

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 24 May 2017 at 17:00.

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### Agenda

- 1 Appointment of Chairman
- 2 Appointment of Vice-Chairman
- 3 Apologies.
- 4 Minutes of the meetings of the Planning Committee held on 5 and 26 April 2017 (attached).
- 5 Public Question Time.
- 6 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 7 49/17/0007 Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 130 dwellings with public open space, landscaping and sustainable drainage system with vehicular access point on land at North Street, Wiveliscombe
- 8 42/17/0005 Erection of 1 No. detached dwelling with associated works on land to the east of Wild Oak Lane, Trull
- 9 24/17/0010 Erection of an agricultural building for housing of livestock and storage with associated hardstanding, access track and access onto highway on land at Newport Farm, Newport Road, North Curry (amended scheme to 24/16/0038)
- 10 23/17/0003NMA Non-material amendment to application 23/78/0025 for revisions to road layout, omission of plots 20 and 54 and planting of trees and hedgerows on land at Creedwell Orchard, Milverton
- 11 34/17/008 Erection of first floor rear extension and replacing the existing flat roof canopy to the front (west) elevation with a sloping monopitched roof at 6 Stoneleigh Close, Taunton

- 12 E/0180/27/16 Alleged unauthorised development at Allerford Farm, Norton Fitzwarren
- 13 Latest Appeals and Decisions received

Bruce Lang  
Assistant Chief Executive

22 June 2017

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 J Adkins  
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

## **Planning Committee – 5 April 2017**

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors M Adkins, Mrs Adkins, Booth, Coles, Gage, Morrell,  
Nicholls, Mrs Reed, Sully, Townsend, Watson and Wren

Officers: - Matthew Bale (Area Planning Manager), Bryn Kitching (Area Planning Manager), Gareth Clifford (Principal Planning Officer), John Burton (Principal Planning Officer), Martin Evans (Solicitor, Shape Partnership Services), Tracey Meadows (Democratic Services Officer)

Also present: David Evans (Economic Development Manager), Councillor Farbahi and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5 pm)

### **16. Apologies/Substitutions**

Apologies: Councillors C Hill, Martin-Scott and Wedderkopp

Substitutions: Councillor Coles for Councillor Wedderkopp  
Councillor Gage for Councillor C Hill  
Councillor Sully for Councillor Martin-Scott

### **17. Minutes**

The minutes of the meeting of the Planning Committee held on the 1 March 2017 were taken as read and were signed.

### **18. Declarations of Interest**

Councillors M Adkins and Coles declared personal interests as Members of Somerset County Council. Councillor Coles also declared a personal interest as he was a member of the Devon and Somerset Fire and Rescue Authority. Councillor Mrs Hill declared personal interests as a trustee to Hestercombe House and Gardens, a trustee to the Somerset Building Preservation Trust and as a Director of Apple FM. 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 Nicholls declared personal interests as a Member of Comeytrowe Parish Council and as a Member of the Fire Brigade Union. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillor Bowrah declared that he was the Ward Member for and had received correspondence in respect of application No. 43/17/0002. He had also received correspondence on application No. 06/16/0036 on behalf of Taylor Wimpey Homes and declared that he had not 'fettered his discretion'. Councillor Brown declared that he had spoken to residents on application Nos

43/16/0130 and 43/17/0002, and declared that he had not 'fettered his discretion'. Councillor Mrs Reed declared that she had 'fettered her discretion' on application Nos 43/16/0130 and 43/17/0002. She stated that she would leave the room whilst the applications were debated and voted on. Councillor Sully declared that he had spoken to residents on application No. 38/16/0227, but had not 'fettered his discretion'. Councillor Watson declared that he was the Ward Member for application Nos 06/16/0036, 11/17/0006 and 53/16/0012. He had not 'fettered his discretion'. He also declared that he was a member of the Bishops Lydeard and Cothelstone and Combe Florey Parish Councils, and that he had not taken part in any discussions regarding these applications. All Councillors declared that they had received correspondence from Taylor Wimpey.

## 19. 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:-

### **43/16/0130**

**Construction of additional tennis court and associated works, including erection of fencing and alterations to access arrangements at Wellington Tennis Club, Courtland Road, Wellington (resubmission of 43/16/0066)**

- (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 0031-AN 03 Rev 2, Proposed Detail Plan;
  - (A1) DrNo 0031-AN 04 Rev 2, Proposed Elevations;
  - (A3) DrNo 0031-AN 02 Rev 4 Proposed Site/Location Plan;
- (c) Construction of the hereby approved tennis court shall not commence until the alterations to the access arrangements have been completed and the works associated with the relocation of the football pitch (i.e. relocation of the two goals and the protective netting, drainage being provided in association with the goal area at the northern end of the pitch and the cutting back of foliage on the north-eastern side of the repositioned football pitch) have also been completed;
- (d) No development shall take place until details/samples of the materials to be used in the construction of the external surfaces of the new tennis court and run-off area 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;

- (e) Within two months of the felling of the Birch Tree (annotated TR2 on submitted drawing No. 0031-AN 02 Rev 4), a replacement tree must be planted as a 'feathered' or 'standard' tree, with a minimum trunk girth 8-10cm in accordance with BS 4428:1989. Details of this tree, its exact location and the method of planting, together with measures for its protection during the course of implementing this approval, shall have been previously submitted to, and agreed in writing by, the Local Planning Authority;
- (f) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;

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

- (g) No form of lighting or floodlighting shall be used or placed at the site in connection with this permission hereby granted.

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

**48/16/0046**

**Erection of agricultural building for the housing of livestock at Quantock Farm, West Monkton, Taunton**

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

Proposed New Steel Framed Cubicle Building for Dairy Cows dated 7 July 2016;

- (c) An earth mound shall be constructed and maintained in the location shown on the submitted plan to a height of not less than 2 m in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and shall be provided within three months of the commencement of any part of the development;
- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be implemented prior to the building being brought into use and shall thereafter be maintained as such.

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

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

**06/16/0036**

**Erection of 3 No. dwellings with associated car parking, landscaping and drainage infrastructure at Station Farm, Station Road, Bishops Lydeard**

**Reason**

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy', SP1 'Sustainable Development Locations' and SP4 'Realising the vision for rural areas' together with Site Allocations and Development Management Policy MAJ5 'Land west of Bishops Lydeard Station' in that it would lead to the loss of a site allocated for recreational, tourism, commercial and other employment generating uses which would represent an unsustainable form of development in this Major Rural Centre. The proposal does not support Objective 3 (Employment: Enhance opportunities for employment in the Parishes by maintaining and increasing the range, extent and scale of commercial and light industrial premises) or Objective 4 (Tourism: Facilitate opportunities to capitalise on the presence of the Quantock Hills AONB and West Somerset Railway in the Parishes) of the adopted Bishops Lydeard and Cothelstone Neighbourhood Plan.

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



looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy tests and as such the application had been refused.)

#### **11/17/0006**

#### **Replacement of agricultural building with the erection of a single unit of self-catering holiday accommodation for disabled visitors at The Old Poultry House, Trebles Holford (resubmission of 11/16/0010)**

#### **Reason**

The proposed development site lies outside the Development Boundary Limits in an Open Countryside Location and is therefore considered distant from services and facilities. As a consequence, occupiers of the proposed development will be dependent on their private vehicles. Such fostering of growth in the need to travel would be contrary to advice given in the National Planning Policy Framework (NPPF) and Policy CP1 (Climate Change) of the Taunton Deane Core Strategy. Furthermore, no evidence has been submitted to justify the siting of the building in this location, in open countryside, and as to why there are no other suitable sites that could accommodate this proposal. It is not considered that the use of the building and site is sufficient to outweigh the location, outside of defined settlement limits, and as such, the proposal would therefore not accord with Policy DM2 (Development in the Countryside) and Policy CP8 (Environment) of the Taunton Deane Core Strategy.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

#### **42/16/0040**

#### **Erection of gospel hall and associated external works at land at Killams Lane, Trull**

#### **Reasons**

1. The approach roads by reason of their restricted width and poor alignment and lack of footway provision are considered unsuitable to serve as a means of access for the type and volume of traffic likely to be generated by the proposed development. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy CP6 of the Taunton Deane District Local Plan/Core Strategy (adopted 2011-2028);
2. The site is within the identified Green Wedge. The site provides part of a wildlife corridor and forms a buffer between the settlement and the M5

Motorway. The maintenance of these objectives for the Green Wedge would be harmed by the proposed development, contrary to Policy CP8 of the Taunton Deane Core Strategy;

3. The wildlife survey effort is considered to be insufficient to confirm that there would not be an unacceptable impact upon bats. The proposal is, therefore, contrary to Policies DM1 and CP8 of the Taunton Deane Core Strategy.

#### **43/17/0002**

**Outline Application with all matters reserved, except for means of access, for the erection of up to 205 dwellings and up to 60 apartments with care (Class C2), with public open space, landscaping, sustainable drainage systems and vehicular access points for Exeter Road on land to the west of Bagley Road, Rockwell Green**

#### **Reasons**

1. The proposed development is outside the defined settlement limit of Wellington and Rockwell Green. It would result in an unplanned extension of the town, preventing a full assessment of the most sustainable options for future growth. It is, therefore contrary to Policies CP8 and DM2 of the Taunton Deane Core Strategy;

The site is too far distanced from Rockwell Green Primary School and parts of the development are too far distanced from local shopping facilities for residents of the proposed development not to be reliant on private cars to access these facilities, contrary to Policy A5 of the Taunton Deane Site Allocations and Development Management Plan. In any case, there is insufficient capacity at Rockwell Green Primary School to accommodate the likely increase in pupils that would result from the proposed development and future occupiers would need to travel even greater distances to primary school or displace existing residents of the area. Accordingly, the proposal is in serious conflict with Policy A5 as the access to primary education cannot be mitigated. The development is, therefore, not sustainable within the meaning of the National Planning Policy Framework (NPPF);

2. Insufficient information has been provided to demonstrate that the proposed development is not contrary to Section 4 of the NPPF and Policy DM1 of the Taunton Deane District Core Strategy (adopted 2011-2028) since the proposed development is likely to result in a severe transport impact, which could be prejudicial to the safety, amenity and convenience of highway users;
3. Insufficient information has been submitted to demonstrate that the proposed development will not result in harm to European Protected Species. The development is, therefore, contrary to Policy CP8 of the Taunton Deane Core Strategy;

4. There is no mechanism in place to secure appropriate affordable housing provision, children's play facilities or an acceptable travel plan as part of the development. The proposal is, therefore, contrary to Policy CP4 of the Taunton Deane Core Strategy and Policies A2 and C2 of the Taunton Deane Site Allocations and Development Management Plan;

(3) That the following application **be deferred** for the reasons stated:-

**38/16/0227**

**Change of use of land for the siting of agricultural workers accommodation to siting of holiday accommodation on land to the north of Cutliffe Farm, Sherford, Taunton**

### **Reasons**

- The status/lawfulness of the existing caravans;
- Whether access from the site to Sherford Road/Mountfields Road could be prevented;
- Comments from Economic Development;
- Confirmation of the size of the site and whether 13 vans could legally be stationed on the site for holiday purposes;
- Provision of photographs/visual assessment from the surrounding area (mid-distance views);
- Clarification of facilities for ablutions/the need for further drainage infrastructure; and
- Licensing to be informed of the concerns of Members over the proximity of caravans/lack of facilities.

20. **Outline planning application with all matters reserved, except for access, for a residential development of up to 30 No. dwellings, 3 No. live/works units, public open space, landscaping and associated highways, engineering and infrastructure works on land east of North and West Villas, Dene Road, Cotford St Luke (53/16/0012)**

Reported this application.

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

- 25% (8 No.) of the dwellings as affordable housing (of which 60% social rented, 40% intermediate);
- The ongoing maintenance of the public open space;
- The approval and construction of the access, in general accordance with drawing number SK02a;
- Changes to the highway at North Villas to change priority, accommodate the site access and deliver pedestrian provision generally in accordance with drawing number SK02a;

- Traffic calming on North Villas generally in accordance with drawing number SK02a; and
- The implementation of an agreed travel plan;

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

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

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

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

- (A3) DrNo LOC01 Rev A Location Plan;
- (A1) DrNo CL01 Rev C Concept Layout;
- (A4) DrNo SK02 rev D Proposed Highway General Arrangement;
- (A4) DrNo SK02a rev D Proposed Access layout General Arrangement;

- (c) The details submitted in accordance with condition (a) of this planning permission shall include full details of the proposed children’s play area, including the layout of the area and the equipment to be installed. The approved details shall be implemented and made available for use by the public prior to the occupation of the 20th dwelling hereby permitted and shall thereafter be maintained as such;

- (d) Details of a strategy to protect wildlife shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Greena Ecological Consultancy’s submitted report, dated May 2015 and up to date survey and include:-

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

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

(e) 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 in writing by, the Local Planning Authority. The drainage strategy shall ensure that surface water run-off post development is attenuated on site and discharged at a rate and volume no greater than greenfield run-off rates and volumes. 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 m 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 shall 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 100 year (plus 40% 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;

(f) A pedestrian/cycle link to the adjoining land shall be provided up to the southern site boundary in accordance with details that shall be submitted to, and approved in writing by, the Local Planning Authority pursuant to condition (a). The route shall be made available for use by the public such that the public can pass and re-pass right up to the site boundary and onto

adjoining land prior to the occupation of the 20th dwelling and shall thereafter be maintained as such;

(g) In respect of each live-work unit hereby permitted:-

The details submitted and approved pursuant to condition (a) (submission of reserved matters) shall clearly identify the 'business floor space' and 'residential floor space' for each unit;

The residential floor space shall not be occupied until the associated business floor space is fully fitted and capable of use;

The occupation of the residential floor space shall be limited to a person solely or mainly working within the business floor space, their spouse (or partner) and to any resident dependants or relatives living together as a single family unit;

The occupation of the business floor space shall be limited to a person who resides in the residential floor space connected with that unit;

The business floor space shall be used only for purposes falling within Classes B1 or D1 and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

(h) No more than 30 dwellings and 3 live-work units shall be erected on the site;

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

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

The road surface and footways shall be completely finished and dressed within six months of the occupation of 85% of the dwellings (excluding live-work units) hereby permitted;

- (j) The applicant shall ensure that all construction vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the completion of construction;
- (k) (i) The planting details submitted pursuant to condition (a) of this permission shall include a phasing programme for the implementation of the landscaping;
- (ii) The scheme shall be completely carried out in accordance with the approved phasing programme;
- (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.

## **21. Appeals**

Reported that seven appeal decisions and two appeals had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 8.35 pm)

## Planning Committee – 26 April 2017

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors M Adkins, Mrs Adkins, Brown, Coles, Gage, C Hill, Morrell,  
Mrs Reed, Sully, Townsend and Watson

Officers: - Matthew Bale (Area Planning Manager), Martin Evans (Solicitor, Shape Partnership Services), Tracey Meadows (Democratic Services Officer)

Also present: Councillors Berry and Warmington for application No. 06/17/0002.  
Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5 pm)

### 22. Apologies/Substitutions

Apologies: Councillors Martin-Scott, Nicholls and Wedderkopp

Substitutions: Councillor Coles for Councillor Wedderkopp  
Councillor Gage for Councillor Martin-Scott

### 23. Declarations of Interest

Councillors M Adkins and Coles declared personal interests as Members of Somerset County Council. Councillor Coles also declared a personal interest as he was a member of the Devon and Somerset Fire and Rescue Authority. Councillor Mrs Hill declared personal interests as a trustee to Hestercombe House and Gardens, a trustee to the Somerset Building Preservation Trust and as a Director of Apple FM. 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 Watson declared that he was the Ward Member for application No. 06/17/0002, he declared that he had received telephone calls from the public but that he had not 'fettered his discretion'.

