **Dormice**

The site has low potential for dormice in the hedgerows. I support the suggested precautionary recommendations

### **Condition for protected species:**

The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ethos Environmental Planning's Ecological Assessment Report, dated February 2016 and include:

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

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.

The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully

implemented

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: to plan the protection of wildlife and their habitats from damage during construction works and to enhance the site for wildlife.

### **Informative Note**

The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

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.

### **FURTHER COMMENTS**

Further to my initial biodiversity comments.

I have now visited the site . I confirm that badgers are using the site so should be protected throughout any development.

Please add the following note if permission is granted

In the UK badgers are protected under the Protection of Badgers Act 1992.

Planning and licensing applications are separate legal functions

All excavations left open at night should either be cover plated or have a means of escape should an animal fall in.

Any chemicals should be stored away from any obvious badger runs, which should not be obstructed with any materials.

Security lights should be directed away from areas of the site where badger runs are evident.

*LANDSCAPE* - A Landscape and Visual Appraisal produced by Tyler Grange has been submitted in support of the application. The LVA provides an introduction to the development, gives a baseline description of the site looking at the landscape character and views and then goes on to describe effects that are likely to occur as a result of the development. Unlike a full LVIA an LVA does not assess the likely significance of effects.

### **Designations**

The site is located to the south west of the North Curry Ridge Special Landscape Feature (SLF). However I agree it does not impact on views from the north to the SLF. The site is also in close proximity to the North Curry Conservation Area but has little bearing on the setting of the CA.

## Landscape Character

The site is located within NCA 143 Mid Somerset Hills and LCA Type 5a Sandstone ridge North Curry. Tyler Grange defines the area further and places the site in its own area - Ridge side agricultural land.

## Visual Context

The surveyor uses eleven viewpoints which were agreed with the Council prior to submission of the application. The photographs were taken in November 2015. I agree that, despite the ridge top location, the site is visually well contained by built form, existing vegetation and topography.

The main effect of this development will be the loss of agricultural land and the loss of a short section of hedge. However the western side of the site will be enhanced with open space and tree planting and additional hedgerow planting will be undertaken to compensate for the hedgerow loss.

To conclude, I agree with the report's findings. Given the relatively small size of the site and scale of the development along with the existing boundary vegetation and proposed landscaping, the development can be assimilated into the local area with only minimal landscape and visual effects.

*NATURAL ENGLAND* - In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

- The application site is located adjacent to the village settlement. The total area is 2.03 hectares and includes agricultural crop fields and boundary hedgerows. These site characteristics are not suitable for SPA qualifying bird species.
- The Ecological Assessment report notes that "*the Somerset Levels wetlands*

*designated for internationally significant over wintering populations of wetland bird species”, is located within 1km of the application site, but also advises that the “habitats found on the proposed site are very different to those found in the SPA, and it is considered very unlikely that any wetland bird species would be found on site, therefore any development on the proposed site would be very unlikely to impact this notable site.”*

### **Nationally designated sites – No objection**

This application is in close proximity to a number of Sites of Special Scientific Interest (SSSI). However, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application, as submitted, including the mitigation and enhancement measures detailed in the Ecological Assessment Report. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

### **Protected species**

We have not assessed this application and associated documents for impacts on protected species. We understand, however, that badgers have been recorded on the application site and that there is an active sett on the site boundary.

Based on the Ecological Assessment report it appears that the phase 1 habitat survey involved a site visit undertaken on the 22nd July 2015, and it noted the following limitations:

*“The maize crop was grown right to the hedgerows without passable field margins and it was, therefore, impossible to gain access to much parts of the site for a comprehensive survey. Hedgerows were surveyed from outside of the site, and protected species assessments made within this report rely on the assumption that the agricultural crop occupies the entire site (which appears to be the case from satellite imagery)”.*

The Council should give consideration to the potential use of the site by protected species throughout the year.

Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present. It also provides detailed advice on the protected species most often affected by development.

**SOMERSET WILDLIFE TRUST** - In principle we would support the comments made by the Authority's Biodiversity Officer in respect of planning conditions which should be applied if permission were to be granted. In addition to that we would also expect a condition to require the use of native plants and trees which support wildlife in any planting scheme. We would also request a condition which required that all boundary fences are constructed in a way that allows the free passage of small mammals, such as hedgehogs, within the site. However we do have a concern about the proposed development. The Ecological Assessment says that no

evidence of badgers were found on site. Information has been passed to me by local residents indicating the presence of badgers. In the circumstances I would request that a further survey is carried out to establish the full extent of the badger presence as it may have a significant impact on how or if the development could proceed.

*SOMERSET COUNTY ARCHAEOLOGIST* - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

*HERITAGE* - I can confirm that the proposed scheme would not result in a direct impact upon any built heritage assets, designated or non-designated.

Setting can be more difficult to quantify. The fact that I am unable to readily identify an obvious impact here tends to confirm the submitted Assessment. Any impact is likely to be low.

*HOUSING ENABLING* - 25% of the new housing should be in the form of affordable homes, which based on the scheme of 20 properties would equate to 5 affordable dwellings, which is proposed. The required tenure split of 60% social rented and 40% shared ownership is sought.

I note the scheme proposes: 1 x 1 bed flat, 2 x 2 bed dwelling and 2 x 3 bed dwelling. I am reasonably happy with the proposed mix and would consider the following an appropriate split in terms of tenure:

Social Rented - Plots 12,13 and 14 (1 x 1 b flat, 1 x 2b houses and 1 x 3b house)  
Shared Ownership - Plots 15 and 16 (1 x 2b houses, 1 x 3b house)

It is noted that Code for Sustainable Homes Level 3 is being wound up and we would therefore seek for the properties to be constructed to the relevant standards that supersede this at the date of approval of the planning application.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

*LEISURE DEVELOPMENT* - In accordance with Local Plan policy C4 provision for children's play should be made for the residents of these dwellings. The provision of the proposed centrally located LEAP is therefore welcome. The LEAP should be a minimum of 400sqm, suitable for use by children aged up to 8 years and should contain at least 5 pieces of play equipment, seating, signage and a bin. Open Spaces should be asked to comment on the design and content of the play area.

*DIVERSIONS ORDER OFFICER - Mr Edwards* - The field-edge path T17/50 Parish



of North Curry runs north–south within the western boundary of the proposed development site.

If the line of the path is to remain unaltered then it is recommended that the width of the path be fixed at 2 metres throughout its length.

*POLICY OFFICER* - The application site lies currently outside the existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Taunton Deane Core Strategy policies CP8, SP1 and DM2). Despite being currently in the open countryside, the northern part of the applicant site is proposed to be included within the settlement limit of North Curry pending the allocation of the land at Knapp Lane within the draft Site Allocations and development Management Policies Plan (SADMP).

North Curry is identified as a Minor Rural Centre in the adopted Taunton Deane Core Strategy. The Policy SP1 identifies requirements for at least 250 dwellings to be shared between the villages of Cotford St. Luke, Creech St Michael, Milverton, North Curry and Churchinford. North Curry is therefore identified as a sustainable settlement to accommodate further growth. In line with the adopted TDBC Core Strategy, new housing development within these settlements will include an appropriate balance of market and affordable housing together with some live-work units and will be small scale allocations, proportionate to the role and function of North Curry, sites within the development boundary (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council prepared a draft Site Allocations and Development Management Policies Plan (SADMP). The SADMP reflects the overall approach established in the adopted Core Strategy, allocating land to meet the housing requirements in the identified settlement hierarchy. The SADMP also includes detailed development management policies against which planning applications will be considered. It is anticipated that through the SADMP each minor rural centre will accommodate a scale of development commensurate with role and function and the capacity of local infrastructure, services and facilities as well as the availability of suitable and achievable development sites.

The SADMP has undergone a number of stages of preparation, starting with an Issues and Options consultation in January/February 2013, a Preferred Options consultation in October/November 2013 and a Draft Plan consultation in January-March 2015. The SADMP was submitted to the Secretary of State for independent examination on July 13<sup>th</sup> 2015. An initial hearing sessions were held on 1<sup>st</sup> and 2<sup>nd</sup> of December 2015 to discuss the proposed urban extensions at Staplegrove and Comeytrowe. Further hearing sessions concerning the soundness of the rest of the SADMP were held between 30<sup>th</sup> of March 2016 and 5<sup>th</sup> of April 2016. A hearing session to discuss the proposed allocations in the minor rural centres was held on 31<sup>st</sup> of March 2016.

The Planning Inspector in his post hearing letter to the Council dated 13<sup>th</sup> of May 2016 stated that he had reached a preliminary view that the Main Modifications discussed at the preliminary and main hearings into the Plan are all that are necessary to make the Plan sound. The Inspector's proposed main modifications to

the Plan did not include the Knapp Lane site. Consultation on the proposed Modifications to the Plan document were submitted for 6 weeks public consultation on 3<sup>rd</sup> of June 2016. The Inspector in his letter to the Council indicated that once the consultation process is complete, he will consider any further representations before reaching his final conclusions and completing his final report to the Council. With this in mind, significant weight can be put on the Draft Plan Document.

