

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool, Taunton (Main School Hall) on 31 January 2018 at 18:15.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors or Town or Parish Councillors will automatically be recorded in the minutes.
- 5 03/17/0004 Relocation and formation of agricultural access with erection of an agricultural building for livestock and storage with associated yard and landscaping on land west of Cobhay, Milverton
- 6 05/17/0054 Erection of 20 No. dwellings with associated public open space, landscaping and external works on land at Stonegallows (Phase 2 Abbeyvale), Bishop's Hull
- 7 25/17/0031 Construction of first floor with erection of a two storey extension to the front of Brookside View, Wiveliscombe Road, Norton Fitzwarren
- 8 43/17/0110 Application for approval of reserved matters following outline application 43/11/0104 for the erection of 119 No. dwellings with associated access, scale, appearance and layout at Phase 3 on land at Longforth Farm, Wellington
- 9 48/17/0043 Erection of 4 No. commercial buildings for Class B1/B8 usage, with amenities, on land adjacent to the A38 off Hardys Road, Monkton Heathfield

- 10 49/17/0060 Application for Outline Planning Permission with all matters reserved, except for access, for a residential development of up to 71 No. dwellings with associated access and infrastructure on land off Burges Lane, Wiveliscombe
- 11 E/0154/24/12 Untidy Site at 12 Town Close, North Curry
- 12 Latest appeals and decisions received

Bruce Lang  
Assistant Chief Executive

01 May 2018

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



The meeting rooms at both the Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



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

**For further information about the meeting, please contact Democratic Services on 01823 219736 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 W Brown	
Councillor S Coles	
Councillor J Gage	
Councillor C Hill	
Councillor S Martin-Scott	
Councillor I Morrell, BA LLB	
Councillor S Nicholls	
Councillor J Reed	
Councillor N Townsend	
Councillor P Watson	
Councillor D Wedderkopp	

03/17/0004

MR A HABBERFIELD

**Relocation and formation of agricultural access with erection of an agricultural building for livestock and storage with associated yard and landscaping on land west of Cobhay, Milverton**

Location: LAND WEST OF COBHAY, MILVERTON, TAUNTON, TA4 2AH

Grid Reference: 308173.125209

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:

(A3) DrNo 303B-PL-01 Proposed Barn Location Plan  
(A3) DrNo 303B-PL-02 A Proposed Barn Floor Plan  
(A3) DrNo 303B-PL-03 A Proposed Barn Elevations & Section A-A  
(A3) DrNo 303B-PL-04 A Proposed Barn Block & Roof Plan  
(A3) DrNO 303B-PL-05 A Proposed Barn Street Elevations

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 shall include numbers, density and size of all new trees and shrubs to be planted and a programme for their implementation shall be submitted to an approved in writing by the Local Planning Authority. The landscaping scheme shall also identify the northern and western boundary hedgerows to be maintained at a height of 3m.

For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected, (including the maintenance of the boundary hedgerows to a height of 3 metres) 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.

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 No. 303B-PL-04 Revision A dated July 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 internal or external 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.

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.

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.

11. Prior to the use of the development hereby permitted commencing the existing access to the north 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.

12. The applicant shall undertake all the recommendations made in Quantock Ecology's hedgerow assessment report dated August 2017.

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.

Reason: To protect wildlife

#### 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. Biodiversity -
  1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).
  2. It should be noted that the protection afforded to species under UK and EU

legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

## **Proposal**

It is proposed to erect an agricultural building to serve a block of 70 acres of land at Cobhay which forms part of Nunnington Park Farm but is a separate piece of agricultural land accessed via the public highway, some 1.3 miles by road south of the main farm complex.

There are no agricultural buildings currently at the Cobhay landholding so the proposed building is to be a multi-purpose building used for the storage of feed and bedding for livestock farmed on the surrounding land, the housing of livestock and shelter for their treatment, storage of machinery and equipment used on this satellite landholding avoiding transporting such items to and from the main farm complex. At different times of year the building will therefore be used for different needs.

The building will be 36.6m long by 30.5m high with a height to eaves of 8.5m and to ridge of 10.18m, sufficient to enable clearance by machinery. The lower level external walling will be concrete panels with timber boarding above with an anthracite grey metal cladded roof with roof lights.

The building will be set in the north western corner of an agricultural field some 25 m off the roadside hedgeline. A hardstanding will be created between the building and the roadside hedge and a further section of hardstanding on the eastern (field side) of the building.

A small orchard will be planted to the north of the building and oaks planted in the boundary hedges to help screen the development. A new hedgerow will be planted to the eastern elevation to tie the building into the adjacent field. The eastern roadside hedgerow and the northern field boundary hedgerow will be maintained at a height of 3m.

The existing field access will be blocked up by hedgerow planting and a new agricultural access created to the south of the proposed building by breaching the roadside hedgerow. Planting will be carried out around the field entrance and a timber field gate erected. A hard surfaced trackway will be constructed running parallel with the inside of the hedgeline to the building.

## **Site Description**

Cobhay is a parcel of agricultural land (70 acres) that forms part of the Nunnington Park Farm landholding to the south of Wiveliscombe. The site comprises agricultural land and the proposed building will be located within the north-western corner of a low lying section of field that runs parallel with the public highway. The driveway to Woodlands Farm is located to the west of the application site and the closest residential dwellings are two semi-detached properties Furzehams and Furzehams Cottage approximately 150m to the south of the proposed building and some 45m



from the location of the proposed field access.

## Relevant Planning History

None

## Consultation Responses

*BATHEALTON PARISH COUNCIL* – Object

- The proposed location is wrong.
- It will increase flooding, which occurs regularly and effects property and buildings. The new entranceway will further exacerbate this.
- Increase in heavy vehicular traffic on a single narrow carriageway effecting safety and further road damage.
- Applicant has other land more suitable nearer better roads.
- Size of barn for 70 acres – seems excessive.
- Disposal of livestock effluent – not to contaminate water courses.
- Landscape hedges to grow to 3m not enough for a barn approaching 12 m height.
- Change of landscape character in Bathealton.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Recommend Standing Advice.

*LANDSCAPE* - I have now had a chance to look at the amended proposal to this scheme. The applicant appears to have taken on board many observations made so the proposal is an improvement on the scheme initially submitted.

### Building

This is still a large building but steps have been taken to try to reduce its landscape impact by

- Reducing the eaves height of the building from 8.0m to 6.5m
- Creating an overhang to the roof by 2m which will create shadow so help to break up the scale of the building
- Amending the regular positioning of the rooflights
- Using more sympathetic materials

### Landscaping

The proposed landscaping is acceptable but full details (species and size of stock) will be required.

The note re the hedge should state that **the hedgerow will be allowed to grow up** then be maintained at a **minimum** height of 3m

*BIODIVERSITY* –

The application is for relocation and formation of agricultural access with the erection of an agricultural building on land west of Cobhay, Milverton. The proposal involves the removal of a section of hedge (<5m). Quantock Ecology carried out a hedgerow assessment in August 2017. Findings were as follows:

### Designated sites \_

Holme and Clean Moor SAC is located approximately 400m to the east of the site.

### Birds /Dormice

During the assessment there was no evidence of nesting birds or dormice, but it is likely that both species use the hedge. The hedge should be removed outside of the bird nesting season

Condition for protected species:

The applicant shall undertake all the recommendations made in Quantock Ecology's hedgerow assessment report dated August 2017.

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.

Reason: To protect wildlife

Informative Note:

1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

## **Representations Received**

Six letters of objection have been received objecting on the grounds of the need for the building when the main farm holding is only a mile away and the scale of the building required to serve the 70 acre landholding. In the past only crops have been grown at the site so the use of the building for livestock is questioned. Due to the siting and scale of the building the location is considered unacceptable on visual impact grounds. The removal of hedgerow to form the new access is objected to on landscape grounds. Residents state the narrow approach roads are unsuitable for farm traffic which will not be able to manoeuvre the new access and by breaching the hedgerow to form an access it will exacerbate flooding in the lane which readily occurs due to blocked drains.

One letter of support has been received from a vet stating the development would have potential health benefits for livestock for example allowing foot bathing of sheep in the dry, providing a handling facility for livestock and in adverse weather it would enable lambs to be brought inside to be finished off. It would reduce disease outbreak by separation of livestock from the main holding and although cattle are not

grazed on this part of the landholding (due to lack of housing), it would enable cattle to be grazed on the land in rotation with cereals which would be beneficial to the soil improving future forage for livestock.

## **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**

No financial considerations.

## **Determining issues and considerations**

### **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 development would provide a multi-purpose building to serve the surrounding 70 acres of land. The building will be used throughout the year for a variety of uses dependent on the use of the surrounding land. There are currently 1000 lambs presently grazed on the land at Cobhay at any one time, with batches of lambs brought to Cobhay and then returned to Nunnington Park Farm at the beginning and end of the season. The land at Cobhay is also used for growing maize, grass and

barley. Presently the crop has to be hauled back to Nunnington Park Farm for storage, and then brought back to Cobhay to feed the stock as a supplement to the stubble turnips that are grown at Cobhay. The farm gets through some 150 tonnes of supplementary feed over the winter and this is taken by road from the Nunnington Park Farm to Cobhay some 4 or 5 times a day every day between October and April.

With regards to introducing cattle onto the land once the building is erected, the use of the land for cattle does not involve a change of use and the applicant is entirely within his rights to use his land for such use and hence can justify the requirement to use the proposed building in association with this use. There are no other buildings on this 70 acre site 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.

### **Landscape and visual**

In recognition that this is an isolated building, a landscape appraisal was submitted to demonstrate why the proposed site was selected within the 70 acre landholding.

Other sites within the landholding were dismissed due to either greater landscape impact, highway safety or for biosecurity reasons as the main purpose is to provide a building on the Cobhay land which would enable farming practices to continue in the event of a disease outbreak at the Nunnington Park Farm complex and landholding.

The application site is on a flat low lying area of agricultural land and there is no doubt that the building will be visible from the adjacent public highway and some distant views from public footpaths. Following detailed negotiation with the Council's Landscape officer the design of the building has been amended and whereas previously a more 'sterile' looking building of grey plastic coated cladding walls and roofing was proposed, the building will now be a timber boarded building with a roof nearly 1.5m lower than that originally proposed, a reduction in the height of the eaves from 8.5m to 6m and with the addition of a roof overhang that will all help to reduce the overall massing of the building. An orchard to the north and west of the building is now proposed, the planting of oaks within the western roadside boundary and the northern field boundary all to mitigate the visual impact of the building when viewed from the public highway. A new hedgerow will be planted along the eastern elevation of the building to tie the building better into the surrounding field.

The site is not within any landscape protected area. Although recognising this would result in an isolated building in an open countryside location, the proposal is acceptable in principle. The redesign of the building and the additional landscaping measures proposed would lessen the visual impact of the development. With the maintenance of the roadside boundary hedge at 3m, the proposal is considered acceptable on landscape grounds.

## **Flood risk and drainage**

Although located in a low lying section of the field, the proposed building and access will not be located within a floodzone 2 or 3 and therefore will not be at risk of fluvial flooding.

Residents have expressed concern over increased risks of flooding to the local highway which according to residents can be subject to flooding during adverse weather conditions. In terms of surface water disposal from the erection of the building it is proposed to discharge it naturally to the ground through the use of soakaways and other infiltration devices. To ensure such measures are satisfactory, it is recommended that drainage details are submitted for approval should permission be granted.

In terms of surface water run-off from the new access onto the highway, the drainage details to be installed at the access are as set out in the Somerset County Councils Highways Development Control Standing Advice. This will ensure that surface water will not be discharged onto the highway and such measures can be made a condition of planning permission being granted.

## **Amenity**

The closest dwellings to the site are the semi-detached properties Furzehams and Furzehams Cottage that lie on the opposite side of the public highway to the site. The dwellings are some 150m south of the proposed building and with roadside hedgerow screening and trees will have limited views of the building. The proposed new access although closer to the dwellings than the existing field access will still be some 45m from the properties. In addition as stated previously, there was originally a field access in this location and with the whole purpose of the development being to store machinery and equipment within the building, the number of heavy farm vehicle movements to and from Nunnington Park Farm will be reduced thus an improvement on the current situation.

## **Highways**

The existing field access is located in the north western corner of the agricultural field where the building will be sited. The access however has limited visibility. With farm machinery currently travelling to and from the site to the main farm complex this proposal provides an opportunity to address the highway safety at the site. As a result the proposal includes the closure of this access by planting hedgerow to tie in with the existing boundary hedge and the formation of a new vehicular access some 140m further along the lane to the south. This location was chosen as it is on the outside of a bend, making best use of natural visibility and minimising loss of hedgerow. Furthermore as residents have also confirmed, there was previously a field entrance in this location. Concern has been expressed about the ability of heavy farm machinery accessing the site via the new entrance and whether it is capable for such vehicles to manoeuvre. The Highways Authority have raised no objection subject to Standing Advice. The proposed access includes a 5m wide entrance, 4.5m turning radii, visibility splays set at 2.4m x 43 m in each direction. A drainage channel will be laid across the mouth of the access, draining to a sub-surface soakaway. This design clearly meets the highway standards as set out in Somerset County Council's Highways Development Control Standing Advice

dated 2013.

The distance from Nunnington Park Farm to Cobhay is some 1.3miles/2km by road and the journey takes around 5-7 minutes. Whilst this is not a long distance, if multiple trips are required over the course of a day by farm vehicles, this can add up not only to a considerable amount of traffic on the local highway network but also time for the farmer and increased transport costs.

The building will also serve the southern parcel of land currently rented by the farmer only some 0.35 miles away. In providing the building to store the necessary machinery and vehicles that work the surrounding and nearby land it will subsequently reduce the number of heavy vehicles travelling to and from the landholdings back to the main farm complex. The proposal is therefore clearly beneficial to highway safety

## **Conclusion**

The proposed development would provide a multi-purpose building associated with the landholding at Cobhay enabling a well-established farming business to thrive and potentially expand. 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**

05/17/0054

PERSIMMON HOMES (SOUTH WEST)

**Erection of 20 No. dwellings with associated public open space, landscaping and external works on land at Stonegallows (Phase 2 Abbeyvale), Bishops Hull**

Location: LAND AT STONEGALLOWS, BISHOPS HULL, TAUNTON

Grid Reference: 320093.124121

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

**Subject to** a Section 106 agreement to secure the following:

1. 25% affordable housing
2. Additional play equipment at Kinglake – Wicksteed Basket Spinner, including installation and relocation/extension of perimeter fencing
3. Maintenance of the surface water drainage features
4. An agreed travel plan

### **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:

(A3) DrNo BHL 130 Rev P1 Location Plan

(A2) DrNo D11 75 P6 Tree Protection Plan

(A3) DrNo 501-1 Rev P3 Hanbury Housetype Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 501-1 Rev P3 Hanbury Housetype (AFF) Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 502-1 Rev P3 Hatfield Housetype Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 503-1 Rev P3 Rosebury Housetype Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 504-1 Rev P3 Clayton Housetype Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 506-1 Rev P2 Souter Housetype Design Sheet 1 Elevations & Floor Plans

(A3) DrNo 507-1 Rev P2 Alnwick Housetype Design Sheet 1 Elevations &

## Floor Plans

- (A1) DrNo 120 Rev P4 Phase 2 Planning Layout
- (A1) DrNo 121 Rev P4 Phase 2 Materials Plan
- (A1) DrNo 122 Rev P1 Phase 2 Affordable Housing Distribution Plan
- (A1) DrNo 125 Rev P1 Street Scenes
- (A1) DrNo 126 Rev P1 Phase 2 Storey Height Plan
- (A1) DrNo 2100 Rev P04 Section 38 Layout
- (A1) DrNo 1003 Rev P01 Flood Flow Routing Plan
- (A1) DrNo 1002 Rev P01 Impermeable Area Plan
- (A1) DrNo 1001 Rev P01 Drainage Strategy Plan
- (A1) DrNo 2101 Rev P03 Highway Layout
- (A1) DrNo 2102 Rev P02 Vehicle Tracking Layout
- (A1) DrNo 2402 Rev P05 External Levels Layout

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

3. 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 runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development,

Reason for pre-commencement: Further details in the form of calculations are required for the surface water attenuation scheme which could result in an increase in area required for the attenuation pond and consequential change to the proposed layout.

4. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence( or similar) 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

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

Reason for pre-commencement: The protective fencing must be installed prior to any other works commencing on site in order to safeguard the hedge.



5. Prior to the commencement of the development hereby permitted, a full badger survey shall be carried out. The findings of the survey together with any proposed mitigation required shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be strictly adhered to and maintained for the duration specified in the approved report.

Reason: To assess the status of the outlier sett and to protect badgers.

6. The applicant shall undertake all the recommendations made in Tor ecology's report dated June 2017, and provide mitigation for bats and birds as recommended.

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

Reason: to protect and accommodate breeding birds and bats

7. Prior to the occupation of the dwellings hereby permitted a 1.8m high post and mesh fence shall be erected along the hedge line to form a trim line for the hedge in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority beforehand. The fence shall thereafter be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect ecological interests on the site.

8. (i) The landscaping/planting scheme shown on drawing 300 Rev B shall be completely carried out within the first available planting season from the date of commencement of the development.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

Notes to Applicant

## **Proposal**

This application seeks full planning permission for the erection of 20 dwellings. The

dwellings would be accessed from the new estate road serving the 'Abbeyvale' development west of Bishops Hull Road and would be situated in a broadly linear pattern extending from north to south. The dwellings would be mainly 2 storey with some 2.5 storey dwellings included.

The dwellings would be constructed from brick under grey tiled roofs. A surface water attenuation pond would be provided to the north of the site. 25% of the dwellings would be affordable.

## Site Description

The site is a broadly rectangular parcel of land. It is situated to the west of the existing 'Abbeyvale' development, which is currently under construction, and the north of 'Kingleake' completed a few years ago. Access to the site is via Bishops Hull Road and Gwyther Mead on the Kingleake development. The site is bordered by hedgerows and trees and is currently in use as a paddock. To the south is an access track through a relatively dense wooded area to the rear car park of the Stonegallows Inn, but this is not a public right of way. Beyond the hedgerow to the west, the site is bordered by open countryside and the ground rises steeply up to the Stonegallows ridge.

## Relevant Planning History

There have been no previous planning applications on this parcel of land.

The site was allocated for development under Policy TAU5 of the Site Allocations and Development Management Plan. Part of the allocation (Abbeyvale) was granted planning permission under application 05/16/0003 and is currently under construction.

## Consultation Responses

*BISHOPS HULL PARISH COUNCIL* - Bishops Hull Parish Council OBJECTS to this application for the following reasons:

**Density** - Abbeyvale 1 has a density of 27 dwellings per hectare, whereas the proposed new development will have 44 dwellings per hectare.

**Insufficient parking and access** - The current development is already struggling with parking and access issues, this will only increase if another 20 dwellings are permitted.

**Strain on Local Infrastructure** - The surrounding roads (Silk Mills and Wellington Road) are already over capacity, and suffer traffic congestion in these areas at peak times - again more dwellings will add to this problem.

**Transport Assessment** - The Transport assessment for the Kingleake development was carried out on the basis of 250 dwellings being built, with this new proposal that

will increase the dwellings to 268. Therefore, it is essential that a new Transport Assessment is carried out, to give an accurate picture of the situation.

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

I refer to the above planning application received on 28th November 2017 and after a site visit on 14<sup>th</sup> December 2017 have the following observations on the highway and transportation aspects of this proposal:-

The proposal is for the erection of 20 dwellings with associated public open space and external works. The proposal site sits off Desmond Rochford Way, part of the existing Abbeyvale development site.

For clarity, the Highway Authority raises no objection in principle to the current application but does have concerns regarding some of the details of the application as submitted.

### **Transport assessment**

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

For this TA, TRICS database was used to determine vehicle trip generation levels that formed part of the TA for 'Stonegallows' site (05/16/0003). Although calculations were not through the latest TRICS version the vehicle rates and levels applied were considered acceptable in this instance.

Trip distribution has been calculated based on 2011 National Census Travel to Work data although how the distribution has been calculated has not been demonstrated. However a sense check of the distribution levels applied indicates it is appropriate in this instance.

Weekday peaks of 08:00-09:00 and 17:00-18:00 were provided although no justification of the selected time periods was given. The applicant should justify how the peaks were chosen in reference to the data that was observed. Whilst TEMPro growth factors shown within the TA appear to of been slightly overstated, this is not a significant concern. For future reference the Highway Authority would recommend TEMPro growth factors using the most up to date version.