### 24. Change of use of former agricultural building to Class D2 (recreational hall) with associated works at Greenway Farm, Greenway Road, Bishops Lydeard (resubmission of 06/16/0046) (06/17/0002)

Reported this application.

**Resolved** that subject to the Area Planning Manager confirming whether Building Regulations approval was required for the proposed change of use and that an adequate foul drainage arrangement would be secured through this process the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman and



Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

(Note - If Building Regulations approval was not required for this, then an additional condition would be imposed seeking approval for the means of disposal of foul water.)

- (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:-
  - C0477 P1 Floor Plans and Elevations received on 17 January 2017;
  - C0477 P2 Site Location Plan;
  - C0477 P4 B Landscape Plan received on 6 April 2017;
- (c) The development shall provide for bin storage facilities, details of which shall be indicated on plans to be submitted to, and agreed in writing by, the Local Planning Authority prior to their provision. Such approved facilities shall be provided within three months of the date of this planning permission and shall thereafter be retained for those purposes;
- (d) The premises shall only be used for indoor sports recreation and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);
- (e) Within three months of the date of this permission, the parking spaces shall have been laid out within the site in accordance with the approved Landscape Plan No. 4A for 25 parking spaces to be provided, and thereafter retained as such;
- (f) (i) The landscaping scheme shown on drawing C0477 P4 Revision B hereby permitted shall be fully implemented in the next available planting season (between 30 October 2017 and 31 March 2018);  
  
(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) The use hereby permitted shall not take place outside the following times 0900 hours – 2200 hours Monday – Saturday and 1000 hours – 2100 hours on Sundays;

## 25. Appeals

Reported that one appeal decision had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 5.30 pm)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors, D Wedderkopp and M Adkins
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Bishop Fox's 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
- Trustee of Hestercombe House and Gardens, Trustee of the Somerset Building Preservation Trust, Director of Apple FM – Councillor Marcia Hill

GLADMAN DEVELOPMENTS LTD

**Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 130 dwellings with public open space, landscaping and sustainable drainage system with vehicular access point on land at North Street, Wiveliscombe**

Location: NORTH STREET, WIVELISCOMBE, TAUNTON, TA4 2LB

Grid Reference: 307951.128509

Outline Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The site is outside the defined settlement limit of Wiveliscombe. It would result in an unplanned extension of the town, preventing a full assessment of the most sustainable options for future growth that would consider a range of factors including the use of best and most versatile agricultural land and walking distances to key facilities and provision of services in order to achieve sustainable development. It is, therefore, contrary to Policies CP8 and DM2 of the Taunton Deane Core Strategy.

The site contributes to the landscape setting of Wiveliscombe, a contributory factor in defining the character of the settlement. It would infill a gap between Wiveliscombe to the South and Langley to the north leading to the coalescence of the two settlements to the detriment of their individual character. Accordingly, the development would fail to protect, conserve and enhance landscape and townscape character, and would destroy an open break between the settlements, contrary to Policies DM1 and CP8 of the Taunton Deane Core Strategy.

The application indicates that the proposal would result in a poor quality, characterless development with a poor relationship to the surrounding urban form that does not respect the local vernacular or character of the settlement contrary to Policy D7 of the Site Allocations and Development Management Plan.

There are no material considerations that would outweigh these significant and demonstrable harms or the fundamental conflict with the development plan.

- 2 Insufficient information has been provided to demonstrate that the proposed development is not contrary to Section 4 of the National Planning Policy Framework and Policy DM1 of the Taunton Deane Core Strategy since the proposed development is likely to result in a severe transport impact, which could be prejudicial to the safety, amenity and convenience of highway users.

- 3 Insufficient information has been submitted to demonstrate that occupiers of the proposed development would not be subject to adverse disturbance by odour nuisance from the nearby Sewage Treatment Works, contrary to Policy DM1 of the Taunton Deane Core Strategy.
- 4 There is no mechanism in place to secure appropriate affordable housing provision, children's play facilities, a public art contribution or an acceptable travel plan as part of the development. The proposal is, therefore, contrary to Policy CP4 of the Taunton Deane Core Strategy and Policies A2, D13 and C2 of the Taunton Deane Site Allocations and Development Management Plan.

### **Recommended Conditions (if applicable)**

Notes to Applicant

## **Proposal**

This application seeks outline planning permission for the erection of 130 dwellings and associated public open space. The application seeks approval of access at this stage, with all other matters reserved for subsequent consideration.

The access would be provided approximately centrally on the western site boundary via a new priority junction. The indicative details submitted indicate that dwellings would be provided in the western part of the site, with the eastern area being given over to extensive public open space.

## **Site Description**

The site is a broadly rectangular field, currently planted with miscanthus. Much of the western boundary of the site is at a lower level to the highway, although the ground level undulates and there is a high point in the middle of the site, where the access is proposed, that is currently raised above the highway. The site as a whole falls from west to east affording views out from the adjoining highway across the site to surrounding countryside.

To the north are the grounds to Langley House; to the east is open countryside. The southern boundary adjoins a mix of uses: At its western end are properties on Allenslade Close, separated from the site by a planted area; further east are the backs of dwellings on Plain Pond; beyond that are allotments, a rugby ground and then the Sewage Treatment Works.

## **Relevant Planning History**

There is no relevant planning history to this site.

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL* - The Wiveliscombe Town Council **Object** to the above planning application for the following reasons:

The application does **NOT** fall within the Core Strategy.

There is already an adequate supply of allocated land in Wiveliscombe.

There are insufficient infrastructure and services in Wiveliscombe and the surrounding area to support this development.

The development would add to the existing imbalance between jobs and homes within Wiveliscombe, and would likely lead to an increased reliance on the use of cars and an increase in carbon emissions, making it unsustainable.

The roads and centre of Wiveliscombe are already congested with traffic and limited parking and need improving before any more major development takes place on the northern side of the town.

This site if developed would present an extension of the urban form into the countryside, and if allowed would invite further unrestricted development with the presumption that further extensions outside the Taunton Deane S.H.L.A. for Wiveliscombe can and will be allowed.

The Taunton Deane S.H.L.A. has identified a five year deliverable supply of land with more than the required buffer in line with the National Planning Practice Guidance.

The adverse impact of granting permission would significantly and demonstrably outweigh the benefits, representing an unsustainable development.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comments as follows:

The proposal lies off the classified North Street in the northern area of Wiveliscombe. The speed limit is 40mph. Observed speeds appeared to be at and around the posted limit. It is accepted that the proposed visibility splays of 2.4m x 123m to the south and 2.4m x 117m to the north is appropriate. As proposed in the Transport Assessment (TA) a change in speed limit, would result in a reduction of visibility requirement. The proposal would generate a substantial increase in vehicular movement onto the local highway, between 780-1040 movements per day.

### Transport Assessment

The submitted application included a Transport Assessment (TA) which has been

analysed.

On reviewing the submitted documentation, it is disappointing that the TA has not been produced in line with the agreed scoping note. The main concern is the impact the additional vehicle movements from the proposed development would have on the surrounding road network & key areas namely link capacity and junction analysis on North Street, adjacent to and south of the site and The Square/High St/Silver St junction. It is likely that any congestion around The Square will be due to the interaction of vehicles parking and loading, rather than an issue that would be flagged by a junction assessment; however the TA does not include this.

Given that on-street parking frequently occurs between the site and The Square, including pick-up/drop-off at the primary school, North Street effectively functions as a single lane road with passing places. The presence of farm vehicles will exacerbate any issue. The TA does not assess this potential issue, despite demonstrating a significant percentage and absolute increase in traffic volumes.

Whilst overall the assessment presented is acceptable the lack of consideration of North Street link capacity is a concern, and for the Highway Authority to be satisfied that the impacts are 'not severe' it is recommended that additional analysis would be required.

Without the required information mentioned above the Highway Authority cannot comment further on the transport assessment, except to recommend refusal.

### **Accident History**

On reviewing the recorded PIA's (Personal Injury Accidents) for the last five years no accidents were recorded on the immediate highway.

### **Travel Plan**

The Framework Travel Plan (FTP) as it currently stands hasn't met the required standards as set out in SCC Travel Planning Guidance November 2011. Although this is an outline, with reserved matters, it is important to include the principles within the FTP, to be sure that a suitable TP will follow which is meaningful and can achieve the targets that are set.

### **Estate Road**

The Illustrative masterplan set out in the Design and Access statement offers limited detail. The current arrangement doesn't provide indicative widths of the main access street, nor the shared access ways and private drives. The proposed 'loop' design doesn't indicate safe access for HGVs and larger vehicles whilst there doesn't appear to be any designated turning heads for safe manoeuvring (of HGVs and larger vehicles) built to an adoptable standard. Without this required information and to a satisfactory standard, the Highway Authority would require significant changes at reserved matters to be deemed acceptable.

## **Access**

The proposal is for a simple T junction for means of access into the proposed development which in this instance is considered acceptable. However, when taking into consideration the rural proximity of the proposal a ghost island right turn lane would be visually intrusive which could lead to increased vehicle speeds at the proposed location.

The submitted swept path analysis information is considered to be acceptable and the proposed 6m swept path drawings and 5.5m access road to be provided are acceptable to the Highway Authority subject to the swept path drawings and any comments made by the appointed S38 estate roads officer. The 2m proposed footways are in accordance with DfT's inclusive mobility.

However, an uncontrolled crossing point will be required along the site frontage with gullies and tactile paving in a location to be agreed at the detailed technical approval process.

Carriageway cross section drawings for each chainage across the frontage of the site would need to be submitted to show appropriate features such as channel line levels, tops of kerbs, centre line of the carriageway etc. whilst encompassing the full width of the adopted highway.

Longitudinal or contour drawings haven't been submitted. Suitable approach gradients for the access road to ensure surface water drains back into the site and not the highway whilst ensuring level sections of the carriageway to enable vehicles to pull out safely.

Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards. It is noted that there is currently a 0.5m grass margin between the footway and carriageway on North Street. If the proposals are to widen the footway out to 2m such that the grass margin is removed and the footway is adjacent to the carriageway then HB2 kerbs with a 125mm upstand will be required.

The designer must submit a comprehensive set of traffic management drawings and sign schedules for approval by the SCC area traffic engineer.

## **Flood Risk Assessment**

Whilst there are no objections in principle to the proposed surface water management strategy proposed within the submitted documents from the applicant, the Highway Authority wishes to make the following observations, which should be taken into consideration as part of any detailed design process.

1. The existing road gullies located along the eastern channel line of Langley Marsh Road will be served by a highway carrier drain which could be affected by the construction of the new vehicular access. Allowance should therefore be made within the design to either lower, protect or divert this existing drain as



deemed appropriate by the highway authority. A further gully will also be required on the eastern channel line of this road immediately upstream of the new access to prevent surface water from streaming across the junction.

1. The designer will need to give careful consideration to the layout of the internal estate roads in proximity to the attenuation pond as it relates to the safe use of the road and the long term stability of the road pavements. Further, the designer will also need to consider the means by which maintenance plant will access the pond from the estate roads.

## Conclusion

On balance of the above the application currently lacks the required information to enable the Highway Authority to fully assess the impact of the process development on the surrounding highway network.

The applicant should therefore be requested to provide further detailed evidence as mentioned above to demonstrate that the application is in accordance with the NPPF. Therefore in the absence of this additional information the Highway Authority would have no alternative but to recommend refusal for the following reason:

Insufficient information has been provided to demonstrate that the proposed development is not contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane District Core Strategy (adopted 2011-2028) since the proposed development is likely to result in a severe transport impact, which could be prejudicial to the safety, amenity and convenience of highway users.

*WESSEX WATER* – Comment as follows:

Proximity to Sewage Treatment Works and potential for Odour nuisance:

The site is adjacent to our existing Wiveliscombe Sewage Treatment Works (STW). The odour report submitted has not followed WW procedures ENVS120/15 and TRTWG669.

Therefore, Wessex Water maintain a **holding objection** in regards to potential odour nuisance until an appropriate odour assessment and modelling has been completed.

The odour report submitted only completed the following:

- Four locations were subjected to 5 minute sniff tests (completed on the 5th January)
- Source-Pathway Receptor Assessment
- Wind direction (Dunkeswell met data) (There is a further issue with met data and comparison with site. Elevation of met station is at 252m while the site has an elevation of 97.2m. Therefore wind data may not be representative with site and should be compared with NWP data)

This is not an acceptable approach. The data was collected in the middle of winter

when the STWs was likely to be at its least odorous and an extremely small dataset was used and only completed by one assessor. “Sniff Tests” should be completed over a number of visits and should only be used to validate an odour model. WW have produced guidance in regards to how a “sniff test” should be carried out in TRTWG669.

IAQM guidance 5.7 Recommendation Odour Assessment Criteria for Planning “Odour assessment methodology, as it has developed in Europe and UK over the last 35 years, has become well-established. The predictive, quantitative approach involves obtaining estimates of the odour source emission rate, use of the emissions in a dispersion mode to predict 98<sup>th</sup> percentile concentrations at sensitive receptors and comparison of these with criteria that have evolved from research and survey work. At the present time, this remains an accepted technique and the IAQM support this”

At a minimum Wessex Water would therefore expect an emissions value (library values) with supporting “sniff test” assessment following Wessex Water procedures ENVS120/15 and TRTWG669. The Odour Consultant/Developer should make contact with Wessex Water Odour Coordinator, James Humphries (07786 660846, [James.Humphries@wessexwater.co.uk](mailto:James.Humphries@wessexwater.co.uk)) to discuss acceptable odour model criteria and so they are aware of the Odour Management Plan in place for the site, which is in line with the DEFRA Code of Practice on Odour Nuisance from Sewage Treatment Works.

## **Foul Water**

Please note that existing public sewers cross the site and may be affected by development proposals. Statutory easements apply.

Public sewers must be accurately located on site and it remains our preference to retain current location and easements where possible. Diverting sewers can reduce hydraulic capacity where pipe gradients are affected. (There must be no building within 3 metres of these sewers and no tree planting within 6 metres).

As identified within the Flood Risk Assessment (Feb 2017) we have confirmed previously through a pre-development enquiry that foul flows can be connected to the local 225mm dia public foul sewer and that points of connection can be agreed to local manholes at a later date.

## **Surface Water disposal**

Surface water to be discharged to local land drainage systems with agreed flood risk measures approved by the Lead Local Flood Authority. Surface water connections to the public foul sewer system will not be permitted, as surface water discharges to the public sewer will lead to sewer flooding.

*ENVIRONMENT AGENCY* – No comments received.

*BIODIVERSITY* – FPCR Environmental and Design Ltd carried out an Ecological

appraisal of the site dated February 2016. The site is mainly used for arable crops. Generally the features with the highest ecological value (hedgerows, banks, verges, mature trees and riparian features) were found in the margins of the site

Findings were as follows:

### **Badgers**

A badger survey was undertaken in November 2016. No setts were observed but a small number of badger runs were observed. I agree that precautionary measures are required.

### **Bats**

SERC records revealed that at least three species of bats were recorded within 1 km of the site.

An assessment of suitable trees on site was undertaken and six trees were identified as having potential to support bats.

The majority of hedges will be retained with the exception of small sections of hedgerows H7 and H8. The woodland on site is to be retained. This will minimise light spill and disturbance from the development on bats. Lighting on site should be carefully designed

I support the suggestion to install bat boxes on site.

### **Birds**

A scoping bird survey was undertaken when 25 species of bird were recorded. Removal of vegetation should take place outside of the bird nesting season. I support the suggestion to install bird boxes on site.

### **Dormice**

There was no evidence of dormice during the survey. However I support a precautionary approach to hedgerow removal where it is necessary to create hedgerow breaks.