The SADMP is proposing to allocate two sites in North Curry; land at Knapp Lane for around 20 dwellings and land at Overlands for around 30 dwellings. The site at Overlands already benefits from outline planning consent for 30 dwellings granted at appeal in March 2014. The Knapp Lane site will deliver 25% of affordable housing and associated planning obligations. The policy makes a requirement for the development to provide a hard surfaced pedestrian link to, and similar improvements to the existing right-of-way to the west of the allocation.

Although the SADMP has not yet been adopted, the draft Plan has reached an advanced stage and the Plan has been subject to extensive community engagement prior to being submitted for examination. As this proposal is proportionate to the number of dwellings identified for the Knapp Lane site through the draft Plan, and the northern part of the site is proposed to be included within the settlement limit of North Curry (pending the allocation of the Knapp Lane site within the SADMP), development of this site is considered acceptable in principle. With this in mind, it is considered that this proposal should be considered on its merits. There are no policy objections to this proposal on these grounds.

## **Representations Received**

### **Ward Cllr Stone –**

As Ward Councillor for North Curry and Stoke St Gregory I object strongly to this application. The three main objections are on the basis of prematurity, that new housing numbers having already been met and that the road access to the site is totally unsuitable.

1) Prematurity – Planning Committee Members will be aware that the Local Plan Inquiry is presently taking place, with the Inspector having looked in detail at housing in North Curry on March 31st and in particular at the suitability of the application site in Knapp Lane. In these circumstances it would be inappropriate for the application at Knapp Lane to be approved. The Inspector has been presented with a great deal of detail information about the SADMP process, the wider position within the 5 minor rural centres, the overall housing position in North Curry and the detail of the Knapp Lane site. The Inspector should be given the opportunity to consider the overall background to this application and come to a considered decision and not be confronted with a decision made by the Planning committee without the same level of over view. For this reason the application should be considered premature and refused, particularly as the Inspectors decision will be forthcoming in a relatively short timescale. If the Inspector feels that the site is acceptable then the applicants will have the opportunity to re submit in the light of the results of the Inquiry. The timing of the application suggests that the applicants were seeking to pre-empt the Inquiry process and the Planning Committee should I feel not be seen to be complicit by approving the application. The only other option

is to refuse the application, a decision which is not irrevocable as the applicant will have options to appeal or resubmit at a more appropriate time.

2) Local Plan numbers have been met – during the deliberations of the SADMP process it was proposed that 250 houses was an appropriate number for the 5 minor rural centres to accommodate. As a result of a flood of applications after the initial site allocations in the SADMP process this target has not only been met in terms of applications granted but exceeded by at least 100% in terms of a combination of sites allocated and applications approved. While the exact numbers involved are open to interpretation the overall picture is beyond dispute and the 5 rural centres will definitely be making more than their contribution to the housing need in Taunton Deane. In North Curry alone about 43 houses have already been granted planning consent while the SADMP has been under consideration. There will be many more new units of accommodation than this coming forward over the Local Plan period on sites within the new development boundary and outside, particularly barn conversions which Government policies are strongly encouraging with it's recent policy changes which bring in new categories of farm buildings and simplify the consent arrangements.

3) Road access inadequate – In considering the Knapp Lane site itself it is blatantly obvious to anyone who visits the site that the road access along Knapp Lane is way below the standard to be suitable for a new housing estate. Two existing houses opposite each other have reduced the road width to about 3 metres. In addition the visibility at the junctions of Knapp Lane with the village square does not meet the required standards and there is no opportunity to improve these. The fact that SCC Highways failed to make a site visit to Knapp Lane when consulted by Deane officers about the initial SADMP site allocations suggests that this allocation was flawed from the start and should not now be approved simply because it was wrongly thought by some to be suitable (the lack of a site visit by Highways in the early stages was confirmed by a Freedom of Information request).

4) There are several more minor issues about the Knapp Lane site which should be mentioned for completeness. In landscape terms this is a prominent site within the North Curry ridge landscape feature. New houses on the ridge here would be seen from large areas of Hay moor and Curry moor to the North. While in theory the junior school has capacity for more children the reality is that to meet more demand the school would need to use a sub standard temporary portacabin which should have been replaced with a permanent building according to planning conditions imposed over 20 years ago. There are no funds available from SCC to address this. Finally, North Curry has drainage and sewage systems which were designed many years ago for half the number of houses which now exist and are so inadequate that they flood houses in certain parts of the village.

Conclusion – There are many reasons to refuse this application and few reasons to approve it. The site is unsuitable from a number of viewpoints but the overriding ones are that the application is premature at a time when the Local Plan Inspector is actively considering the wider picture, the 20 houses are not required and the services within the village will already be stretched by the more than 40 houses already built or presently under construction. I ask you refuse the application for the valid reasons above in the knowledge that the applicant still has cards to play which will allow a deeper analysis of the suitability of this site and give those opposed to the development to make their case in a timescale which is more appropriate to the wider planning process.

## **Ward Cllr Cossey –**

I am in complete agreement with Councillor Stone.

I object to this application on the following grounds which have been made by numerous representations

1. Prematurity the land is outside policy.
2. Local Plan numbers on new homes have been achieved.
3. Inadequate road access - Knapp Lane is highly dangerous.
4. Exposure on the North Curry ridge - new homes will be seen from miles around
5. Extreme pressure on Local Infrastructure such as the village schools, surgery and surface drainage problems in the village centre.

## **County Cllr Fothergill –**

Objection. As a village North Curry has taken a considerable amount of development in recent years and has to date assimilated these residences into the village community. I am very concerned however that this current application is too large and too significant for a small rural population. It is also significantly above TDBC's own allocation of properties to your Rural Development Centres.

I note that to date highways have not commented but would expect the small, narrow access roads to the site to be a major concern together with the impact on traffic flows around Queens Square and the Shambles. At the best of times traffic movements in this area can be a real problem. I would also object on the grounds of the impact of visible amenity. The site is elevated above surrounding properties and will be clearly seen along the ridge line for many miles. The view across the iconic Somerset Levels at this point will be severely compromised. My other concern relates to the significant adverse impact upon properties in Town Farm. The layout of parking and the proposed development is such that residents will have a reduced quality of environment, something which should be resisted in our rural settlements. Given the above I would ask that this application is outright rejected by the Planning Authority.

Objections from 81 people on grounds of

- Village has enough new houses so no need, housing target has been met
- impact on street scene and area contrary to policy S2
- outside settlement boundary and contrary to policies SP1, CP8, DM1 and DM2 of Core Strategy
- will lead to overdevelopment and loss of character of village
- The site should be reduced to limit its visibility and impact on the environment
- Site prominent in landscape and higher than road and will have a detrimental impact on the landscape and character of the village
- Negative impact on view of North Curry ridge from River Tone footpaths
- Negative impact on character and amenity on conservation area in village centre
- Loss of agricultural land contrary to policy S8
- The site lies beyond the allocation of MIN7 in the proposed plan contrary to SP1 and DM2

- Houses not in keeping
  - Overlooking and loss of privacy
  - overshadowing
  - the cross section is inaccurate. there are no trees and the hedge height is inaccurate.
  - Precedent for further development outside the village
  - Prematurity – we should wait for the report of the Inspector
  - Relevance of Knapp Lane Acre appeal
  - Accuracy of site plan
  - Increase in noise and pollution
  - Loss of community
- 
- Impact on rural lane with increase in traffic causing a danger to cyclists, walkers and riders
  - Proposal will almost double number of houses on Knapp Lane
  - Increase in traffic and congestion and County's traffic generation assumptions are flawed
  - Danger of heavy farm traffic that is not reflected in the Transport survey
  - Changes in farming have increased large agricultural traffic
  - Little local employment, limited bus service and site is unsustainable
  - Lane is too narrow with blind bends and no pavements or street lighting
  - Junction with Queen Square is narrow with poor visibility, will increase use of a substandard junction
  - Inadequate pedestrian access
  - Knapp Lane is a National Cycle route
  - Proposal is prejudicial to highway safety as safe and suitable access for all can not be achieved and this is contrary to policy CP6 and DM1 concerning highway safety
  - The footpath in the field is unsuitable for many villagers and is not suitable for the use suggested
  - The footpath T17/50 should be upgraded to adoptable standard
  - More road damage
- 
- Impact on local services such as school and medical centre
  - School is oversubscribed as is health centre
  - Funding for special educational needs
  - threat of run-off to surrounding properties
  - query feasibility of new drainage plan
  - no evidence of insurance developers will set aside should the village flood or someone is hurt as a result of the new development
  - Increase in flood risk to rest of village contrary to CP1, CP8 and DM1 of the Core Strategy and Section 10 of the NPPF
  - Existing drainage system can't cope
- 
- Concern over impact on wildlife with loss of habitat with hedge loss
  - Impact on badgers
  - Impact on human rights with right to quiet enjoyment of property and right to respect private and family life

## **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,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
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,  
DM2 - TD CORE STRATEGY - DEV,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
M4 - TDBCLP - Residential Parking Provision,  
EN23 - TDBCLP - Areas of High Archaeological Potential,

Draft Site Allocations and Development Management Plan

Policy I4: Water Infrastructure  
Policy ENV2: Tree Planting within residential areas  
Policy ENV3: Special Landscape Features  
Policy MIN7: Knapp Lane, North Curry

## **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. This development measures approx. 2875m<sup>2</sup>. Based on current rates, the CIL receipt for this development is approximately £359,500.00. With index linking this increases to approximately £424,000.00.