PICARDY 9 was used to produce the junction modelling for five of the model junctions that were submitted for review. There are minor inconsistencies in relation to the capacity modelling of the Wellington roundabout, where the queue data collected should be collaborated with this. The geometry data of the roundabout was not able to be replicated.

Notwithstanding the above concerns it is unlikely the traffic of this proposal on the highway is likely to be severe. However the applicant should provide further detail showing workings for the geometry of the roundabout in any future TA and ensure the observed queue data is appropriately calibrated with the roundabout.

Whilst there are some errors within the TA it is not considered to be a reason for a

recommendation of refusal on traffic impact grounds.

## **Travel Plan**

The submitted application included a Full Travel Plan (TP) which has been analysed.

For clarity, a Measures-only Travel Statement would be required for this proposed development and agreed once the relevant information is received. It is noted that no Travel Plan fee has been stated, a development of this size would require a fee of £700 plus VAT.

The applicant should provide information to include the earliest and latest bus times on a daily basis for nearby bus stops and to refer to current existing car sharing schemes. Clear figures should be produced to highlight locations of any proposed measures/features whilst demonstrating their consideration within the proposed development.

It is stated within the TP that the development site falls within Zone B of the Somerset County Council (SCC) Parking Strategy. When consulting our SCC parking strategy map it would appear the site would fall into Zone A. The applicant will need to revisit and clarify this. On the information currently provided, the proposed development appears to state 38 parking spaces however the TP states a figure of 23 spaces. Once clarity on which zone the site falls into is achieved, optimum parking provision should be re-calculated based on the SCC Parking Strategy.

The applicant should note that all proposed cycle parking needs to be safe, secure, sheltered and accessible. Electric car charging point should be provided for all proposed dwellings.

## **Drainage**

There is no objection to the principle to the drainage design as proposed, although the Highway Authority would recommend exceedance flows beyond capacity of the road gullies be routed into the detention basin via a suitable design. An access point to the detention pond will need to be incorporated for future maintenance operations.

## **Estate roads**

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

It is the Highway Authority's understanding that the adjacent phase (phase 1) onto which this current phase (phase 2) will connect with is to remain private. Therefore it will not be possible for the Highway Authority to adopt the current proposal site (phase 2). The applicant will need to confirm if phase 1 is to remain private.

The application should note, when tying into existing carriageway allowances shall be made to resurface the full width of the carriageway where disturbed by the

extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken of the existing bituminous macadam layers.

The applicant will need to confirm who would be responsible for the maintenance of the proposed Balancing Pond and the public open space. Any footpath access located within the prospective public highway boundary, should be constructed as per typical Somerset County Council footway specifications. Paving slabs will not be permitted.

Drawing No 2017/BHL/P2 appears to show a proposed carriageway width of 4.8m. This should be a minimum of 5m. If a shared surface carriageway arrangement is to be proposed it should be constructed from block paving and laid to a longitudinal gradient no steeper than 1:14 or flatter than 1:80.

An adoptable 17.0m forward visibility splay will be required across the carriageway bend fronting plot 78. There shall be no obstruction to visibility within the splay that exceeds a height greater than 600mm above the adjoining carriageway level and the full extent of the splay will be adopted by SCC (subject to the above) and should be clearly indicated within all future revisions of the site layout drawing.

Single drives serving garages should be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary. Single parking bays should be a minimum of 5.0m in length, unless they but up against any form of structure (planting, walls or footpaths), in which case a minimum length of 5.5m should be provided, as measured from the back edge of the prospective public highway boundary. Tandem parking bays should be a minimum of 10.5m in length.

There is no highway requirement for the 2 number rumble strips to be provided within the carriageway prior to plots 76 and outside plot 88.

Any bellmouth junction proposed at the junction of phases 1 and 2 should consist of a 6.0m radii and the first 5.0m of the carriageway within Phase 2 should be of a type 4 bituminous macadam carriageway specification with footways provided. A block paved carriageway can then commence from the end of the type 4 bituminous carriageway with footways terminating 2.0m into the shared surface carriageway. However, if a vehicular crossover is proposed at the site entrance, then the block paved carriageway can commence immediately off the back of the crossover.

The gradient of the proposed access road should not at any point, be steeper than 1:20 for a distance of 10m from its junction with the adjoining road within Phase 1. The applicant would need to provide a drawing showing the swept path of an 11.4m 4 axle refuse vehicle throughout the length of the proposed estate road within Phase 2.

Surface water from all private areas, including parking bays and drives, will not be permitted to discharge onto the prospective public highway. Private interceptor drains must be provided to prevent this from happening.

Grass margins are to be continuously delineated with 50mm x 150mm pc edging kerbs.

Any planting within the adoptable highway will require a commuted sum payable by the developer.

Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3,0m from drainage/services and 1.0m from the carriageway edge.

Root barriers of a type to be approved by SCC will be required for any trees planted either within or immediately adjacent to the prospective highway. A comprehensive planting schedule will need to be submitted to SCC for checking/approval purposes for any planting within or immediately adjacent to the prospective public highway.

No doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.

The developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times. The developer shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

Existing road gullies/drains shall be cleared of all detritus and foreign matter both at the beginning and end of the site works. If any extraneous matter from the development site enters an existing road drain or public sewer, the developer shall be responsible for its removal.

The developer shall be held responsible for any damage caused to the public highways by construction traffic proceeding to or from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer's representative in the presence of the SCC Highway Supervisor, showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.

The existing public highway must not be used as site roads or sites for stockpiling and storing plant, materials or equipment. The developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

## **Conclusion**

The Highway Authority considers that the TA submitted in support of this application, while needing some amendment is broadly acceptable and the traffic impacts anticipated from the proposed development cannot be regarded as 'severe'. Therefore the Highway Authority does not object to the principle of this proposed development.

However the Highway Authority would require clarity on whether the current and adjacent phase is to remain private or offered for adoption. Subject to this, the applicant will need to demonstrate that safe and suitable access can be provided at

the proposed access.

Further clarity is also required regarding the specific design of the internal layout.

The Travel Plan submitted where minor issues have been identified that will require addressing by the applicant as mentioned in the body of the text.

The TA refers to the Somerset County Council Parking Strategy in terms of car parking, bicycles and motorcycles but does not appear to reference the need for electric vehicle charging facilities and this should be addressed.

With the above in mind the Highway Authority is not currently in a position to make a decision on this proposal until further detail from the applicant is submitted.

*LANDSCAPE* - The proposed development would adjoin existing residential development and the site is partly enclosed by existing hedgerows and trees. Due to these factors I consider that the development will have a low landscape impact.

However this phase of housing has a much more cramped appearance than the adjoining development. The proposed balancing pond could be made more attractive than proposed by having a less engineered appearance. Trees in the vicinity could be taller growing species such as oak.

*TREE OFFICER* – This scheme on paper appears to have been designed to avoid the main rooting areas of the hedgerow trees, which is good. However, it should be noted that those trees will cast considerable shade at certain times of day and at certain times of the year, as shown clearly on the Arboricultural Constraints Plan. This could result in pressures to fell or prune, once houses are occupied. Previously isolated countryside trees become more vulnerable when built around, as they then overhang ‘targets’ – properties, roads and people.

*BIODIVERSITY* - EAD carried out an Ecological impact assessment of the whole site (Phase 1 and 2) in October 2014 to support application 05/16/0003- see previous comments.

A report addendum (date June 2017) produced by Tor ecology was carried out to assess any changes in the ecological baseline of the site since 2014.

The site was found to be heavily grazed by horses with a short uniform sward, the area of ruderal and scrub habitat being no longer present.

### **Bats**

The trees initially identified as having bat roost potential on the western boundary did not appear to have undergone any change and still offered potential for bats. The hedgerows and trees should be retained on site.

### **Badgers**

The outlier badger sett identified previously was not found in June 2017 and was considered to be no longer active. This situation may change so I agree that a pre commencement badger survey is taken no more than one month prior to the start of site clearance.

## **Reptiles**

No further work is required with regards to reptiles. I support suggested biodiversity enhancements in the report.

*WESSEX WATER* – Advise 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.

## **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.

Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

I trust that you will find the above comments of use, however, please do not hesitate to contact me if you require further information or clarification.

*HOUSING ENABLING* - 25% of all new housing should be in the form of affordable units and the provision of the five proposed affordable homes would meet this requirement.

The proposed mix includes:

- Social rented – 2 x 2b and 1 x 3b
- Shared Ownership – 1 x 2b and 1 x 3b

The proposed mix is considered to meet the requirement of 60% Social Rented and 40% Shared Ownership housing. Whilst the lack of 1 bed units is not ideal, the proposed affordable housing mix of this scale broadly meets local demand and the location of the units is considered acceptable.

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

The developer should seek to provide the Housing Association tied units from



Taunton Deane's preferred affordable housing development partners list.

*LEISURE DEVELOPMENT* – In accordance with 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.

A development of 20 x family sized 2 bed+ dwellings should provide an on-site LEAP of 400 sq metres. The LEAP should consist of 5 items of play equipment covering all the disciplines of swinging, sliding, rocking, climbing and balancing together with seat, sign and bin.

It may however be possible to combine the LEAP requirement with the existing LEAP on the original development. The advice of TDBC Open Spaces should be sought to ascertain if this would be possible. Open Spaces should also be asked to approve the eventual layout and equipment types for either option.

[Subsequent to these comments, the Leisure Development officer has confirmed that an additional piece of equipment should be provided at the Kinglake Play area in the form of a single large 'Wicksteed Basket Spinner'].

*POLICE ARCHITECTURAL LIAISON OFFICER* – 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 intention to utilise on site attenuation in the form of an attenuation basin with controlled discharge to the existing Wessex Water system constructed for the adjacent development which they state was designed to include the surface water flows from this phase (phase 3), however, these calculations have not been included within the application.

The LLFA would want to see these calculations and written confirmation that Wessex Water will take the additional flows.

With the above notes in mind, the LLFA has no objection to the proposed development, as submitted, subject to an appropriate condition being applied to ensure the detailed calculations and support of Wessex Water are received.

## **Representations Received**

**Ward Councillor: Cllr J Hunt:**

*"Highway Safety and Traffic Congestion*

Taken from the Planning application 05/16/0003 for Abbeyvale 1, Committee Report dated 27th Apr 2016.

Under the heading 'Matters previously accepted' and sub-heading 'Highways' it states:

"Substantial alterations were carried out to the junction of Bishops Hull Road with the A38 to the south to facilitate the phase 1 development. Those works were required on the basis of the impact of an outline application for 220 dwellings and a transport assessment modelled on the basis of up to 250 dwellings. In the event, only 171 dwellings were constructed on phase 1, leaving 'spare capacity' of 79 dwellings."

So if the 'spare capacity' was 79 and 75 dwellings make up the Abbeyvale 1 development, that leaves a current 'spare capacity' of 4 dwellings.

This application for Phase 2 Abbeyvale is for 20 dwellings, so I assume it is safe to say, you will take your own advise [sic] and refuse this application due to concerns over highway safety and an the unacceptable density of build.

Your guidelines, your advice, I'm sure the tax paying residents of Bishops Hull will expect you to adhere to both and refuse this application.

According to your committee report quotation above, if planning permission is granted, the excess capacity of vehicles will be using the already congested access point for the Kinglake, Abbeyvale 1 and Abbeyvale 2 developments at Quartly Drive/Bishops Hull Road.

This will cause further traffic congestion on this suburban housing development, along with the inevitable issue of safety for the many children playing outside their homes in Quartly Drive. Not forgetting the invisible smell and health damaging exhaust pollution created by the queued vehicles.

#### *A38/Bishops Hull Road Junction*

Many of these vehicles will be accessing Bishops Hull Road directly onto the A38, heading into Taunton or very dangerously, turning right towards Wellington and Exeter.

In the event that this application is accepted, could I ask that Persimmon make funds available for the construction of a roundabout at the A38/Bishops Hull Road/Comeytrowe Lane junction.

It is the additional traffic created by Persimmon's initial 246 dwellings that has magnified this issue, adding another 20 dwellings will take it well over your own capacity figure of 250.

I have been asking SCC Highways to look at the possibility of a roundabout during the past months (prior to this application), as the only solution to the obvious dangers at this junction.

Adding a 'No Right Turn' will not work according to SCC roads/highways officers, due to drivers turning left then U-turning, which of course would be even more

dangerous.

Councillors and Planning officers. Could I suggest that you take the time to visit this junction during any rush hour period and watch vehicles taking massive risks to turn right exiting Bishops Hull Road, I'm confident you'd agree with me that if action is not taken, then sadly a fatality is just a matter of time. Please do not add more fuel to this fire.

The other access points from Bishops Hull are also 'clogged' with vehicles and clearly this will add to the problem.

### *No Consultation*

In the 'Statement of Community involvement' at 2.4 it states: "Persimmon Homes are keen to engage with the Parish Council and the wider community and are therefore seeking to set up a meeting to discuss our proposals with the community and their representatives as soon as possible."

Persimmon have made no contact whatsoever with the Parish Council, myself as County Councillor or others in the community.

The first I heard of this was via a call from a resident on 22nd Sept 2017, who had heard an unsubstantiated "rumour".

Our first official confirmation of the development came on 2nd Nov 2017 when the planning application was submitted.

### *Density of building is far too high*

Unit density on:

Kinglake is 22.6 per hectare.

Phase 1 Abbeyvale is 27 per hectare

Phase 2 Abbeyvale proposed is 44 per hectare.

The Site Allocations and Development Management Plan (SADMP) clearly states a density of 20 units per hectare.

The 05/16/0003 Abbeyvale 1 application was not in line with the SADMP proposal of 70 new homes on a somewhat larger site. The increase to 75 houses on a smaller site was said to be "unacceptable". Although in reality this made no difference.

Including this new application, a total of 95 units would be built against the original SADMP proposal of 70, are we to assume that these figures will be overlooked as they were last time.

This being the case, why on earth bother wasting tax payers money coming up with these 'proposals' if they are simply to be ignored.

Assuming this application will be granted, at 20 units per hectare there should be only 9/10 units, however, based on the SADMP recommendation of suggested density this application should automatically be refused.

### *Screening*

According to the landscaping layout, it does not allow for any additional screening on the West boundary. It is my opinion that this is an oversight and additional planting should be added to create a fully screened boundary.

### *Insufficient school places*

With very limited local School places, further development in Bishops Hull will result in pupils having to attend schools elsewhere, thus exacerbating the traffic problems still further.

### *Local Bus service*

Currently the Bishops Hull No. 3 bus service is subsidised by Persimmon's S106 funding which is due to expire in Sept/Oct 2018.

This funding enables the bus to run every half an hour instead of hourly. Could I suggest it is part of the terms of any planning approval that Persimmon should continue their support of this bus service, thus lessening the road congestion their additional house building has already caused and increased by these additional dwellings.

### *In conclusion*

This application should be heard by the full committee and not passed under delegated powers. It is my opinion that this development should be refused due to an unacceptably high density of building, obvious highway Safety issues and traffic congestion, together with the smell of exhausted fumes and poor air quality caused by this congestion”.

**Somerset Wildlife Trust:** We have noted the above mentioned planning application as well as the ecological survey. We would fully support the comments of the Authority's Biodiversity Officer in her responses of 28<sup>th</sup> November and 11<sup>th</sup> December and would request that those proposals are incorporated into the planning conditions if it is decided to grant planning permission. We would also agree with her comments about the disappointingly cramped appearance of the development which does nothing to enhance the visual impact of the development.

3 letters of **objection** raising the following points:

- The number of units are excessive.
- The SADMP suggested 11 units for this part of the site and 70 across the 2 phases.
- The density is higher than for phase 1.

- It does not comply with Policy TAU5.
- Play provision is inadequate. Placing more equipment on Kinglake phase 1 means that there is even less space available for 'free play'. Children play in the roads due to a lack of space.
- Insufficient parking is proposed.
- The access to Abbeyfield is inadequate. There is a blind corner where it meets Kinglake and vehicle speeds are high. On Street Parking, limited visibility, the sharp bend and adverse camber worsen the situation.
- The development will interrupt the green corridor which stretches from Stone Gallows to Shutewater.
- The proposal is detrimental to visual amenity.
- The hedge between phases 1 and 2 will be put into private ownership and will eventually see a loss of habitat and wildlife corridor.
- Restrictions on working hours during construction are required.
- There have never been any wheel washing facilities at the site; road sweeping is ineffective.
- The original traffic modelling was on the basis of 250 dwellings. Existing development would take the total to 268. A fresh TA should be carried out using current data and allowing for the Comeytrove and Staplegrove urban extensions.
- Money should be provided to subsidise the number 3 bus service.
- There are still various breaches of planning conditions at the adjoining site.

## **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,  
 CP1 - Climate change,  
 CP4 - Housing,  
 CP8 - Environment,  
 SD1 - Presumption in favour of sustainable development,  
 TAU5 - Bishops Hull / Stonegallows,  
 D10 - Dwelling sizes,

## **Local finance considerations**

### **Community Infrastructure Levy**

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £108,150.00. With index linking this increases to approximately £131,150.00.

## **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	£22,981
Somerset County Council	£5,745

### *6 Year Payment*

Taunton Deane Borough	£137,888
Somerset County Council	£34,472

## **Determining issues and considerations**

The main issues in the consideration of this application are the principle of the development, the design and layout and impact upon visual amenity, highways and access, drainage and ecological impacts.

### **Principle of development**

The site is part of the land allocated for residential development in Policy TAU5 of the SADMP for around 70 dwellings. Development is currently being carried out on the adjoining land, under planning permission 05/16/0003 for 75 dwellings. This application would, therefore, bring the total number of dwellings to 95, significantly in excess of the target in the allocation.

The National Planning Policy Framework gives a clear indication that Local Planning Authorities should seek to significantly boost the supply of housing. The site in question is clearly considered to be acceptable for development in broad policy terms, having been allocated for development. The Core Strategy sets a minimum target for residential development and, whilst Policy TA5 sets a target of 'around 70' it is not considered that this should be a ceiling. It is questionable, therefore, whether there is a conflict with policy TAU5, but even if there is, it is considered that these factors outweigh the minor policy conflict. The principle of the development is, therefore, considered to be acceptable.

### **Design and layout and visual impact**

The site is at the lowest part of the allocation and in the context of the surrounding development will not increase the impact upon the visual amenity of the area, including views from the higher ground and public footpaths to the west. Revised

plans have been received that show the dwellings to be built from a small palette of materials to provide better harmony across the development and avoid ad-hoc changes in material. The roofs will be grey, being the most recessive colour in the landscape.

The dwellings themselves repeat those that have previously been allowed (and are being built) at the adjoining site. Their external appearance is, therefore, considered to be appropriate. However, policy D10 of the SADMP sets out minimum space standards, and a number of dwellings conflict with this policy. The space standards are dependent upon the number of bedrooms in the individual properties and the developers attempt to comply with the policy is a statement that they would be marketed such that the smallest rooms were not described as bedrooms, leaving it for future purchasers to determine how to utilise the rooms. The developer argues that each of the dwellings are capable of complying with the space standards if used in a certain way. On the contrary, your officers consider that they are bedrooms as a matter of fact and, whilst it is agreed that individual purchasers may use the dwellings in different ways, to take such an approach would make a mockery of the national space standards and Policy D10. It is, therefore, considered that the development is in conflict with Policy D10.

However, the development is, in effect, a continuation of that granted under application 43/16/0003 and is part of the same allocated site. Whilst that development was given permission prior to the adoption of the SADMP it is, in effect, part and parcel of the same scheme. The fact that the house type now proposed have been used on the same allocated site and are still being built at that site, is considered to weigh strongly in favour of allowing a continuation of that development. This is considered to outweigh the conflict with Policy D10.

Comments made by the Parish Council and in the representations suggest that the development is at an excessively high density and a greater density than the earlier part of the allocation. Your officers do not consider that the density is inappropriate and the development does not physically appear cramped. This is because the development is not proposing its own piece of public open space, relying instead upon the POS associated with the earlier phase. This is considered to be appropriate as POS has more value in a single consolidated piece than in small fragments spread throughout the development and adequate POS for 95 dwellings is being provided within the first phase. Additional children's play equipment is being provided on the adjoining Kinglake development in addition to that added under phase 1 and there is sufficient quantum of POS on phase 1 to meet the needs of this development.

### **Highways and access**

The site will be accessed from the first phase of development to the east and then via Gwyther Mead to Bishops Hull Road. The traffic impact for the first phase of development was considered to be acceptable on the basis that the total number of dwellings built on that phase and the adjoining Kinglake development to the north combined was below the number originally modelled and considered acceptable when Kinglake was permitted.