### **Otters**

A survey was undertaken in January 2017. The survey identified a ten metre length of stream bank exhibiting recent signs of otter in the form of spraint

### **Great crested newt**

Permission was granted to access two of the four ponds within 500m of the site. One pond was dry and the other contained fish and so were considered not suitable for breeding. Residential development to the south and to the west of the site form manmade barriers to dispersal for GCN, as do the flowing streams to the north and east.

## **Reptiles**

Consultation with SERC returned records of both grass snake and slow worm within 1 Km of the site. The most suitable features for these species are linear features formed by hedgerows and the stream. These features should be retained and buffered.

If permission is granted a condition is recommended to protect wildlife.

*SCC - CHIEF EDUCATION OFFICER* – No comments received.

*HOUSING ENABLING* - 25% of the new housing should be in the form of affordable homes. The tenure split should be 60% social rented and 40% intermediate housing in the form of shared ownership.

In line with the TDBC Affordable Housing Supplementary Planning Document, 10% of the total affordable housing provision should be in the form of fully adapted disabled units. These homes should comply with a recognised and approved wheelchair design guide as approved by the Housing Enabling Lead.

The required mix would be:

- 20% 1b2p flat in a maisonette style property with own garden and private front door.
- 40% 2b4p houses
- 40% 3b5/6p houses

The intermediate housing should be in the form of 2b4p and 3b5/6p houses. The affordable housing should be evenly distributed across the site and in clusters of no more than 15 units. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

Additional guidance is available within the adopted Affordable Housing Supplementary Planning Guidance.

*LEISURE DEVELOPMENT* – I have the following observations to make on this application:-

In accordance with TDBC Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings.

The development proposal should provide 20 square metres per each 2 bed + family sized dwelling of both equipped and non-equipped play space. Play areas should be centrally located and overlooked by the front of dwellings. A LEAP suitable for ages 4 -8 years of at least 400 square metres containing a minimum of 5 pieces of play equipment, together with signage, seat and waste bin should be provided. A NEAP of 1,000 square metres with at least 8 pieces of equipment for ages 8 to adult, with signage seat and bin should be provided. All equipment should come with a minimum 15 year guarantee. The design, layout and location of play areas to be submitted to TDBC Open Spaces for approval.

TDBC Open Spaces should also be asked to comment on the public open space design and planting.

In accordance with SADMP Policy D13 a contribution to contribute to public art and public realm enhancements through commissioning and integrating public art into the design of the buildings and public realm should be sought.

#### *POLICE ARCHITECTURAL LIAISON OFFICER –*

**Crime Statistics** – Reported crime for the area of this application (within 500 metre radius of the grid reference) during the period 01/04/2016-31/03/2017 is as follows:-

*Burglary* - 1 Offence (dwelling burglary)

*Criminal Damage* – 2 Offences (both damage to dwellings)

*Sexual Offences* - 1

*Theft & Handling Stolen Goods* - 2 Offences

*Violence Against the Person* – 13 Offences (incl. 1 wounding with intent, 2 assault ABH, 2 common assault and battery and 1 causing harassment, alarm, distress)

*Non Recordable* – 1 Offence

**Total** - 20 Offences

This averages just under 2 offences per month, which is a low level of crime. ASB reports for the same period and area total 7, which is also a low level.

**Design & Access Statement** – the DAS at para. '**04 Design Principles**' includes a section entitled 'Design and Safety: Creating Safer Places', which indicates to me that the applicant has taken into account crime prevention measures in the design of this development. I agree with the comments made and would add the following observations:-

**Layout of Roads & Footpaths** – vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features i.e. surface

changes by colour or texture, rumble strips or similar features within the development would help reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The single vehicular entrance/exit also has advantages from a crime prevention viewpoint in that it can help frustrate the search and escape patterns of the potential offender.

**Orientation of Dwellings** – all the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. The majority of the dwellings would appear to be 'back to back', which is also recommended as this helps deter unauthorised access to the rear of dwellings where the majority of burglaries occur.

**Children's Play Area** - communal areas have the potential to generate crime, the fear of crime and ASB and should be designed to allow good supervision from nearby dwellings with safe routes for users to come and go. The proposed Play Area (LEAP) is located on the eastern edge of the development with limited surveillance opportunities from approximately four dwellings which overlook just one side of it only. From a safeguarding children perspective in particular, I recommend consideration be given to relocating this Play Area to a more central location within the development with good all round surveillance opportunities from nearby dwellings.

**Dwelling Boundaries** – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. More vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable. It is difficult to assess the proposed boundary treatments from the Illustrative Masterplan.

**Car Parking** – the DAS indicates that this will comprise a combination of in-curtilage garages and driveways, rear parking courts and allocated frontage bays the former being the recommended option. Rear parking courts are discouraged as they allow unauthorised access to the rear of dwellings where the majority of burglaries occur. Vehicles parked in such parking courts are also potentially vulnerable to attack.

**Landscaping/Planting** – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

**Street Lighting** – at this outline stage, proposed lighting arrangements are not provided and in this regard, all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.

**Physical Security of Dwellings** – in order to comply with *Approved Document Q*:

*Security - Dwellings*, all external doorsets and easily accessible windows and rooflights must comply with PAS 24:2016 security standard or equivalent. Secured by Design - if planning permission is granted, the applicant is encouraged to refer to the 'SBD Homes 2016' design guide available on the police approved Secured by Design website – [www.securedbydesign.com](http://www.securedbydesign.com) – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

*SW HISTORIC ENVIRONMENT SERVICE* - The archaeological assessment concludes there is low potential for significant archaeology on the site. In general we agree with this assessment but there is some potential for locally significant remains relating to prehistoric activity. This can be dealt with through a condition rather than requiring any pre-application work and is likely to involve limited trial trenching and/or geophysical survey.

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

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

Please get in touch if you require any further information.

**LANDSCAPE – Comments awaited.**

*SCC - RIGHTS OF WAY* – No comments received.

*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.

The applicant has indicated an outline surface water drainage strategy which includes a piped system, and on site attenuation with controlled outfall to the existing watercourse to match existing greenfield runoff rates and volumes, the applicant is intending to offer the piped system to Wessex Water for adoption. The LLFA would support this strategy in principle; however it will be necessary to provide a more detailed design and confirmation of approval by Wessex to adopt the piped system.

It should also be noted that the LLFA has anecdotal evidence of flooding incidents within the site boundary that should be taken into consideration when completing the detailed design for the surface water strategy.

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

*PUBLIC HEALTH ENGLAND* - I have the following observations to make on this application from a public health perspective.

1. While recognising that the dwelling mix as a whole, and the affordable element in particular, would be subject to a reserved matters application, the indicative figures provided are not in accordance with the suggested mix of the Enabling Officer. Specifically, the applicant indicates a predominance of 4 bed detached properties, and no 1 bed properties. As such this housing mix may not provide a socially mixed development, which is desirable from a sustainability perspective. It is also relatively low density at 30dph. As such it does not appear to meet the assessed local housing need.

2. While the site is within CIHT walking isochrones for the town facilities, albeit at the margins for the secondary school and some employment sites, and therefore in theory able to support walking and cycling as primary modes of transport, it is likely that many of the prospective occupants would drive, rather than walk. To an extent this could be mitigated by making the proposed connection to Allenslade Close a cycling as well as walking route, and ensuring that the internal estate layout provides shorter, potentially more convenient routes than the alternative car route, such as a pedestrian and cycle route along the south edge of the site. However, North Street in the town centre narrows, and motor traffic speed and proximity may inhibit potential cycling, including cycling to the secondary school, due to concerns about safety (subjective safety). The distances from this development to most local facilities are ideally suited to cycling, but additional measures may be needed to make this sufficiently attractive to new residents. Convenient to the front door cycle storage would help, as would a lower speed limit through the town centre.

3. The proposal to reduce the speed limit by the site to 30mph, from 40mph, is supported, as is the provision of an additional bus stop.

4. The West Deane way passes very close to the eastern edge of the site, so we would suggest the developer explores the possibility of a connection from the internal paths.

5. Insufficient assessment of the potential odour impact from the sewage treatment works has taken place, notably not in the summer period. There is clearly potential for odour nuisance, although the placing of the housing on the western part of the site, and upwind of the prevailing wind direction, would tend to reduce the risk.

6. NHS England/Somerset CCG should be consulted about GP provision, as the single practice is having difficulty recruiting GPs to meet the needs of the current population.

## **Representations Received**

### **Wales and West Utilities:**



“Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site”.

**Wiveliscombe Civic and Historical Society** raise the following points:

- The site is outside the settlement limit.
- The planned target of up to 200 dwellings is likely to be met, if not exceeded through additional windfall sites coming forward during the plan period.
- The development plan is up to date and further proposals should be resisted.
  
- The bulk of development for Taunton Deane should be met in Taunton and Wellington.
- If additional social housing is required, this can be brought forward through existing Council and Housing Association partnerships. It is not necessary and undermines the development plan to allow around 100 private dwellings to provide around 30 new social housing units.
- Good quality agricultural land should not be developed.
- The development would be detrimental to the character and setting of the rural centre. It would change it from a nuclear form to a linear form, linking the town with the surrounding villages of Langley Cross and Langley Marsh deep into the hinterland, creating ‘sprawl’. This would be visible from the West Deane Way and Jews Lane.
- The site was considered for allocation and discounted as difficult to contain and poorly related to services and facilities in the centre of town.
- The SADMP Inspector’s report summarises that the distribution of proposed housing across the Borough is appropriate.
- There are no overriding reasons or material considerations to justify approval.

**Somerset Wildlife Trust:**

“We have noted the above mentioned planning application as well as the Ecological appraisal supplied by FPCR. We would fully support the comments made by the Authority’s Biodiversity Officer. In addition we would request that on-site planting makes use of native species which are rich in flowers and fruit in order to support wildlife. We would also request that internal boundaries are designed with gaps to allow the free passage of small creatures. We would request that all of these proposals are incorporated into the Planning Conditions if it is decided to grant planning permission”.

20 letters of **objection** have been received raising the following points:

- The schools, doctors, libraries, community and leisure facilities will not be able to cope.
- The access roads are unsuitable – especially the town centre.
- Additional traffic in this location would cause a hazard at the school.
- The accesses would harm pedestrian safety on the route between

Wiveliscombe and Langley.

- There would be additional surface water run-off. This site holds considerable water from the surrounding landscape and is at risk of flooding.
- The site is just a little too far from town to encourage people to walk. The Transport Statement notes distances to the town centre, but not all facilities are here.
- The site is outside the adopted development plan. Wiveliscombe should not accommodate further growth beyond that already planned for. There are insufficient jobs to support the additional housing.
- If additional housing land is required, other more sustainable sites are available.
- The ecology survey is poor and conducted in the wrong season.
- There should be no pedestrian access to the south, which will be detrimental to residents of Allenslade Close.
- The proposed development would effectively join Langley and Wiveliscombe, currently two distinct settlements.
- Wiveliscombe is getting too big and losing its distinctive character.
- The sewage treatment plants for the town are both undersized.
- The development would harm views on a well-loved and used circular walk from Wiveliscombe.
- The application provides no detail on why the Council is considered not to have a 5 year land supply. In any case, the lack of a 5 year supply does not make any site automatically available.

## 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), the Taunton Site Allocations and Development Management Plan (2016), 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.

SD1 - Presumption in favour of sustainable development,  
CP1 - Climate change,  
CP4 - Housing,  
CP5 - Inclusive communities,  
CP6 - Transport and accessibility,  
CP7 - Infrastructure,  
CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
A1 - Parking requirements,  
A2 - Travel Planning,  
A5 - Accessibility of development,  
C2 - Provision of recreational open space,

C6 - Accessible facilities,  
D13 - Public art,  
D7 - Design quality,  
ENV4 - Archaeology,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £1,489,500.00. With index linking this increases to approximately £1,806,750.00.

### **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	£151,199
Somerset County Council	£37,800

#### *6 Year Payment*

Taunton Deane Borough	£907,133
Somerset County Council	£226,798

## **Determining issues and considerations**

The main issues in the consideration of this application are the principle of the development, the impact on the highway network, the landscape and visual impact, infrastructure and accessibility, design and layout, and the proximity of the site to the sewage treatment works.

### **Principle of development**

The site is outside the identified settlement limit for Wiveliscombe. The proposal is, therefore, contrary to Policies CP8 and DM2 of the Taunton Deane Core Strategy and unacceptable in principle. The applicant submits that the Council is unable to demonstrate that it has a 5 year deliverable supply of housing land and, therefore, in accordance with the NPPF that the policies relating to the supply of housing in the development plan should be considered out of date. The applicant also suggests that even if the Council can demonstrate a 5 year supply, the policies in the

development plan relating to the supply of housing should still be considered out of date, although this assertion is not substantiated. If their position was accepted, it would then follow that the 'presumption in favour of sustainable development' set out at Paragraph 14 of the NPPF would be engaged and permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. The applicant goes on to suggest that there are no significant or demonstrable harms that would result – an assessment of which will follow through the subsequent sections of this report.

The latest Strategic Housing Land Availability Assessment (SHLAA), demonstrates that the Council has in excess of the required 5 year supply of housing land, including the necessary buffers. Therefore, it is your officers' view that the policies relating to the supply of housing should be considered up to date and attributed full weight in the decision making process.

In adopting the Site Allocations and Development Management Plan (SADMP) in December last year, the Council has confirmed that in order to ensure an appropriate distribution of development across the Borough, and to ensure that development occurs alongside the necessary infrastructure provision, two sites, totalling around 200 dwellings should be provided in Wiveliscombe to meet housing requirements. Furthermore, it should be noted that this site was not promoted through the plan-making process. Given the importance the Government attaches to the Plan-Led system this is an important consideration. The current proposal, therefore, is firmly contrary to policy and should be resisted.

No agricultural land assessment has been provided with the application, but there is possibility that the land is grade 2 or 3 according to the regional maps. The NPPF states that Local Planning Authorities should consider the economic and other benefits of the best and most versatile agricultural land and that, where significant development of agricultural land is required, lower quality land should be used in preference to that of a higher quality. Across the Borough, significant development of agricultural land is required and has been allocated through the development plan. Whilst there are no development management policies specifically protecting higher grade land, the development planning process would have taken this into account when allocating sites, as required by the NPPF. The piecemeal release of land to housing in an unplanned way does not allow any assessment to be made and, therefore, development of the Borough cannot occur in a sustainable manner overall, protecting the benefits of best and most versatile land. This adds weight to the case for refusal of the application.

This application proposes that 30% of the dwellings should be provided as affordable housing. This is in excess of the policy requirement of 25%. The applicant cites a poor affordable housing delivery as justification for the enhanced contribution. Your officers are concerned that there is no policy justification for the additional affordable homes and, therefore, it would be unreasonable to seek an enhanced contribution. The proposal cannot be regarded as an affordable housing exceptions site as such would be affordable housing need led, with only the bare minimum of market housing to make the scheme viable. In real terms, the proposal is for 6.5 additional affordable homes than required by the development plan and it is not considered that such provision, should it be justifiable, could be given such weight as to outweigh the fundamental policy objection.

## **Highways**

The site would be accessed from North Street and primarily linked to the wider highway network via this route and The Square, through the centre of town. There is local concern about the ability of these roads to accommodate the likely increase in traffic and, indeed, this concern is shared by the Local Highway Authority (LHA). The LHA are concerned that insufficient evidence has been provided to demonstrate that the route through the town centre has sufficient capacity to accommodate the development so they have no option but to recommend refusal on this ground.

As part of the proposed 'benefits' of the development, the application refers to improvements to the footpaths along North Street, although there is no further detail provided. It is not clear, therefore, what improvements are envisaged, so no assessment of the suitability or benefit can be made. Accordingly, very limited weight can be placed on this suggestion. Your officers, therefore, agree entirely with the LHAs recommendation on the application.