### **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

£21,581

Somerset County Council	£5,395
<i>6 Year Payment</i>	
Taunton Deane Borough	£129,488
Somerset County Council	£32,372

## Determining issues and considerations

The main considerations with the proposal here are the compliance with Local Plan housing policy, the impact on highway safety, flooding, landscape, wildlife and residential amenity.

### Policy

The site lies on the edge of the village of North Curry which is designated a Minor Rural Centre under policy SP1 of the Core Strategy. Policy SP1 does not set a maximum number of houses for Minor Rural Centres. The draft Site Allocations and Development Management Plan has identified residential development sites in North Curry of which the site for 20 dwellings here is identified under policy MIN7. This Plan is at an advanced stage in the process and while it has not yet been formally adopted the Inquiry Inspector has advised that the main modifications discussed at the hearings are all that is necessary to make the Plan sound. As this makes no reference to the deletion or addition of housing sites it is considered that the allocation at North Curry is as stated in the Plan and therefore significant weight can be put on the Draft Plan Document.

MIN7 of the Site Allocations and Development Management Plan identifies land at Knapp Lane for around 20 dwellings. The policy requires a hard surfaced pedestrian link as well as improvements to the right of way to the west. This is proposed through the Section 106 and a condition to require the provision of these improvements prior to occupation of any dwelling is considered an appropriate and necessary condition.

The policy also requires the proposal to comply with other policy requirements, including strategic landscaping, other environmental matters, affordable housing, design and a mix of dwellings and recreational open space where appropriate. An indicative plan was drawn up indicating the dwellings to the north of the site. However this was produced without the benefit of a landscape assessment. Part of the requirement of this site is to provide a children's play area. Locating this in the proposed open space to the south, however, would not secure adequate surveillance of such an area as required by the Leisure Office. Consequently the play area has been located centrally which pushes development further south. However there is still a proposed area of open space around 30m wide which will have strategic planting within it. An area for allotments is also provided as well as an attenuation pond for surface water drainage.

The proposed scheme provides for 20 units of accommodation and 5 of which would be affordable in line with policy CP4 of the Core Strategy. The Housing Enabling Officer is satisfied with the mix proposed and the affordable units will need to be

secured through a Section 106 agreement.

The design of the dwellings proposed are two storey and are to be constructed in brick and render with slate or tiled roofs. These designs and materials are considered in keeping with the village and are not dissimilar to those already approved at the Overlands site which is being carried out by the same developer. The development provides for 2 x 5 bedroomed dwellings, 9 x 4 bedroomed units, 6 x 3 bedroomed units, 2 x 2 bedroomed and 1 x 1 bedroomed unit and this mix of housing is considered an acceptable one.

## **Highway Access**

The access into the site is via a new entrance off Knapp Lane and provides for 2.4m x 43m visibility in both directions. The access is of an appropriate width and with a footway both sides of the access. This access is considered suitable to the Highway Authority. Mention is made by objectors to the Knapp Lane Acre refusal and appeal and parts of this decision have been selectively quoted by objectors. However the highway reason for refusal in this instance was a lack of visibility at the junction of the site with Knapp Lane where the applicant had no control over land ownership, a lack of turning space and a lack of access to a suitable footway. These issues were reflected in the Inspector's decision and are not comparable with the current site.

The site layout provides a minimum 2 spaces per dwelling and in cases where garages are provided meets more than the optimum requirements of the County Council parking strategy. A footway link is to be provided to the existing public footpath to the west and an upgraded link to the village centre is proposed. This will need to be secured through a Section 106 agreement. It is also considered necessary to ensure that this link is provided before occupation of any dwellings to ensure a suitable safe pedestrian access is formed and a condition is proposed to address this. The other pedestrian access and visibility to the north is considered acceptable to the Highway Authority.

Significant objection has been made in terms of the increase in traffic and safety of the Knapp Lane junction with The Shambles. This junction however, although it has limited visibility, is part one way. The Highway Authority has assessed the impact of the scheme in terms of additional traffic movements. While the Highway Authority considers there would be concerns over any proposal that would result in a significant increase in movements on this junction, the proposed movements (an additional 4 per hour) would not constitute a severe impact in capacity and safety terms to warrant an objection on highway grounds.

A Travel Plan will be a requirement of a development of this scale and this will be secured through a Section 106 agreement. In addition to the legal requirements a number of conditions are also proposed for any approval. A number of these are considered unnecessary or unenforceable and therefore conditions in respect of visibility, drainage, access and cycle/footpath connections are proposed.

## **Drainage/Flood Risk**

The proposal involves separation of foul and surface water drainage and Wessex



Water advise that the connection of foul drainage to adopted systems would be acceptable. The main issue is the treatment of the surface water from the site after Wessex Water advised that the existing surface water system has limited capacity. This is reflected in the Parish Council and objector comments. In order to address this a new surface water sewer is proposed that would be adopted and the surface water from the site would drain to the attenuation pond and would then be released to the sewer at greenfield run-off rates which would drain away from the village and thus avoid the exacerbation of the potential flood situation. The new sewer would be provided and adopted by Wessex Water in a precise location to be agreed.

The Environment Agency and the Lead Local Flood Authority raise no objection on flood risk grounds and the latter recommends a condition to ensure adequate surface water drainage is provided. Given the flood risk in the area it is considered that a condition to ensure the surface water drainage provision is provided on site at an appropriate time is necessary.

## **Landscape**

The application site lies on the existing edge of North Curry and a Landscape and Visual Appraisal was submitted with the application by a qualified Landscape Consultant. Clearly the development will have a visual impact on its surroundings, however the site is bounded by the edge of North Curry to the east and south and given the topography the views of the site are limited and localised. The site will be visible from the footpath to the west however the view will be against the back drop of the existing properties. The site does not directly impact on any Listed Building, the Conservation Area or SSSI.

Objections have also been received quoting an adverse impact on the North Curry Ridge. The Ridge is a Special Landscape Feature that is protected under policy ENV3 of the draft Site Allocations and Development Management Plan. This policy seeks to prevent development that would harm the appearance and character of the area. However the site is not readily visible from long distance views beyond the site. The photograph submitted by a number of objectors from the direction of the River Tone is using a zoomed focal length that omits the foreground. The natural view from the river has an extensive foreground and is dominated by the pastoral landscape of the floodplain and rolling agricultural landscape. At a distance from the ridge to the north, the site is not clearly visible and in wider landscape terms views of roofs of houses associated with other house roofs is not considered harmful to the character and appearance of the area.

The Landscape Officer agrees with the findings of the Appraisal report and advises "Given the relatively small size of the site and scale of the development along with the existing boundary vegetation and proposed landscaping, the development can be assimilated into the local area with only minimal landscape and visual effects."

## **Wildlife**

An Ecological Assessment has been submitted with the application and an update visit made following the removal of the crop from the field and at the request of Officers. Badgers have been identified as present within the locality and the

Biodiversity Officer is satisfied that suitable mitigation measures can be employed as part of a standard condition, given that no setts are directly affected by the development on site. Consequently a condition to address this matter is proposed should the development be acceptable.

### **Residential amenity**

The site lies on the edge of the village and therefore has residential properties to the north, south and east. To the north the new dwellings are set at field level which is over 1m above the road. However the dwellings are set so that they are around 20m from the boundary with the road and where there are other residential properties on the opposite side of the road are arranged so there are around 29m in terms of window to window distances. The garages are slightly closer at 10m or more off the boundary and this distance together with their lower height is considered adequate to prevent an overbearing impact. This proposed layout is considered to protect privacy and amenity and while it will affect the view out of the existing dwellings there is no right to a view.

The new properties to the south east will back onto the gardens of Town Farm. The gardens of the detached units will be over 20m in length while the area to the rear of the terraced properties will be 18m. This gives a window to window distance of around 50m for the terrace and in excess of 65m for the detached properties. There will also be views from the open space to the south east, however the amenity impact of this on gardens is considered acceptable and it is considered that with appropriate boundary treatments this will avoid any harm to amenity and loss of privacy.

### **Conclusion**

In conclusion the residential development here is considered to comply with policy MIN7 of the Site Allocations and Development Management Plan, it is considered that the scheme will not significantly harm wildlife, the landscape character of the area, residential amenity, flood risk or highway safety and is considered to be development in accordance with the development plan and is recommended for approval subject to a Section 106 Agreement.

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**

38/16/0146

ROCKSPRING

**Change of use of 9 No. units from A1 (retail) to A3 (restaurant) use within the Orchard Shopping Centre, High Street, Taunton**

Location: OLD MARKET CENTRE, ORCHARD, PAUL STREET, TAUNTON,  
TA1 3TP

Grid Reference: 322708.124413

Full Planning Permission

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## **Recommendation**

### **Recommended decision:**

### **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 3017-A-0001 Site Location Plan  
(A3) DrNo 3017-A-1010 Pig Market Location Plan - Ground Floor  
(A3) DrNo 3017-A-1027 Pig Market Ground Floor - Option B  
(A3) DrNo 3017-A-1028 Pig Market First Floor - Option B

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

3. The development hereby permitted shall not be implemented unless the existing units have first been amalgamated into 3 large units as indicated on drawing number 3017-A-1027. The units shall be retained in the amalgamated form indicated on that drawing for the duration of time that they are used for purposes falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 and shall not be subdivided in any way.