The Highway Authority have identified shortcomings in the Transport Assessment

(TA) submitted with the current application. However, they do not consider that rectifying these shortcomings would greatly alter the findings of the TA, that is, that the impact of the development on the local highway network would not be severe. This is considered a reasonable conclusion, as it is unlikely that an additional 20 dwellings on the highway network at this point would have a significant impact on traffic.

There are also shortcomings in the proposed travel plan, but it is considered that this can be rectified through the section 106 process. An alternative would be that the travel plan previously agreed and in operation for the first phase of development could be rolled forward into this development.

## **Drainage**

The proposal includes a small attenuation pond for this part of the development, which will then connect to the existing drainage system for phase 1 and Kinglake. The Lead Local Flood Authority have reviewed the proposal and consider that it is acceptable. Some additional calculations are required to determine the final detail of the proposal, but this can be secured by condition.

## **Wildlife**

The application site is not of high ecological value, the most value being found in the boundary hedges and trees, which will be retained as part of the development. The western boundary will be retained in the public domain. The eastern boundary will be in private gardens, which is not ideal and, therefore, it is recommended that a condition is imposed to secure the erection and retention of a wire fence to form a definitive 'trimming line' to the rear gardens of the dwellings, whilst still allowing light to penetrate the hedgerow. Subject to conditions, therefore, the impact on wildlife is considered to be acceptable.

## **Conclusions**

The site is within the settlement limit for Bishops Hull and is part of the site allocated by Policy TAU5. Whilst the number of dwellings at the site will exceed the number stated in the allocation, this is not considered to represent a conflict with the development plan. In any case, in light of policies in the NPPF to significantly boost the supply of housing in suitable locations, the proposal is considered to be acceptable. The proposal does conflict with Policy D10 of the SADMP, in that a number of dwellings fall below the space standards. However, given that the site is otherwise acceptable in planning terms and, in many ways the development will continue that already established on the earlier part of the allocation, utilising the same house types (that part being permitted before adoption of the SADMP), it is considered that this matter alone would not be sufficient to warrant refusal of the application. Any other adverse impacts can be satisfactorily mitigated by planning conditions and a section 106 agreement.

It is, therefore, considered that the proposal is acceptable and it is recommended that planning permission is granted.



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

**Contact Officer: Mr M Bale**

25/17/0031

MR & MRS M DUNFORD

**Construction of first floor with erection of a two storey extension to the front of Brookside View, Wiveliscombe Road, Norton Fitzwarren**

Location: BROOKSIDE VIEW, WIVELISCOMBE ROAD, NORTON  
FITZWARREN, TAUNTON, TA2 6RU

Grid Reference: 319340.125885 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) DrNo 5083\_PL\_001 Proposed Site Location Plan  
(A1) DrNo 5083\_PL\_101 Proposed Elevations  
(A1) DrNo 5083\_PL\_100 Proposed Floor Plans  
(A4) Dr No 5083\_PL\_002 revision A Proposed Block Plan

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

#### **Notes to Applicant**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. There is always a possibility that any building or structure may be used by bats and nesting birds. We would therefore like to draw your attention to the following.

1. The applicant and contractors should be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and under European legislation.

Should a bat or bats be encountered whilst work is being carried out on the property, work should cease immediately and advice should be sought from

the Government's advisers on wildlife, Natural England.

When working on the property special care should be taken when roof tiles or slates are removed (advise removing by hand and checking underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Eaves and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March - May or September - November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

Bats should preferably not be handled (and not unless with gloves) but should be left in place, gently covered, until advice is obtained.

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

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

## **Proposal**

The proposal is for alterations to a 3 bedroomed bungalow by the addition of an additional storey to create a 4 bedroomed 2 storey dwelling, realignment of the boundary wall to improve vehicular access and provision of an additional parking space.

The proposed development will create a 2 storey dwelling comprising an integral garage, hall, living room, dining room, utility room and kitchen/breakfast room at ground level. The first floor will comprise 4 No. bedrooms (2 ensuite) and family bathroom.

The principal elevation fronting the highway will have a wide gable end the width of the property. The roof height to ridge will be 8.5m and to eaves approximately 6m. This is an increase in roof height of approximately 2.8m from the existing height of the bungalow.

The development will be carried out in materials to match the existing bungalow that being painted render for the external walls, a concrete tile roof and white uPVC fenestration detail.

## **Site Description**

Brookside View is a detached 3 bedroomed bungalow on the western edge of Norton Fitzwarren immediately accessed off the B3227 which links Taunton to Wiveslicombe. The property is set back off the road with a short tarmacked drive to a parking and turning area to the front of the dwelling. The remainder of the front curtilage is laid to lawn with shrub planting. The property sits between two 2 storey

detached dwellings one of which shares the same vehicular access.

## **Relevant Planning History**

None

## **Consultation Responses**

*NORTON FITZWARREN PARISH COUNCIL* – No comments received.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Recommend Standing Advice.

BIODIVERSITY - If permission is granted for this application please add the following note.

### **Note to applicant**

There is always a possibility that any building or structure may be used by bats and nesting birds. We would therefore like to draw your attention to the following.

1. The applicant and contractors should be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and under European legislation.

Should a bat or bats be encountered whilst work is being carried out on the property, work should cease immediately and advice should be sought from the Government's advisers on wildlife, Natural England.

When working on the property special care should be taken when roof tiles or slates are removed (advise removing by hand and checking underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Eaves and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March - May or September - November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

Bats should preferably not be handled (and not unless with gloves) but should be left in place, gently covered, until advice is obtained.

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

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

## **Representations Received**

None

## **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.

D7 - Design quality,  
DM1 - General requirements,  
A1 - Parking requirements,  
D10 - Dwelling sizes,  
SB1 - Settlement boundaries,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

Extensions over 100 sqm are CIL liable.  
Proposed development creates additional 135.5sqm of floorspace.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £9500.00. With index linking this increases to approximately £11,500.00.

## **Determining issues and considerations**

Brookside View is a 3 bedroomed bungalow that sits between two detached 2 storey dwellings. The application site is located within the settlement limits of Norton Fitzwarren and therefore the principle of the development is acceptable.

The main issues in the determination of this application are the impact of the development on visual and residential amenity and highway safety.

The dwelling is set back from the road with an existing driveway, parking and turning area to the front. The proposal involves the realignment of the boundary wall to the site frontage to improve vehicular access. The Highways Authority have recommended no objection subject to Standing Advice. As the proposed development will result in a 4 bedroomed dwelling in assessing the application against the Somerset County Council Parking Strategy 2013, the required 3 no. parking spaces will be provided. As access is directly onto a classified road sufficient turning space is also available within the front curtilage for vehicles to exit the site in forward gear. The driveway is consolidated and therefore the proposed development

meets the standing advice and is acceptable on highway safety grounds.

Although the proposal results in the increase in the height of the dwelling this will have minimal impact in terms of loss of residential amenity caused by overlooking. The site is separated from the adjacent properties by either a 6ft blockwork wall or a 6ft panel fence. There are no windows in the side elevation of the dwelling to the east and the dwelling to the west has only an upper bathroom window and this has opaque glazing. Furthermore the dwelling to the west is set forwards of the proposed development so there would be no direct overlooking.

In terms of the design and scale of the development the existing bungalow sits between 2 No. two storey dwellings and therefore the formation of a further two storey dwelling will not be out of character and scale. The front elevation will comprise a wide gable which is reflective of other gables on dwellings which front the B3227. The materials will be in keeping with those of the existing bungalow and also in keeping with both the adjacent residential properties.

The proposed development is considered to be acceptable and therefore it is recommended that planning permission be 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**

43/17/0110

BLOOR HOMES SOUTH WEST

**Application for approval of reserved matters following outline application 43/11/0104 for the erection of 119 No. dwellings with associated access, scale, appearance and layout at Phase 3 on land at Longforth Farm, Wellington**

Location: LAND AT LONGFORTH FARM, LONGFORTH ROAD,  
WELLINGTON, TA21 8RS

Grid Reference: 313567.121573 Reserved Matters

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## **Recommendation**

**Recommended decision: Conditional Approval**

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

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

SW096-PD-752 Floor Plans & Elevations plots Garage  
SW096-PD-751 Floor Plans & Elevations plots Garage  
SW096-PD-750 Floor Plans & Elevations plots Garage  
SW096-PD-503 Floor Plans & Elevations plots 368-369  
SW096-PD-502 Floor Plans & Elevations plots 350-351  
SW096-PD-501 Floor Plans & Elevations plots 348-349, 364-365, 366-367  
SW096-PD-500 Rev A Floor Plans & Elevations plots 370-371  
SW096-PD-145 Rev A Floor Plans plots 385-386  
SW096-PD-144 Rev A Elevations plots 385-386  
SW096-PD-143 Rev A Floor Plans plots 390-395  
SW096-PD-142 Rev A Elevations plots 390-395  
SW096-PD-141 Floor Plans plots 396-401  
SW096-PD-140 Elevations plots 396-401  
SW096-PD-139 Floor Plans & Elevations plots 326  
SW096-PD-138 Floor Plans & Elevations plots 331, 359, 417  
SW096-PD-137 Floor Plans & Elevations plots 317, 360  
SW096-PD-136 Rev A Floor Plans & Elevations plots 334, 353, 353, 378,  
406, 410, 416, 418  
SW096-PD-135 Rev A Floor Plans & Elevations plots 316, 321, 347, 354, 384  
SW096-PD-134 Rev A Floor Plans & Elevations plots 329, 412, 415  
SW096-PD-133 Rev A Floor Plans & Elevations plots 31,324,405, 414  
SW096-PD-132 Rev A Floor Plans & Elevations plot 333  
SW096-PD-131 Rev A Floor Plans & Elevations plot 424  
SW096-PD-130 Rev A Floor Plans & Elevations plot 330  
SW096-PD-129 Rev A Floor Plans & Elevations plot 328  
SW096-PD-128 Floor Plans & Elevations plots 325,429  
SW096-PD-138 Rev A Floor Plans & Elevations plots 325, 429  
SW096-PD-127 Rev A Floor Plans & Elevations plot 327  
SW096-PD-126 Rev A Floor Plans & Elevations plots 408, 411, 430  
SW096-PD-125 Rev A Floor Plans & Elevations plots 377, 413

SW096-PD-124 Rev A Floor Plans & Elevations plot 343  
 SW096-PD-123 Rev A Floor Plans & Elevations plot 344  
 SW096-PD-122 Rev A Floor Plans & Elevations plot 337, 343  
 SW096-PD-121 Rev A Floor Plans & Elevations plots 312, 428  
 SW096-PD-120 Floor Plans & Elevations plots 335, 383  
 SW096-PD-119 Rev A Floor Plans & Elevations plots 358, 376, 409, 419  
 SW096-PD-118 Floor Plans & Elevations plots 332  
 SW096-PD-117 Rev A Elevations plots 322  
 SW096-PD-116 Floor Plans plots 318-319, 356-357  
 SW096-PD-115 Elevations plots 318-319, 356-357  
 SW096-PD-114 Floor Plans plots 335-336, 345-346  
 SW096-PD-113 Floor Plans & Elevations plots 335-336, 345-346  
 SW096-PD-112 Floor Plans & Elevations plot 320  
 SW096-PD-111 Floor Plans & Elevations plot 323  
 SW096-PD-110 Floor Plans & Elevations plots 338, 352, 407  
 SW096-PD-109 Rev A Floor Plans & Elevations plots 361, 387  
 SW096-PD-108 Floor Plans & Elevations plots 339, 340  
 SW096-PD-107 Floor Plans & Elevations plots 341-342  
 SW096-PD-106 Floor Plans & Elevations plots 341-342  
 SW096-PD-105 Rev A Floor Plans & Elevations plots 313-314, 379-382,  
 388-289  
 SW096-PD-100 Floor Plans & Elevations plots 372-373, 374-375  
 SW096-PD-101 Elevations plots 402-404  
 SW096-PD-102 Floor Plans plots 402-404  
 SW096-PD-103 Elevations plots 425-427  
 SW096-PD-104 Floor Plans plots 425-427  
 SW096-EN-3293 Rev A Proposed Planning Levels Sheet 3 of 3  
 SW096-EN-3292 Rev A Proposed Planning Levels Sheet 2 of 3  
 SW096-EN-3291 Rev A Proposed Planning Levels Sheet 1 of 3  
 SW096-EN-3290 Rev A Proposed Planning Levels overview  
 SW096-EN-3010 Rev B Section 38 Adoption  
 SW096-EN-3002 Rev D Refuse Vehicle Tracking  
 SW096-EN-3001 Rev E Junction and Forward Visibilities  
 SW096-SL-902b Refuse and Parking Strategy  
 SW096-SL-060b Means of Enclosure  
 SW096-SL-020b Material Layout  
 SW096-SL-001b Site Layout  
 SW096-SL-001b-COL Site Layout  
 SW096-PD-062A Street Scene  
 SW096-PD-061A Street Scene  
 SW096-PD-060A Street Scene  
 SW-LS-012A Landscape Concept

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

2. Prior to the commencement of the development hereby permitted a detailed schedule of works for the laying out and planting of the new orchard including the translocation of existing dead and alive trees from the existing orchard and a timing of works shall be submitted to and approved in writing by the Local Planning Authority. The detailed schedule of works and timings shall be strictly adhered to in the carrying out of the works.



Reason: To protect the wildlife interests and habitats within the existing orchard.

Reason for pre-commencement: To ensure that existing wildlife habitat is properly considered and protected during the course of the development.

3. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of occupation of 50% of the dwellings hereby approved.

(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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

4. Prior to the occupation of the dwellings hereby approved, a lighting design taking into account the need to protect bats shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the Favourable Conservation Status of European protected species.

5. The materials specified within the drawings hereby approved shall be used in the carrying out of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority. The facing materials for each plot shall be installed prior to the occupation of that plot and shall thereafter be maintained as such.

Reason: In the interests of the character and appearance of the area and also to allow flexibility should the need to deviate from the approved materials

plans arise.

6. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority for phase 3 of the development. The strategy shall be based on the advice of Clarkson Woods's updated Ecological survey dated June 2017 and the Bat survey report dated May 2017 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 species could be harmed by disturbance
  3. Measures for the enhancement of places of rest for the wildlife
  4. An updated Construction Environmental management Plan (CEMP) and Landscape Ecological Management plan (LEMP)
  5. Details of lighting for Phase 3

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 bats and nesting birds 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.

Reason: To protect and accommodate wildlife

Reason for pre-commencement: To ensure that existing wildlife habitat is properly considered and protected during the course of the development.

Notes to Applicant

## **Proposal**

This application seeks reserved matters approval for the erection of 119 dwellings at Longforth Farm, Wellington. It is the final phase of residential development at the site. A narrow strip of open space would be provided between the dwellings and the railway and a larger area of open space, including a new orchard and children's play facilities would be provided to the east of the phase.

## **Site Description**

The site is the north western most part of the Longforth Farm site granted outline planning permission in 2012. The site borders the railway to the north, the Relyon factory to the west. Longforth Farmhouse lies of the southwest corner of the site, although it is outside the application site. The southern edge of the site is lined by trees which sit on the northern side of a recently constructed estate road with dwellings facing toward the site. The north western corner of the site slopes up to a bridge over the railway (which carries a public footpath). Moving to the east through the site, the land drops off steeply and is lowest in the northeast corner.

## Relevant Planning History

Outline planning permission was granted, reference 43/11/0104 for the development of up to 503 dwellings. Reserved matters for two earlier phases have been approved under applications 43/13/0013 and 43/15/0143.

## Consultation Responses

*WELLINGTON TOWN COUNCIL* – Recommend that permission be granted subject to there being no delay being caused to the completion of the road to Relyon.

*SCC - TRANSPORT DEVELOPMENT GROUP* – I refer to your letter received 17 October 2017 regarding the above planning application, and apologise for the delay in this response. The Highway Authority has the following observations on the highway and transportation aspects of this proposal following consideration of the application details and a site visit carried out on 8 November 2017.

### Traffic Impact

The current application is for reserved matters following the grant of outline planning permission at this site, and thus the expected traffic impacts of this proposal have already been considered and deemed acceptable. Indeed, the submitted Planning Statement states that the number of dwellings is some 73 less than originally proposed, with a resultant reduction in the trips expected to be generated compared to the levels already accepted by the Local Planning Authority.

### Travel Plan

An agreement under Section 106 of the Town and Country Planning Act 1990 was signed on 16 January 2013, which included the securing of the provision of a Travel Plan (TP) for the whole development for which outline planning permission was granted. The signed S106 agreement included a table of standard measures to be implemented and a timetable for delivery.

### Parking

The optimal parking provision for this site as set out in the adopted Somerset County Council Parking Strategy (SPS) for a residential development in a Zone B area such as this location is...119 dwellings is therefore between 303 and 327 parking spaces, depending on how facilities for visitors are managed. From the details provided, the proposed overall parking provision of 307 spaces is nominally within the optimum range, but from the proposed arrangements it appears that parking for visitors has not been fully catered for.

Furthermore, no reference is made within the application details to cycle parking or charging facilities for electric vehicles, both of which are stipulated within the SPS (one cycle parking space per bedroom and a suitable charging facility for each dwelling). It is recommended that the applicant confirm with sufficient detail that the optimum car and cycle parking facilities will be provided as part of this development.

## **Highway Works**

### **Access**

Access to the site will be via the roundabout and distributor road linking to B3187 from the overall site development, which has been granted full planning approval and has therefore already been considered as suitable.

The access to this phase 3 section for development will be through roads already expected to be adopted under a Section 38 agreement, and thus will be suitable for the access proposed.

### **Estate Roads**

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. However, the applicant has submitted a plan (SW096-EN-3010) showing roads and footpaths to be offered for adoption. The proposals have been reviewed by the Highway Authority's estates roads team, to identify any issues that may need to be addressed to assist the applicant developing designs suitable for future adoption, and it is recommended that these be reviewed at this stage to ensure suitable amendments can be achieved within the layout proposed for planning approval.

Drawing number SW096-EN-3010/A indicates the presence of adoptable shared surfaces, but these seem to be provided with footways rather than being a shared area. Shared surfaces are usually constructed in block paving with margins in lieu of footway and the design should be clarified.

Drawing number SW096-EN-3010/A indicates that two footpath links (one running between plots 405 and 407 and the other link extending off the turning head adjacent to plot 331) will be offered to SCC for adoption. Due to the possibility of these links being used by a combination of pedestrians and cyclists, they should be constructed to a minimum width of 3.0m, adequately lit and drained and with adoptable visibility splays (2.0m x 20.0m) provided where the links connect onto the footway that runs along the southern site boundary together with the footway/margin within the development site. There shall be no obstruction to visibility within the required splays that exceeds a height greater than 600mm above the adjoining carriageway level and the full extent of the splays should be included within all future revisions of the engineering layout drawings.

The maintenance arrangements for the remainder of pedestrian routes within the Public Open Space area should be confirmed.

To assist in pedestrian movement the proposed footway that is shown as terminating outside plot 360 should be extended around the carriageway radius as far as the northern flank wall of plot 360.

It is unclear if the proposed block paved features will have vertical deflections built into their design. The length of the carriageway serving plots 312 to 428 will require traffic calming to slow vehicles due to the length of straight carriageway.

The parking bays serving plots 372-375, 387-392 and 396-401 should be constructed to a minimum length of 5.5m as measured from the back edge of the prospective public

highway boundary.

Some private drives will serve more than two dwellings. To help address Advance Payments Code legislation, it will be necessary for these drives to be constructed to an acceptable standard in terms of materials used and compaction of said materials.

Surface water from any private areas will not be permitted to discharge onto the prospective public highway. Entrances to all private courtyards should be constructed to a minimum width of 4.1m to allow for two-way vehicle movement and prevent queuing upon the highway.

Drawing number SW096-EN-3001/C indicates an adoptable forward visibility splay across the corner of plot 360. However, this splay has not been included within drawing number SW096-EN-3010/A (Section 38 Adoption Plan). All visibility splays to be adopted by SCC must be clearly shown within all future revisions of drawing number SW096-EN-3010 and the developer must ensure such splays are not conveyed to individual plots.

No visibility splay has been shown at the point of access onto the existing estate roads. Suitable visibility should be shown on the plans and the visibility splay included with any roads and footways offered for adoption.

Drawing number SWS096-EN-3001/C indicates that small areas of the required visibility splays fronting plots 333 and 343 will fall beyond the back of the proposed footways. The applicant must ensure that the full extent of the splays are contained within the footways, even if this means localised widening of the footways.

If the developer so desired, the proposed limits of adoption could be extended between plots 412 and 415 with an adoptable turning head provided at the end of the extended carriageway to reduce the number of properties served by the remaining private drive to two.

Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by SCC will be required for all trees that are to be planted either within or immediately adjacent to the highway to prevent future structural damage to the highway. A comprehensive planting schedule, showing all planting either within or immediately adjacent to the highway, should be submitted to SCC for checking/approval purposes.

No doors, gates or low level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc. The Developer must keep highways, including drains and ditches in the vicinity of the site works free from mud, debris and dust arising from the works at all times. The Developer shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

The Developer shall be held responsible for any damage caused to public highways by construction traffic proceeding to/from the site. Any construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the Developer's representative in the presence of the Highway Supervisor showing the

condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.

Existing road gullies/ drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the development. If any extraneous matter from the development site enters an existing road drain or public sewer, the Developer shall be responsible for its removal.

## **Drainage**

The construction of a new headwall at the point of outfall into the existing ditch is noted. Permission to carry out temporary or permanent works within the ordinary watercourse will require the consent of the LLFA. The designer should contact Didier Lebrun for information at the following address: JLebrun@somerset.gov.uk.

## **Conclusions**

The principle of the proposed development has already been agreed at outline stage, which included a review of the expected traffic impacts from the proposals. Suitable access will be available for this stage of the overall development.

The developer of the overall site is currently in breach of an existing Section 106 Agreement relating to the outline planning permission which required the provision of an agreed Travel Plan and implementation of a number of measures in accordance with an agreed timetable. It is recommended that the Local Planning Authority give consideration to appropriate action in relation to this breach of agreement, and a condition is recommended to require the provision and agreement of a Travel Plan as part of any approval granted for this reserved matters application.

The parking proposals do not provide sufficient facilities for visitors, cycles or the charging of electric vehicles and this should be addressed by the applicant.

A number of detailed issues have been identified regarding the proposed estate road layout, and it is recommended that these be reviewed by the applicant to ensure that they can be successfully resolved within the layout proposed for approval, or that suitable changes are made to the layout prior to planning approval being granted.

The applicant must ensure that they acquire any necessary permission(s) for works within the existing watercourse.

With the above in mind, the Highway Authority recommends that the following conditions be imposed if planning permission is granted:

*LANDSCAPE* – I am disappointed to see that the new layout does not include the traditional apple orchard with associated semi improved grassland. I concede that the orchard is neglected but orchards are Priority Habitats for Somerset County BAP (Wild Somerset). These features in the Somerset landscape should be retained and enhanced.

In addition open space in this locality will be more accessible to house dwellers in phases 2 and 3.

*HERITAGE* – Longforth Farmhouse was listed at grade II in 1976. The building and its surroundings were evaluated in the 2011 Terence O'Rourke Ltd report and particularly Chapter 6 on Cultural Heritage.

I would have to say that having read the report, I am surprised that there is a proposal for this site. In 6.78 to 6.82 the case is made for the wider development whilst retaining the traditional orchard to protect the setting of the Listed farmhouse and also considers that it has value itself. This report predates the National Planning Policy Framework but in my view and in the spirit of the report it would now be regarded as an undesignated heritage asset.

The 2017 Terence O'Rourke report seeks to rescind 6.79 of the previous document and place a lower significance on the orchard and its importance to the setting of the listed Building. The rationale for this is not clear. It also fails to take account of recent high court rulings relating to setting. *Steer vs SSCLG 2017* clarified that setting is not just about the view between a heritage asset and development. It takes a much wider view. It requires the assessment of all views of the site where the heritage asset and the development can be seen. In this case the farmhouse and orchard will be highly visible from all of the surrounding development. I suspect that the impact of the development to the setting is high end less than substantial harm as described in Chapter 12 of NPPF. It could even be substantial harm by their own admission. At this stage we don't have any information to assess the wider setting issues against so paragraph 128 of the NPPF has not been met. We can only make a decision to refuse due to lack of information at this stage. Any argument that this is less than substantial harm with public benefit to offset it would require a proper setting analysis that reflects the *Steer vs SCCLG* decision.

The information that we do have in the new submission is paragraph 3.97. It deletes paragraph 6.81 of the 2011 document that designates the orchard as a NEAP and LEAP.

The most significant statement in the 2017 document is paragraph 3.100. It deletes paragraph 6.83 of the previous document and replaces it with the following statement.

“The amended proposals for phase 3 will introduce built development to the north east of the farmhouse, in an area previously occupied by the large traditional orchard, and divided from the boundary of the house by a narrow landscaped area. The change in setting through the change in the function of the surrounding land and proximity of development will result in a small to medium change to the asset of high importance which will be moderate to substantial affect that is significant”.

This is a fairly meaningless statement. It is probably all that could be written given the document already submitted. It means that the area of NPPF used to determine the proposal is unclear. One or more of these tests apply.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site

- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible
- the harm or loss is outweighed by the benefit of bringing the site back into use

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Based on the information before me, I have strong concerns regarding this proposal. At best it represents high level 'less than substantial harm' to the setting of the farmhouse so 134 needs to be considered. The public benefit is not clear. We have a 5 year housing supply so the benefit would be private. The additional information requested on setting will clarify whether this is actually substantial harm so only permissible if 133 is met. I have seen nothing to suggest that this test has been complied with.

It fails against 135 as it destroys an undesignated asset without providing clear benefit.

*LEAD LOCAL FLOOD AUTHORITY* – The applicant is proposing to discharge directly to the existing attenuation pond constructed at phase 1 and designed to accommodate surface water flows from the entire site. The LLFA has no objections to this application as submitted.

*HOUSING ENABLING* - The requirement is for 10% affordable housing with a minimum of 50% social rent and a maximum of 50% intermediate affordable housing. The proposed scheme incorporates:

8 Social Rented Units (67%) - 2 x 1 b flats, 4 x 2 b dwellings and 2 x 3 b dwellings  
 4 Shared Ownership Units (33%) - 2 x 2 b dwellings, 2 x 3 b dwellings

This is considered broadly acceptable, although the 3 bed units for shared ownership are small (3 bed 4 person) and these would be improved significantly if changed to 3 bed 5 person.

The Plan SW096-SI-001-COL shows the intermediate units to be Shared Ownership, whilst the Planning Statement refers to these units being Shared Equity. For clarification, we would wish to see these units as Shared Ownership.

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



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

*LEISURE DEVELOPMENT* – No further comments to make as a signed S106 Agreement is in place. However, Open Spaces should be asked to comment on the landscaping and details of the design and content of the LEAP and NEAP when submitted.

*BIODIVERSITY* – The application is for approval of reserved matters following outline for the erection of 119 dwellings at Phase 3 on land at Longforth farm, Wellington Clarkson woods carried out an updated Ecological survey of the site between March 2016. The report is dated June 2017. A Bat Survey Report was carried out in May 2017 Findings are as follows:

### **Habitat**

The site comprises arable land, a traditional orchard with semi improved grassland, a farmyard with buildings and hedgerows.

The applicant wishes to remove the orchard and so this report assumes this course of action and has suggested compensation by the creation of a new orchard in the public open space.

I am would prefer to see the retention and enhancement of the orchard.

New habitats (three ponds, a swale, and areas of hedgerow, scrub and woodland planting) under the original outline application have already been created on site. Where will the new 50m stretch of hedgerow referred to in the bat report (7.8.9) be located?

### **Reptiles**

Habitats onsite, including the orchard, support reptiles and so these individuals will need to be translocated

### **Great crested newts**

Based on previous licensable GCN translocations and given the distance of the site from the breeding ponds, work should follow a precautionary approach.

### **Badgers**

A licence from Natural England will be required to develop the site.

### **Dormice**

As dormice have been recorded on site a mitigation licence will be required to develop this phase of housing.

## **Bats**

The site is considered to provide foraging and commuting opportunities for bats as identified in the updated bat report. The buildings were assessed as having negligible potential to support crevice roosting bats.

## **Birds**

The site is likely to support nesting birds, and wintering birds.

Clearance of vegetation should take place outside of the bird-nesting season. I support the recommendation to erect bird boxes within the newly built houses.

## **Invertebrates**

The dead and over mature orchard trees and semi improved grassland associated with the orchard provides potential invertebrate habitat.

The report refers to an Ecological and conservation management and Enhancement plan which provides details of ecological enhancement across the site. The provision of enhancements has already been partially undertaken however if the orchard is removed further enhancement is required.

Conditions are recommended.

*SCC – ECOLOGY* - Having reviewed the submitted ecology reports I generally support the comments made by the biodiversity officer and her recommendations. However, I would emphasise the rarity of some of the invertebrate species found in the orchard and the status of that habitat, which a priority habitat listed in s41 of the Natural Environment and Rural Communities Act 2006. Under the Act the local planning authority is obliged to have regard for the conservation of such habitats. Although Clarkson Woods state that there is a 'relatively low diversity' the Invertebrate Survey (Gibbs, 2016) of the orchard lists four nationally scarce species and one species listed as RDB3 (Red Data Book, JNCC). Two of these species are very rare in Somerset and one, *Drapetis aruata*, is the first record in the County and is very rarely encountered elsewhere. The site is likely to qualify as a Local (County) Wildlife Site. The orchard is also an important foraging site for bats which indicates a high abundance of invertebrates even if the night time diversity is not known. No survey was made of night flying invertebrates. We also do not know if the apple trees are of a rare local Somerset variety. The removal of the orchard is likely to see the local extinction of rare and very rare invertebrate species including one never recorded in Somerset before. A new orchard as suggested by Clarkson Woods will not provide the invertebrate abundance for some time, probably in the long term. I would strongly recommend that the master plan is revised to retain the orchard, a S41 (UKBAP) habitat, and enhanced with a corridor of access to outside the development site for bats and other wildlife as recommended in the Invertebrate report in 2016.

I note a barbastelle bat was recorded on the automated detector between 29 June and 4 July 2016 on average of 1 pass per night (no time on site is given) suggesting a commuting individual heading toward or from its hunting patch in the what is likely to be the orchard. Transect surveys often do not pick up barbastelle bats.

Barbastelle bats have exclusive individual hunting territories within the home range of a maternity colony which I presume is the tree in the middle of the field to the east of the application site. However, no detector was placed within the orchard where moth abundance is likely. Hunting barbastelle bats echolocate at a range of 3 metres to avoid detection by tympanate moths so are likely to be difficult in recording.

In addition to the biodiversity officer's recommendations, and given the presence of light sensitive bats, I would also recommend that a condition is imposed requiring a detailed lighting design to safeguard bats.

**SCC - RIGHTS OF WAY** - I can confirm that there are public rights of way (PROW) recorded on the Definitive Map that abut the site at the present time (**public footpaths WG 17/16 and 17/17**). I have attached a plan for your information. We have no objections to the proposal, but the following should be noted:

### **1. Specific Comments**

Whilst we are aware of the desire to divert WG 17/17 in order that the level crossing can be closed, the application should provide for a more direct connection to WG 17/17, preferably via the proposed adoptable footway, on the basis that there can be no guarantees that any application to divert WG 17/17 will be successful.

### **2. General Comments**

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

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

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

If the work involved in carrying out this proposed development would:

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a->

temporary-closure-of-a-right-of-way/ .

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - I refer to some information that has been submitted regarding the above development.

- A Noise Assessment for Phase 3, Longforth Farm, Wellington. 22/08/2017, Rebound Acoustics Limited The report gives details of noise monitoring carried out at the site in 2014, in particular monitoring of noise from the railway line that runs along the northern boundary of the site. Calculations were carried out to predict noise level as the facades of the residential properties and this was used to estimate the amount of sound reduction required to achieve an acceptable level of internal noise.

The report makes some recommendations for the standard of glazing that would be required, and gives an example of glazing that could achieve this. It also states that where the level of sound reduction required exceeds a certain amount the windows will need to be closed to achieve the required criteria, and so an alternative form of ventilation will be required. A specification is given for the level of sound reduction performance of the ventilators that should be used.

The report refers to the World Health Organisation (WHO) guidance on internal noise levels. One of the WHO criteria is a maximum noise level at night of 45dB not to be exceeded 10 to 15 times a night. The Rebound report states that it may be impractical to incorporate glazing with a high enough sound reduction performance to achieve this level, and with the glazing they recommend result it could be exceeded 13 times a night. Rebound state that a criterion of 55dB as a maximum is achievable.

### **Comment**

The report does not give any details of the noise from the adjacent industrial site (which is mentioned in the planning condition for the 2011 permission). Some noise monitoring was carried out in 2014 close to the factory, but only for an hour during the day.

However, the site can operate for 24 hours a day and there is could be noise from machinery and vehicle/HGV movements. The developer should obtain information on the type of activities at the site, an assessment of the potential for these to disturb future residents and recommendations for noise mitigation if required.

Even if some mitigation is incorporated into the properties next to the industrial site (which is most likely to be acoustic glazing and ventilation) some noise may be audible in the closest properties if the site is active at night.

With regard to the noise from the railway, the report shows that is it possible to achieve a reasonable level of internal noise in the residential properties with suitable glazing and ventilation. However, the maximum noise levels at night are still likely to be higher than those given in the WHO guidance, unless the developer is able to incorporate a higher specification of glazing and ventilation. While the WHO levels are for guidance (and are not statutory levels that have to be met) it would be good if the developer could try to achieve these.

Even with recommended specification of glazing the noise from trains will still be audible inside the houses, in particular the peak noise levels at night.

The developer should

- Provide details and an assessment of the potential noise from the adjacent factory, which can operate 24 hours a day.
- Ensure that the glazing and ventilation in the buildings close to the railway meet the specification outlined in the Rebound Acoustics 2017 report.

### **WESSEX WATER - Sewerage infrastructure**

The site will be served by separate systems of drainage to be constructed to current adoptable standards. Please see Wessex Water's guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections' for further guidance Phase 3 foul drainage proposals and points of connection to be agreed at detailed design stage in consultation with Wessex Water. Applicant should contact local development engineer, [development.west@wessexwater.co.uk](mailto:development.west@wessexwater.co.uk)

The Drainage Layout plans indicate surface water discharged to local land drainage systems which will be subject to approval by the appropriate authority.

Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

*NETWORK RAIL* - We would remind the council that Network Rail objected to this proposal should the proposed diversion of the public footpath WG17/17 not go ahead.

Network Rail now has to put together an application to Somerset County Council for the diversion of the footpath as the developer failed to secure the diversion although we understand the developer is willing to fund the application.

It should be noted that the below information is done with a caveat that we have been unable to complete a full report on this matter.

The Railway at the location in question was originally authorised under the Bristol and Exeter Railway Act 1836.

The Deposited Plan and the Book of Reference confirm that there was not a pre-existing right of way at this location. Therefore this bridge was built as an accommodation structure for the private use of the landowner who's lands the construction of the railway severed.

The online Definitive Map shows a Public Right of Way crossing this bridge. This is referenced as PRoW WG17/16.

Only the landowner would have vehicular rights over the bridge. However, if the

land on either side of the line has been sold separately at any time then any private rights to cross the bridge may have been lost. This may need further investigations. I can confirm that the bridge is owned by Network Rail and that we are responsible for its maintenance.

*POLICE ARCHITECTURAL LIAISON OFFICER* – Comments as follows:

**Crime Statistics** – reported crime for the area of this application (within 500 metre radius of the grid reference) during the period 01/10/2016-30/09/2017 is as follows:-

**Burglary** - 2 Offences (incl. 1 Residential Burglary)

**Criminal Damage** – 18 Offences (incl. 5 criminal damage to dwellings & 7 criminal damage to vehicles)

**Drug Offences** - 1

**Other Offences** - 6

**Sexual Offences** - 6

**Theft & Handling Stolen Goods** - 14 Offences (incl. 4 theft from motor vehicles and 1 theft of pedal cycle)

**Violence Against the Person** – 74 offences (incl. 3 wounding, 8 assault ABH, 18 common assault & battery & 22 causing harassment, alarm, distress)

**Total - 121 Offences**

This averages 10 offences per month, which is classed as an '*average*' level of reported crime.

**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 proposed use of physical or psychological features i.e. rumble strips and road surface changes by colour or texture at the road intersections helps reinforce defensible space giving the impression that the area is private and deterring unauthorised access.

**Communal Areas** – communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to enable surveillance from nearby dwellings with safe routes for users to come and go. The LEAP and NEAP on the eastern edge of the proposed development appear to be overlooked by six proposed dwellings and by a number of existing dwellings to the south, which should prove sufficient. The footpath along the northern boundary of the development also appears to be well overlooked from nearby dwellings.

**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. A large proportion of dwellings are also back to back, which is also recommended, as this restricts unauthorised access to the vulnerable sides and rear of 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. 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. The Boundary Treatments plan indicates that this advice will be complied with.

**Car Parking** – a large proportion of the dwellings appear to incorporate in curtilage garages and parking spaces, which complies with police advice. All the communal on-street parking spaces appear to be in small groups, close to and overlooked by owner's homes, which is also recommended.

**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. This is particularly relevant in respect of the planting between the dwellings and Play Areas and footpath along the northern boundary.

**Street Lighting** – 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** of building regulations, all easily accessible doorsets that provide access into a dwelling and ground floor or easily accessible windows and rooflights must comply with PAS 24:2016 security standard or equivalent.

**Secured by Design** - 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.

**SCC - ECOLOGY** - Having reviewed the submitted ecology reports I generally support the comments made by the biodiversity officer and her recommendations. However, I would emphasise the rarity of some of the invertebrate species found in the orchard and the status of that habitat, which a priority habitat listed in s41 of the Natural Environment and Rural Communities Act 2006. Under the Act the local planning authority is obliged to have regard for the conservation of such habitats.

Although Clarkson Woods state that there is a 'relatively low diversity' the Invertebrate Survey (Gibbs, 2016) of the orchard lists four nationally scarce species and one species listed as RDB3 (Red Data Book, JNCC). Two of these species are very rare in Somerset and one, *Drapetis aruata*, is the first record in the County and is very rarely encountered elsewhere. The site is likely to qualify as a Local (County) Wildlife Site. The orchard is also an important foraging site for bats which indicates a high abundance of invertebrates even if the night time diversity is not known. No survey was made of night flying invertebrates. We also do not know if the apple trees are of a rare local Somerset variety. The removal of the orchard is likely to see the local extinction of rare and very rare invertebrate species including one never recorded in Somerset before. A new orchard as suggested by Clarkson Woods will not provide the invertebrate abundance for some time, probably in the long term. I would strongly recommend that the master plan is revised to retain the orchard, a

S41 (UKBAP) habitat, and enhanced with a corridor of access to outside the development site for bats and other wildlife as recommended in the Invertebrate report in 2016.

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Barbastelle bats have exclusive individual hunting territories within the home range of a maternity colony which I presume is the tree in the middle of the field to the east of the application site. However, no detector was placed within the orchard where moth abundance is likely. Hunting barbastelle bats echolocate at a range of 3 metres to avoid detection by tympanate moths so are likely to be difficult in recording.

In addition to the biodiversity officer's recommendations, and given the presence of light sensitive bats, I would also recommend that the following be conditioned:

Prior to any occupation, a "lighting design for bats" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.  
Reason: In the interests of the Favourable Conservation Status of European protected species

I would also request the monitoring for barbastelle bat roost in the field to the east of the Longforth Farm development to determine if the development has affected the roost from the start of the development until this year.

I would request that the master plan be revised to avoid the loss of s41 habitat, rare invertebrate species and bat foraging habitat and an appropriate corridor to it retained.

Subsequently, additional information has been provided and additional comments have been received that support proposed ecological measures to safeguard the impact on barbastelle bats and invertebrates.

*NYNEHEAD PARISH COUNCIL* – No further comments to make.



*NATURAL ENGLAND* – No comments to make on this application and refer the Council to their standing advice.

## Representations Received

### Somerset Wildlife Trust

In general we support the findings of the [submitted ecological] assessment. We would also support the measures proposed for mitigation and enhancement outlined in sections 7.4 to 7.11 and we would request that they are fully implemented and incorporated into the planning conditions if it is decided to approve this application. [In addition] we fully support the comments and suggestions in respect of the retention of the orchard as well as the need for an appropriate lighting plan. If these proposals are not fully agreed and implemented in any planning conditions, then our comments should be recorded as an objection. We are also very concerned that the developers are apparently already undertaking some site clearance in this part of the site and we would request that this work ceases until a decision is made on this application.