## **Landscape and visual impact**

The site sits within a bowl on the northern edge of Wiveliscombe. Therefore, in terms of a wider landscape impact, the proposal would have limited harm. However, there would be a more significant visual impact:

Wiveliscombe itself sits on the edge of the Brendon Hills, characterised by its undulating hill and valley landscape. Part of the character of Wiveliscombe is derived from its relationship with this landscape. The site itself clearly contributes to the landscape setting of the town and plays a significant role in separating Wiveliscombe from Langley to the north. Development of the site would have a clear impact upon the character of both settlements, undermining their landscape setting and creating a ribbon development that would lead to coalescence.

Policy CP8 states that development outside defined settlement limits will only be permitted where it will protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements. For the reasons given, it is considered that the proposal offends the policy and should be refused for these reasons.

## **Infrastructure and accessibility**

There have been concerns raised over the capacity of the local schools, but the County Council have not provided any comments on this occasion. In any case, any required increase in capacity would be funded via CIL and could not form a reason to refuse planning permission in this case as there is no suggestion that such expansion would not be feasible. Similar concerns have been raised over the capacity of the doctor's surgery, but funding for expansion of primary healthcare facilities is currently available from other sources. It is not considered, therefore, that the application should be resisted on the grounds of (non-highways) infrastructure capacity.

The development offends against the maximum walking distances set in Policy A5 of the Site Allocations and Development Management Plan (SADMP) in terms of access to the doctors' surgery, local shopping facilities and playing fields. However, the policy is clear that these standards are intended to refer to development within Taunton and Wellington and not the rural area. The supporting text to the policy further clarifies that only handful of rural residents are likely to have such accessibility to facilities and, therefore, it is not considered that there is a conflict with Policy A5.

However, unlike most of the other rural centres where development is proposed, Wiveliscombe does provide the full range of services listed in Policy A5. The site is clearly less well related to these facilities than the sites that have been allocated for development in the SADMP. The fact that the walking distances in Policy A5 are exceeded means that residents of the development are far less likely to walk to facilities than if they were resident on one of the allocated sites. Therefore, whilst, there is no conflict with Policy A5, as the site is not in Taunton or Wellington, it is clear that residents of the development are likely to turn to their cars for many of their day to day needs, indicating that this unplanned expansion of Wiveliscombe is unlikely to be a sustainable option.

## **Design and Layout**

The site adjoins residential development at Allenslade Close and Plain Pond. It is considered that sufficient distance could be maintained between existing and proposed dwellings to ensure that acceptable distances were maintained and residential amenity was preserved.

Whilst this is an outline application, the application is accompanied by a design and access statement indicating how the development could be laid out. The design and access statement is a poor document that pays little more than 'lip service' to the design process. It certainly goes no way towards demonstrating that the site would be developed in a way that respects the form and character of Wiveliscombe, in fact many comments and statements are made to the contrary: For example, the statement refers to the provision of dispersed dwellings around cul-de-sacs and looped estate roads. It refers to dwelling types and finishes that neither respect the local vernacular nor provide a distinct design solution for the site with its own character. In short, it is clear from the design and access statement that, should permission be granted, the development would be a soulless suburban environment set around a cul-de-sac that did not integrate well with the existing urban form nor respect the character of the existing settlement.

## **Proximity to sewage treatment works**

The site adjoins Wessex Water's sewage treatment works (STW). There is high potential, therefore, for odour disturbance from the STW to affect local residents. Wessex Water have commented that the odour assessment that has been undertaken is inadequate to demonstrate that an odour nuisance is unlikely. They have, therefore, placed a holding objection. In the absence of further assessment in accordance with Wessex Water's requirements, the lack information on this point is considered to be a further reason for refusal.

## **Other matters**

The County Council as Lead Local Flood Authority, whilst aware of anecdotal evidence of flooding within the site, are satisfied that the site can be developed without leading to an increase in flood risk off-site, or without creating a flood risk for future residents.

The site has relatively limited biodiversity interest. Your biodiversity officer is satisfied that the site can be developed without harm to protected species.

## **Conclusion and planning balance**

The site is outside the settlement limit for Wiveliscombe. It represents a poor quality, poorly integrated unplanned expansion to the town that would not be sustainable in terms of access to local facilities and may be using best and most versatile agricultural land. The development would erode the green gap between Wiveliscombe and Langley resulting the coalescence of settlements to the detriment of their individual character and the landscape settings of Wiveliscombe.

There has been insufficient information submitted to demonstrate that the development would not result in an unacceptable highway impact nor that future residents would not be subjected to unacceptable odour disturbance from the adjoining STW.

The application would contribute to the delivery of both market and affordable housing in the Borough, which weighs in favour of the application. However, given that the development plan is up-to-date and adequate housing land supply can be demonstrated, the future delivery of housing in the area should occur in accordance with the development plan, which will result in the most sustainable development options. The proposed development is in clear conflict with the development plan and will result in some significant and demonstrable harms particularly in terms of landscape impact and harm to the character of the settlement. Nothing in the proposal, then, can be attributed such weight as to justify the grant of planning permission in the context of these harms and the clear policy conflict. It is, therefore, recommended that the application is refused.

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**

42/17/0005

MR & MRS N FRY

**Erection of 1 No. detached dwelling with associated works on land to the east of Wild Oak Lane, Trull**

Location: LAND TO THE EAST OF WILD OAK LANE, TRULL

Grid Reference: 321714.122611

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The proposed development is located outside the defined settlement boundary, within the Vivary Green Wedge and within the Local Green Space. No very special circumstances have been demonstrated to outweigh the potential harm and as such the development would be contrary to the NPPF and to adopted local plan policies DM1d, DM2 and CP8 of the Taunton Deane Core Strategy and policy E1 of the emerging Trull Neighbourhood Plan.

### **Recommended Conditions (if applicable)**

#### 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 entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## **Proposal**

The application proposes the erection of a two storey detached dwelling with attached triple garage. A new vehicular access is proposed from Wild Oak Lane. The proposed dwelling is contemporary in style comprising a curved construction using a mix of materials, primarily render and natural stone for the walls with slate and thatch for the pitched roof. The application would involve the translocation of a section of the boundary hedge along the roadside boundary and the construction of a vehicle passing place.

The application is accompanied by an Ecological Assessment, Planning Statement, Highway Safety and Access Report, Landscape and Visual Impact Assessment and Design and Access Statement

## **Site Description**



The site is located in an agricultural field which has a frontage of approximately 85m to Wild Oak Lane. Detached dwellings, Withywood and Sunningdale, are located to the north and south. Detached individual properties are located on the western side of Wild Oak Lane.

The site lies outside the settlement boundary for Taunton, within the designated Green Wedge and within the draft Neighbourhood Plan Local Green Space.

## Relevant Planning History

42/15/0010 - Outline application for the erection of two dwellings, access and landscaping - Withdrawn

## Consultation Responses

*TRULL PARISH COUNCIL* - Object to the application. The proposed dwelling is in the designated Vivary Green Wedge and is outside the settlement limits. It contravenes policies DM1, DM2 and CP8 of the Taunton Deane Councils Core Strategy. It is also against the Local Green Space policy in the emerging Trull and Staplehay Neighbourhood Plan.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No comments received

*BIODIVERSITY* - The site comprises an area of grassland which is enclosed by a mixture of species rich hedgerows, fences (enclosed in brambles) and a row of leylandii conifers. A single horsechestnut tree was present in the NW corner of the site. The site is located within the Vivary and Cotlake Hill green wedge. Western Ecology carried out a Preliminary Ecological appraisal report of the site dated September 2016.

Findings of the report are as follows:

### **Bats**

Grassland is likely to have potential for foraging bats whilst boundary features may be used for foraging and commuting bats. Any outside lighting should be carefully designed.

### **Birds**

The vegetation on site provides suitable nesting habitat for breeding birds. Clearance of any vegetation must take place outside the bird nesting season.

### **Dormice**

No evidence of dormice was recorded during the survey undertaken by WYG in 2014 although this does not rule out their presence. As dormice are known to be

present east and west of Trull Road, I would not class the site as having negligible value but would take a precautionary approach when clearing vegetation on site.

### **Badgers**

There was no evidence of badgers on site.

### **Reptiles**

The site has low potential for reptiles.

*WESSEX WATER* – Comment as follows:

### **Water Supply and Waste Connections**

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

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

### **Building Near to a Public Sewer**

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact our sewer Protection team to discuss further 01225 526333.

### **Separate Sewer Systems**

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

An extract from records showing the approximate location of apparatus within the vicinity of the site submitted with response.

## **Representations Received**

To date, 36 representations have been received.

19 submissions are in **support** of the application making some or all of the following comments:

- The dwelling is well-designed, complementing existing individually designed properties
- Development would be barely visible from the stream and footpath beyond the site
- If allowed, this would block further development to the rear, protecting the countryside
- Ample off-street parking and turning facilities provided within the site

- Formal passing place along the site frontage would improve highway safety, especially for cyclists and pedestrians
- Development would have a negligible impact on the Green Wedge, mitigated further by proposed planting
- The proposed building would not intrude on views
- Design uses natural materials
- Development retains existing trees and hedgerows

The remaining 17 submissions **object** to the proposal on some or all of the following grounds:

- Inappropriate location and impact on the Vivary Green Wedge
- Such a development would set an undesirable precedent and encourage further development in such locations
- Contrary to policy
- Agricultural land should be protected
- Loss of the rural feel of the locality
- Would close the gap between Taunton and Trull
- Increased traffic resulting in additional hazards for cyclists and pedestrians
- Essential to protect the identity of Trull
- Development would harm residential amenity through overlooking, visual dominance and loss of privacy
- Green spaces should be protected
- Proposal would lead to ribbon development
- The land is not allocated for housing in the Plan
- Wild Oak Lane does not have streetlights or footpaths
- Would add to additional traffic issues for vehicles entering and leaving the lane
- Flood risk
- Provides a pedestrian access from town to the Blackdown Hills
- Visual impact especially in winter
- Inappropriate design

### **Trull Neighbourhood Plan Group**

**Object** to the proposal on the ground the proposal would be contrary to the draft Plan, which identifies the area including the application site as Local Green Space. The Examiner of the Plan agreed that the area satisfied the criteria and therefore forms part of the Plan.

### **Planning Policy Context**

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), 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.

DM1 - General requirements,  
DM2 - Development in the countryside,  
SD1 - Presumption in favour of sustainable development,  
CP8 - Environment,  
A1 - Parking requirements,  
A5 - Accessibility of development,  
D7 - Design quality,  
D8 - Safety,  
D10 - Dwelling sizes,  
D12 - Amenity space,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwelling is CIL liable.

Proposed dwelling measures approx. 540 square metres.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £67,500.00. With index linking this increases to approximately £82,000.00.

### **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	£1079
Somerset County Council	£270

#### *6 Year Payment*

Taunton Deane Borough	£6474
Somerset County Council	£1619

## **Determining issues and considerations**

The site lies outside of any settlement limits and is therefore regarded as development in the countryside. Policy DM2 of the Core Strategy sets out the uses which would be supported. The erection of new dwellings is not one such use.

### **National Planning Policy Framework (NPPF)**

The NPPF sets out a requirement to achieve sustainable development and the

paragraphs contained in the Framework make up the Governments view of what is sustainable development.

Paragraph 11 of the NPPF clearly states that 'planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. In this respect the proposed development is clearly in conflict with up-to-date development plan policies and an assessment will need to be made as to whether there are material considerations to outweigh the inappropriateness

Paragraph 76 of the NPPF states 'local communities through local and neighbourhood plans should be able to identify for special protection green area of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances'.

### **Site Allocations and Development Management Plan 2016 (SADMP)**

The site is designated as Green Wedge in the SADMP where there are a number of key policy objectives with which to comply. The open spaces between dwellings are considered fundamental to ensure that important views into the countryside are retained. Any development within the Green Wedge will have an impact upon this, exacerbated further by the cumulative impact of schemes that may have initially appeared individually insignificant. In this instance the openness of the site enables clear views of Cotlake Hill which would be interrupted by even small scale residential development on this field.

### **Trull Neighbourhood Plan to 2028 (draft)**

The Trull Neighbourhood Plan included Trull Meadow, which includes the application site, as meeting the criteria for a Local Green Space and was included in the recommendations. The recommendations from the Examiners report have been endorsed by Council and the Plan will proceed to a Referendum on 8 June 2017. It does not form part of the development plan but is a material consideration in respect of the proposal. The plan proposes the inclusion of the site as part of the Local Green Space known as Trull Meadow. The proposal therefore conflicts with the draft Neighbourhood Plan policy E1.

The Local Green Space designation is identified in the NPPF as a discretionary designation to be made by inclusion within a local development plan or neighbourhood development plan. The designation should only be used where the land is not extensive, is local in character and reasonably close to the community; and, where it is demonstrably special, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife.

Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt (*Planning practice guidance, Local Green Space designation. March 2014*).

Paragraphs 79 to 92 of the NPPF sets out the policy for protecting Green Belts.

Paragraph 79 states:

'The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (*para 87 NPPF*). A local planning authority should regard the construction of new buildings as inappropriate in Green Belt (*para 89 NPPF*). Paragraph 89 sets out the exceptions however the proposed development does not fall within the exceptions.

Given the advanced stage of the Neighbourhood Plan it is considered that the inclusion of the land as Local Green Space is a material consideration. Policy E1 Local Green Space states development is ruled out, other than in very special circumstances. The policy is consistent with the NPPF policies relating to development within the green belt and the proposed development does not comply with the policy. The potential harm is not outweighed by other considerations.

### **Other material considerations**

The applicants, in their Planning Statement, refers to a number of issues as 'material considerations' including settlement boundaries, green wedge and local green spaces. These issues have recently been robustly considered through the plan making process, both the Core Strategy/SADMP and the draft Neighbourhood Plan.

The applicant refers to the need for Council to create a register of those interested in Self Build and Custom House building projects. The Council has such a register and acknowledges that the applicants were added to the register in 2016. Whilst the demand should inform the plan-making function, at present the Council does not have any planning policies on, or land allocated for, self or custom build, nor is it currently selling land in its ownership or providing plots for such projects. Interested parties are advised of the SADMP policies and that they should seek advice from Development Management (DM) to gauge the likelihood of housing being granted planning permission before they purchase land. The adopted policies contained in the SADMP are therefore the relevant policies. The Self and Custom House Building Act 2015 is not a material consideration to outweigh the policies contained in the adopted and emerging development plans.

### **Design**

It is considered that the design of the proposed dwelling, whilst of a contemporary style, has a number of traditional elements. The proposed floor area is 478m<sup>2</sup>. It is considered that the design and scale of the proposed dwelling is in keeping with the size of the site and with the nearby properties.

### **Conclusion**

The site lies outside the settlement boundary, within the Vivary Green Wedge and allocated as Local Green Space in the draft Neighbourhood Plan. The proposal is

contrary to paragraphs 11 and 76 of the NPPF and is therefore considered to be unsustainable. There are no special circumstances to outweigh the potential harm of the inappropriate development. The proposal is contrary to the adopted and emerging policies in terms of the principle of the development in such a location.

For the reasons outlined above, refusal is recommended.

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

**Contact Officer: Denise Grandfield**

24/17/0010

MR D PYLE

**Erection of an agricultural building for housing of livestock and storage with associated hardstanding, access track and access onto highway on land at Newport Farm, Newport Road, North Curry (amended scheme to 24/16/0038)**

Location: LAND AT NEWPORT FARM, NEWPORT ROAD, NORTH CURRY,  
TAUNTON, TA3 6DJ

Grid Reference: 331323.122846

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

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

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

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

(A4) Location Plan

(A1) DrNo 16/017/001 Rev B Proposed Field Access & Section

(A3) DrNo 1867/01A Rev A Proposed Site Plan

(A3) DrNo 1867/02A Rev A Barn Plans

(A3) DrNo 1867/03A Rev A Barn Elevations

(A3) DrNo 1867/05 Elevations of entrance looking from the road

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

3. Prior to the erection of the building hereby permitted a detailed landscaping scheme which will include, the planting of trees and shrubs to the south between the site and the adjacent A378, to the west between the site and Ludwells Farm, within the site entrance and additional screening to the north of the building shall be submitted to an approved in writing by the Local Planning Authority. The submitted scheme shall include species such as oak and maple and shall include numbers, density and size of all new trees and shrubs to be planted and a programme for their implementation.