Reason: The benefits of granting permission are realised through the provision of larger units; the use of the site for A3 purposes would be contrary to Policy TC1 of the Site Allocations and Development Management Plan if the units were retained in their current form.

## Notes to Applicant

1. 5 High Street is a listed building. You are advised that any works that affect the historic or architectural interest of this building will require listed building consent. This includes (but is not limited to) the removal of the rear wall to allow amalgamation with other units as suggested in the application. To date, no information has been submitted regarding the potential impact upon the historic fabric of 5 High Street and the grant of this permission does not give any assurance that such listed building consent will be forthcoming.

## Proposal

This application seeks full planning permission for the change of use of 9 units within the Orchard Shopping Centre and fronting High Street to A3. The applicant intends to combine the units to form 3 large restaurant units.

## Site Description

The site is at the western extent of the Orchard Shopping Centre focussed around the Pig Market area and also including 5 High Street (formerly Austin Reed). Within the Orchard Centre, the units are the entire run from Panache to Hayden Welch on the northern side and the vacant unit adjoining Piazza Coffee House on the southern side. Piazza Coffee house is already in A3 use, so whilst these two adjoining units would be amalgamated, no change of use is required to that existing A3 unit.

## Relevant Planning History

There have been various alterations to the Orchard Centre over the years, but none are directly relevant to this proposal.

## Consultation Responses

*SCC - TRANSPORT DEVELOPMENT GROUP* – “Refer to Standing Advice”.

Officer’s note – whilst the Highway Authority have referred the proposal to standing advice, it is difficult to identify any relevant sections of standing advice as the proposal is located centrally within the pedestrianised area of Taunton.

## Representations Received

4 letters of OBJECTION have been received in respect of this proposal raising the following issues:

- Orchard should remain a major shopping, not eating venue.
- There are at least 5 café/restaurant units for sale within the town centre and there are at least 4 vacant A3 units which should be filled before permission is granted for more.
- Existing tenants have not been involved in the proposals and have not been

offered alternative premises.

- Most of the affected units are small and occupied by local traders. There will be a loss of suitable premises for small/independent traders in the town.
- Even if the application is refused, the existing traders may already have been forced out of the units and out of the town.
- The addition of further restaurants will cause hardship for other similar traders in the town.
- Taunton already has over 50 establishments dispensing food and drink including 9 in the High Street and Bath Place, plus the hot dog and ice cream vans.
- People will visit the food establishments whilst shopping in the town, but if there are no shops, they will not visit at all.
- Taunton does not need a food court.

## **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.

T19 - TDBCLP - Primary Shopping Area,

### **Emerging policy**

SADMP – TC1 – Activities within Primary Retail Areas

## **Local finance considerations**

### **Community Infrastructure Levy**

CIL does not apply to this proposal as no new floor space is being created.

### **New Homes Bonus**

Not applicable.

## **Determining issues and considerations**

The main issue in the consideration of this application is the principle of the

development, in particular the impact on the vitality and viability of the town centre in terms of both the proposed concentration of A3 units and the loss of existing A1 units. The relevant planning policies are saved Policy T19 of the Taunton Deane Local Plan relating to primary shopping areas and emerging policy TC1 of the Site Allocations and Development Management Plan.

Policy T19 states that:

*Within the Primary Shopping Area, proposals for the conversion of shops to other uses at ground floor level or the provision of non-retail units at ground floor level by new build or refurbishment will not be permitted, except where:*

*A) the proposal would help to sustain and enhance the vitality and viability of the Primary Shopping Area; and*

*B) the retail function of the immediate area will not be undermined by the increased proportion of non-retail uses; or*

*C) the conversion ensures the restoration or rehabilitation of a listed building which is currently in a poor state of repair and which has remained vacant for a significant period of time.*

*Applicants will be required to demonstrate that any such property has been actively marketed for retail use.*

Criterion C does not apply in this case as 5 High Street (listed grade II) is not in a poor state of repair and has only just been vacated. No marketing has been carried out and most of the units are currently in use.

The supporting text to the policy clarifies that: *Criterion (A) seeks to permit non-Class A1 uses which will contribute towards the vitality and viability of the Primary Shopping Area. Such uses will need to demonstrate that they are complementary to the core shopping area, by reason of:*

- creating beneficial diversity (a use which shoppers and/or visitors are likely to be attracted to as part of a general shopping or tourist trip);
- providing visual interest (quality frontages and display area); and
- generating significant pedestrian footfall throughout core shopping hours (at least similar to that generated by prime location Class A1 uses)...

*Appropriate uses will include restaurants, cafes, snack bars and leisure facilities...[but]... as a general rule, the Borough Council will seek to prevent the establishment of more than two adjoining non-Class A1 units at ground floor level.*

The emerging policy TC1 of the SADMP, which will replace Policy T19 is more prescriptive in its approach and states:

***In order to sustain and enhance the vitality and viability of the retail core, within the Primary Shopping Frontages of Taunton and Wellington as defined on the inset Proposals Maps, non-retail activity falling within Use Classes A2, A3, A4 and A5 and other main town centre uses will be permitted at ground floor level where:***

**A. The proposal would not result in the number of non Class A1 units exceeding 25% of the frontage block within which the unit is located and/or the unit does not form an important, visual corner plot where the loss would undermine the vitality or viability of the immediate area;**

**B. Within any frontage block, the maximum number of units falling within Classes A2, A4 and A5 and sui generis uses should not exceed 15%;**

**C. The proposal would not result in more than two adjoining units permitted for non Class A1 uses in any one frontage block; or**

**D. It allows for the restoration or rehabilitation of a listed building which is currently in a poor state of repair and which has been actively marketed for retail use but remained vacant for a significant period of time; and**

**For all proposals:**

**E. By condition, the use is open during normal (Monday to Saturday, 9-5pm) operating hours.**

**F. By condition and if considered necessary, later operating hours may be restricted to protect the amenity of surrounding occupants and the vitality and viability of the area generally.**

The supporting text indicates that: *Policy TC1 therefore seeks to sustain and enhance the shopping function of the retail core whilst retaining a degree of flexibility and diversity within the primary frontage by allowing a limited, indicative proportion of non Class A1 shop uses. Due to the changing nature of the shopping experience, the policy will be more relaxed for Class A3 uses (restaurants and cafes). This approach is complemented by the less restricted policy approach to secondary frontages which overall, allows for a high degree of diversity within the town centre as a whole.*

The policy is now considered to carry substantial weight as only criterion (d) is proposed to be modified following the plan's examination and, as with the local plan policy, this criterion is not relevant in this case. In any case, the criterion is only proposed to be amended by virtue of including reference to the need to protect the significance of the asset, in accordance with national policy.

The frontage blocks are defined on the proposals map and the entirety of the eastern side of the High Street, Fore Street and the Orchard Centre is included in one frontage block. The threshold in criterion A would not, therefore, be exceeded. Taking a strict application of criterion C of policy TC1 and the supporting text to policy T19, the final intended proposal would result in the creation of more than 2 continuous A3 units. The proposal adjoins Mr Miles coffee shop, so the resulting two restaurants would result in a continuous run of 3 such units. However, in practical terms because this run of three units turns the corner of the High Street and the Pig Market, it is not considered that granting planning permission would give the appearance of a cluster or proliferation of non-A1 uses, particularly as on both the Pig Market and the High Street, the next units in both directions are in A1 use.

However, it is important to note that it is the change of use of the individual units, not

the subsequent amalgamation of the units that requires planning permission and must be assessed. Should the owner choose not to amalgamate the units, then the proposal would create a run of 8 small non-retail units on the northern side of the Pig Market. Such is clearly contrary to policy TC1.

Given the location of the proposal in the centre of the Town's retail core and the scale of the proposed change of use within the Orchard Centre, your officers have sought independent retail planning advice from Savills. In summary, Savills have concluded that they consider that the proposals could deliver the following benefits:

- Increased vitality and viability of the Town Centre through diversification of the town centres offer that would therefore help to improve its attractiveness, increase footfall, the dwell time of visitors and overall spending in the town centre;
- Furthermore, increasing activity and footfall within the Town Centre in the evening that will contribute to its night time economy;
- Visual improvement to the High Street and the Pig Market; and
- Potentially reducing the overall vacancy rate in the Town Centre, through attraction of previously unrepresented restaurant operators and relocation of existing business.

In terms of the vitality and viability of the Town Centre, Savills comment that:

It is reasonable to consider A3 uses as complimentary to A1 use, particularly in a mixed use town centre environment. For shoppers already attracted to the Town Centre, an improvement to the A3 provision in the heart of it is likely to have a positive effect in terms of increasing the dwell time of those visitors in the town centre as well as their overall spend, which is positive for both the vitality and viability of the Primary Shopping Area. Similarly, it may also encourage people who would not otherwise have visited the Town Centre to visit, which again, has positive implications for the Primary Shopping Area as a whole if they also visit A1 and other uses at the same time.