26 letters of **objection/concern** have been received from members of the public raising the following points:

- Road access into Relyon is still required. No more houses should be allowed until it is open.
- Schools, doctors surgeries and other infrastructure need to be expanded.
- Social facilities should be provided alongside the housing.
- The percentage of affordable housing is too low.
- The originally proposed allotments seem to have disappeared.
- Electric charging points for vehicles are required for the dwellings.
- Proposals need to be put in place to accommodate wildlife.
- Badgers have been displaced from the site and are digging up existing gardens.
- The orchard should be protected. It supports a great deal of wildlife.
- Wildlife should be left in situ.
- Residents on early phases were advised the orchard would be retained.
- The footpath from Howard Road should be fully reinstated.
- The footpaths should be reopened.
- The orchard area has started to be used for the storage of building materials despite the application still being undetermined.
- Query whether this phase was originally in the Bloor proposals.

## 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.

EN12 - TDBCLP - Landscape Character Areas,  
ROW - Rights of Way,  
EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,

## **Local finance considerations**

Not relevant to this reserved matters application.

## **Determining issues and considerations**

This application seeks approval of reserved matters for the final phase of development at Longforth Farm. The principle of development was established at outline stage and cannot be revisited as a consequence of this application.

The issues for determination relate to the reserved matters – layout, appearance, scale landscaping – and the impacts arising from these. Those main issues are the acceptability of the detailed design and layout, the impact on adjoining property, particularly those already built in earlier phases of the development, the impact on biodiversity and the impact on heritage assets.

The application proposes a significant change from the previously approved masterplan and design code in that it proposes to develop houses on the existing orchard area. When the development was originally conceived, the orchard was to be retained as open space, containing the main children's play area. The applicant's agent has put forward a number of reasons why the proposals have been altered as now proposed. These are:

- 1) The need to provide Network Rail with a 2m buffer to their boundary, which was not allowed for on either the original master plan or the original illustrative housing layout;
- 2) advice from Bloor Homes' noise consultants that the original illustrative layout plan was unlikely to be acceptable in noise terms because of the proximity of the housing units to the railway line;
- 3) an updated survey of the trees in the orchard had revealed that a number had died since the outline application had been submitted and that the remainder were in significant decline, prompting a re-evaluation of the land's ecological value;
- 4) much of the northern and eastern parts of the site occupy low-lying land, and Bloor Homes' engineers (Clarke Bond) had advised Bloor that approximately one third of the site needed to be raised by between 1.2 and 1.5 metres in order to enable any dwellings constructed here to have workable foul and surface water drainage solutions (because of the foul and surface water drainage strategies agreed as part of phases 1 and 2 with Wessex Water), with an additional raised

drainage basin requiring construction. Such works were not anticipated at the outline planning application stage, and would not only be very costly but would have potentially significant landscape and visual impacts when viewed from the public footpath (both north and south of the railway), and from phases 1 and 2.

They say that by not developing the north eastern part of the site for housing and keeping it as open space (as currently proposed), no significant, costly or visually intrusive land raising is required and no additional drainage pond is required (which would reduce the quantum of public open space available or number of dwellings on the site).

### **Design, layout and impact on nearby property**

The proposed layout is a significant deviation from the previously approved design code which proposed a relatively high density development of smaller dwellings in this part of the site. The layout was to have a strong structure focussed on the retained orchard. The proposal, by contrast, is of lower density and a much looser form of development, albeit still based upon a relatively strong perimeter block structured layout where dwellings largely back onto one another and front highways. Most parking is on plot, with two parking courts (to the front of the proposed dwellings) and some perpendicular parking in bays to the smaller dwellings and flats. During consideration of the application, various amendments have been made to the layout which strengthen the block structure and reduce the dominance of the highway.

The dwelling types proposed are a different set of dwellings to those that have been built on previous phases. However, this phase is separated from the existing phase by a strong hedgerow and this alteration is not considered to undermine the character of the development as a whole. In itself, then, the proposed design and layout is considered to be acceptable.

The loss of the former orchard means that certain existing plots on the new development will now be facing other dwellings at closer proximity. Whilst this is clearly not what they were expecting when they purchased their dwellings, the separation distances in excess of 25m front to front and across a road are considered to be appropriate and would not have an adverse impact upon the residents of these existing dwellings. Similarly, the relationship to Longforth Farm is considered to be appropriate in terms of amenity.

### **Biodiversity**

Your biodiversity officer and the County Ecologist have previously raised concerns regarding the loss of the traditional orchard habitat. This is because orchards are a Biodiversity Action Plan (BAP) priority habitat where there is a presumption that they should be preserved. Whilst this is the case as a matter of principle, the current ecological value of the orchard is low. Some of the existing deadwood which provides habitat for invertebrates can be translocated to the newly proposed orchard within the public open space alongside 11 trees that are still living and this will result in limited ecological impact overall.

If the orchard were retained as originally proposed, then it would have been the main area of open space for the development with the children's play area situated within it. It is likely that the intensity of use would have been higher than is likely in the proposed new orchard area and, therefore, the proposed new habitat for invertebrates may well be of greater value than the existing if it were to coexist alongside highly used public open space.

The proposals will result in fewer breaks in the hedgerow bordering the southern part of this part of this land ensuring better continuity of hedgerows for foraging bats. Retaining the orchard would also result in the habitat becoming isolated from the wider area, whereas the proposal to create a new orchard alongside the attenuation ponds on the development and physically connected to the open countryside is likely to be more beneficial. In this regard, there are some ecological benefits of the proposal when compared to those described in the outline permission.

With this in mind, the Biodiversity Officer and County Ecologist have confirmed that they are content with the ecological impact of the proposals and that the loss of the orchard would not warrant refusal of the application.

### **Heritage assets**

The outline proposals, masterplan and design code sought to retain the traditional orchard. The orchard is considered to be a non-designated heritage asset in its own right, being part of the former traditional farmstead at Longforth Farm and also part of the setting of the Grade II listed Longforth Farm, which adjoins it (outside the application site) to the east. The development in the form now proposed will result in the total loss of the non-designated heritage asset and will cause harm to the setting of Longforth Farm. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when deciding whether to grant planning permission.

In terms of the orchard itself, then, the National Planning Policy Framework advises that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset" (paragraph 135). The orchard is not currently in good condition and a number of trees have been lost or are in a perilous state. It is not considered that the value of the heritage asset itself is that great, the more important issue being its contribution to the setting of Longforth Farm.

As a consequence of the residential development and development of the factories to the east, Longforth Farm was always going to be surrounded by residential development. In the former proposals, the orchard would have given the farmhouse more breathing space and would have retained one of the last vestiges of its former function. The harm to the setting is, therefore, significant but given that the farmhouse has long been intended to be surrounded by the new residential development and accessed from the estate roads this harm is reduced. It must also be remembered that in the original proposals, the orchard would not have been retained as a 'pure' orchard but as an intensively used area of public open space

including formal children's play facilities. It is, therefore considered that the harm overall would be less than substantial. Paragraph 134 of the NPPF indicates that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

As detailed above, the proposal could be considered to have ecological benefit by retaining a greater length of hedgerow than suggested in the original proposals and by re-providing the orchard habitat close to other good wildlife habitat rather than it being isolated within the development. As described above, the applicant has set out a number of other benefits including reducing the need for ground raising and increasing the distance of proposed dwellings from the railway line. It has also been suggested that given the constraints posed by the railway noise, it is likely that retaining the orchard would likely result in around fewer dwellings being delivered on the site. Your officers suspect that the applicant has overstated the likely reduction in dwellings, but in any case, it is likely that the retention of the orchard would result in fewer dwellings. It is considered that maximising the market and affordable housing yield from the site is a benefit that weighs in favour of the application. These matters are considered to weigh in favour of granting planning permission and outweigh the harm caused to the setting of Longforth Farm.

## **Conclusion**

Whilst the proposal results in a significant deviation from the masterplan, the proposal in themselves are considered to be acceptable and will create an appropriate residential development. Whilst the proposal would lead to the loss of the traditional orchard (a non-designated heritage asset) and harm to the setting of the grade II listed Longforth Farmhouse, this harm would be less than substantial. When weighed against the benefits of the proposal compared to the original proposals, in particular the housing yield of the site, it is considered that the benefits outweigh the harm. The proposal would not create unacceptable impacts on existing residential property.

It is, therefore, considered that the proposal are acceptable and it is recommended that reserved matters are approved.

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**

48/17/0043

MASHMRC

**Erection of 4 No. commercial buildings for Class B1/B8 usage, with amenities, on land adjacent to the A38 off Hardys Road, Monkton Heathfield**

Location: LAND ADJACENT TO A38 AND HARDYS ROAD, BATHPOOL,  
TAUNTON, TA2 8BH

Grid Reference: 325816.126243

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:

(A3) DrNo 17-16.01 Location & Block Plan  
(A1) DrNo 17-16.03 Rev F Proposed Site Layout Plan  
(A1) DrNo 17-16.04 Rev B Proposed Site Sections  
(A2) DrNo 17-16.05 Rev B Block A Proposed Plans, Elevations & Section  
(A2) DrNo 17-16.06 Rev B Block B Proposed Plans, Elevations & Section  
(A2) DrNo 17-16.07 Rev B Block C Proposed Plans, Elevations & Section  
(A2) DrNo 17-16.09 Indicative Block B Large Units Plans, Elevations & Section  
(A3) DrNo 201 Rev P1 Drainage plans  
(A3) DrNo 301 Rev P2 Access Road Details  
(A3) DrNo 302 Rev P2 Access Road Sections 1 of 2  
(A3) DrNo 303 Rev P2 Access Road Sections 2 of 2  
(A3) DrNo 304 Rev P1 Road Construction Details  
(A3) DrNo 305 Rev P1 Site Entrance Layout

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

3. Prior to the construction of the buildings samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and

thereafter maintained as such.

Reason: To safeguard the character and appearance of the buildings and the surrounding area.

4. The premises shall be used for light industrial uses and for no other purpose (including any other purpose in Class B1 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).

Reason: In order to protect the residential amenity of nearby residential occupants.

5. (i) Prior to the completion or occupation of any of the buildings hereby permitted a plan showing the phasing of the proposed landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority

(ii) The phased landscaping scheme shall be completely carried out in accordance with the approved plans within the first available planting season following the completion of the building to which it relates or as otherwise as agreed on the phasing scheme approved under (i) above.

(iii) Each phase of the landscaping scheme shall be completed before the development of the following phase commences.

(iv) For a period of five years after the completion of the development, 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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

6. (i) The green walls shown on the approved plan shall be completely carried out within the first available planting season from the date of completion or first occupation of the development of Block A whichever is the earlier.

(ii) The green walls shall be protected and maintained in a healthy weed free condition for the duration of the life of the buildings and plants that cease to grow, shall be replaced by plants of similar size and suitable species for a green wall.

Reason: To ensure that the proposed development makes a positive contribution to the visual amenities of the surrounding area.

7. Prior to occupation of the building(s) works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development,

hereby permitted, in accordance with the approved details. The works shall be retained in that form.

Reason: To prevent discharge into nearby water courses and ensure the adequate provision of drainage infrastructure.

8. No business operations, including loading and unloading of vehicles, shall take place within the site outside the hours of 7.30hrs – 19.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

9. The use of each block shall not be commenced until space has been laid out, drained and surfaced within the site in accordance with the approved plan(s) for the parking, turning, loading and unloading of vehicles in relation to that block, and such area(s) shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles associated with the development.

Reason: To ensure that there is adequate space within the site for the parking, turning, loading and unloading, of vehicles clear of the highway, in the interests of highway safety.

10. Prior to the use commencing for each block the cycle parking shall be provided on site for that block in accordance with the approved details and shall be maintained thereafter in connection with the use hereby granted.

Reason: In the interests of highway safety.

11. The waste storage facilities shown on the approved plan for each block shall be constructed and fully provided prior to the commencement of use within that block hereby permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

12. There shall be no storage of materials and waste other than in the designated areas shown on the approved plan.

Reason: To ensure the proposed development does not harm the character and appearance of the area and the residential amenities of surrounding properties.



13. 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 fences or means of enclosure shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent adverse impacts upon the visual amenity of the area.

14. The Travel Plan approved for this development shall be implemented within two months of the development being first used or occupied. A transport mode and travel pattern survey shall thereafter be conducted not less than every 12 months for a minimum period of five years from the first use or occupation of the development and shall examine the contribution that can be made by cycling, public transport, car sharing, the provision and control of car parking, teleworking, and emergency taxi cover. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved. The Local Planning Authority shall be notified of the results of the survey not later than the end of each calendar year.

Reason: To ensure a transport choice is provided and to ensure that staff and other users will travel to and from the premises by means other than the private car.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the windows to be installed in the north elevation of the all blocks shall be obscured glazed. The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason To protect the amenities of adjoining residents.

16. Prior to the use of the each block the details of external lighting for that block shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be carried out in accordance with the approved details and thereafter maintained as such.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no other external lighting shall be erected without the benefit of planning permission.

Reason: To safeguard the amenities of surrounding residents.

17. The development hereby permitted shall not be commenced until details of a

strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology's Preliminary Ecological appraisal dated July 2017, **AND a reptile 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 nesting birds could be harmed by disturbance.
3. Measures for the enhancement of places of rest for reptiles, bats and, nesting birds.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

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

Thereafter the resting places and agreed accesses shall be permanently maintained

**Reason:** to protect and accommodate wildlife

**Reason for pre-commencement** - To ensure site works do not detrimentally affect wildlife

18. Development shall be constructed in accordance with the levels shown on the approved plans.

Reason In order to protect the amenity of adjacent residential properties.

Notes to Applicant

## **Proposal**

Full planning consent is sought for 4no. industrial buildings to be sited on the corner of Hardy's Road and the A38.

Initially the application form stated class B1 and B2 use, this was revised to class B1 and B8 use. The design and access statement submitted with the application states that the proposed use or for buildings on the site will comprise B1 a (office) and B1 c (light industrial). The buildings are to be subdivided into multiple units and are designed to offer flexible working spaces to suit a variety of occupiers. Parking spaces are to be provided along the length of all the buildings on both sides of blocks D, C, and B and to the west of Block A. Specialist waste stores are shown to the south elevations of all blocks.

The four blocks of buildings will be sited parallel to each other running from North to

South, and will comprise some office space at first floor level. Some landscaping is proposed to the North the buildings and a few trees to the south of Block D and Block A.

The buildings will provide the following amount of floor space:

Block A; 1234sqm

Block B: 1324sqm

Block C: 1568sqm

Block D: 2330sqm

Following discussions, between the Council and the applicant and agents, revised plans have been submitted. The revised proposals show Block B to be replaced with two buildings with a grassed/landscaped area separating them, revised design of blocks A, B1, B2 & C. The plans show increased landscaping, in particular to the North elevations of the buildings and some tree planting amongst the parking areas. The design and access statement has been updated with an addendum to reflect the changes to the proposals.

The revised proposals show the buildings the following floorspace:

Block A; 1120sqm

Block B1: 537sqm

Block B2: 537sqm

Block C: 1568sqm

Block D: 2330sqm

The design of blocks A, B1, B2 and C incorporates the use of timber cladding and Block A includes areas of green living walls. The blocks will have colour-coded roller doors to give identity to each block. The buildings will be approximately 20 m wide. Block a is approximately 50 m in length, Block B1 and B2 are approximately 30 m in length, Block C is approximately 85 m length and Block D is approximately 98 m in length. The eaves height of all the buildings scales at approximately 6.5 m.

Notifications have been sent out regarding the revised plans. The notification period expires on Tuesday, 30 January 2018.

## **Site Description**

The site is allocated for employment use and has outline planning consent for class B1 & B8 use as part of Monkton Heathfield Urban Extension.

The site is currently undeveloped and has until recently been laid to grass. A landscaped bund the southern boundary was constructed as part of the formation of the new section of the A38. Whilst there is meant to be landscaping at the top of the bund the plans have not been maintained to a level which has enabled them to grow and for the landscaping which was intended.

To the north of the site are residential properties which have been built as part of Monkton Heathfield Urban Extension, access to these properties is off Hardy's Road. Two of the properties to the North front directly onto the site access. There were also residential properties to the South West boundary of the site.

The red line encompasses the majority of the site which is allocated for employment

use, however there are two parcels of land (1 to the North and 1 to the West) which are included in the blue line boundary and whilst they are within the applicant's ownership they do not form part of this application.

Development works have recently commenced on site to implement the permitted consent for an access road.

## Relevant Planning History

## Consultation Responses

### *WEST MONKTON PARISH COUNCIL –*

- WMPC notes this site has been allocated employment land since the earliest iterations of the Monkton Heathfield Urban Extension being part of the sustainable development of the site allowing people to live and work in the same place. Nevertheless, the site requires landscaping and planting to soften its industrial outline, and the buildings need superficial treatment to ensure the employment land blends sympathetically with the adjoining areas of residential use. The Parish Council's comments mostly relate to these two concerns.
- In particular the eastern elevation of Block A and the southern end elevations of Blocks A, B C and D need to be softened by brick or timber cladding to reflect the built environment to the north and west of the site. The extent of metal shed type buildings visible from the residential area is not acceptable and the appearance has to be softened in some way; the Parish Council suggests brick or timber cladding of those sides of the blocks visible from the ERR and Hardy's Road.
- It is appreciated that there is not much room beyond the end of the Blocks and the red line boundary of the site, nevertheless the planting plan at the southern elevation of each of the blocks needs denser planting with shrubs under planted below the trees indicated: this is necessary to ensure sufficient screening of the buildings from the ERR. If possible, could another tree be planted at the end of Block B and Block C? The 'proposed site sector drawings', drawing no. 17-16.04A, does not provide sufficient information to clearly ascertain the extent of screening provided by the height of the ERR bund. The purpose behind this suggestion is to ensure the buildings are screened from the ERR and the access to the residential areas. The tree planting along the top of the ERR does not provide screening, contrary to the drawing showing 'Transport Assessment Site Plan'.
- The planting plan needs to be strengthened to provide more, taller trees than those indicated in the planting plan on the northern elevations of blocks A, B, C and D. The under planting in those 4 areas is acceptable, but some of the species chosen would not grow high enough to screen the buildings from the houses.
- The tree planting between the site access road and the houses needs to include taller tree specimens as well as the shrubs listed, so that when grown the trees will provide a real and genuine thick screen between the employment site and the houses. The Parish Council notes and supports that the under planting in this location will match the under planting at the northern ends of blocks A, B, C and D and therefore will enhance the

entrance road onto the site.

- The planting plan identifies amenity on the planting scheme for the eastern and western ends of the site, lying alongside the eastern elevation of Block A, and adjacent to the western elevation of Block D, on the other side of the road access. WMPC requests that both these areas are planted with trees and shrubs, on the western elevation adding to and complementing the existing hedge boundary. The purpose of this suggestion is to complete the screening on all sides of the employment site.
- WMPC supports the use of staked heavy standard trees, and requests that if possible, extra heavy, semi-mature trees are planted in order to relate to the scale of the buildings in the short term: the idea being to achieve full screening in the shortest possible time from planting. The tree species listed in the planting scheme are:
  - Acer campestre (Field maple), 10 -20 mtrs;
  - Crataegus monogyna (Hawthorn), 10mtrs;
  - Malus spp (Crab apple), 10 -20 mtrs;
  - Prunus spinosa (Blackthorn), 5 mtrs;
  - and Tilia cordata (Lime), 20 – 40 mtrs.
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- The heights of the Blocks are not provided in the elevations drawings. To ensure screening of the buildings is effective, the Parish Council suggests other native species might be more appropriate e.g.:
  - Fagus sylvatica (Beech), 50mtrs;
  - Fraxinus excelsior (Ash), 30 mtrs;
  - Pinus sylvestris (Scots Pine), 35mtrs;
  - Quercus spp (Oak), 20 – 40mtrs.
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- The Parish Council would expect and anticipate that some of the planted trees would reach the height of the upper storey windows in the buildings, therefore, where appropriate, Tree Preservation Orders should be placed on the trees to ensure they are allowed to grow to full height.
- West Monkton Parish Council welcomes the fact that the planting scheme includes a number of native English species, but requests that the tree planting scheme is revisited to ensure native species are included in preference to other species.
- The Parish Council is of the opinion that the turning head shown on the plans does not allow for articulated lorries to turn around. Given that deliveries to the Blocks may involve articulated vehicles, the Parish Council requests that a full turning splay drawing is provided before the layout is approved.
- Local residents in Roys Place have indicated that vehicles working on the site are able to see into their bedroom windows. This comment was checked, and the houses fronting onto the Bridgwater Road, being lower than the site, are negatively affected by the difference in levels. The visual impact of the site on these properties is considerable. The Parish Council suggest that, although outside the red line of the detailed application, screening should be planted along the boundary of the triangle of land to the north of the site. It was assumed that a suggestion to extend the screening planting to the end of the site road would be less acceptable for future development.
- It is noted that land outside the red line site outline adjacent to the A3259 would lend itself to a different employment use e.g. nursing and/or residential care home, in accordance with emerging WM & CF NP policy E4.