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 which cease to grow, shall be replaced with



others 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.

Prior to the use of the development hereby permitted the proposed access over at least the first 10 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced not loose stone or gravel, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

5. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 10 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interest of highway safety.

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

Reason: In the interests of highway safety.

7. At the proposed access there shall be no obstruction to visibility greater than 300 mm above the adjoining road level within the visibility splays shown on the submitted plan Drawing Number 16/017/001 Revision B dated 16/01/2017. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

8. Before any external security lighting is installed, erected, placed or operated on the site, details shall have been first submitted to and approved in writing by the Local planning Authority. Details should include the lighting (manufacturers specifications), number(s) of lights and their siting. There should be no 'light spill' outside the site. The works shall thereafter be carried out in accordance with the approved details and in no circumstances shall external illumination be operated on the site other than in accordance with the approved scheme.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification, no development of the type described in Schedule 2, Part 6, Class A of the 2015 Order other than that expressly authorised by this permission shall be carried out within the field without the further grant of planning permission.

Reason: To prevent over development of the site and to ensure that the proposed development does not harm the landscape character in accordance with Policies DM2 and CP8 of the Taunton Deane Core Strategy.

10. Prior to the erection of the building hereby permitted details for the surface water drainage works to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the use of the building. The works shall thereafter be retained in that form.

Reason: To ensure the adequate provision of drainage infrastructure in accordance with Policy DM1 of the Taunton Deane Core Strategy.

11. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) shall be carried out between 1st March and 31st 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.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000.

12. Prior to the use of the development hereby permitted commencing the existing access off the A378 to the west of the application site shall be closed up, details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of highway safety.

13. The development hereby permitted shall not be exercised in addition to any permission already granted (viz application no. 24/16/0038) and shall be treated as an alternative so the developer has the option of carrying out development in accordance with the present permission or the permission already granted but not both.

Reason: The development would result in two agricultural buildings in two different locations within the same landholding utilising separate accesses off the A378 which would harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy and may conflict with highway safety.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

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

3. Having regards to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Area at the The Highways Depot, Burton Place, Taunton, Somerset, TA1 4HE, Tel No 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
4. The applicant is informed that further expansion of the site through additional development would not be supported in the interests of the visual amenities and in order to protect the character and appearance of the area.
5. Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

## Proposal & Background

The proposal is to erect an agricultural building for the keeping of cattle during the winter months and for storage such as for straw, dry fodder and machinery during the rest of the year. The building will measure approximately 48.8m long by 15.25m wide with 6.2m to ridge height with a small overhang on the north eastern elevation.

The building will be a steel portal framed structure with concrete panel walls to the north west and south west elevations having timber space boarding above, sheeted gates to the south east elevation with timber cladding to the gable end above and feed barriers to the north east elevation. Internally, the building will be laid out with a

lying area to the rear of the building which will be used for straw/loose housing of cattle and a scrape passage along the front of the building behind the feed barriers. The roof will be a profiled anthracite grey.

A concrete hard standing will be provided to the north east and south east of the building with a crushed stone access track leading from a new entrance formed off the public highway by the breaching of approximately 11m of roadside hedgerow. New field gates and stock proof fencing will be erected across the entrance to tie in with the remaining hedgerow.

Landscape planting is proposed to the rear of the building, along the highway frontage and as the new access track joins the public highway.

Permission 24/16/0039 granted in October 2016 granted permission for the same development but further to the west of the application site. Following concerns from residents living opposite the site, the applicant has not implemented the permission and has submitted this current application to resite the development as a good will gesture to the residents. If this proposal is permitted the scheme under permission 24/16/0039 would not be developed.

## Site Description

The application site is within a 120 acre land holding which currently carries no buildings and is sited to the east of Wrantage off the A358. The new access will be constructed off the northern edge of the A378 to the east of the proposed building. The new building will be sited just within the field boundary with the A378, between Ludwells Farm which now consists of Ludwells Barn and a couple holiday lets to the west and Croft Cottages a group of 10 cottages to the east. The rear of 4 of these cottages face the application site and have rear gardens adjacent to the field boundary.

## Consultation Responses

*NORTH CURRY PARISH COUNCIL* - The Parish Council objects to the granting of permission for the following reasons:

1. There is no proof requirement for the building to be in this position in the 120 acre field.
2. Close proximity to 12 rural properties and in view of others.
3. Concern that run off from the building and hardstanding could exacerbate flooding in the area.
4. The site is in an even worse location than the approved site due to increased numbers of houses effected.
5. Removal of hedgerow.
6. The site is in open countryside.

If TDBC are minded to approve the application, the Parish Council request most strongly that the following conditions to be applied to the approval:

1. Any lighting is internal only and sited well within the building to ensure light doesn't shine out of the building.

2. The provision of landscaping to the north of the building.
3. In order to avoid unnecessary disturbance of neighbours, farm traffic accessing the site to be limited to no earlier than 7.00 am and no later than 6.30 pm during the winter.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Please refer to previous observations made by the Highway Authority on 24/16/0038:

'The application is located on land adjacent to the A378 on land at Newport Farm, North Curry. The proposal is to create an agricultural building with access onto the A378.

I am aware that the applicant has received pre-application advice from the Highway Authority in relation to this proposal. In this the applicant was advised that the access arrangements were acceptable and in line with Design Manual for Roads and Bridges (DMRB). Taking this into consideration the Highway Authority does not raise an objection to this aspect of the proposal.

The level of traffic that is likely to be generated would not have a detrimental effect on the highway.

When consulting drawing No. 16/017/001, the access to the proposed agricultural building has a width of 10 metres and a radii of 9 metres. This is deemed sufficient to deal with the agricultural traffic that the proposal is likely to generate. Should the applicant wish to use a gate then it should be set back at least 10 metres from the edge of the carriageway to allow vehicles to wait off the highway while the gate is opened and the gates must also be designed to open inwards.

To prevent any loose materials being deposited onto the highway, which could cause a potential highway safety concern, the access up to the gate measured from the edge of the carriageway should be a fully consolidated surface.

As there is likely to be an increase of impermeable surface, the applicant must also ensure that no water is discharged onto the Highway.

To avoid any potential highway safety concerns the gradient of the access must not exceed 1 in 10.

Taking the above into account, the Highway Authority does not wish to raise an objection to the proposal however, should planning permission be granted I would recommend conditions are imposed to cover the following:

- consolidated access for first 10 m
- entrance gates to be hung to open inwards
- disposal of surface water to prevent discharge onto highway
- No obstruction to visibility
- Gradient of access no steeper than 1 in 10'.

*ENVIRONMENTAL PROTECTION CONTAMINATED LAND* - No comments received.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* -

No comments received.

*LANDSCAPE* - The new building will be partly screened from the public road to the west by Ludwells Farm. When travelling along the road from the east westwards, the farm and associated trees will form a backdrop to the new building. However the building will be viewed from properties to the north as well as from local PROWs.

If permission is granted, as well as planting to the south, some landscaping to the north would help screen the building. Species should include other species that are proposed such as oak and field maple. Details are required on spacing and size of stock proposed.

## **Representations Received**

A petition was submitted by the 10 properties known as Croft Cottages objecting for the following reasons:

- the building is too close to the residents,
- in their direct line of sight and facing bedroom windows of 5 properties,
- noise,
- smell,
- light pollution,
- increase in agricultural traffic using the proposed entrance with the possibility of mud and slurry on the A378 and that it could lead to further development.

Eight of the residents reiterate the same objections in individual letters with further objections on the grounds of increased flooding on the A378 and that the proposed scheme would impact more on residents than the development approved under 24/16/0038.

The owner of Ludwells Barn also objects for the same reasons but in addition:

- the building would be better sited to the east where there are existing agricultural buildings and a slower road,
- insufficient information has been submitted, in particular regarding storage and handling of slurry waste, leading to odour nuisance which could contribute to an increase in hazardous material running onto the highway,
- wildlife impact,
- the building is not in keeping with the local area and it is too close to the road.

## **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), the Taunton Site Allocations and Development Management Plan (2016), 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.

DM1 - General requirements,  
DM2 - Development in the countryside,  
CP8 - Environment,  
CP1 - Climate change,  
SB1 - Settlement boundaries,  
D7 - Design quality,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

None

## **Determining issues and considerations**

The main issues of relevance to this application are the principle of the development, highways, landscape and visual impacts, flood risk, drainage and amenity.

### **Principle of development**

As the proposed development is in a rural location outside of defined settlement limits policy DM2 of the adopted Core Strategy applies, as does policy CP8. Policy DM2 'Development in the countryside' supports (DM2.4a) the development of "new non residential agricultural and forestry buildings commensurate with the role and function of the agricultural or forestry unit". In this application the proposed building and associated formation of access and access track would serve to provide accommodation for some 100 cattle over the winter months and be used for agricultural storage for the remainder of the year. Following the acquisition by the applicant of the 120 acre land holding in August 2014, after years of continuous arable crops the land has been re-seeded to grass and is used for cattle grazing and the conservation of winter fodder for cattle. The use of land for cattle does not involve a change of use and the applicant is entirely within his rights to use the landholding for such use. Being such a large landholding of 120 acres thus accommodating a large number of cattle justifies winter housing for the amount of stock it carries. There are no other buildings on the landholding that could be utilised and thus the building is justified in terms of its role and function of the farming enterprise and is supported in principle by Policy DM2.4.a. Policy CP8 'Environment' will support development provided that it protects habitats and biodiversity, protects and conserves the landscape, and natural and historic assets, and is appropriate in terms of scale, siting and design. The proposed development site is not subject to any nature designations and the proposal will not affect any wildlife. The development would not significantly impact on any natural or historic assets nor would it detrimentally affect the landscape and rural setting.

### **Highways**

The existing field access is located in the western corner of the 120 acre field and this access has poor visibility particularly to the right. As part of the proposal this

access will be closed. A new access is proposed off the A378 with the formation of short section of a crushed stone access track leading to the new building. Where the building is proposed a new access can be safely constructed off the A378. The Highway Authority are satisfied that the proposed access is acceptable given the amount of traffic likely to be generated by the development and considers it would not have a detrimental effect on the highway. Subject to imposing conditions to ensure the satisfactory development of the access, there is no objection on highway grounds. The ground level here is such that the gradient condition is not necessary.

## **Landscape and visual**

The proposed building has a conventional design and is similar in scale and materials to most modern farm buildings found in open countryside locations such as this. The proposed building is of a design and scale which would allow for the amount of livestock to be accommodated and the layout suitable based on a straw based housing system.

A landscaping scheme has been proposed which includes the planting of trees to the south of the site between the proposed building and the boundary hedge with the A378. This would mitigate for any visual impact of the development from views to the south along the A378. Further planting would be carried out to the rear of the building to screen views from Ludwells Farm to the west which already has some boundary vegetation along its eastern curtilage. Although views of the site would be achievable to some of the properties known as Croft Cottages to the east, the rear gardens of these properties are some 40 - 45m away and furthermore the new building would be seen amongst the new planting and against the backdrop of the existing vegetation around the curtilage of Ludwells Farm. A public footpath runs across the landholding to the north of the site. The Landscape Officer and the Parish Council have both requested should permission be granted to protect views from the north as well as local public rights of way, additional planting is carried out to the north. On the recommendation of the Landscape Officer, this should include specifically oak and field maple and as such should permission be granted a revised landscaping scheme should be implemented.

Although hedgerow would be removed to breach the access into the field, the new access will replace a currently poor access and this is to be welcomed on highway safety grounds. Although the removal of the hedgerow may open up the field frontage there will be no direct views of the new building from the access as the building will be partly screened from the west by Ludwells Farm and to the east by the new landscape planting. The building will also be sited some 10 m further west of the new access .

It has been suggested that the building would be better sited to the east of the landholding near to other farm buildings. These buildings however are part of a separate agricultural holding and to house livestock from another land holding in such close proximity would not be practical for bio security reasons. Furthermore, the land available to the applicant in this area mostly falls within a floodzone 2 and/or is crossed by a public footpath.

To ensure however that in the future the proposed development does not lead to future harm of the character of the landscape and the rural setting, permitted



development rights would be removed for Class A, Part 6, Schedule 2 if permission is granted .

### **Flood risk and drainage**

The proposed building is to be sited close to the southern boundary of the land holding. In this location the building will not be at risk from flooding unlike other areas within the landholding. The proposed building will not be located within a floodzone 2 or 3 although to the north of the land holding land is prone to flooding hence the reason why the proposed site has been chosen. In terms of drainage, there is natural drainage already in place to take any surface water via a large field drain, and all land and drainage infrastructure already runs away from all properties. The roof water will also be collected in a tank and re-used for cattle drinkers within the building. However to ensure such measures are satisfactory, it is recommended that drainage details are submitted for approval should permission be granted. In terms of surface run off onto the highway, with the building sited some 10m to the west of the access to the highway there will be no risk of run off onto the highway directly from the new building and a condition is recommended to ensure satisfactory drainage at the new access.

### **Amenity**

Following concerns raised by residents and the Parish Council further information on the operation of the unit have been provided which includes details for the storage of manure, lighting, drainage and flood risk.

Although it is recognised that the landholding has been used as arable for many years, the use of the land for cattle does not result in a change of use and is a land use permitted in planning law. The siting of the building is considered a sufficient distance from the closest residential properties. The closest properties are holiday lets to the west at Ludwells Farm and thus are not occupied as a person's sole or main residence. Regardless, the elevation of the building facing these properties will be totally enclosed and views of the building will be restricted by the existing boundary hedgerow and further landscape planting to be carried out to the rear of the building.

When the building is used to house cattle, it will be mainly young stock aged up to 1 year old, and there will be no slurry to deal with, as it will be a complete loose housed system i.e. the building will be completely bedded up with straw on a regular basis. The building will then be cleaned out of the resultant farmyard manure which will either be spread directly on the land, or stored in field heaps and then spread when ground conditions permit. This procedure is governed by other guidelines and Regulations outside of the planning process. There is sufficient space within the 120 acre land holding to store the manure that will not impact on the residential amenities and it will continue to be spread onto the surrounding fields as per the current arrangement. Incidentally when the building is used to house cattle, it will be when the wet ground conditions do not enable the cattle to be out at grass and/or due to inclement weather. This will be during the winter months and coincides when people will be mostly inside their homes and not out in their gardens.

Some machinery will be kept on site however additional screening will reduce any visual impact that could arise. Given the site is located in close proximity to the A378 which already generates a significant amount of noise from traffic, the proposal is not considered to give rise to further noise disturbance above and beyond what is already experienced.

The Parish Council requested no farm traffic accessing the site in the evening after 6.30pm or before 7.00 am however this would be unreasonable given this is a livestock building and on animal welfare grounds access to the site could be required 24/7. Furthermore with the building sited in close proximity to the A378 to limit traffic to the site when there is constant traffic along the A378 would be unreasonable.

Concerning lighting, no lighting would be kept on overnight either internally or externally. The applicant proposes inward facing/internal lighting to illuminate the interior floor area and any external lighting would be for security purposes and would be kept to a minimum and only what is required for the development to function. This is to minimise light spill/light pollution and to protect the rural night sky and also in the interest of highway safety for passing traffic on the A378. A condition can be imposed to approve such details.