Furthermore, in comparison to many vibrant Town Centres, the existing number of A3 units in Taunton, at under 10%, is relatively modest. It is also relevant to note that whilst 8 of the 10 units affected by the application's proposals are occupied at present, 2 are currently vacant and there are opportunities for these businesses to relocate to other Town Centre premises given that the Taunton Town Centre Retail Study (2014) identifies 50 vacant A1 units and 4 vacant A3 units. Reducing vacancies within the Primary Shopping Area would create a more desirable overall offer in the town centre.

It is also reasonable to assume that A3 units in this location would seek to create high quality frontages which could potentially include external seating areas (as suggested from the images within the applicant's Design and Access Statement, subject to licensing) which would make a significant positive contribution to the visual interest and vitality of this part of the Town Centre in comparison to the existing A1 units, which currently include a number of vacant units.



Similar to the comments above regarding beneficial diversity, a number of A3 units in this location, which is at the heart of the Town Centre, could have a positive effect on footfall through the Pig Market encouraging shoppers to visit a part of the town centre which they might not otherwise have passed through.

Furthermore, if the A3 units were to open for trade in the evening, they would be likely to increase footfall and support the night time economy in the Town Centre, which is currently relatively quiet beyond core retail hours. This is a key part of the Taunton Town Centre Area Action Plan's vision, and could have positive effects for A1 units and other uses that trade in the evening, as well as other knock on benefits such as improved safety (both actual and perceived) for people passing through the Town Centre outside of core shopping hours.

On the basis of the above, Savills consider that the proposals would not only sustain but enhance the vitality and viability of the Primary Shopping Area. Their advice is clear, unqualified and, in terms of the overall objectives of both the adopted and emerging town centre policies, it is considered that the aims of the policies are met, despite the conflict with criterion C of policy TC1. This is considered to outweigh the policy conflict and clearly indicates that planning permission should be granted.

This assessment is, however, based upon the principle that 3 large units would be created and not a run of 8 small A3 units within the existing format. Savills, therefore, recommend a condition requiring the units to be amalgamated as shown on the plan as it is the presence of the large restaurant units, rather than the A3 uses overall, that give rise to the benefits that have been identified.

### **Heritage matters**

The application site includes 5 High Street which is grade II listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when deciding whether to grant planning permission. In terms of the impact of the change of use itself, it is not considered that this would have any impact on the listed building or any features of special architectural or historic interest. The application does not indicate what alterations are proposed to 5 High Street, although it is clear that it is intended to be 'knocked through' into the modern units to the rear. No information has been provided on this aspect of the proposal and the application is clear that any alterations will be subject to subsequent applications. The indicated alterations have the potential to have a substantial impact upon the listed building, but it is understood that the rear of 5 High Street was substantially altered and rebuilt when the Orchard Centre was built in the first place. Therefore, with the inclusion of an advisory note that consent would not necessarily be forthcoming, such judgement can be reserved for a subsequent listed building consent application.

### **Conclusion**

The proposal will result in the change of use of a significant number of small A1 units within the Orchard Centre and 5 High Street. The proposal will result in a continuous run of non-retail uses within the primary shopping area, contrary to Policy

TC1. However, the independent advice obtained is clear that the proposals will have an overall positive benefit on the vitality and viability of the town centre and this is considered to be both in accordance with the main thrust of policies H19 and TC1, and outweigh the conflict with criterion C of policy TC. With the imposition of an advisory note indicating that Listed Building Consent is required for any subsequent alterations to 5 High Street, it is considered that the proposal (as submitted – purely for a change of use) will not give rise to any adverse impact upon heritage assets. Accordingly, the proposal is considered to be acceptable and it is recommended that planning permission is granted.

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

**Contact Officer: Mr M Bale**

06/16/0012

TAYLOR WIMPEY EXETER

**Variation of condition No.17 of Planning application 06/11/0032 to carry out the following highway works:**

**Improvements to the junction of Greenway Road/Station Road and provision of footway from opposite the site entrance to the existing footway on Station Road in accordance with Drawing Number 31408/GA/101 rev C;**

**Provision of signage to approach to the bridge, white lining to demarcate the edge of carriageway and surfacing material for informal pedestrian viewing area in accordance with Drawing Number GA/207 rev A;**

**Provision of a new roundabout at the junction of Station Road and the A358 in accordance with Drawing Numbers 31408/GA/301 rev K and 31408/GA/301 rev F.**

Location: STATION FARM, STATION ROAD, BISHOPS LYDEARD TA4 3BY

Grid Reference: 316237.12879

Removal or Variation of Condition(s)

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## **Recommendation**

**Recommended decision: Conditional Approval**

**Recommended Condition(s) (if applicable)**

1. The following highways works shall be completed by 31<sup>st</sup> December 2016:
  - (i) Improvements to the junction of Greenway Road/Station Road and provision of footway from opposite the site entrance to the existing footway on Station Road in accordance with Drawing Number 31408/GA/101 rev C;
  - (ii) Provision of signage to approach to the bridge, white lining to demarcate the edge of carriageway and surfacing material for informal pedestrian viewing area in accordance with Drawing Number GA/207 rev A;
  - (iii) Provision of a new roundabout at the junction of Station Road and the A358 in accordance with Drawing Numbers 31408/GA/301 rev K and 31408/GA/301 rev F.

Reason – In the interests of highway safety.

2. The area allocated for visitor parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the development is occupied, or as agreed in writing by the Local Planning Authority, and shall not be used other than for the parking of vehicles.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway.

3.
  - (i) The structural planting along the site boundaries shall be retained and supplemented in accordance with the agreed landscaping scheme and shall be maintained in accordance with a maintenance strategy. The aforementioned strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site and shall also set out the maintenance and management of the grass verges and landscaped areas held in common (as identified on a plan to be submitted to and agreed in writing by the Local Planning Authority).
  - (ii) The landscaping scheme submitted to the council on 1 May 2012 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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no garage shall be erected on the site without the further grant of planning permission.

Reason - To ensure that there is adequate space within the site for the parking of vehicles clear of the highway.

5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling without the further grant of planning permission unless indicated on the approved plans.

Reason – In the interests of the visual amenity.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window(s) shall be installed in the side (north) elevation of Plot 15 and side (west) elevation of Plot 10 hereby

permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents.

## Notes to Applicant

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

## Proposal

This is an application made in Section 73 of the Town and Country Planning Act to vary an existing planning condition that is attached to planning consent 06/11/0032 – Erection of 39 dwellings at Station Farm, Bishops Lydeard. The extant planning condition requires:

*Not more than 50% of the open market housing shall be occupied until the following highway works:*

- *Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;*
- *Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;*
- *Provision of a new roundabout at the junction of Station Road and the A358.*

*have been constructed in strict accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.*

The proposed amendment to the condition seeks approval for the designs for both the improvements to the junction of Greenway/Station Road (which include pedestrian footways from the housing site to the existing footway network) and the provision of the new roundabout at the junction of Station Road and the A358.

The application also seeks to remove the requirement for the provision of traffic signals at the approach to the railway bridge and provide carriageway markings and a change to the carriageway verge surfacing material.

## Site Description

Station Green is located to the west of the tourist attraction of the West Somerset Railway. The Bishops Lydeard terminus of the railway and the railway line form the eastern boundary of the larger development site. The rural centre of Bishops Lydeard is located to the north east, with a pedestrian underpass providing access across the A358. The site is accessed off Greenway Road, to the east of the entrance to the residential development at Greenway, which continues into Station Road and joins the A358.

Planning permissions were granted for a mixed use development comprising a public house with restaurant, 39 dwellings, office building, and a railway museum and carriage shed in 2011. Construction works on the dwellings commenced shortly afterwards.

The construction of the dwellings is complete, but two parts of the site remain undeveloped. The first is out the site entrance where planning permission was granted for the erection of a public house with restaurant. The second is at the rear of the site where planning permission was granted for the erection of a two-storey office building. Both of those planning permissions have now lapsed.

## **Relevant Planning History**

### **Original mixed use proposals**

The relevant site history dates back to 2007, when the developer GADD Homes secured a resolution to grant planning permission for the following applications:

06/07/0027 – Erection of mixed use development comprising tourist facilities, 29 open market houses, 8 affordable units and associated infrastructure works. The tourist element of the proposals provided for a café, micro-brewery, creative industry centre, cycle hire centre and an ice cream kiosk.

06/07/0028 – Erection of Public House with restaurant.

06/07/0042 – Erection of 2 detached dwellings plots 38 & 39.

06/07/0043 – Erection of single storey building to form museum and carriage shed.

06/07/0044 – Erection of two storey office building.

Those applications were then held in abeyance as the developer went into administration. The applications were formally consented in August 2011 once the technical information on ecological and flooding matters were finalised.

### **Subsequent change of house types**

In September 2011, Taylor Wimpey sought permission under application 06/11/0032 to change the consented house types for their own design and some minor alterations to the layout of the scheme, including the provision of SUDS.

The application carried forward the main enabling works to secure:

- Transfer of land to WSR for the provision of tourism facilities related to the functions of a Heritage Railway;
- Provision of a Tourist Information Facility

and through a Grampian Condition that required:

- No more than 50% of the open market housing to be occupied until the following highway works had been delivered:

- a) Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
- b) Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;
- c) Provision of a new roundabout at the junction of Station Road and the A358.