## *SCC - TRANSPORT DEVELOPMENT GROUP –*

Clarification / further information is required with regard to the following:

- A Framework Travel Plan in line with the County Councils Travel Planning Guidance for the whole of the site.
- Parking for vehicles should be provided in line with the County Councils Parking standards – Monkton Heathfield is located within the Amber zone. The current proposed provision is not justified. Based on the SCC assuming the majority of the site is B8 as proposed the parking requirement would be approximately 60 spaces. It appears that the parking has been calculated based on the B1 use but traffic generation based on light industrial movements. Further information is required.
- It should be noted the motorcycle and cycle parking are generous and are over the current standard requirement, however this is considered appropriate, in order to encourage sustainable travel.
- Accident data should include most recent data if available. The A38 which has been re-routed has not been included within this study area. Given that all traffic will use the ERR this should be addressed.
- Scaled drawings should be provided at 1:200
- Tracking should be provided at 1:200 scale
- Para 4.2.1 refers to the junction being realigned, however this is not clear on the plans, please confirm. Para 4.2.4 makes reference to the road, footway, margin and car parking which would be flush to allow ease of movement of larger vehicles. This is not considered safe or appropriate, over run is not acceptable and should be addressed.
- Trip rates – no reference is made to the B1 element a break down would be useful.
- Daily traffic generation including vehicle types would be useful if known
- HGV parking should be identified and provided in line with appropriate parking standard.
- No. of Hgv'S- parking bays, expected daily movements time should be provided.

Until the Highway Authority have clarification with regard to the above information I cannot make an informed recommendation.

## *BIODIVERSITY –*

The application is for the erection of 4 commercial buildings on land adjacent to the A38 off Hardys Road, Monkton Heathfield.

The site consists of 1.75 ha of semi improved grassland, ruderals, scrub, short perennials, bare earth, amenity grassland and rubble piles.

Richard Green Ecology carried out a Preliminary Ecological appraisal of the site in July 2017.

Findings are as follows

### **Reptiles**

The site is considered to be favourable reptile habitat. The rubble piles may be used by basking and hibernating reptiles.

I agree that a reptile survey should be undertaken at the appropriate time of year (April to September).

If reptiles are found then they will need to be caught and translocated to a receptor site. The loss of reptile habitat should be mitigated with the provision of suitable habitats.

### **Bats**

Bats may forage across the site. Lighting should be sensitively designed.

I support the recommendation to erect a bat box on site.

### **Birds**

Birds may nest in the scrub on site. Removal of vegetation should take place outside of the bird nesting season

I support the recommendation to erect a bird box on site

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

The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology's Preliminary Ecological appraisal dated July 2017, **AND a reptile 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 nesting birds could be harmed by disturbance.
3. Measures for the enhancement of places of rest for reptiles, bats and, nesting birds.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

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

Thereafter the resting places and agreed accesses shall be permanently maintained

**Reason:** to protect and accommodate wildlife

### **Suggested Notes to applicant:**

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

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

### ***ECONOMIC DEVELOPMENT –***

- Employment zones within new housing areas are critical to the success of the economy of the wider borough, therefore I am happy to support this application which will provide modern, flexible units potentially enabling a number of local businesses to develop and grow.

## *LANDSCAPE*

At the time of my site visit, the site was being cleared.

The smaller unit near to Hardy Rd will impact on the amenity of the occupied houses facing the site. If permission is granted for all four units I would like to see further tree planting along Hardy Rd. Full landscape details are required. Boundary trees should be retained and protected.

## *ARCHEOLOGY*

- The site lies within an area where relatively significant archaeological remains have been found (and excavated) in advance of development in the surrounding environs. These remains includes a Neolithic ring ditch, a number of Bronze Age cremations (contained in urns), Roman burials and Iron Age/Roman settlement activity. Therefore the proposal has a high potential to impact on buried heritage assets relating to the prehistoric and Roman periods. However, there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest. This is contrary to paragraph 128 of the NPPF that requires an archaeological assessment where there is the potential to impact on a heritage asset with archaeological interest.
- For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a desk-based assessment, geophysical survey and a trial trench evaluation as indicated in the National Planning Policy Framework (Paragraph 128).
- Thank you for passing on the plan of archaeological areas from the applicant. Based on this I am happy that the archaeology in the application area has indeed been investigated and I therefore advise that there is no requirement to place a condition on permission.

## **Representations Received**

### **Cllr Cavill**

- Supports employment site as part of the sustainable development of Monkton Heathfield
- B8 use if unregulated will cause disturbance of adjoining properties and pose conflict on the residential road to the site.
- External noise limits for lorries parked overnight should be stipulated.
- Lighting should be controlled LED down lighters
- Properties in Roy's place are lower and will have noise and visual impact, suggest additional screening around Roy's Place properties.

### **Cllr Fothergill**

- Objection to B8 use, as inappropriate for commercial activity with noise and disturbance to be so close to residential properties.
- Additional screening of the site from all residential properties should form part of the application and thereby become an enforceable planning requirement.



71 letters of Objection received;

- Planning Classification system has specially dedicated group, B1 use, for commercial activities which are compatible with residential properties
- Buildings are too big
- Will ruin the landscape visually
- Light intrusion
- Odour
- Increased traffic
- Noise
- Air pollution
- Shading/loss of daylight
- Overbearing/out of scale
- Potentially increase crime in the area
- Bring too much noise to the existing housing area
- Commercial buildings should be constructed on the other side of the A38
- Loss of green space
- Proximity to children's play area – within 50 meters of entrance
- Do not want windows to overlook home and garden
- The Electricity Transformer will be very close to my house and cause electro-magnetic fields.
- B8 use is not suitable adjacent to residential development.
- Likely to lead to overspill parking on narrow residential roads
- B8 use goes against what residents were told when buying their homes
- Site should be developed for shops and amenities
- Should be strict and enforceable limits on working hours, noise and traffic flow
- Design not on keeping with local area
- Site is already a nice public space overlooked by residential development
- Development will not protect views from Hestercombe House & the Quantocks or enable a defined green edge.
- Previous application granted consent for B1 use only, not B8
- B8 encourages larger vehicles
- Concerned about the safety of the general public using footpaths and cycle paths
- Development should be screened as soon as its built
- Development is out of context with aesthetic layout of homes and nearby school
- It makes no sense to build industrial units here at a time when industrial units are planned down the road by the M5
- Lack of understanding for child safety
- The Aldi store should have been built on this site
- A two storey building will overlook residential properties
- Work has started on site but planning permission is not yet granted
- Proposals at odd with Biodiversity Officer, adverse impact on wildlife and environment – impact on birds, bats and reptiles
- There must be more suitable sites for the development
- The several large units are more in keeping with Priorswood Industrial Estate than the surrounding residential area
- The access will cause un-necessary congestion
- Impact on property prices
- Why has Bishops Close not been notified?

- This are should only be designated for use in normal working hours
- Those making this planning decision should visit the site to understand the impacts on the residential area
- Size and style is very imposing
- Additional screening with mature trees should be planted to screen the out of place buildings
- This is not a good look for a Garden Town
- The change in the application from B1 & B2 to B1 & B8 is not an improvement as only B1 is compatible with housing
- It is not clear if he use of the building will be compatible with the local residential area
- Notification process was random
- No consideration has been given to how the buildings look from Roy's Place
- The Outline consent (48/05/00720 does not diminish TDBC's obligations to ensure the any development is designed and implemented in accordance with pre-approved policy, design specification, Design Code and guidance.
- The Design Code states the District A; Southern Employment will be designed to a residential scale and comprise B1 light industrial space
- The development will occupy over 80% of the site and is not illustrative of a small footprint; masterplan indicative footprints are considerably smaller than proposed footprints
- Proposed proportion of landscaping to compensate immense size of buildings is inadequate
- Size of species of proposed tree inadequate
- Lack of landscape buffer abutting housing
- Materials in Design Code state brick and timber cladding; materials have not been chosen to fit into traditional vernacular design of the area
- There is a direct line of sight into my garden since the ground levels have been built up.
- The development will be an eyesore.
- Development has stated before the plans have been approved and not completing a wildlife survey.
- The new road is 1meter higher than the ground level on Roy's Place so mature planting is required.
- Where will the waste be stored and disposed of, in particular to Block D?
- Application form states hours of opening as 00:00:00.
- Headlights from traffic will shine into properties.
- Pollution from exhaust fumes.
- Previously told that the site would be light commercial use and consist of offices in a small business park.
- There has been pollution in the form of smoke from burning the fruit trees that were dug up from the site.
- There should be risk assessments with guarantees for the surrounding buildings.
- Is there plans for 24hour security?
- Has any consideration been given to lighting?
- Will green areas be assigned to replace those removed?
- The assigned colours of the blocks will make them stand out and they do not suit the surrounding area.
- Traffic will increase at peak times, causing problems on Hardy's Road and A38 and Creech Castle.
- Value of properties will be affected.

- Planting should be dense and mature and screen at a height which will block the buildings from view.
- Intentions for use of land to the west should be made clear.
- What will prevent land shown in blue from being a dumping ground?
- Will seek Judicial Review in the event of an approval.

5 letters of objection following notification of amended plans:

- Proposals not designed to residential scale
- Does not have small footprint
- Re-design does not create a rural/green setting, the wooden/camouflage panelling does little to improve the impacts
- Proposals do not provide a distinctive frontage
- Planting to boundaries adjacent to housing is inadequate and fails to mitigate impact of development
- Fails to create landscape buffer
- Does not provide robust infrastructure planting
- Industrial units are overbearing
- Proposals do not comply with Design Code
- Applicant has failed to mitigate impacts to travel and parking, no provision for two lorries to pass at the entrance.
- Adverse impacts significantly and demonstrably outweigh the benefits
- Application is ill considered, disproportionate and inconsistent with local planning policy.
- Objection to B8 use as unsuitable for residential area.
- Size, design and appearance of revised structures still not in keeping with surrounding area
- Transport statement wholly inadequate: not fit for purpose in estimated volume of traffic, does not take into account B8 element, how do large vehicles get on /off Hardy's Road?
- Site better allocated to A1 use
- Impact of Block D on Roy's place needs to be considered
- Was one business now proposed for nearly 40 units
- Land could be used for park/children's play area
- Heavy machinery and goods lorries will be going into residential areas
- Two houses sit on the entrance to the site
- Rectory is opposite entrance and there are road safety concerns in the use of the community facility
- Surely the Council has powers to change the use of the land

## **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.

A1 - Parking requirements,  
A2 - Travel Planning,  
A3 - Cycle network,  
A5 - Accessibility of development,  
ENV2 - Tree planting within residential areas,  
ENV4 - Archaeology,  
D7 - Design quality,  
D8 - Safety,  
D13 - Public art,  
CP1 - Climate change,  
CP2 - Economy,  
CP6 - Transport and accessibility,  
CP8 - Environment,  
DM1 - General requirements,  
SP2 - Realising the vision for Taunton,  
SS1 - Monkton Heathfield,  
DM4 - Design,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

None

### **New Homes Bonus**

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

## **Determining issues and considerations**

The allocated site is positioned alongside residential development. The aspirations for the site are to provide employment to the local area through the provision of light industrial and office units which reflect the scale which do not detract from the visual residential amenities of the surrounding area. The Design Code (July 2015) sets out guidance for developing the employment areas.

### **Design and Visual amenity**

The proposals are for long blocks of industrial units, typical of those found on large industrial states. In many instances industrial estates are not positioned in close

proximity to residential areas and can therefore benefit from large-scale developments. This site adjoins residential properties to the north and to the West. As already stated to properties front directly onto the site. It is acknowledged that the height of the buildings have been kept low in relation to their overall size. The revised sections showed the ridge height block A will be slightly higher than the ridge height of the dwellings to the North. The scale of the buildings are not determined just by their height but also by their footprint. The width of the blocks is similar to the width of four terraced properties in Roy's Place. The length of the proposed buildings is of larger proportions than the surrounding, smaller, residential properties or the nearby school and other buildings. In an attempt to reduce the impact such large-scale buildings Block B has been subdivided. The two buildings still provide a large amount of floorspace and flexibility in their format but with a much reduced impact upon the visual amenities and character of the area. The amended plans have sought to address some of the concerns raised in respect to the application.

Revised proposals, with the use of green walls and timber cladding, help to soften the appearance of blocks A, B1, B2 and C. The increased use of glazing also adds interest to the fenestration of those buildings. It has been suggested to the applicant that the use of brick would help to integrate the blocks with the surrounding buildings. The re-design of Block A has improved its appearance as viewed from the A38 and Hardy's Road. The addition of green living walls will enable the landscaping to take effect soon after the buildings are built. It is considered that Block C could be sub-divided similar to block B and reduced in length to enable greater landscaping to the north and south elevations thereby producing a development which has a better relationship with the surrounding area.

This is a full application and the applicant has been advised that it should reflect the principles set out in the Design Code (July 2015). These require robust infrastructure planting and landscape buffers to residential development. The amended plans show increased planning to the north elevations and wrapping the landscaping around the edges of the buildings in order to reduce the overbearing impact of the buildings. The addition of trees amongst the parking areas will help to break up the industrial appearance of the site. It is considered that, whilst the amended plans generally increase the landscaping, there still the potential to improve the landscaping around the buildings and further amended plans have been requested to ensure the provision of robust landscaping planting to adequately screen the development from the surrounding area.

### **Use of buildings/site**

It is understood that the applicant requires a large building in which to operate his engineering business. In most instances an engineering use would fall into Class B2 use (General Industrial). The applicant has been advised that only the permitted uses would be able to operate from the site and that if a business was to cause unacceptable harm to the amenity of the area it would be deemed to be Class B2 use (General Industrial) and would no longer comply with the use class restriction placed on the building.

The amount of B8 use proposed is not defined. The Design and Access statement refers to B1 use only.

The site has never been allocated or granted consent for retail use. The local centre has been granted consent for 5 retail units to be sited opposite the primary school and further retail development will be coming forward in Phase 2 of the urban Extension. The site is not an area of public recreation space and is privately owned.

## **Residential Amenity**

A lot of concerns have been raised in respect to impacts upon residential amenities. The buildings are shown to have first floor elements and will have windows at ground and first floor. Given the height of the buildings and potential overlooking, it is considered to be appropriate to condition the windows on the north elevations to be obscure glazed to prevent overlooking onto neighbouring residential properties and gardens. The buildings are sufficient distance away to not result in loss of light to the dwellings or the garden areas. Due to the scale of the buildings there is some impact to the properties adjoining the north boundary. This is reduced, although not removed, by the proposed landscaping, subject to appropriate species. The height of the buildings has been kept to a minimum so in reality the parts of the buildings facing the residential properties will not be much higher than that of residential buildings. It is not considered appropriate or necessary to require the triangle of land to the north, edged in blue, to form part of this application.

The business operating from the buildings under B1 use should not, by their nature, affect the residential amenities of the area. If they were to cause pollution (for example noise, smoke, fumes, vibration) they would not have consent to operate from the site. B8 use on the site has raised a lot of concerns in respect to impact upon residential amenities in terms of noise, operational hours and traffic generation. Storage and distribution may result in long term storage with little disturbance and infrequent traffic to a distribution centre operating throughout the day/night with multiple vehicle movements. Unrestricted B1 and B8 use could result in the site being used in a manner which significantly affects the amenities of the surrounding area. In the event that a B8 use is allowed it may be appropriate to condition that only certain units (i.e. those furthest from the residential areas) or a restricted floorspace are used for B8 but on balance it would be better, to address these potential concerns and in light of the Design and Access Statement reference to B1, to ensure that the application is changed to B1 use only.

It is also considered to be appropriate to condition the operational times of the businesses to limit potential disturbance to residential amenity, although it is necessary to be aware of other problems that may result from this, for example; parking in surrounding areas waiting to get onto the site.

Light pollution may be caused from high levels of external lighting and a suitable condition would be needed to ensure control of the lighting.

## **Highways**

A Transport Statement and Travel Plan has been submitted with the application. The Highways Officer has noted that there is an oversupply of parking provision associated with the units. Parking is a key concern for the nearby residents. In respect to this development with such proximity to residential area the oversupply of

parking spaces is not deemed to be an issue. There is adequate provision for cycle parking and it is recommended that the Travel Plan is conditioned.

The entrance to the site and the access road have already been granted consent under the 2015 application. The access is deemed to be suitable for traffic using the site for employment uses.

Further comments from the Highways Officer are awaited following the submission of additional information by the agents.

### **Biodiversity**

Ecology reports have been undertaken and it is considered that the recommendations from the Biodiversity officer should be implemented.

### **Archaeology**

Following the additional information submitted there are no archaeological concerns in relation to the site.

### **Other matters**

Public safety – There is considered to be no threat to the safety of users of the nearby children's play facility. Entrance to the site off the A38 does not go past the children's play area. The plans show footpaths to both sides of the access roads to enable safe pedestrian access in and out of the site and to the nearby Rectory.

Public notifications – Site notices for the application were placed in Hardy's Road, Roy's Place, along the A38 and along the old A38. All members of the public who made representations and consultees have been notified of the amended proposals.

Other employment land – this application does not preclude other allocated employment land from coming forward. The site was deemed acceptable for employment use under the outline consent (48/05/0072).

### **Conclusion**

The principle of employment use on the site has already been accepted. Whilst the revised proposals seek to reduce the visual impact of the development the buildings, the recommendation enables the proposals to be improved by further revisions to the Blocks C and D. As it stands Blocks C and D are considered to be out of keeping and/or out of scale with their surroundings. It is understood that in order to facilitate the applicant's requirements Block D has to be at a much larger scale than the other blocks. There are no direct impacts from Block D to the amenities of surrounding properties but it needs to be considered in the context of the whole site. If the materials on Block D are revised to incorporate the elements on the other units and Block C is reduced in scale and sub-divided (as in block B) to allow greater landscaping through the site and to the north and south elevations, the proposals would be considered to not detract from the visual amenities of the surrounding area. The impacts from the scale of the proposals are dramatically reduced by dividing the blocks into two. Block D is situated furthest into the site and its impact is mitigated by the area of land to the north and east which are outside of this

application boundary (but with outline planning permission for B1 use) and serve to separate the buildings from the surrounding residential areas.

As such the application as it stands is recommended for conditional approval subject to receiving revised forms and plans for B1 use only, alterations to the appearance of Block D and subdivision of Block C into two blocks to allow greater landscaping to the north and south elevations and between the blocks.

Conditions; time limit, samples of materials, PD restriction for B1 use only, levels as proposed, landscaping, green wall, drainage, hours of operation, storage of waste, wildlife, lighting, obscure glazing, parking, cycle parking, Travel Plan, PD restriction on fencing.

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

**Contact Officer: Ms F Wadsley**



49/17/0060

LONE STAR PROPERTY LLP

**Application for Outline Planning Permission with all matters reserved, except for access, for a residential development of up to 71 No. dwellings with associated access and infrastructure on land off Burges Lane, Wiveliscombe**

Location: LAND OFF BURGES LANE, WIVELISCOMBE, TA4 2LN

Grid Reference: 308452.128118

Outline Planning Permission

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## **Recommendation**

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

Subject to the applicant entering into a Section 106 Agreement to secure the following

(a) Affordable housing - provision of 25% of the dwellings for affordable housing, of which 60% based on social rent and 40% intermediate model

(b) Travel Plan - Implementation of an agreed (pre completion of the S106 Agreement) Travel Plan including all necessary fees, safeguarding sums and implementation and monitoring framework.

(c) Additional play equipment to be provided on the existing public open space developed as part of phases 1 and 2

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

1. Approval of the details of the (a) layout (b) scale (c) appearance (d) internal access roads and (e) landscaping of the site (hereinafter call '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 two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the 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.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

- (A3) DrNo AQ1 Predicted Odour Impact
- (A0) DrNo P2100A Topographical Survey
- (A3) DrNo 13115/4020 B Scale Parameter Plan
- (A3) DrNo 13115/4010 B Access & Movement Parameter Plan
- (A3) DrNo 13115/2000 B Constraints & Opportunities
- (A3) DrNo 13115/1030 C Location Plan
- (A3) DrNo 13115/1000 B Illustrative Framework with Red Line Plan

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

3. No work shall commence on the development hereby permitted until details of the proposed accesses to Burgess Lane and Heathstock Hill have been submitted to and approved in writing by the Local Planning Authority. Such works for each access shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before any dwelling served by that access is first occupied and thereafter retained as such.

Reason: In the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

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

Reason: In the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

5. 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 first occupation and thereafter maintained at all times

Reason: In the interests of highway safety and to comply with policy DM1 and CP8 of the Taunton and Deane Core Strategy.