A footpath passes to the rear of Ludwells Farm and then out across the landholding to the north of the site. Although this would have views of the building, an agricultural building within an agricultural holding is not out of character within such rural areas. Furthermore were permission granted, additional planting would be required to the north of the site. For these reasons, it is not considered that the erection of the building would impact on the amenity value for users of the footpath.

As stated, it will only be during the winter months when the building will be used to house cattle. For the rest of the year the building will be used for the storage of straw, fodder and some machinery which incidentally could be stored out in the open in the same location without the need for planning permission.

## **Wildlife**

In terms of wildlife impact there is no reason to believe that the development would impact on the wildlife value of the area. The site is not subject to any nature designations and a condition would be imposed to ensure the removal of the hedgerow would not impact on any nesting birds. There is no evidence of badger setts at the site and as stated the building will not be illuminated overnight to cause any disturbance to bats or owls that may be in the area.

## **Conclusion**

The proposed development would provide winter shelter for cattle associated with the landholding and be used for agricultural storage during the remainder of the year. The new access is considered satisfactory on highway safety terms. The erection of the agricultural building is supported in policy terms and would not have significant impacts on amenity, flood risk, highway safety, wildlife or the landscape and for these reasons it is recommended that 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: Mrs K Wray**

**Non-material amendment to application 23/78/0025 for revisions to road layout, omission of plots 20 and 54 and planting of trees and hedgerows on land at Creedwell Orchard, Milverton**

312362.125581

Non-Material Amendment

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## **Proposal**

This application seeks a non-material amendment to reserved matters approval 23/78/0025 (relating to outline planning permission 23/74/0011) for the erection of 80 dwellings on land off Creedwell Orchard, Milverton.

The amendments applied for are:

1. Priority junction between plots 17 and 71 removed and replaced with a curved road alignment.
2. Delete plots 13, 4, 15, 16 and associated accesses.
3. Parking court to east of site ("Orchard Court", adjacent to plot 20-27) altered to form a turning head.
4. Delete plots 20, 21, 22, 23, 24.
5. Access to lane north of plot 25 removed.
6. Plot 34 moved slightly to the west.
7. Turning head introduced to north of plots 37-39.
8. Shape of turning head adjacent to plots 46-48 altered.
9. Plot 54 removed.
10. Turning head introduced between plots 53 and 55.
11. Garage for plot 58 set further back (north).
12. Plot 59 set back slightly (north).
13. Replanting of previously removed Trees/Hedgerows.

## **Representations received**

### **Milverton Parish Council**

- Query what would happen next and whether conditions can be amended.
- Query whether an entire plan can be substituted as an NMA.
- Query whether the amendment would result in a brand new planning permission.
- TDBC must ensure that they are comparing the changes to the approved plan. The poor quality of the plans makes comparison challenging.
- It would be beneficial if TDBC made a definitive decision on what were the approved plans for the development as part of this process.
- In addition to the road layout, there are also further changes e.g.:
  - Garden boundaries along the south are now outside the line of the original approval;
  - Two houses are missing
  - One bungalow (Plot 34) has been moved further south (further to skyline);

- The agent's letter of 16<sup>th</sup> May 1979 agreed to change 3 bungalows for houses and they are now shown as 3 bedroom houses.
- Changes to the layout may affect other approved plans (landscaping, play areas, sewers, sections etc.)
- There is a potential for creep as more amendments are added or details lost.
- Plot numbering must be checked to ensure that the proposed house types have not changed.
- Better detail explaining the changes is required.
- Any further requests should be judged in cumulation, to avoid piecemeal changes being agreed by NMA.

### **Save Milverton Action Group**

- The proposed drawing indicates the removal of footpaths not listed on the proposed amendments.
- The drawing shows only 8 garages in the northern part of the site; condition 9 of the outline planning permission requires 11.
- The Council has already given a legal view that drawing 7833/4B cannot be considered as a definitive layout plan.
- Even where an amendment in itself is not material, a series of amendments could amount to a material amendment.
- It would be unreasonable for the Council to consider the changes proposed until it is clear what other changes will be required to bring the development forward and, therefore, what the cumulative impact would be.
- The change to the S52 agreement to reduce to a single point of access does not alter the planning permission which still shows this.
- The approvals for the variations to the S52 agreement do not refer to the access points.
- The omission of one of the access points is a material amendment.
- The removal of the road widening requirement in the S52 addresses legal matters, but does not consider the planning reasons for the widening, which require an application for an amendment.
- The omission of the roadway within the southern section of Creedwell Close is not shown on the amended layout.
- Dwellings in the area of the Colesmore Estate are omitted entirely.
- The layout purports to be an amendment of drawing 7833/4B but does not show any of the sewer and lighting details on that plan.
- The Council has previously said (in 2011) that drawing 4B cannot be relied upon as a plan for determining the layout of plots. Therefore, it cannot be argued that drawing 7833/4B is an approved plan.
- Even if the application does not show the omission of the southern access point, a further amendment to this effect will be necessary in the future.

### **Ward Councillor (Cllr G Wren) raises the following points:**

- The original scheme was for 80 dwellings; the new layout shows only 70. A 12.5% reduction in dwellings must be a material amendment.
- The areas beyond the boundary could not currently be developed, but they were an integral part of the permitted scheme. The removal of these areas would result in a much changed scheme from that originally permitted.
- The S52 is not specific about the number of entrances, it just requires off-site works. The site layout remains, unaltered and the removal of the second

point of access is another shift from what was originally approved.

- The requirement to deliver the play area within 2 years of the commencement of development should surely have been complied with immediately following the issue of the CLU. This should be addressed in an NMA.

### **8 letters of representation** raising the following issues:

- There are changes to the layout and site area that cannot be considered non-material; some of the land is now owned by others.
- The accesses arrangements are significantly different to the approved scheme - there is now only one single point of access proposed. This is clearly a significant and material change.
- Alterations to the S52 agreement did not alter the number of approved access points.
- Other material changes to the design of the dwellings are required to bring the dwellings in line with current building regulations.
- The copying of drawing 1 to create drawing 4 would have distorted the dimensions on the plan, so it cannot be relied on as a definitive layout drawing.
- The omission of land to the east is a material change.
- It is no longer possible to carry out the development in complete accordance with the approved plan, so any change to it must be material.

The letters raise other matters relating to the overall impact of development and compliance with planning policies (existing and proposed schemes) but this is not relevant to the consideration of whether the changes are material or not. It is also alleged that the development was not commenced in time.

## **Determining issues and considerations**

This application falls to be determined under S96A of the Town and Country Planning Act 1990. The legislation and Planning Practice Guidance confirms that in considering the application, the local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 – requiring the application to be determined in accordance with the development plan – does not apply.

The Encyclopaedia of Planning Law and Practice confirms that whether or not an amendment is material is material or not is a matter for the decision maker and that a decision would only be questionable on the grounds of Wednesbury unreasonableness. There does not appear to be any case law concerning the scope of what can be determined 'non-material'. It is, therefore, open for the Council as decision maker to use its reasonable judgement in determining the application and what may be material in one instance would not necessarily be material in another.

In this case, the consideration of the application first requires a judgement to be made as to what constitutes the approved plan. Only then can an assessment of the materiality of the amendments be made. This report is structured accordingly.

## **Defining the approved plans**

This amendment relates to an aged planning permission, given reserved matters approval under a 1978 reserved matters application (23/78/0025). The approval gives the description of development as having been ‘...amended by letter dated 19th April 1979 and attached plans received on 23rd April 1979...’.

Unfortunately, not all of the plans listed on the letter of 19th April 1979 are on the file. Most importantly, the layout drawing “7833/1B” is missing. To complicate matters, of the drawings listed in the 19th April letter that do survive, most carry the note “revised March 2017”, which would pre-date a meeting described in the letter when the various amendments were agreed. That said Drawing 7833/4B, whilst stating Revised March 1979, also carries the note “Rev B General Revisions April ’79”, which suggests that it may post date the meeting. It also appears to match up to drawing 7833/2 (Revised March 79). It does appear, then, that drawing 7833/2 details the amendments in the letter of 19<sup>th</sup> April.

The Save Milverton Action Group (SMAG) have pointed out that neither drawing 7833/2 nor 7833/4B have been produced with the intention of defining the site layout; rather, they are copies with additional landscaping and highway details. Further, they were sent a letter in 2011 by the Council’s then Legal Services Manager suggesting that the Council would not be able to rely upon these drawings for the purposes of identifying the precise siting of the plots. Be that as it may, in the absence of any surviving definitive layout plan it is now necessary take a view over the approved form of the development. Your officers believe that any discrepancies between the missing drawing 7833/1B and the derived drawings 2 and 4B are likely to be very minor.

Your officers and solicitor have considered the situation, and in light of the above analysis, are of the opinion that it is reasonable to consider drawings 7833/2 and 7833/4B as representative of the approved development and the materiality of the proposed amendments will be considered accordingly.

## **Whether the amendments are material**

During consideration of the application, a number of amended plans have been received. As originally submitted, the application proposed to delete the southern access point and removed some of the footpaths previously shown running through the development.

The southern access has now been reinstated, insofar as it reaches the site boundary although it is no longer shown as continuing off site. However, the absence of the off-site drawing does not make the access any less deliverable than it currently is (land ownership issues would likely prevent delivery in both scenarios). Fundamentally, there is no condition requiring the delivery of the southern access so if the extant scheme were built out as per the currently approved plan, the resulting development would be no different insofar as it relates to the termination at this point. The originally shown footpaths have also been reinstated.

This report will now consider each of the proposed amendments in turn.

- 1. Priority junction between plots 17 and 71 removed and replaced with a curved road alignment**
- 2. Delete plots 13, 4, 15, 16 and associated accesses**

The biggest changes are to the northeast of the site and relate to the two amendments above. Here, not all of the land subject to the 1970s permission is available to the current land owner; indeed some of it has already been developed as part of the Colesmore development. This part of the development is clearly different to that previously approved as fewer houses are now proposed and, in place of a priority junction with a road extending further to the east, a simple curve in the road is proposed. When building out a development, there is no requirement to build every plot shown on the approved plans: Theoretically, a developer could choose to leave out certain parts of the development, unless there was a condition specifically requiring their delivery.

Your officers consider that nothing in the extant planning permission requires this 'missing' section of the development to be completed and, therefore, the developer could choose to only build out those dwellings that are part of their current land ownership. For these reasons, the simple omission of various plots is not considered to result in a material change to the planning permission. With regard to the road re-alignment, the provision of a curve in place of a priority junction is a relatively minor difference. Furthermore, constructing the development as shown in the current application would not technically prejudice the completion of the development as originally permitted, should a future land owner choose/be able to in the future.

- 3. Parking court to east of site ("Orchard Court", adjacent to plot 20-27) altered to form a turning head**
- 4. Delete plots 20, 21, 22, 23, 24**

The same considerations as detailed for amendments 1 and 2 apply here – the amendments essentially details a partial implementation and the development could be completed as originally permitted, should the land be made available in the future.

- 5. Access to lane north of plot 25 removed**

The lane was originally proposed to be blocked up and obstructed by the development. In order to maintain access to the east, access was required to be provided to the north of plot 25. In the amended scheme, the lane will remain unaltered, so the access is not necessary. In terms of the overall impact of the development on surrounding property, it is considered that the change is not material.

- 6. Plot 34 moved slightly to the west**

The amendment moves the dwelling slightly further away from the neighbouring eastern site boundary. It is not considered that this would cause a material change in terms of the impact of the development.

- 7. Turning head introduced to north of plots 37-39**



- 8. Shape of turning head adjacent to plots 46-48 altered**
- 9. Plot 54 removed**
- 10. Turning head introduced between plots 53 and 55**

At the southern access point, the application now proposes to deliver an adoptable turning head in place of one of the dwellings (plot 54). There is a similar proposal in place of plot 38 elsewhere on the site.

The failure to build plot 54 and plot 38 would not result in a breach of the planning permission so your officers do not consider that this would be a material amendment to the permission. As with the north eastern part of the site, the omission of the plots is essentially a partial implementation of the planning permission. The new turning heads would clearly result in the provision of additional hard surface that was not previously proposed, but this is not considered to have a material impact upon the appearance or impact of the development overall. The application also proposes a new turning head part way along a cul-de-sac in the south eastern part of the site (to the north of plots 37-39) and a reshaping of the turning head adjacent to plots 46-48. Likewise, these alterations are not considered to materially affect the planning permission.

- 11. Garage for plot 58 set further back (north)**
- 12. Plot 59 set back slightly (north)**

These are very minor alterations to plot positions, set in from the site boundary. The changes will not have a material impact.

### **13. Replanting of previously removed Trees/Hedgerows**

This does not require planning permission. Furthermore, it will have to happen if the development is to accord with the landscaping conditions imposed upon the planning permission, such that the resultant development appears as originally permitted. It is not considered to be a material change to the planning permission.

### **Other matters**

Concerns have been raised with regard the potential for future NMAs to cumulatively significantly alter the scheme. Guidance on dealing with NMAs indicates that for each NMA application made, the cumulative impact should be considered. Concerns have also been expressed that there may be a number of other changes shown on the drawings due to the difficulties in comparing reproduction copies of pencil drawings with modern CAD produced drawings. However, it is considered that the list of amendments detailed on any decision letter, provided that it is sufficiently precise, would adequately define the scope of amendments being permitted.

### **Conclusions**

The proposals show a number of changes to the extant planning permission. However, most of these are minor in scale and would not materially alter the impact of the development on adjoining property or the amenity of the area generally.

Where the changes are more noticeable, they can generally be regarded as a partial implementation of the planning permission, rather than a significant amendment. For these reasons, on balance, the changes proposed are considered to be non-material when considered individually and cumulatively and it is recommended that the application is approved.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Approval for

- 1. Priority junction between plots 17 and 71 removed and replaced with a curved road alignment.**
- 2. Delete plots 13, 4, 15, 16 and associated accesses.**
- 3. Parking court to east of site ('Orchard Court', adjacent to plot 20-27) altered to form a turning head.**
- 4. Delete plots 20, 21, 22, 23, 24.**
- 5. Access to lane north of plot 25 removed.**
- 6. Plot 34 moved slightly to the west.**
- 7. Turning head introduced to north of plots 37-39.**
- 8. Shape of turning head adjacent to plots 46-48 altered.**
- 9. Plot 54 removed.**
- 10. Turning head introduced between plots 53 and 55.**
- 11. Garage for plot 58 set further back (north).**
- 12. Plot 59 set back slightly (north).**
- 13. Replanting of previously removed Trees/Hedgerows.**

**Only the amendments listed above are hereby approved. Any other amendments that may be shown on the drawing are not approved.**

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

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

(A1) DrNo HBS-DR-C-(00)-400 Rev P4 Refuse Vehicle Tracking  
(A1) DrNo HBS-DR-C-(00)-401 Rev P1 Refuse Vehicle Tracking  
(A1) DrNo NMA01 Rev B Planning Layout

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

Notes for compliance (If applicable)

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr M Bale**

34/17/0008

MR & MRS S DERIK

**Erection of first floor rear extension and replacing the existing flat roof canopy to the front (west) elevation with a sloping monopitched roof at 6 Stoneleigh Close, Taunton**

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

Grid Reference: 321269.126606

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

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

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

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

(A4) Location Plan

(A4) Site Plan

(A3) Revised Plans & Elevations received on 18 April 2017.

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

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

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

4. There shall be no alteration or additional windows in the east, north or south elevations without the further grant of planning permission.