In addition there were planning obligations related to the development i.e. affordable housing provision.

The application was approved by the Planning Committee. The transfer of the land known as the 'tourism land' to the WSR has been executed, however, the highways works have not been implemented.

## Consultation Responses

### *BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL –*

The Parish Council considered the three parts of this application separately and in turn, the decision in respect of each part is outlined below:

- Improvements to the junction of Greenway Road/Station Road and provision of footway from opposite the site entrance to the existing footway on station road in accordance with Drawing Number 31408/GA/101 Rev C

The Parish Council supports the granting of permission subject to the concerns regarding removal of the hedge made by those living in properties on Station Green bordering Station Road. Whether the hedge is to be removed as part of these proposals is unclear on the plans.

- Provision of signage to approach to the bridge, white lining to demarcate the edge of carriageway and surfacing material for informal pedestrian viewing area in accordance with Drawing Number GA/207 Rev A

The Parish Council objects to the granting of permission. The Parish Council considers that the variation to only provide signage and white lining instead of shuttle signals will not ensure the safety of road users and pedestrians. The Parish Council felt that it had been placed in a very difficult position when considering this element of the planning application. The Parish Council feels strongly about the need for highway improvements on the bridge to improve safety but is concerned that its opposition to this part of the planning application could cause delays to all the required highway improvements which are already years overdue. The Parish Council also felt that there had been a lack of consultation between SCC Highways, Taylor Wimpey, West Somerset Railway PLC and the Parish Council (on behalf of the residents). If the shuttle signals aren't possible in this location then can alternative arrangements be considered like perhaps speed humps on either side of the bridge to slow road users on their approach to the bridge?

- Provision of a new roundabout at the junction of Station Road and the A358 in accordance with Drawing Numbers 31408/GA/301 Rev K and 31408/GA/301 Rev F.

The Parish Council supports the granting of permission provided that all the details are acceptable to SCC.

*SCC - TRANSPORT DEVELOPMENT GROUP - no objection*

I refer to the above mentioned planning application received on 19<sup>th</sup> April 2016 and following a site visit the Highway Authority has the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the variation of condition 17 of permission 06/11/0032.

The original condition called for the proposed highway works to be carried out and completed prior to 50% occupations of the Station Farm site. The developer therefore entered into a S278 agreement to secure these works. The works consisted of the provision of a footway on Station Road, a new roundabout and a proposed traffic shuttle signals.

The elements that relate to the delivery of the new roundabout and proposed footway have been approved for tendering purposes by the Highway Authority. However throughout the audit process it has become apparent that there were issues in delivering the proposed shuttle signals.

As a consequence the Highway Authority has been working with the developer to resolve this situation which has culminated with the details that have been submitted on drawing GA-207 Rev A. This has seen the removal of the shuttle signals and replaced it with road markings and additional signage whilst also replacing the existing verge on the bridge with a type 2 material to tie-in with the level of existing carriageway. This revised layout has been subject to a feasibility safety and technical audit and the Highway Authority is satisfied that this scheme is achievable.

From reviewing the planning application on line it is apparent that there are a number concerns raised over the removal of this shuttle signals. The Highway Authority believes that the proposed design is the most prudent solution to overcome the issues with the previous scheme whilst it should also be noted that having reviewed the accident data for the area we can confirm that there are no collisions relating to the bridge in its current configuration.

Finally the Highway Authority needs to make the developer aware that they will need to vary the existing S278 agreement to include the revised plan GA-207 Rev A and also the timings for the delivery of the roundabout on the A358.

Therefore based on the above information the Highway Authority raises no objection to the variation of condition 17 of permission 06/11/0032.

*HALSE PARISH COUNCIL – no comments received*



## Representations Received

11 letters of Objection/Comment have been received which raise the following issues:

### Greenway/Station Road improvements

- The loss of the hedge by Numbers 8 and 10 Station Green appears unnecessary and will result in the loss of wildlife and privacy for those residents
- Support the proposal to install a crossing point from Station Green to the existing footway on the other side of the road.
- Loss of hedge that faces the properties in Greenway would result in a loss of residential amenity to the occupiers of those dwellings – vehicle headlights from the new development would shine into the dwellings in Greenway

### Shuttle signals over bridge

- Aware of at least 3 accidents caused by vehicles stopping on bridge to observe trains.
- Not putting in shuttle signals would not improve safety for anyone crossing the bridge.
- Creating an informal pedestrian area without lights will reduce safety on the bridge.
- The developer should not be exempted from the cost of providing the originally proposed traffic lights.
- Why can't the traffic lights be located further back so that maintenance would be easier.
- The shuttle signals on the railway bridge between A358 and Cotford St Luke seem to be perfectly adequate for controlling traffic safely.
- It is unsupportable to leave the safety of pedestrians on the railway bridge down to a written sign.
- Some vehicles already drive dangerously too fast over the bridge and the proposals will not change this.
- The traffic lights were a specific requirement of the Highways Authority when they considered the original application.
- If it really isn't possible to provide traffic lights, there should be a steel footbridge built to allow pedestrians to cross the railway line and/or view the trains.
- The level of activity on the bridge is set to increase as the WSR develops a visitor centre, Heritage Carriage Display Shed and associated activities on the western side of the line.
- The whole point of the highway works is to enable safe and appropriate access to the railway, Station Green and Greenway for vehicle and pedestrian traffic.

### Provision of roundabout.

- The roundabout should be completed as soon as possible.
- The proposed underpass should have cycle gates to prevent the current problem of cyclists endangering elderly walkers.

1 letter of support has been received which raises the following issues:

- Installation of shuttle lights would result greater threat to train watchers standing on the bridge as vehicles would inevitably travel faster over the bridge, knowing that on-coming traffic is held back.
- Delays caused by traffic lights could lead to backing up of traffic north of the bridge, possibly as far as the promised roundabout on the A358.
- Provision of the roundabout should be a top priority.

## **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.

EC22 - TDBCLP - Land West of Bishops Lydeard Station,  
M4 - TDBCLP - Residential Parking Provision,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - TD CORE STRATEGY - ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
DM4 - TD CORE STRATEGY - DESIGN,

## **Local finance considerations**

The proposals have no local finance considerations

## **Determining issues and considerations**

As the original condition was imposed for the reasons of highway safety, it is considered that this is the main issue for consideration. As the original condition was split in 3 parts, each of these should be considered in turn.

## **Greenway/Station Road Junction Improvements**

The existing planning condition requires highway improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches. The current proposal include these works which would result in the slight realignment and widening of Station Road. This will allow for the Greenway Junction to be pushed out and improved visibility to be provided in both directions. The proposal also include the provision of a new pedestrian footway on the northern side of Station Road will provide a safe pedestrian route from the new residential development, through to the centre of Bishops Lydeard.

This road realignment will require the removal of some more of the hedgerow that was originally removed to provide the access to the new housing development. This was always expected as part of the original planning permission and is necessary to provide safe vehicle access to both Station Green and Greenway.

The provision of the new footway on the northern side of Station Road will require the removal of an existing knee rail and hedge that currently separates Station Road from Greenway. It is considered that there is a sufficient distance, with other landscaping and boundary treatments in place, to avoid a significant loss of residential amenity to the residents of the dwellings in Greenway. Overall, the additional provision of a footway and benefits to pedestrian safety is considered to outweigh the harm caused by the loss of the existing hedge.

### **Works to the Railway Bridge**

The existing planning condition requires the provision shuttle traffic signals at the approach to the bridge and footway works over the bridge. Despite, this being an original requirement of the Highways Authority, they have been unable to come up with a suitable scheme that is acceptable in highway safety terms and which is deliverable. They have therefore had to revisit these requirements and have suggested that a scheme of road marking and demarcation of carriageway edge would provide the necessary mitigation for the increase in pedestrians using the bridge as a result of the new residential development. A footway has always existed on the northern side of the bridge and this, when combined with the other works, will provide a continuous pedestrian footway from the new development to the centre of Bishops Lydeard. The southern side of the bridge has a well-worn grass verge that is predominantly used by visitors to the West Somerset Railway for crossing the line (when the barrow crossing is not in use) or for viewing trains at the station. The original proposals envisaged this verge been formally changed to a footway that would have resulted in the narrowing of the carriageway and necessitating the provision of traffic lights to control traffic over the bridge. The current proposals do not include the provisions of the short section of footway on this side of the bridge, but would result in the demarcation of the edge of the carriageway and replacing the top of the existing verge with a level, compacted and free draining surface. This will not be a formal footway/pavement, but would allow people to cross or view in a safer and more convenient manner than at present.

The County Highways Authority have been consulted on this proposed amendment and the revised layouts have been through their Safety and Technical Audit Process. As a result, they have no objection to the proposal to vary condition 17 of the original planning permission. In response to the application, they have concluded

that “The Highway Authority believes that the proposed design is the most prudent solution to overcome the issues with the previous scheme whilst it should also be noted that having reviewed the accident data for the area it can confirm that there are no collisions relating to the bridge in its current configuration.”

### **Provision of a new Roundabout**

The provision of the new roundabout is welcomed and full details of how this will be constructed have been provided in this application. This includes the reconstruction of the subway underpass.

The submitted plans show the realignment of the carriageway on the eastern side of the A358, new access point to the dwellings to the north and provision of a bus stop. The existing carriageway will be broken up and landscaped to highway verge.