6. 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 to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

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

Reason: In the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

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

Reason: In the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

9. None of the dwellings hereby permitted shall be occupied until the developer has applied for a Traffic Regulation Order(s) (TRO) involving the movement of the 30 mph zone and any necessary infrastructure work on Heathstock Hill, and a second TRO to restrict on street parking near the newly installed junction onto Ford Street/ Heathstock Hill. Both TROs shall then be advertised and if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation or as agreed by the Local Planning Authority.

Reason: To allow the Local Planning Authority to further consider the need for any Traffic Regulation Order in relation to the movement of the existing 30mph speed restriction zone and any separate order relating to prevention of on street parking in the vicinity of the new junction onto Ford Street in the interests of highway safety and to comply with policy DM1 of the Taunton and Deane Core Strategy.

10. 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 runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015) and DM1 of the Taunton Deane Core Strategy.

11. The parking spaces in any garages that may be approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use. Such garages shall not be converted into additional living accommodation without a further grant of planning permission.

Reason: It is considered that there are currently on street parking and parking capacity issues in this part of the town and to ensure that there is sufficient potential on site capacity for car parking within the development hereby approved.

12. The development hereby permitted shall not be carried out other than in complete accordance with the recommendations and biodiversity enhancements set out in the Extended Phase 1 Habitat report dated August 2017. All existing hedgerows bordering and within the site shall be fully protected by fencing prior to any works taking place. During the period of construction of the development the existing soil levels around the base of retained hedgerows shall not be altered. Specific measures to protect all retained hedgerows intended to be within gardens shall be submitted to and agreed in writing as part of the detailed landscaping measures to be submitted as part of the application for Reserved Matters approval.

Reason: To ensure that wildlife is not prejudiced by the development hereby permitted and that future provision is made to ensure the protection of such hedgerows in the interests of complying with policy CP8 and ENV1 of the Taunton Deane Core Strategy and SADMP

13. No development or phase of development hereby permitted, including any site clearance or vegetation removal, shall commence until a bat and dormouse mitigation and enhancement strategy has been submitted to and agreed in writing by the local planning authority. The strategy is to be informed by the surveys set out in the email from GS Ecology to Larry Burrows dated 19 January 2018. The measures in the strategy shall thereafter be implemented in full accordance with the submitted details unless otherwise agreed in writing by the local planning authority and thereafter retained as such.

Reason: To ensure that bats and dormouse, which are protected species and a material consideration in the planning process, are not adversely affected by the proposals and that their favourable conservation status is not compromised as a result of the development

14. Prior to the occupation of 75% of the total number of dwellings on the site the proposed allotments shall be delivered and completed and made available for use in accordance with a written scheme and plan to include matters of layout and levels etc. to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure compliance with the Taunton Deane SADMP policy C2.

#### Notes to Applicant

1. The applicant will be required to secure appropriate legal agreement(s) for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting. The developer is further advised of the stated shortcomings of the Transport Assessment submitted with the application. The Highway Authority may require further clarification and details submitted as part of any application for approval of reserved matters.

## Proposal

This application seeks outline planning permission for the residential development of up to 71 dwellings on land to the north of Burges Lane, Wiveliscombe. Approval is sought for access at this stage, with appearance, landscaping, layout and scale reserved for subsequent consideration.

Access is proposed from a widened and realigned Burges Lane (the widening and realignment works already benefiting from a resolution to grant permission) and to a small extent from Heathstock Hill (also referred to as Ford Road). Burges Lane has now been widened. Two new estate roads would be formed through T-junctions from this road into the site. Frontage development with private access points would also be provided from Burges Lane. From Heathstock Hill, access is indicated for 3 individual properties behind a new footway and repositioned boundary hedge. There would be no access to the wider site from this point.

Whilst layout is a reserved matter, an illustrative masterplan has shown that the site could be laid out with dwellings arranged around an internal estate loop road in the eastern field, broadly following a 'perimeter block principle. 3 dwellings would front Heathstock Hill on the eastern most part of the site. A car park could also be laid out to provide additional parking facilities for existing properties on Burges lane. In the western field, dwellings could be arranged around a cul-de-sac that would continue into the adjoining field to the north where allotments would be provided for this development and the adjoining development to the west. This would remove the need to provide allotments on the adjoining area of public open space and a greater area of that site could be given over to recreation and children's play to meet the needs of the adjoining and this development.

## Site Description

The site lies to the north of Wiveliscombe and currently comprises two agricultural grazing fields. The site is generally flat at its western extent but rises sharply to the northeast. The site is approximately 2.6 hectares in extent.

Burges Lane lies to the south, which has dwellings fronting it and facing the site along most of its length, with some side-on running back from the road to the south. At its eastern end, Burges Lane appears to have been 'cut-in such that it is significantly below the level of the site, which is currently retained by a grass bank. Towards the western end of the site, the boundary sits level with the highway, with the eastern most extent being a stone boundary wall. The hedgerow which did border Burges Lane and the lower part of Heathstock Hill has now been removed.

The eastern site boundary with Heathstock Hill is formed by a grass bank which rises steeply towards the north of the site. Four dwellings sit on the opposite side of Heathstock Hill, accessed by private drives directly from the highway and all are set back, with the exception of Tor cottage which is built up to the highway edge.

The northern site boundary at its eastern end is defined by a hedgerow separating the site from an agricultural field beyond. The application site comprises only part of the western field, so the northern boundary is open at this point. The western site boundary is formed by a stone wall that separates the site from a public footpath and adjoining then the adjoining new housing built under phase 1 and 2.

Land to the west was allocated for development in the Taunton Deane Local Plan, under Policy WV1. This site has now been completed following a grant of planning permission for 52 dwelling in two phases – applications 49/12/0052 and 49/13/0001. As part of Phase 2 a link road has now been built from the site through the current application site to Burges Lane, bypassing a narrow section of Style Road to the west of Golden Hill. Burges Lane has also been widened and the junction with Ford Road altered to improve visibility in the form also detailed in the current application. The former hedgerow boundary to Burges Lane has now been removed along with part of the hedgerow along Heathstock Hill. A public footpath separated from the site by a stone wall runs along the western boundary of the site. Approximately 120 metres to the north west of the residential site lies a sewage treatment works.

Planning applications were made on this site in the early 1990s, and refused for reasons that the site was outside the settlement limit, prejudicing the consideration

of the Taunton Deane Local Plan and potentially intrusive in the landscape. The site has now been allocated for residential development in the adopted Site Allocations and Development Management Policies Plan (SADMPP) 2016. The northern part of this wider allocation on rising land to the north of the current application site is however reserved for public open space given its greater visual sensitivity.

The application is in effect a renewal of the earlier approval in outline form granted under reference 49/13/0015 which was the subject of a Committee report and resolution in May 2013. The application was approved subject to a Section 106 agreement which sought the following local benefits -

- (a) Affordable Housing – Provision of 25% of the dwellings for affordable housing, of which 60% social rent; 40% intermediate. Added to this the S106 would also include a local connection clause.
- (b) Education – Payment of £184,690 to expand pupil capacity at Kingsmead School. Payment of £171,598 to expand pupil capacity at Wiveliscombe Primary School. Contributions should be given pro-rata per dwelling in the event that a different final number of dwellings is proposed.
- (c) Children's play – provision of additional equipment on adjoining permitted children's play area and laying out of the area previously shown for allotment provision as public open space.
- (d) Provision of 1850 sq. Metres allotments on land to the northeast of the site, including access and parking facilities.
- (e) Payment of £1,118 per dwelling towards improving community hall facilities in Wiveliscombe.
- (f) Payment of £1,454 towards improving active outdoor recreation contributions in Wiveliscombe.
- (g) Travel Plan – Implementation of an agreed (pre-completion of the agreement) travel plan, if a suitable condition cannot be agreed.

The eventual decision following the completion of the S106 was issued on 27 February 2015. Following this approval an application for Reserved Matters (all details except for landscaping submitted) was approved under permission 49/15/0051 on 7 April 2016. The failure to approve matters relating to landscaping has now meant that the outline permission has now lapsed and a new application needs to be made. This new application is made by the same applicant as previously with the same landowners served notice.

The application includes an indicative layout showing how the proposed 71 dwellings would be potentially accommodated on the site. This plan is the same plan submitted under the earlier outline application.

The application now submitted is supported by the following documents

- Planning Statement
- Design and Access Statement

- Flood Risk Assessment
- Transport Assessment
- Travel Plan
- Odour Impact Assessment
- Extended Phase 1 Habitat Report
- Arboricultural Statement

The application proposes 25% of the units to be affordable (18 units).

In addition to the residential development the site boundary extends along the north-west boundary to provide a finger of land to be used for allotment gardens

## Relevant Planning History

**49/12/0052** – Full planning permission for erection of 20 no. dwellings on land to the north of Style road, Wiveliscombe as amended – approved 30 May 2013 (Phase 1)

**49/13/0042** - Variation of condition no 2 (list of approved plans) to application number 49/12/0052 on land to the north of Style road, Wiveliscombe – approved 13 December 2013 (Phase 1)

**49/13/0001** – Full planning permission for residential development comprising of 32 dwellings with associated works and landscaping and construction of link road to Heathstock Hill at land to north of Style road, Wiveliscombe – approved 19 August 2013 (Phase 2)

**49/13/0015** - Outline planning permission for the erection of up to 71 dwellings with associated access and infrastructure on land off Burges lane, Wiveliscombe – approved 27 February 2014 (Phase 3)

**49/15/0051** – Approval of reserved matters following outline application 49/13/0015 for associated layout, scale and appearance (phase 3) on land to the north of Burges lane, Wiveliscombe – approved 7 April 2016 (Phase 3)

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL* - The Town Council **objects** to this application for the following reasons:

In the core strategy it states that if more than five houses are built, 25% of these need to be affordable housing subject to viability. The Wiveliscombe want a guaranteed minimum of 25% of this development to be affordable housing.

Access-The Town Council are very concerned about safety issues in giving access directly on to Ford Road for three new properties. Access to all these new properties should be through the new estate road and not directly from or to Ford Road.

The current access to the proposed site from Ford Road is dangerous and this has



already been reported to highways. The Town Council recommend that highways survey this busy junction and introduce safety measures.

All the documents provided with the application are approximately five years out of date, as there is no Bank in the Town, and the doctor's surgery has moved.

#### *SCC - TRANSPORT DEVELOPMENT GROUP - SCC - TRANSPORT DEVELOPMENT GROUP -*

The Highway Authority has the following observations on the highway and transportation aspects of this proposal following consideration of the application details and a site visit carried out on 14 December 2017.

This application is for outline permission only for a development of up to 71 new dwellings, with access not being a reserved matter.

#### **Traffic Impact**

A Transport Assessment (TA) produced by LvW Highways was submitted in support of the outline application and a peer review of this TA has subsequently been undertaken. This peer review, undertaken by WSP on behalf of the Highway Authority, has identified the following concerns:

The distribution of traffic has been undertaken on a 'first principles' basis, but as the methodology used any assumptions made have not been clearly stated the validity of the trip distribution used cannot be confirmed; and

No background data/ calculations have been provided with regard to the stated traffic impacts, preventing validity being confirmed.

While the applicant states that the principle of development at this location has been firmly established, and it is accepted that the traffic impact of this development on the overall highway network is likely to be moderate and not a reason to recommend refusal in itself, the Highway Authority is mindful that access is not a reserved matter in this application.

With this in mind, while the Highway Authority does not object to the principle of this development, it considers that a revised TA should be submitted that addresses the issues above to clearly and robustly identify the likely impact of this development, demonstrating that the proposed access arrangements are appropriate.

#### **Travel Plan -**

A Travel Plan (TP) supporting this application has been prepared by LvW Highways, and this has been audited by the Highway Authority's Travel Planning team. The audit concluded that the TP is generally acceptable, with some minor amendments needed before approval. An audit report can be made available to the applicant to help finalise the TP.

However, one issue that needs clarification is the availability of a safe route from the proposed development to the nearest primary school, as it appears this may require parents and children to walk or cycle along narrow roads with no footpaths. With this in mind it is recommended that the applicant submit a context plan that includes consideration of school routes, identifying any gaps in the network and proposing suitable mitigation if necessary.

The Highway Authority also recommends that the TP, and appropriate fee and safeguarding sum together with any mitigation measures identified as necessary, be secured by agreement under Section 106 of the Town and Country Planning Act 1990.

### **Parking -**

The optimal parking provision for this site is set out in the adopted Somerset County Council Parking Strategy (SPS). The applicant also refers to the Local Planning Authority's published maximum parking rates in the Adopted Site Allocations and Development Management Plan (DMP).

For a residential development in this location, the optimal car parking provision for each type of dwelling would be:

<b>Dwelling Type</b>	<b>SPS Optimum spaces</b>	<b>DMP Maximum spaces</b>
1 Bed	1.5	1
2 Bed	2	2
3 Bed	2.5	3
4 or more Bed	3	3.5
+ Visitors	0.2/dwelling	0.2/dwelling

An indicative layout has been included in the Design and Access Statement (DAS) for the development, but this has not been assessed at this time as the application is outline only and layout is a reserved matter. Adequate allowance should be made for unallocated visitor parking within the final estate design, as the developer should not assume ad-hoc spaces will be available on-street to cater for visitors as this can lead to obstruction and safety issues.

The applicant states in the submitted TA that 227 car parking spaces are to be provided, on the assumption that all 71 dwellings will be three-bed. In addition, there is an intention to provide a 14 space car park as part of the development, to provide extra facilities for existing residents. The Highway Authority is aware that parking is at a premium in this location, and would not wish to see this made worse as a result of the proposed development. Therefore while the parking provision is above the optimum level set within the SPS the Highway Authority would not raise an objection on this basis.

However, while additional car parking facilities are proposed to address the existing parking issues on Burgess Lane, which it is understood may be causing particular concern at the junction with Heathstock Hill, waiting restrictions may also be required to encourage use of the proposed parking areas instead of the highway. It is recommended that a condition be applied to any planning consent requiring the applicant to apply for the necessary TRO as part of the off-site works for this development, should the Local Planning Authority determine this is required. The TA states that appropriate secure cycle parking facilities will be provided (one space per bedroom) and locking posts will be installed for motorcycles, on request. It is stated that electric vehicle charging facilities will be provided as deemed necessary by the Local Planning Authority, and in accordance with the SPS each dwelling should have access to such a charging point to encourage the ownership

and use of such vehicles

### **Highway Works - Access**

Four new accesses are proposed from Burgess Lane, to serve a new internal estate road and three parking courts. These are shown on an indicative plan, but no dimensions or other details have been provided. While there is no objection in principle to this layout, insufficient information has been provided to confirm that the proposed access arrangements are suitable. For example, while the TA states that appropriate visibility will be provided at the accesses, no plans have been provided to demonstrate that this is achievable in practice.

In addition, three private accesses are proposed direct from B3188. While there is some concern about providing separate accesses from this classified road, it is noted that the applicant also intends to apply for the extension of the 30mph limit and to provide a new footway along this section of Heathstock Hill, and the proposals allow for vehicle egress in forward gear. The Highway Authority therefore does not raise any objection to the principle of these accesses. However, again the details are limited and it is unclear, for example, whether appropriate visibility will be provided from the accesses for pedestrians using the footway.

With the above in mind, while the Highway Authority does not object to the principle of the access provision for this development, the details provided in the application are not considered sufficient to determine whether suitable safe and convenient access is achievable in practice. While it is acknowledged that the application is outline only, access is not a reserved matter, and the Highway Authority recommends that suitable condition be applied to any planning consent for the subsequent approval of the details of the accesses, to the Local Planning Authority's satisfaction.

A Technical and Safety Audit report can be provided to the applicant to help in the detailed design of the proposed accesses.

### **Estate Roads**

The application is outline only (access not reserved), and as such the applicant has only submitted an indicative site layout, with plans of limited detail from which scale measurements have not been possible.

However, it is apparent that the development will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC) regime. However, the applicant may wish instead to put forward roads and footpaths for adoption as maintainable at the public expense. While no presumption should be made that any areas would be adopted, the proposals have been reviewed by the Highway Authority's estates roads team to identify any issues that may need to be addressed to assist the applicant developing designs suitable for future adoption. While this does not affect the granting of permission at this outline stage, the following information is provided to help the applicant develop a suitable layout for any future detailed/ reserve matters application.

Firstly, it should be noted that Burgess Lane is currently subject to a legal agreement, and as such no estate roads would be able to be adopted unless and until they can connect directly to an adopted public highway. The applicant should

also ensure they have appropriate permission to carry out works within Burgess Lane from any third party landowner.

The width of the estate road should be either 5.0m or 5.5m for type 4 bituminous macadam carriageways with 2.0m wide footways. Block paved shared surface carriageways should be a minimum width of 5.0m with adoptable margins of either 500mm or 1000mm. The longitudinal gradients of these carriageways should be no steeper than 1:14 or flatter than 1:96 for bituminous carriageways and 1:80 for block paved shared surface carriageways. Adoptable turning heads should be constructed to the dimensions set out within 'Estate roads in Somerset – Design Guidance Notes' (Section 3.15).

Junctions leading out onto Style Road/ Burges Lane shall incorporate 6.0m radii with adoptable visibility splays based on dimensions of 2.4m x 43.0m in both directions. There shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above the adjoining carriageway level. The gradients of the proposed access roads should not, at any point, be steeper than 1:20 for a distance of 10m from their junctions with the adjoining road.

Adoptable 17.0m forward visibility splays will be required throughout the inside of all carriageway bends. There shall be no obstruction to visibility within these areas that exceeds a height greater than 600mm above the adjoining carriageway level and the full extent of the splays would be adopted. This comment applies equally to carriageway bends within the realigned Style Road/ Burges Lane, fronting Phase 3. The indicative site layout drawing shows a proposed footpath link running along part of the northern boundary of Phase 3 connecting it to the Public Open Space to the north-west. To assist in the movement of pedestrians and cyclists, it would seem appropriate if this link was constructed as a 3.0m wide footway/cycleway.

Drives serving garage doors should be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary. Single parking bays should be 5.0m in length and bays butting up against any form of structure (planting, walls or footpaths etc), should be 5.5m in length, both measured from the back edge of the prospective public highway boundary. Tandem parking bays should be 10.5m in length, again, as measured from the public highway boundary.

Any planting within the adoptable areas will require payment by the developer of a commuted sum. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by the Highway Authority will be required for any tree planted either within the highway or immediately adjacent to it. A comprehensive planting schedule for any planting either within or immediately adjacent to the highway will need to be submitted for checking/ approval purposes.

### **Off-Site Works**

The application proposals include a

erations to the existing public highway, which will need to be controlled by a suitable

legal agreement. A new 2m wide footway is proposed on the west side of Hatherstock Hill, from its junction with Burges Lane northwards on the site frontage. This proposal is accepted in principle by the Highway Authority, but the details would be subject to the normal technical approval process.

In addition, the applicant proposes to extend the existing 30mph speed limit so that it commences further northwards. This will require a Traffic Regulation Order (TRO), which will be subject to its own formal public consultation process. While the Highway Authority agrees at this stage to the principle of advertising a speed limit extension, the details of the proposal will need to be agreed with the Highway Authority prior to any TRO application, and subject to the technical approval process (including physical measures such as signing alterations) prior to implementation.

In addition, as Burgess Lane is currently subject to a separate legal agreement, the applicant should ensure they have appropriate permission from any third party landowner as required to carry out the works within Burgess Lane that are required as part of this development.

### **Drainage**

The applicant has submitted a Flood Risk Assessment (FRA) in support of this application, prepared by Spring Design. The FRA has been reviewed by the Highway Authority's drainage engineer.

Substantial alterations will be required to the kerb drainage system along the northern channel line of Burges Lane to accommodate the new access road junction and other entrance points. This kerb drainage system was installed to overcome the extremely slack longitudinal channel line gradients resulting from the road widening exercise and any amendment to this element of the infrastructure could result in ponding. Further, as this kerb drainage system is constructed from one piece units then the introduction of dropped kerbs will impact upon its performance and capacity.

To reduce the potential for ponding it is advisable to design the junction of the new access road onto Burges Lane such that it falls northwards (back into the site) for at least 6 metres. This will help to encourage surface water run-off to discharge to the new channel lines as opposed to across the mouth of the junction.

The highway authority would have no objection to the proposal to remove the existing highway drain crossing the development land (to discharge into the watercourse running along the northern land boundary) provided it can be proven by survey that it serves to convey surface water run-off from Burges Lane only.