Reason: To ensure the privacy of the neighbouring properties in accordance with retained Policy H17(A) 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 with the applicant and has negotiated amendments to the application 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

It is proposed to erect a first floor extension on the existing flat roof single storey extension to the rear (east) elevation in order to extend the master bedroom and add an ensuite . This will be 3.5 metres long and 3.3 metres wide. Originally it was to be 6 metres high to the hipped roof and 5.2 metres to the eaves which would link in with the existing eaves level of the dwellinghouse. However, the Officer expressed concern regarding the consequent loss of sunlight this would cause to the neighbour to the north, no. 4. Approximately 3 to 4 hours of light would be lost in the afternoon from Spring to Autumn and longer in the Winter months. A suggestion was made to continue the existing roofline out over the flat roof with a rear dormer, possibly with a flat roof.

An amended plan was submitted to continue the roofline of the existing dwelling house to slope downwards by about 4.5 metres in length, which would result in the first floor extension having a maximum height of 2.5 metres from the single storey extension and a height of 5.4 metres from ground level. The minimum height and eaves height of the extension would be 3.8 metres, an increase of 0.8 metres in height of the existing flat roof extension. Instead of the proposed first floor window facing to the east a velux rooflight would be inserted in the roof slope. Materials would be matching, ie, brick with Double Roman Concrete tiles and upvc fenestration.

It is also proposed to change the existing flat roof canopy to the front (west) elevation over the garage, front door and oriel window to a sloping monopitched roof in Double Roman concrete tiles to match the roof canopies of the neighbouring properties.

## Site Description

6 Stoneleigh Close is a detached red brick dwelling with a dual-pitched concrete tiled roof.

## Relevant Planning History

None.

## Consultation Responses

*STAPLEGROVE PARISH COUNCIL* - comments on the original plans: 'While we

do support the points made in the letter sent from the occupiers of No. 4 Stoneleigh Close we do not feel we have any cause to object.'

Comments on the amended plans: 'While a concession has been made by the applicant in the shape of the proposed new room on the first floor it is unlikely to have significantly improved the situation regarding the loss of light for the neighbouring property. Having taken into account the strength of feeling of local residents and the serious concern that a precedent would be set, which could permit others to plan similar extensions, the Parish Council does now object to this planning application.'

## **Representations Received**

Five objections were received on the original plans, as follows:

- The existing single storey extension is 0.8 metres from the boundary with no. 6.
- This proposal will contravene Policy D5 as it will affect neighbouring amenities.
- Ample space within the house to allow a reconfiguration for an en-suite bathroom.
- The proposal will block light to the house and garden at no. 4 and impose on their view.
- It will set an unwelcome precedent.
- Not in keeping with design and style of the houses in Stoneleigh Close.
- Only one other first floor extension in Stoneleigh Close (no. 2) and this is on a corner plot which does not adversely affect anyone.
- It will spoil the view from my garden.
- Loss of privacy from the proposed first floor rear window.
- The extension would be visually intrusive.
- The trees in no. 6 Stoneleigh Close provide privacy but this would be lost if they were removed and would change my outlook.
- Light will be blocked to three habitable rooms in our property and to the garden.
- Extension would be overbearing and dominate the rear of our property.

Four objections were received on the amended plans, as follows:

- The reduced size of the extension will still be a blot on the landscape.
- The amended proposal will still have an over-bearing effect on our property
- It will still be intrusive when viewed from our rear windows and our external amenity areas.
- The proposed build lies directly in the arc of the sun and due to its close proximity to us it would still have an overshadowing impact on the outlook from our windows and reduce daylight levels within and outside our property.
- Reduced light has a negative impact on health and well-being, particularly in Winter.
- If approved what is to prevent the applicants from simply reverting to their original plan to build a two-storey extension with a pitched roof?
- The proposed extension will still block out light and the rooflight will look into my house and window and reduce my privacy.
- This will cause harm to residential amenity.
- No. 4 could be potentially devalued.

## **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), the Taunton Site Allocations and Development Management Plan (2016), 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.

DM1 - General requirements,  
D5 - Extensions to dwellings,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

This proposal is not liable for CIL.

## **Determining issues and considerations**

The determining issues are the affect on the amenities of neighbours, the appearance of the dwelling and the street scene.

### **Amenities of neighbours**

The neighbours to the north (no. 4) will be affected as the proposed extension will be 0.8 metres from the boundary between the two properties. The increase in height of the west (side) elevation will cause them some overshadowing and loss of light. With the original plans this would have been 3 to 4 hours in the afternoon from Spring to Autumn and longer in the Winter. The revised plans, however, will reduce this to a maximum of about 2 hours in the middle of the day all-year around, which is not considered significant enough to warrant a refusal, particularly taking into account the potentially worse outcome of a two-storey extension which could be built under permitted development guidelines.

The elevation facing no. 4 will rise by a maximum of 2.5 metres and then taper down to a height of 3.8 metres within length of 3.5 metres.. This is considered to be an improvement on the original scheme which would have created a wall of 6 metres in height for the whole 3.5 metres in length. There will still be an element of overbearing, but this is considered to be marginal as the rest of the garden will remain open.

The extension is approximately 5 metres from the boundary with no. 8 and there is a fence of about 2 metres between the dwellings. Due to this distance, the sloping nature of the extension and the lack of proposed windows on the southern elevation, it is considered that there will be little impact on the amenities of no. 8.

To the rear of no. 6 there is a hedge about 3.6 metres high and it is intended that this hedge will be retained. With the hedge in place and a distance of approximately 20 metres between the proposed development and the dwelling to the rear it is not considered that there will be any overlooking from the proposed rooflight.

### **Appearance of the dwelling and the street scene**

The dwelling with its current flat roof extension is not particularly attractive from the rear. It is considered that the sloping monopitch roof from the ridge line of the main dwelling will not adversely affect the appearance of the property. Indeed the change of roof pitch from a flat canopy to a sloping monopitch roof at the front of the dwelling will enhance the dwelling and is welcomed. It will bring it in line with its neighbours and add consistency to the street scene.

Concern has been expressed that such an extension could create a precedent for future such first floor rear extensions. However, it is not considered that this proposal would set a precedent for other such proposals, which would in any event be considered on their own merits.

It is therefore considered that the proposed development is acceptable and in accordance with policies DM1 of the Taunton Deane Core Strategy and policy D5 of Taunton Site Allocations and Development Management Plan and is recommended for conditional approval.

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

**Contact Officer: Mrs S Wilsher**

**E/0180/27/16**

Alleged unauthorised development at Allerford Farm, Norton Fitzwarren

**OCCUPIER:**

**OWNER:** MR M JAMES  
ALLERFORD FARM, ALLERFORD ROAD, NORTON  
FITZWARREN  
TAUNTON  
TA4 1AL

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**Purpose of Report**

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of various breaches of planning control, detailed below.

**Recommendation**

**A – Enforcement action:**

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

The Enforcement Notice shall require:

- Removal of all concrete areas laid without planning permission and external lighting.
- The removal of the external staircase and door at first floor level to the garage building.
- The removal of the base for a store on agricultural land as shown on attached plan.

Time for compliance:

- 4 months from the date on which the notice takes effect.

**B – No further action:**

That no further action should be taken in respect of the following breaches of planning control:

- The extended summerhouse.
- The unauthorised stable block
- The unauthorised extensions to the dwelling
- The manure store

**Background**

Allerford Farm comprises a large traditional farm house that is surrounded by converted agricultural buildings. The dwelling benefits from large grounds, containing garaging and a hydrotherapy pool and ancillary building, which is yet to



be completed. The property has landscaped gardens. The site is located within flood zone 3.

The complaint was brought to the Council's attention in July 2016 for the non-compliance with various approvals at this site and contact was made with the owner that works were not being carried out in accordance with the planning approvals. The owner was advised that he should either submit an application for consideration for the works he was doing or build as per the approved plans. As further concerns were being received in September 2016 contact was made with the owner in order that a site inspection could be carried out to identify the various breaches as he continued doing more and more work. A site visit was carried out on the 5th October 2016 to inspect the works in progress, photographs were taken and it was clear that at this time works were still continuing and concrete was being poured for an area of land that had no permission. At this visit discussions took place regarding the planting scheme and the owner's envisaged plans for the horses that were to be on site in the approved stable block which had not been constructed. An explanation was given to the owner suggesting that the works did not appear to have planning permission, but he thought that what he was doing wasn't a problem. On returning to the office it was clear that the location of the manure bay and a concrete path were much closer to some trees than shown on the original plans.

As such a return visit was carried out when measurements were taken of the car park, the manure bay and the concrete path. At this time it became clear that the car park has been constructed larger than shown on the approved plans. It was also noted that development, namely the construction of the manure bay and the concrete track, had taken place outside of the red line of the approved plans and therefore did not have planning permission.

Furthermore, during the second visit it was noted that an additional building of block construction was being erected behind the trees beyond the manure bay. This building was in the early stages of construction and measured 7.44 x 4.33 metres. There is no record of permission having been granted for this building and planning permission is required.

At this time the owner was advised that if he continued to proceed with any works that do not have the relevant planning permission then he did so at his own risk. Furthermore, in the event that planning permission was not granted for any of the works then he may be required to remove the development from the land.

Listed below are the identified breaches that are a concern to the neighbours.

## **Description of breach of planning control**

Listed below are the identified breaches of planning control.

1. Car park together with unauthorised earth bank larger than permitted by application 27/15/0007, not permeable and free standing lighting added.
2. Manure bay erected in wrong location.
3. Planning permission 27/15/0026, Drawing Z21/23C shows paving should be porous. It is concrete.
4. Additional length of concrete track to the trees together with a new building of block construction, in process of being erected behind the trees beyond the manure bay measuring 7.44 x 4.33 metres.

5. The garage is not in accordance with the approved plans. An upper floor has been added together with an external access staircase.
6. Summer house constructed larger than approved plans.
7. Stable block not constructed in accordance with approved plans.
8. Extensions to dwellings not constructed in accordance with approved plans.

## **Relevant planning history**

This site has a long planning history and the recent planning applications are listed.

27/16/0005 - Erection of an agricultural building to the south west of the calf house, Allerford Farm, Allerford road, Norton Fitzwarren. Conditionally approved 29.04.2016

27/15/0026 - Erection of extension to summerhouse at Allerford Farm, Allerford Road, Norton Fitzwarren. Conditionally approved 12.01.2016

27/15/0023 - Variation of Condition 2 (approved plans for application 27/15/0007) to amend the garden layout and planting scheme at Allerford Farm, Allerford Road, Norton Fitzwarren. Conditionally approved 18.12.2015

27/15/0007 - Erection of two storey extension to link farm house, swimming pool building and barn and conversion works to provide holiday accommodation with ancillary facilities at Allerford Farm, Norton Fitzwarren (amended scheme to 27/14/0010) Conditionally approved 28.05.2015

27/14/0010 - Erection of two storey extension to link farm house, swimming pool building and barn and conversion works to provide holiday accommodation with ancillary facilities at Allerford Farm, Norton Fitzwarren (amended description) Conditionally approved 28.11.2014

27/09/0002 - Erection of single storey timber stable block and access track at Allerford Farm, Allerford, Norton Fitzwarren, as clarified by agent's email dated 02 July 2009. Conditionally approved 06.07.2009

27/08/0019 - Erection of a two storey extension, garden room with link to single storey extension to accommodate hydrotherapy pool, associated facilities and garaging at Allerford Farm, Norton Fitzwarren (amended application to 27/2007/016) Conditionally approved 02.07.2008

27/07/0016 - Erection of garden room extension with link to single storey extension to accommodate hydrotherapy pool, associated facilities and garaging at Allerford Farm, Allerford, Norton Fitzwarren. Conditionally approved 02.10.2007

27/05/0023 - Conversion of barns to 3 dwellings, erection of detached garage, conversion of modern farm buildings to garages, stables and indoor riding school and formation of outdoor manege at Allerford Farm Norton Fitzwarren as amplified by agents e-mail dated 3rd February, 2006. Conditionally approved 08.03.2006

## **Development Plan Policies**

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 (2004), 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 – General requirements  
DM2 – Development in the countryside  
CP8 – Environment

## **Ward Councillor Comments (if applicable)**

### **Determining issues and considerations**

The acceptability of the various breaches of planning control are considered below:

#### **1. Extended car park**

The concreting over of a large surface area, including tracks and accesses and also a car parking area within Flood Zone 3 is considered to amount to an increase risk to flooding contrary to policy CP8. There does not appear to be any justification for the enlarged parking area, which is excessive and detrimental to the visual amenity of the area. Enforcement action should be taken over the parking area and the lighting. It is possible that it could be re-laid in accordance with the planning permission, or an alternative permission could be sought proposing adequate drainage for the site.

#### **2. Manure Bay**

Planning permission has previously been granted for a manure bay. It has been constructed in the wrong location, but not significantly different to the permitted location. It is not considered that it causes any greater impact than the previously permitted location. It is recommended that no further action is taken.

#### **3. Concrete paving**

The lack of permeable surfacing has the potential to cause an increase in flood risk. As with the car park, enforcement action is recommended.

#### **4. Additional track and new 'store' building**

The building of a store on agricultural land within Flood Zone Area 3 is considered to amount to an increase risk to flooding. It is also sporadic development in the open countryside that should be more appropriately be sited close to other buildings and is contrary to policy CP8 & DM2. Enforcement action is recommended to remove the track and the foundations for the new building.

#### **5. Garage not in accordance with approved plans**

The alterations to the garage involving new residential accommodation for staff at first floor level, a new external staircase and door at first floor level, results in significant harm to nearby residential amenity in terms of a loss of privacy contrary to policy DM1.

#### **6. Summerhouse larger than permitted**

The summerhouse is within the garden area and does not have a significantly greater impact upon the visual amenities of the area or the amenities of other nearby property when compared to the permitted scheme. It is recommended that no further action is taken.

#### **7. Stable block**

The stable block is in broadly the same location as previously permitted, although it is of a different design. It is considered that it does not have a significantly greater impact upon the visual amenities of the area or the amenities of other nearby property when compared to the permitted scheme. It is recommended that no further action is taken.

#### **8. Extensions to dwelling**

The extensions to the dwelling are away from nearby property and do not impact upon the amenities of those other nearby properties. They are considered to be acceptably designed and it is recommended that no further action is taken.

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

**PLANNING OFFICER:**

**PLANNING ENFORCEMENT OFFICER: Mrs A Dunford**

**CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479**

**APPEALS RECEIVED – 24 May 2017**

**Site: 126/128 Galmington Road, TAUNTON TA1 5DW**

**Proposal: Formation of vehicle access to hard standing at 126 and 128 Galmington Road, Taunton**

**Application number: 52/16/0029**

**Appeal reference: APP/D3315/W/16/3165675**

**Start Date: 21 April 2017**

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**Site: 70 MEAD WAY, MONKTON HEATHFIELD, TAUNTON, TA2 8LT**

**Proposal: Application to fell two ash trees included in Taunton Deane Borough (West Monkton No.13) Tree Preservation Area 2001 at 70 Mead Way, Monkton Heathfield (TD897)**

**Application No: 48/17/0001T**

**Appeal Reference: APP/TPO/D3315/6129**

**Start Date: 24 Apr 2017**

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**Site: ELM FARM, RUMWELL PARK LANE, RUMWELL, TAUNTON, TA4 1EH**

**Proposal: Alterations to existing coach house to include a new first floor side extension to form a three bedroom annex to main farmhouse at Elms Farm, Rumwell, Taunton**

**Application No: 05/16/0039**

**Appeal Reference: APP/D3315/W/17/3173344**

**Start Date: 08 May 2017**

## **Appeal Decisions –24 May 2017**

**Site: LAND TO THE SOUTH OF KNAPP LANE, NORTH CURRY**

**Proposal: Residential development of 20 No. dwellings (including 5 affordable dwellings) and provision of public open space, children's play area and allotments on land to the south of Knapp Lane, North Curry (Revised scheme to 24/16/0007)**

**Application number: 24/16/0042**

### **Reasons for refusal**

The design of the dwellings is considered to be unacceptable: There are no 2 bedroom open market properties proposed and the appearance and style is in conflict with the neighbouring development, contrary to Policy DM1 of the Taunton Deane Core Strategy.