Much of the responses to this part of the application is that it should be carried out as soon as possible. Comments have been received regarding the proposed reconstructed underpass and its use by cyclists. There are current highway signs that restrict cycle riding through the underpass and it is assumed that this would remain in place.

### **Conclusion**

Two parts of the proposals are generally in accordance with the original requirements of the planning condition and provide the detail design that was not previously available. These are clearly acceptable.

The proposal to not provide the shuttle signals as originally requested has been carefully considered by the highway authority, who have looked at the highway safety implications. They have responded to the application and have no objections to the proposed amendment to Condition 17 - which was originally imposed in the interests of highway safety.

It has already been announced by the Highway Authority that the works are due to commence in September 2016 and it is considered appropriate to include a date for the completion of the works. It is suggested that a date of 31<sup>st</sup> December 2016 is reasonable and this would allow for a small time contingency should any unexpected issues arise during the construction of the highway works.

As this is an application to vary a condition and would result in a new planning permission, it is necessary to impose any previous conditions that are still relevant to the development. These include the retention of visitor parking, maintenance of the approved landscaping scheme and removal of permitted development right for new garages, fences and insertion of windows in certain plots.

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

**Contact Officer: Mr B Kitching**

38/16/0141

MR AND MRS B KING

**Erection of two storey and single storey extensions to the rear of the property and erection of detached store at 10 Fremantle Road, Taunton**

Location: 10 FREMANTLE ROAD, TAUNTON, TA1 3BS

Grid Reference: 323724.123354

Full Planning Permission

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## **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 BK11202 Site and Location Plans

(A3) DrNo BK11202 Proposed Elevations

(A3) DrNo BK11202 Floor Plan and Elevations for Store

(A3) DrNo BK11202 Proposed Floor Plans

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

### **Notes to Applicant**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.

## **Proposal**

Erection of a two storey pitched roof extension at the rear of the property which will

project 3.3m by 3.449m with a single storey lean-to extension at ground floor level which will total 5.99m by 4m. In addition, to this extension it is proposed to erect a detached pitched roof outbuilding alongside the northern boundary, which will measure 5.4m x 3m. Both the extension and the outbuilding will be finished in render under a tiled roof.

The application is being presented to Planning Committee as the Applicant is a Member of Staff.

## **Site Description**

The property is semi-detached and is finished in part render and part brick work under a tiled roof. The existing store and outside toilet will be demolished to make way for the extension. Along the boundary of the adjacent property, 8 Fremantle Road there is a single storey extension which projects from the rear of the property. The mono pitch of the roof slopes in towards number 8 and therefore the highest part of the roof is the Applicant's side. Part of the proposed outbuilding will be built alongside this extension.

## **Relevant Planning History**

No relevant planning history.

## **Consultation Responses**

No response received.

## **Representations Received**

No response received.

## **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,

H17 - TDBCLP - Extensions to Dwellings,

## **Local finance considerations**

Not payable in this instance.

## **Determining issues and considerations**

The proposed two storey part of the extension is set away from the boundary with the adjacent neighbour and therefore, there is no impact in terms of loss of light on this property, particularly given the orientation. Whilst the single storey element is proposed alongside the boundary it is set off the boundary in order that no encroachment should occur. Part of the proposed outbuilding will be screened by the extension already along the boundary at the neighboring property. The design and neighbour impact are both considered to comply with policy and therefore the scheme is considered to be acceptable and 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: Mrs S Melhuish**

## **Appeal Decisions 22 June 2016**

Site: 6 MOOR LANE, CHURCHINFORD, TAUNTON, TA3 7RE  
Proposal: CONSTRUCTION OF A DORMER TO THE REAR ELEVATION AT 6 MOOR LANE, CHURCHINFORD

Application number: 10/15/0024

### **Reasons for refusal**

The proposed dormer window, by reason of its position, design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties within the Area of Outstanding Natural Beauty and would detract from the visual amenities of the locality contrary to policy DM1d of the Taunton Deane Core Strategy, retained Local Plan policy H17(C) and draft policy D5 of the Site Allocations and Development Management Plan.

Appeal decision: DISMISSED

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Site: 39A-A MANTLE STREET, WELLINGTON, TA21 8AX  
Proposal: VARIATION OF CONDITION No. 2 (APPROVED PLANS) OF APPLICATION 43/12/0081 ON LAND TO THE REAR OF 39A MANTLE STREET, WELLINGTON AS AMENDED

Application number: 43/15/0082

### **Reasons for refusal**

The development is considered to be unacceptably overbearing in relation to the neighbouring garden of 37 Mantle Street, detrimental to the amenity of that dwelling. It is, therefore, contrary to Policy DM1 of the Taunton Deane Core Strategy.

Appeal decision: Withdrawn

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Site: LAND ADJOINING NORTH END FARM, NORTH END, CREECH ST MICHAEL, TAUNTON, TA3 5ED  
Proposal: CHANGE OF USE OF LAND FOR THE SITING OF A MOBILE HOME ON LAND ADJOINING NORTH END FARM, NORTH END, CREECH ST MICHAEL

Application number: 14/15/0008



### Reasons for refusal

The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves an appropriate need, such as the need for affordable homes. Whilst the site adjoins the settlement limit, it is not considered that there are no other suitable sites within the rural centre itself, or that the need cannot be met by the affordable homes currently under construction within the village, or other affordable dwellings soon to be constructed in the adjacent Parish. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

Appeal decision: Dismissed.



# The Planning Inspectorate

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Your Ref: 43/15/0082

Our Ref: APP/D3315/W/16/3147292

Julie Harcombe  
Taunton Deane Borough Council  
Review Support Manager  
The Deane House  
Belvedere Rd  
Taunton  
TA1 1HE

19 May 2016

Dear Ms Harcombe,

**Town and Country Planning Act 1990**  
**Appeal by Mr Roger Bird**  
**Site Address: Land to the rear of 39A Mantle Street, Wellington, Somerset**

I enclose for your information a copy of a letter received withdrawing the above appeal(s).

I confirm no further action will be taken.

We will continue to process the remaining appeal(s).

Yours sincerely,

*Celia Stone*  
Celia Stone

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - [www.planningportal.gov.uk/planning/appeals/online/search](http://www.planningportal.gov.uk/planning/appeals/online/search)*

**From:** catherine.knee [mailto:catherine.knee@wyg.com]  
**Sent:** 30 March 2016 13:29  
**To:** POSTAL APPEALS  
**Cc:** TeampNI  
**Subject:** FW: Confirmation of Appeal APP/D3315/W/16/3147292

Dear Sir/Madam,

Please be advised that the appellant does not wish to proceed with this appeal, and will continue with the enforcement appeal ref: 3146712 only.

Please confirm receipt of this email.

Many thanks,  
Catherine

**Catherine Knee**  
Principal Planner

**WYG**

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Otley Road, Headingley, Leeds, West Yorkshire LS6 2UJ VAT No: 431-0326-08

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## Appeal Decision

Site visit made on 3 May 2016

**by J J Evans BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 May 2016**

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**Appeal Ref: APP/D3315/D/16/3144357**  
**6 Moor Lane, Churchinford, Taunton TA3 7RE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Miss Selena Mitford against the decision of Taunton Deane Borough Council.
  - The application Ref 10/15/0024, dated 13 July 2015, was refused by notice dated 20 November 2015.
  - The development proposed is the addition of a gabled dormer to the rear roof, providing mezzanine storage for bedroom 3.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed gabled dormer on the character and appearance of 6 Moor Lane and the surrounding area, having particular regard to the location of the property in an Area of Outstanding Natural Beauty.

### Reasons

3. 6 Moor Lane is positioned on a hillside close to the centre of Churchinford within an Area of Outstanding Natural Beauty (AONB). A distinct feature of the AONB's landscape is the remote positioning of the villages within it. Churchinford appears as an isolated settlement within the complex topography of steeply incised valleys separated by ridge tops. Fields and roads are bounded by hedgerows, and taken together with the woodlands that intersperse the farmland, there is an attractive verdant appearance to the landscape around the village.
  4. Comprising part of a small estate of similarly sized, aged and styled houses, No 6 is an end of terrace property set back from Moor Lane behind a shallow front garden, adjacent to a parking courtyard and garages. The rendered walls and plain tiled roof of No 6 are repeated on the other houses within the row. Apart from 3 Moor Lane, the houses have a symmetrical repeated pattern of windows and doors.
  5. Although constructed of materials to match those on the house, the size and positioning of the proposed dormer close to the eastern end of the row would disrupt the appearance of the rear of the terrace. Whilst there is local support
-

- for the proposal, the dormer would nevertheless be an unbalanced addition to the row, the effect of which would be exaggerated by the proposed replacement window beneath. The dormer would be at odds with the symmetry of the voids and walls present in the appeal property and its neighbours.
6. When viewed from the side, the hip would replicate the profile of the roofscape, and as such would harmonise with this aspect of the terrace. However, the dormer would be a substantial addition to the roof. From the submitted drawings it is not clear whether the dormer's ridge would be level or just below the house ridge. Whichever is the case, the tall height of the dormer combined with the breach of the eaves would make it a large and disruptive addition to the roofscape that would have little of the subservience of form and size that is found in many of the dormers in nearby properties.
  7. Moreover the provision of high level windows and a rooflight would have a cluttered appearance that would appear discordant when compared with the form and pattern of fenestration on the houses. Whilst I note this has been proposed to restrict overlooking, there are already first floor windows that provide a view into neighbouring properties.
  8. Within AONBs there is a statutory duty to conserve and enhance the area's natural beauty. The National Planning Policy Framework (the Framework) requires great weight to be given to conserving the landscape and scenic beauty of AONBs. Natural beauty includes not just the landscape but also human settlement. The remote location of the villages is one of the special qualities of the AONB, and due to its position high up on the hillside views of Churchinford are apparent within the wider area.
  9. Although I have found the dormer would harm the character and appearance of the house and the terrace, it would not significantly harm the landscape and scenic beauty of the AONB. The dormer would be seen against the backdrop of the mix of historic and modern properties within the village and the variety of roof forms. The proposal would not unacceptably erode the qualities and beauty of the AONB as the dormer would be seen as part of the built up area of the village as a whole.
  10. Thus the proposed gabled dormer would unacceptably harm the character and appearance of 6 Moor Lane and the surrounding area, but would have a neutral impact on the landscape and scenic beauty of the AONB. It would therefore fail to accord with Policy DM 1 of the adopted Taunton Deane Core Strategy and Policy H17 of the Taunton Deane Local Plan (2004). These policies require, amongst other things, development that does not unacceptably harm the appearance and character of an area or the form and character of the host dwelling, reflecting an objective of the Framework that seeks to protect local character and distinctiveness.

### **Other Matters**

11. The Council have referred to Policy D5 of the emerging Site Allocations and Development Management Plan. However, a copy of this policy was not provided with the appeal. From the evidence before me, I note it has not yet been adopted, and this tempers the weight that can be attached to it.

12. A nearby resident is concerned that the proposed dormer would affect levels of light into the rear gardens of the terrace. However, the proposed dormer would not project above the existing ridge line of the terrace, and when combined with the orientation of the houses, the degree of overshadowing would not be significantly greater than that which already occurs. This matter does not, however, outweigh my findings on the main issue.

**Conclusion**

13. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR

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# Appeal Decision

Site visit made on 11 April 2016

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 24 May 2016

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**Appeal Ref: APP/D3315/W/15/3138360**

**Land adjoining North End Farm, North End, Creech St Michael, Taunton TA3 5ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Hunt against the decision of Taunton Deane Borough Council.
  - The application Ref 14/15/0008, dated 17 March 2015, was refused by notice dated 10 July 2015.
  - The development proposed is the use of land for the stationing of a mobile home for a retired person.
- 

## Decision

1. The appeal is dismissed.

## Procedural matter

2. The appellant has submitted a planning obligation under Section 106 of the Town and Country Planning Act 1990 which makes provision for the proposed mobile home to be occupied solely by persons aged over 60 and who are unable to secure accommodation suitable to their needs in the open housing market within the parish and who satisfy other conditions relating to local connections. I shall refer to this in more detail below.

## Main Issue

3. Whether the proposal would contribute to an unmet demand for affordable housing specifically for the elderly and whether that contribution would outweigh policies which aim to constrain residential development outside of defined settlement boundaries.

## Reasons

4. The appeal site comprises a grassed field on the south side of North End, which, other than some small wooden buildings used for keeping poultry and a steel shipping container, is otherwise open. It lies outside of, but on the opposite side of the road from, the residential development boundary of the rural centre of Creech St Michael as defined in the Taunton Deane Core Strategy 2011-2028 (CS), adopted in September 2012.
  5. The appellant was born in the village, and lived much of his life there, only moving away in 2005. He has now retired and wishes to return to the village, where he has close relatives who can provide mutual support. It is argued that
-

there is no affordable accessible accommodation within the village suitable for his needs. The proposal would be a "log-cabin" type mobile home which would provide affordable accommodation

6. CS Policy DM 2 deals with development outside of defined settlement limits and provides that specified uses will be supported, which includes affordable housing, provided no suitable site is available within the rural centre. There is no evidence of any search having been carried out of suitable sites within Creech St Michael. I agree with the Council that the onus is on the appellant to show that this criterion of the policy is met.

7. Moreover, there is no information before me as to whether the appellant satisfies the eligibility requirement for affordable housing. I have not been referred to any local definition of affordable housing, and therefore I have adopted the definition given in the National Planning Policy Framework (the Framework), which defines it as:

*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.*

8. In this case, I have been told nothing of the appellant's means, and whether he would meet the eligibility criterion. Moreover, the planning obligation does not tie the future occupation to persons who might meet the affordability criterion. I therefore consider that this proposal cannot be seen as providing affordable housing within the meaning given in the Framework.

9. Even so, it is still a plank of Government policy that all the housing needs of an area should be met including the needs of older people, who may have accessibility needs. The appellant says that there are no suitable, affordable properties within Creech St Michael, and therefore the full housing needs of the area are not being addressed.

10. The Council argues that there are properties which could be adapted to meet accessibility needs, including affordable housing in recent developments in the village and has referred to a few examples of low cost housing in and close to the village. Whilst some of these might not be located where the appellant would prefer for personal, social reasons, I consider that this is not a compelling reason to afford priority to the appeal site, especially taking into account the site's poor accessibility for the those with restricted mobility, to which I refer below.

11. Moreover, on my visit I noted that there were a considerable number of bungalows throughout the village, which are often popular with the elderly because of their ease of accessibility. I consider it likely that many would be suitable to be adapted without excessive cost so as to be accessible, and because of their ubiquity it is likely that many would appear on the market on a regular basis. Whilst I accept that the cost of adaptations may be beyond those who are in need of affordable housing, there is nothing to show that the appellant is not in a position to fund adaptations privately.

12. The appellant has provided information which shows that there are a significant number of elderly persons on the Council's housing waiting list. By virtue of



their being on the waiting list, these people are likely to be in need of affordable housing. However, the obligation offered by the appellant would not give them any priority, and as an unfettered open market dwelling, albeit only available to the elderly with local connections, there is no certainty that the mobile home would be available to meet their needs. In this regard, I note that the Council's Housing Development and Enabling team do not support the proposal as there would be no way of ensuring that the home was occupied by those with the greatest objectively assessed need.

13. I also consider that the site is not ideally located for occupation by anyone with reduced mobility. The Council points out that the site was rejected for consideration from the Strategic Housing Land Availability Assessment because "*it is relatively poorly related to facilities, and integration into the community would be difficult to achieve*". I saw on my visit that the services and facilities in the centre of the village are some distance away (700-800m or so), and the adjacent road lacks a footway to link to footways nearby to reach them. The access into the site is via a steep bank, which would also be difficult for anyone with mobility difficulties to negotiate on foot, and the need to walk along or cross North End where there is no footway would make the site less than ideal for anyone with mobility difficulties. This also militates against the suitability of the site for the intended use.
14. In conclusion, I consider that the proposal would not make a significant contribution to an unmet demand for affordable housing specifically for the elderly sufficient to outweigh the development plan policies which seek to constrain development in this location. It would therefore conflict with the Core Strategy Policy DM 2.

#### **Other matters**

15. I have had regard to other matters raised by local residents, including the effect of the proposal on the setting of a nearby listed building, North End Farm. However, I consider that the site of the proposed mobile home would be sufficiently far away to protect the setting of the listed building and the privacy of other nearby properties.
16. I have taken into consideration the Council's fears about precedent, but as each proposal has to be assessed on its individual merits, I do not find this to be a compelling argument against the proposal.

#### **Conclusion**

17. I conclude that for the reasons given above the proposal would conflict with the development plan as a whole and should be dismissed.

*JP Roberts*

INSPECTOR

## **APPEALS RECEIVED**

Site: GARNSEY FARM, LOWER KNAPP LANE, KNAPP NORTH CURRY,  
TAUNTON, TA3 6BQ

Proposal: PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM  
AGRICULTURAL BUILDING TO DWELLING HOUSE (USE CLASS 3) AND  
ASSOCIATED BUILDING OPERATIONS AT GARNSEY FARM, LOWER KNAPP  
LANE, KNAPP, NORTH CURRY

Application number: 24/15/0033

Appeal reference: APP/D3315/W/16/3148147

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Site: KEDGET BARTON FARM, HOMEMEAD LANE, CHURCHSTANTON,  
TAUNTON, TA3 7RN

Proposal: APPLICATION FOR THE RETENTION OF THE LAWFUL USE OF A  
DWELLING (USE CLASS C3) (NOT TIED TO EITHER AN AGRICULTURAL  
AND/OR EQUINE RELATED OCCUPANCY OR SIMILAR) AT KEDGET BARTON  
FARM, CHURCHSTANTON

Application number: 10/14/0034LE

Appeal reference: APP/D3315/X/16/3150659

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### Enforcement Appeal

Site: FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD, TAUNTON, TA3  
7RW

Alleged breach of planning control: UNAUTHORISED SITING OF MOBILE HOME  
AND CHAGE OF USE OF STABLE TO RESIDENTIAL OCCUPATION AT  
FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD

Reference number: E/0196/10/15

Appeal reference: APP/D3315/C/16/3149290

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