On the basis of the information provided and evidence presented, the impact on the highway network will on the balance of probabilities be severe. It is, therefore, in conflict with Section 4 of the NPPF.

Part of the site is outside the proposed settlement limit in the emerging Taunton Deane Site Allocations and Development Management Plan. The proposed development is, therefore, contrary to Policy MIN7 of that plan.

**Appeal decision: ALLOWED**



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## Appeal Decision

Site visit made on 20 March 2017

**by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

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

Decision date: 7<sup>th</sup> April 2017

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### Appeal Ref: APP/D3315/W/16/3162999

#### Land to the south of Knapp Lane, North Curry, Somerset

- 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 Strongvox Homes against the decision of Taunton Deane Borough Council.
  - The application Ref 24/16/0042, dated 3 August 2016, was refused by notice dated 13 October 2016.
  - The development proposed is for residential development of 20 dwellings (including 5 affordable dwellings) and provision of public open space, children's play area and allotments (revised scheme to 24/16/0007).
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### Decision

1. The appeal is allowed and planning permission is granted for residential development of 20 dwellings (including 5 affordable dwellings) and provision of public open space, children's play area and allotments on land to the south of Knapp Lane, North Curry, Somerset in accordance with the terms of the application, Ref 24/16/0042, dated 3 August 2016, subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
    - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15.20.00; 15.20.01M; 15.20.02H; 15.20.03A; 15.20.04A; 15.20.05A; 15.20.06A; 15.20.07A; 15.20.08A; 15.20.09B; 15.20.10C; 15.20.12; 15.20.13; 15.20.14; 15.20.15; 15.20.16; 15.20.17; 15.20.18; 15.20.19; 15.20.20; 15.20.21; 15.20.22A; 15.20.23; 15.20.24; 15.20.25; 15.20.26; 15.20.27B; 15.20.28; 15.20.29; 15.20.30; 15.20.31, and ; 15.20.33A.
    - 3) No building hereby permitted shall be constructed above slab level until samples of all external surfaces of the development hereby permitted have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
    - 4) No building hereby permitted shall be constructed above slab level until sample panels measuring 1m x 1m of all new facing brickwork showing the proposed bricks, face-bond and pointing mortar have been provided on site and approved in writing by the local planning authority. The
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development shall be carried out in accordance with the approved sample panels.

- 5) 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 commences and shall thereafter be retained at all times.
- 6) The proposed roads, including footways, pathways and turning spaces within the site shall be completed to consolidated base course level prior to occupation of any dwelling on site.
- 7) No building hereby permitted shall be constructed above slab level until a scheme for the upgrading of footpath Ref 17/50 as identified in the Transport Assessment dated February 2016 prepared by Transport Planning Associates including provision for its connection into the site shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until footpath Ref 17/50 has been upgraded and a suitable connection provided in accordance with the approved scheme.
- 8) No dwelling shall be occupied until a Travel Plan, including a timetable for implementation and periodic review has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented as approved.
- 9) No development shall commence until details of both hard and soft landscape works, including the positions, design, materials and type of boundary treatment to be erected, have been submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of development, or as otherwise extended with the agreement in writing of the local planning authority. The agreed boundary treatment shall be completed before the building or area to which it relates is brought into use and shall thereafter be retained as such. Any trees or plants which within a period of 5 years from the completion of each agreed landscape phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) A children's play area shall be provided and details of the equipment to be provided shall be submitted to and approved in writing by the local planning authority and the area laid out within 18 months of the date of commencement unless otherwise agreed in writing by the local planning authority and shall be used solely for the purpose of children's recreation.
- 11) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the



assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and,
  - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 12) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed houses and finished levels of the bases of the attenuation pond and adjacent open space, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 13) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the site for wildlife has been submitted to and approved in writing by the local planning authority. The strategy shall be based on the recommendations of Ethos Environmental Planning's Ecological Assessment Report dated February 2016 and include:
- (i) Details of protective measures to avoid impacts on protected species during all stages of development;
  - (ii) A further survey for badgers;
  - (iii) Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance, and;
  - (iv) Measures for the enhancement of places of rest for wildlife.

Once approved the works shall be implemented in accordance with the approved details and timings of 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 retained for such purposes.

## **Application for costs**

2. An application for costs was made by Strongvox Homes against Taunton Deane Borough Council. This application is the subject of a separate decision.

## **Preliminary matters**

3. This proposal is a re-submission of a similar proposal that was recently dismissed at appeal<sup>1</sup>. The Inspector at that appeal narrowed down her

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<sup>1</sup> APP/D3315/W/16/3155452

objection to the design and siting of the proposed affordable housing units that comprised part of the development for 20 dwellings and opined that the development would cause harm to the character and appearance of the area. In so doing, she concluded that the development would not comprise sustainable development in the terms set out in the National Planning Policy Framework but only in the limited terms set out in her decision. Under other matters, the Inspector considered the issue of housing supply at considerable length despite the Council having only recently adopted its Site Allocations and Development Management Policies Plan (SADMPP) and her findings that there would only be limited conflict with Policy MIN7 that allocated the majority of the site for around 20 dwellings.

4. Although the appellant believes the Inspector had evidence before her that the Council was unable to demonstrate a five years' supply of deliverable housing sites, I do not intend to rehearse housing supply issues given that my colleague, correctly in my view, applied Paragraph 49 of the Framework but in so doing, narrowed her focus as stated above.
5. The Council draws my attention to the fact that the Inspector following Local Plan examination found that the Council "ought to be able to meet the requirements for housing set out in the adopted Core Strategy". Given the planning balance that was undertaken by the previous Inspector, which has not been disputed by either party in this appeal, I do not believe the outcome of the current appeal should hang on whether there is a demonstrable five years' supply of housing and this is reflected in the Council's reasons for refusal and  
in the main issues to this appeal.
6. The requirement to demonstrate a five year supply is not an upper limit.

## **Main Issues**

7. The main issues in this appeal are:
  - the extent to which the scheme would breach the Council's settlement strategy for the area;
  - the effects on the character and appearance of the area, and;
  - the effects on conditions of highway safety.

## **Reasons**

### *Settlement Strategy*

8. The appeal site comprises a relatively flat field enclosed on each side by mature hedgerow on the north western edge of North Curry. Fronting Knapp Lane at a slightly higher level Lane, the site adjoins existing residential development on its north-eastern and eastern sides and a public footpath runs beyond the site's south western boundary linking Knapp Lane with Town Farm and Chapel Close. Beyond the public footpath are open fields.
9. The proposal would see the erection of 20 houses together with a children's play space (LEAP), allotments, public open space and an attenuation pond. The development would link with the public footpath at its southernmost point. Five of

the twenty units would be affordable.

10. North Curry is identified as a Minor Rural Centre in the Taunton Deane Core Strategy (CS). Policy SP1 of the CS sets out the broad strategic housing requirement shared between a number of settlements, including North Curry. The SADMPP allocates land to meet the housing requirements and includes detailed development management policies. Within the SADMPP, the appeal site is identified as an allocated site for around 20 dwellings and in the design brief supporting SADMPP, it is explained that housing here should only be located on the north eastern half of the site with the remainder retained for recreational purposes, including informal open space and formal play area, sustainable drainage and landscaping buffer. The Inspector in the previous appeal concluded that whilst part of the development would protrude into the area that was intended to be set aside as a recreational buffer, including the 'softer' elements described above and would thereby be in conflict therewith, her overall conclusions, having considered the landscape evidence in some detail, was that the proposed buffer was sufficient in size to soften the impact of the built development proposed. Having considered the evidence before me, I agree with her findings and note that the "buffer" proposed in this appeal has actually been further extended.
11. In response to Inspector Kirby's concerns, the proposed layout in this appeal has been amended such that the previously rather isolated affordable housing element has now been relocated to within the site and the recreational buffer extended to include the balancing lagoon. In these regards, the revised scheme is therefore better aligned to the requirements set in the Design Brief that accompanies SADMPP Policy MIN7, particularly in terms of the extent of the landscape buffer. Following consideration of the appellants' landscape evidence, supported by a comprehensive site visit, like the Inspector before me, I too agree with the Council's Landscape Officer that the development can be satisfactorily assimilated into the local area with only minimal landscape and visual effects.
12. CS Policy SP1 requires new housing development within Minor Rural Settlements such as North Curry to include an appropriate balance of market and affordable housing. The Council considers that the lack of 2 bed open market housing would fail to promote social balance. However, this issue was not raised previously. I also note that the Council's Housing Enabling Officer was satisfied with the *mix proposed* and the affordable units that would be provided through a section 106 Obligation. I see no policy conflict with the proposed mix and cannot see any justification for this aspect of the Council's objection. Neither do I believe that the proposed mix would be significantly at variance with the National Planning Policy Framework that sets out to deliver high quality homes and widen opportunities for home ownership.
13. I therefore conclude that the proposal would not conflict with the settlement strategy set out in CS Policy SP1 whilst the scheme now before me would not undermine the requirements of Policy MIN 7 of the SADMPP, which seeks to ensure that development of this site incorporates, amongst other things, adequate strategic landscaping sufficient to prevent harm to the wider landscape.

*Character and appearance*

14. In summary, Policy DM1 of the CS requires proposals for development to not lead to unacceptable harm to the appearance and character of any settlement or street scene.
15. The Council's concerns in relation to this main issue relates to an alleged conflict in the design and appearance of the houses when compared to existing neighbouring dwellings. But this view is in direct conflict with the views expressed in the planning officer's report to Planning Committee that explained that the designs and materials of the houses would be in keeping with the village and not dissimilar to another nearby development.
16. The site is not within the designated North Curry Conservation Area (CA). The appellants' Historic Environment Assessment nevertheless explains that the village has a nucleated centre focussed around a village green and a range of 18<sup>th</sup> century terraced brick and rendered cottages that creates a strong local vernacular despite the perimeter setting of the CA having been built out with modern housing development. The traditional elements of the village comprising two storey terraced houses with steeply pitched roofs, narrow gables, porch features and simple casement windows are captured in the appellants' Design and Access Statement, which provide a template for the design submission. I would agree with the appellants that the design of the proposal reflects the character of traditional dwellings in the village through echoing the form, height of eaves and ridges, window types and use of traditional materials.
17. The Council's objection in this regard is unconvincing and is lacking in any evidence. By contrast, I am satisfied that the proposal respects the pattern, form and appearance of the village and its general densities and in turn reflects its scale and character. I conclude that the development as proposed complies with Policy DM1 of the CS and would protect the appearance and character of the area.

*Highway Safety*

18. It is proposed that the appeal site would be accessed from Knapp Lane, which provides 2.4m x 43m visibility in both directions. CS Policy DM1 seeks to ensure that additional road traffic created by new development proposals should not lead to overloading of access roads or create road safety problems.
19. It is noted that following the positive advice of the County Council's Highways Officer, the planning officer recommended approval of the application, concluding that the proposed additional traffic movements that would be created following implementation of the development would not constitute a severe impact in capacity and safety that would warrant an objection being made on highway grounds. This was the same conclusion reached on the previous scheme. In reality, this is an entirely new issue raised by the Council.
20. As part of the application, the appellant submitted a Transport Statement, which has been assessed by the local highway authority (LHA). The LHA in acknowledging the deficiencies of the junction of Knapp Lane with The Shambles, nevertheless considered that the proposal would not lead to an unacceptable increase in traffic at this junction.

21. The Council has not provided contrary evidence to demonstrate that the proposal would pose unacceptable risks to highway safety. It has however appended data and video stills that were supplied by interested parties that suggest that the traffic generation figures and nature of traffic using the narrow streets in North Curry, particularly the activities associated with farm vehicle movements are more extensive and different to the information included in the appellants' Transport Statement. However having received this late information, it is surprising to me that the Planning Committee did not defer consideration to enable this information to be considered. Instead, the Committee took this information on face value and introduced yet another new reason for refusal, which was also a departure from its previous view.
22. Whilst I have no reason to refute this late evidence, it does not affect my findings on the matter of highway safety. I accept that the nature of traffic using roads within North Curry and surrounding rural hinterland will inevitably include agricultural vehicles. I also accept that it would have been useful for the LHA to have been given the opportunity to comment on the additional information submitted by interested parties. However based on the corroborated evidence before me and what I observed during my lengthy site visit, I do not consider that the traffic generation arising from the proposed development would result in an adverse effect on highway safety. This was also the view of the previous Inspector and has been the consistent view of the local planning authority hitherto both in terms formulating its development plan and site allocation and in the determination of the previous planning application.
23. It is noted that the Transport Statement did not include details of a Travel Plan that would promote a range of measures to support and encourage sustainable travel and thereby reduce the use of private cars. Although there can be no guarantees as to its effectiveness given the rural nature of the area, it is appropriate to promote sustainable transport and I am satisfied that such Travel Plan can be secured by way of a planning condition.
24. I have not seen any compelling evidence that the proposed development would give rise to issues of highway safety either during construction or in operational phases of the scheme thereafter. Consequently, I conclude that the proposed development would comply with Policy DM1 of the CS.

*Conditions and Obligations*

25. A list of conditions has been suggested by the Council and some by the appellants. I have considered these against the advice contained in the Planning Practice Guidance (PPG) and have deleted some on the grounds of necessity whilst revised others for reasons of clarity. In addition to the standard time limit for commencement of development, I have attached a condition specifying approved plans to provide certainty. I have included conditions requiring prior approval of materials, including sample panels of facing brickwork to be constructed on site in the interests of character and appearance.
26. Conditions requiring the provision of a suitable access, the construction of roadways, footways, pathways and turning areas within the site to base course level early in the development and the provision of the upgrading of the footpath to provide satisfactory access to the village from the site are imposed in the interests of highway safety and amenity. A requirement for the

submission and approval of a Travel Plan is necessary to promote sustainable transport modes.

27. In the interests of character and appearance and in order to properly assimilate the development into the local landscape, a landscaping scheme is necessary to include boundary treatment on site.
28. In order to fulfil the ambitions of the Design Brief, a condition is necessary to ensure that details of the children's play space are submitted for approval and the space subsequently provided is necessary in the interests of living conditions of future occupiers.
29. A condition is also imposed requiring the provision of sustainable surface water drainage measures in the interests of living conditions and to prevent flood risk. A condition for similar reasons is included that requires agreement to the finished levels of dwellings, the balancing pond and play area.
30. In order to protect wildlife and enhance wildlife habitats, a condition requiring the provision of suitable measures and further surveys is considered necessary.
31. I do not consider that a condition is necessary for obscure glazing to bathroom or hall windows as it would not serve a useful planning purpose and no such condition has been included. Neither do I consider that prior approval of small scale meter housing is necessary as serving a useful planning purpose.
32. A signed Unilateral Undertaking under section 106 of the Town & Country Planning Act is now in place. Paragraph 204 of the Framework, the Planning Practice Guidance and Regulation 122 of the CIL Regulations require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
33. The signed s106 Agreement requires the provision of 25% of the dwellings to be affordable in perpetuity. It also requires the open space, including the LEAP and allotments to be provided in accordance with a scheme to be approved by the Council together with a the payment of a commuted sum equivalent to the costs of maintaining the land for 20 years in the event of the Council or its nominated body acquiring the land the subject of the open space
34. Support for the contributions in the Unilateral Undertaking is set out in Policies CP4 of the CS and Policy C2 of the SADMPP. I am satisfied that the proposed contributions are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with CIL Regulation 122. I have therefore attached weight to them in reaching my decision.

## **Conclusion**

35. For the reasons set out above and having considered all other matters raised, I conclude that this appeal should be allowed.

*Gareth W Thomas*

INSPECTOR