It is important to note, however, that this existing drainage run has the benefit of a Deed of Easement and as such Somerset County Council (SCC), as highway authority, has a legal interest over a defined strip of the application site. Whilst the applicant has applied for planning consent, such consent if granted will not extinguish the rights SCC has over the land. SCC can expressly agree to release these rights/ interests by entering into a Deed of Release with the owner(s) of the servient land. This will then formally terminate SCC's interest in that land and any related entries on their registered title can be removed. Therefore should consent be granted

the applicant is advised to make an initial enquiry with Somerset County Council's estates manager, Corporate Property.

### **Conclusions**

The principal of this development has been established and the Highway Authority accepts that the impact on the overall highway network will not be severe, and thus does not object in principle to this application. Nevertheless, the submitted Transport Assessment will require amendment to confirm that the proposed access arrangements are appropriate, bearing in mind that access is not a reserved matter in this outline application.

A broadly acceptable Travel Plan has been submitted, which should be secured by an agreement under Section 106 of the Town and Country Planning Act 1990. A particular issue that was identified is the lack of clarity regarding safe routes to school from the development, and this should be addressed within the final plan (including proposals to mitigate any gaps within the network).

While the application is for outline permission, access is not a reserved matter. However, the details that have been provided are very limited, and it is recommended that a condition be imposed on any planning consent to require the applicant to submit appropriately detailed designs for approval by the Local Planning Authority. The revised Transport Assessment should inform these designs.

While the proposed estate layout is only indicative at this stage, the applicant has proposed parking provision in excess of the current standards. However, in view of the existing parking issues at this location the Highway Authority does not raise any objection to this. It is recommended that the application for a Traffic Regulation Order for the provision of waiting restrictions on Burgess Lane (at the junction with Heathstock Hill) be included as a condition on any planning consent to ensure any existing on-street parking is relocated off-street.

Potential issues have been highlighted regarding the estate roads to help the applicant design a layout suitable for future adoption, should they so wish. It should be noted that adoption would only be possible for roads with a direct link to the public highway. The identified issues do not affect the outline planning permission sought at this stage.

A number of improvements and alterations will be required to the existing public highway, and these will require the applicant to enter into a suitable legal agreement with the Highway Authority.

Issues have been identified regarding the management of surface water drainage issues, and these will need careful consideration during further design work on this proposed development.

With the above in mind, the Highway Authority recommends that the following conditions be imposed if planning permission is granted:

- No work shall commence on the development hereby permitted until details of the proposed accesses to Burgess Lane and Heathstock Hill have been submitted to and approved in writing by the Local Planning Authority. Such works for each access shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before any dwelling served by

that access is first occupied;

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until construction work discontinues;
- The development hereby permitted shall not be occupied until the developer has applied for any Traffic Regulation Order (TRO) required by the Local Planning Authority. The TRO(s) shall then be advertised and if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation or as agreed by the Local Planning Authority;
- 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 first occupation and thereafter maintained at all times;
- 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 to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;

In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been

constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority;

- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- To ensure orderly parking on the site and thereby decrease the likelihood of parking on the highway, any car parking area(s) within the development shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority prior to the car park(s) being brought into use. The parking area(s) and access thereto shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles in connection with the development hereby permitted or for the purpose of access; and
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan.

The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

As work relating to this development will need to be undertaken within and adjacent to the existing public highway, the following note should be added to any planning certificate:

*The applicant will be required to secure appropriate legal agreement(s) for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.*



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 not provided details of the proposed drainage designs for the capture and removal of surface water from the development. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

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

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

#### *SCC - ECOLOGY - SCC - ECOLOGY -*

Thank you for consulting me on this application. An extended Phase 1 survey was carried out by Ruskins Group Consultancy in July 2017. This survey recorded that the site consisted of improved grassland managed as pasture, scattered trees and hedgerows.

The report states that 'There are several records of bats from the desktop survey within the search area, see appendix. Although there are no suitable potential roosting habitats on site, the pasture usage of the fields suggest that there is likely to be good foraging opportunities for bats'. However, no bat activity surveys have been carried out to evidence this statement and therefore an appropriate amount of replacement habitat as mitigation cannot be determined. There is a horseshoe bat summer and winter roost at the Old Brewery within 150 metres of the application site which may be important in supporting juveniles from that roost in their early bouts of flying. The site may also provide an important link from the roost to open countryside beyond and the site masterplan is taken up entirely with housing and infrastructure including street lighting. I would therefore advise that activity surveys be carried out to determine absence or presence and if so the use of the site by bats and the masterplan designed accordingly.

Under the Habitats Regulations Taunton Deane will need to assess whether the development would affect the 'Favourable Conservation Status' of this population prior to approval.

Hazel dormice, a European protected species, were considered potentially present in previous assessments and surveys were recommended. As designed gardens back on to hedgerows which should be avoided not least because future residents

could potentially breach the Habitats Regulations and / or the Wildlife and Countryside Act. Therefore dormice surveys should be carried out to inform the masterplan for the site.

*SCC - CHIEF EDUCATION OFFICER - Views awaited*

*SCC - NOW HISTORIC ENV SERVICE( AS NOT PART OF SCC 2015) - No comments received.*

*WESSEX WATER –*

### **Sewerage infrastructure**

The site is adjacent to Wessex Water's Wiveliscombe Styles Sewage treatment works and the planning application is supported by an Odour Impact Assessment. Odour modelling predicts the development to be outside of the 5 ou/ m<sup>3</sup> odour impact contour and we have no further issues to raise on this.

The developer has stated that proposed flows from this site are to outfall to existing foul and surface water sewers constructed as part of Phase 1 & 2, and that downstream sewers in Phase 1 & 2 have been designed to allow for the additional flows from Phase 3.

We agree in principal with this approach and the strategy shown on Drainage Strategy Plan 2146/500 Rev A Nov 2017.

We wish to provide the following advisory comments:

Foul and surface water discharges must be drained separately from the site.

Surface water must be disposed of in accordance with Suds Hierarchy and NPPF Guidelines with the discharge rate and flood risk measures agreed with the Lead Local Flood Authority.

Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Wessex Water will adopt sewers through a formal agreement subject to satisfactory engineering proposals constructed to current adoptable standards. For further information the developer should contact [development.west@wessexwater.co.uk](mailto:development.west@wessexwater.co.uk) to agree proposals and submit details for technical review prior to construction.

### **Water Infrastructure**

A water supply can be made available from the local network with new water mains

installed under a requisition arrangement. The applicant should consult the Wessex Water website for further information on Section 41 Requisition Applications.  
[www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections](http://www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections).

*DRAINAGE ENGINEER* - No comments received

*BIODIVERSITY* - The application is for a repeat outline application for residential development on land off Burges lane, Wiveliscombe. An Extended phase 1 habitat report was carried out by Ruskins group Consultancy in December 2012. In July 2017 a further ecological appraisal of the land was carried out by RG Consultancy. Since the original survey a section of the site has been developed and now contains residential dwellings. The site consists of scattered broadleaf trees, improved grassland, and intact hedge and a wall.

*LANDSCAPE* - 1. The northern boundary of the development is quite weak. It should be reinforced with further landscaping.

2. Is the field to the north POS? On plan a footpath running the whole length of the field linking Heathstock Hill to the PROW is shown.

3. Rear gardens should not back directly onto the existing hedges as this will lead to inconsistent hedge management.

4. Does the allotment area need to project into the open countryside? Could it be redesigned? Also will the allotments be open to the PROW.

If a boundary is required this should be formed by native hedging.

*TREE OFFICER* - On the whole, this development should not affect any significant trees, of which there are few. The trees overhanging the northern part of the site should be OK with the allotments there. The only minor question is the house in the south west corner, north side of the link road, which looks to be within the rooting area of an adjacent off-site ash tree.

*HOUSING ENABLING* - 25% of the new housing should be in the form of affordable homes. The required tenure split is 60% social rented and 40% shared ownership. The planning statement indicates that 18 dwellings could be delivered, which would meet the affordable housing requirement. As the application is in outline, no affordable housing mix has been provided. To meet the current demand, we would suggest the following:

Social Rent - 4 x 1b maisonette style flats with own access and garden area, 5 x 2b and 2 x 3b dwellings

Shared Ownership – 5 x 2 bed and 2 x 3 bed dwellings.

Whilst no indication of the location of the affordable units has been provided at this stage, these should be an integral part of the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to 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.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance. The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. Early engagement with the Housing Enabling Lead to agree the affordable housing provision is recommended. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

*HOUSING STANDARDS* - No comments received.

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE* - No comments received

*POLICE ARCHITECTURAL LIAISON OFFICER* - Crime Prevention Design Advisor's (CPDA) working in partnership within the South West region, have a responsibility for Crime Prevention through Environmental Design projects within the Taunton Deane Borough Council area. As a Police Service we offer advice and guidance on how the built environment can influence crime and disorder to create safer communities addressing the potential of the fear of crime and anti-social behaviour.

**Sections 58 and 69** of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

***"Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."***

Guidance is given considering '*Crime Prevention through Environmental Design*', '*Secured by Design*' principles and 'Safer Places.

Detailed layout guidance offered but this is more relevant to a full rather than this outline application

*LEISURE DEVELOPMENT* - No comments received. (Verbal comments received regarding the new provision for phases 1 and 2 being sufficient to cater for phase 3).

*ENVIRONMENT AGENCY* - No comments received. (no objections submitted on previous reserved matters application subject to conditions regarding surface and foul drainage systems and informative regarding SUDs schemes and their maintenance).

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cater for phase 3).

*ENVIRONMENT AGENCY* - No comments received. (no objections submitted on previous reserved matters application subject to conditions regarding surface and foul drainage systems and informative regarding SUDs schemes and their maintenance).

## **Representations Received**

17 Letters of objection

1 letter of support

Objections raising the following points

- Concerned about parking on Willow Mead and surrounding areas
- Current parking problems will be exacerbated with indiscriminate parking already
- Concerned about surface water and maintenance responsibilities with development tapping into system being paid for by other residents
- Loss of Milverton surgery with people now using Wiveliscombe – lack of capacity will be made worse by this development
- No capacity in local school
- Access point is dangerous from Heathstock Hill
- Increased traffic will cause major disruption around Burges Lane and the town is already under traffic congestion pressure
- Loss of privacy from new housing towards Burges Lane properties – new dwellings will loom above existing
- Question if development is within the town boundary – see community plan for area.
- Should develop other brownfield sites first
- Lack of pavement on Ford Road – contractor's vehicles will be a danger to existing residents
- Concerned about impact of construction traffic on the area generally
- Impact on local conservation and ecology through destruction of habitat and local hedgerows.
- Previous road infrastructure not yet completed
- Previous development is not yet complete so overall impact will be impossible to judge
- Not enough through to 1<sup>st</sup> time buyers
- Further changes to road in front of Wellington Terrace will impact adversely on those properties
- Lack of local infrastructure will be made worse
- Impact on visual appearance and character of the area

- Development should be phased to allow other development to settle in and infrastructure to catch up
- Severance of local people from the surrounding countryside
- The town desperately needs traffic calming to cope with any further development.

I letter of support subject to all ecological mitigation measures as submitted with the application being incorporated into the development.

## 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.

SP1 - Sustainable development locations,  
 CP1 - Climate change,  
 CP4 - Housing,  
 CP5 - Inclusive communities,  
 CP6 - Transport and accessibility,  
 CP7 - Infrastructure,  
 CP8 - Environment,  
 DM1 - General requirements,  
 DM5 - Use of resources and sustainable design,  
 MAJ1 - Style Road / Burges Lane, Wiveliscombe,  
 C2 - Provision of recreational open space,  
 C5 - Provision of community facilities,  
 A1 - Parking requirements,  
 A5 - Accessibility of development,  
 I3 - Water management,  
 I4 - Water infrastructure,  
 ENV1 - Protection of trees, woodland, orchards, and hedgerow,  
 ENV2 - Tree planting within residential areas,  
 D7 - Design quality,  
 D8 - Safety,  
 D9 - A Co-Ordinated Approach to Dev and Highway Plan,  
 D10 - Dwelling sizes,  
 D12 - Amenity space,

This takes into account the recent adoption of the SADMP.

## Local finance considerations

### Community Infrastructure Levy

This application is for residential development outside the settlement limits of Taunton and Wellington where the CIL rate is £125 per square metre. Based on the current rates the CIL receipt for this development is approximately £865,000. With index linking this increases to approximately £1,000,000.

### 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	£81,654
Somerset County Council	£20,413

#### *6 Year Payment*

Taunton Deane Borough	£489,923
Somerset County Council	£122,481

## Determining issues and considerations

The starting point for making any decision on a planning application is the development plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Relevant policies of the development plan are set out above and decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

The first section of this report considers the principle of the development in relation to the development plan and then considers other relevant material considerations that relate to the principle of the development. The following sections of the report relate to other material considerations that need to be considered in reaching a decision on the application.

The main issues, and structure of the report, for the consideration of this application are:

1. The principle of development and planning policy context including sustainable development principles
2. The impact on the highway network
3. The impact on local ecology
4. The indicative form of development and its relationship with existing dwellings and the wider settlement
5. The impact on (and provision of) community infrastructure and open space

## **Principle**

The development of this site for residential purposes has now been clearly established by the inclusion of the site within the SADMP as well as the earlier grant of outline planning permission. The site is part of a wider allocation for approximately 120 dwellings and is now shown to be within the settlement boundary for the town. A total of 52 dwellings have already been developed under phases 1 and 2. There have been no material changes in circumstances since the earlier outline approval with regard to the development plan framework. Government advice now firmly encourages all local planning authorities to release land for housing purposes where this is in line with the local development plan framework and the site is shown to be sustainable in overall terms. In this case the site represents the final phase of the now completed development in this part of the town. Notwithstanding the concerns raised by local objectors and the Parish Council it is considered that the principle is now agreed. The earlier discussions regarding a neighbourhood plan for the Town have not progressed and there is no Neighbourhood Plan in place. Such a plan would be a material consideration.

## **Highway safety, access and parking**

The application is supported by a detailed transport assessment which includes available visibility splay, as well as an assessment regarding the new junction and the individual access points onto Heathstock Hill/Ford Street.

The application proposes to access the site from the now widened Burges Lane that incorporates a new junction with Ford Road and via a new stretch of link road from Style Road passing through the adjoining development.

This development also proposes 3 private points of access directly from Heathstock Hill. For the reasons given in section 5, this is considered to provide the best solution for integrating the development into the surrounding townscape. Concerns have been expressed by some local residents and the Parish Council over the safety of such accesses, but the Highway Authority have not objected and, given the benefits in terms of the form of development, it is considered that these access points should be approved. It is noted that there are similar private access points serving individual properties on the eastern side of Heathstock Hill in situations where the visibility for emerging vehicles is much worse than the three access points proposed on the western side of the road. The western access points benefit from better visibility. Traffic was noted slowing down by virtue of the sharp bend on Heathstock Hill.

The Transport Assessment notes that the indicative masterplan for the site has been modified to

- provide a set back of the existing hedge line by at least 2.5 metres requiring the planting of a new hedgerow;
- the provision of a 2metre wide footway along the western side of Heathstock Hill from the junction with Burges Lane to a point adjacent to the most northerly dwelling;
- extension of the existing 30mph speed limit from a point 35 m north of Burges Lane to a point just around the bend. This will require a Traffic Regulation



Order amendment which will be funded by the developer.

With these modifications it is considered that the speed of traffic on the Heathstock Hill will be reduced with a suitable visibility splay of 2.4m by 43m being achieved in line with current standards. The set back of the hedgerow (now removed for this section) will allow adequate visibility to be achieved from the new junction and the three frontage drives. The achievable visibility of at least 59 m will be achievable which will allow for the occasional vehicle that may exceed the speed limit. The new footway will assist pedestrian movement from both the new dwellings and from the existing dwellings on the east side of the road. At the present time this section of road has no footway provision at all. This feature will therefore provide a substantial improvement for the existing residents.

Concern has also been expressed about a reduction in parking along Burges Lane. Existing residents on both Burges Lane and Golden Hill currently park along the highway at this point and the introduction of new dwellings accessed directly from the northern side of the road will undoubtedly reduce the on-street parking capacity in this area. In response to this, the application proposes to provide replacement parking provision for existing residents within the application site. The illustrative masterplan suggests that this could be up to 14 spaces and it is considered that this would adequately compensate for any loss of parking spaces. The applicants have indicated that these spaces would be reserved for the use of Burges Lane residents only. This will reduce the need for Burges Lane residents to park on the street and will improve the flow of traffic past the site. The new parking standards adopted by the Council are set out in Appendix E of the SADMP. The Highway Authority indicate that the parking provision now suggested for the new development is over the set standards. But. In recognition of the concerns raised locally regarding parking they raise no objection to an over provision of parking.

The development proposal of 53 open market and 18 affordable units at this stage does not include individual house types and sizes. The reserved matters approval however noted above confirmed that an agreed layout for 71 dwellings incorporating sufficient car parking spaces could be provided within the site. In addition to the new parking court to serve Burges Lane residents it is also noted that the proposed allotment along the north western boundary of the site would also be provided with its own discrete parking court. The total number of car parking spaces suggested as part of this application is shown as 227 spaces based on all dwellings being 3 bedroom. This is an estimate but is above that shown as a standard.

### **Clarification of Highway Authority comments**

The formal comments of the County Highway Authority are noted. Some clarification was sought from Officers bearing in mind the earlier grant of planning permission at detailed Reserved Matters stage to which the Highway Authority did not object. They have now responded as follows

“Just to be completely clear, the Highway Authority has not objected to the application, nor recommended it be refused pending the submission of a revised TA, as it is accepted that the traffic impacts of this development would not be ‘severe’.

However, shortcomings have been identified in the TA submitted in support of this current application and, as access is not a reserved matter, it would be appropriate

that a robust TA be submitted to confirm that the proposed access arrangements are acceptable. This would include geometric details, including visibility, but would also confirm that there are no capacity implications (this is not stating that modelling is required; the TA may indeed show this is not required, providing the TA is itself robust). In reality, I would not expect this to show any issues for this development, but this remains something for the applicant to demonstrate for this current application.

The submission of a technical note as an addendum to the TA to demonstrate that the accesses will work in practice, post the granting of outline approval should the LPA be so minded, would be completely acceptable to the Highway Authority. I had recommended a condition for the applicant to provide details of the accesses for approval (to be informed by the revised TA, which can just be a technical addendum), but if you think this condition needs to be clearer I am of course happy to go with your advice.

No issue is raised that would prevent the granting of outline permission, if the LPA is so minded. I am sorry if this was not clear in my response”.

#### Case officer conclusion on highway matters

It is now considered that the Highway Authority comments can be adequately dealt with by conditions. The conditions include reference to the potential for new Traffic Regulation Orders. One such Order can deal with the moving of the 30 mph speed limit, with another Order dealing with any restrictions regarding on site parking near the new junction with Ford Road. The detailed conditions of the Highway Authority are however not all required. Many of the details can be picked up as part of the detailed Reserved Matters application and in conjunction with any detailed drawings necessary under the allied Section 38 Agreement required for public adoption of all estate roads. The request for a construction management plan and the imposition of a planning condition has resulted in enforcement issues in the past. The Council points to the Considerate Constructors scheme whereby large house builders voluntarily comply with the Code for Considerate Contractors which seeks to respect the local environment and ensure that local residents are not unduly impacted by development during the construction period.

#### **Ecology**

Whilst the comments of the Council's landscape officer and County ecologist are noted this application follows an earlier permission where such issues were considered but not found to be of sufficient concern to warrant a refusal of permission. The principle of an estate development on this site has now been agreed. The details and layout as submitted under the Reserved Matters application did not include matters of landscape and at that time the matters relating to landscape matters including biodiversity were not dealt with. An earlier ecological survey found that the site contained no protected species. In particular there was no evidence of Dormice being present on the site. The earlier 2012 survey has now been supplemented by an updated 2017 survey which has made various recommendations which can be incorporated into a planning condition.

It is clear that the loss of foraging habitat for any protected bat species has already been accepted through the strategic allocation of the site and the earlier grant of planning permission. The potential impact on foraging does not in itself trigger a

need to carry out an appropriate assessment under the Habitat Regulations it is considered.

The concerns raised by the County Ecologist has been raised with the applicant and they have commented as follows

*The application site comprises an improved grassland field bound by hedgerows on the northern edge of Wiveliscombe. The hedgerows may be suitable for dormouse and the fields may be of importance for commuting and foraging lesser horseshoe bats which have a moderately sized roost in a building in the village (approximately 150m south of the application site). As such, unmitigated, if the site is of importance for either of these species, the proposals could have an adverse impact upon them.*

*That said, if the application site does host these species, mitigation to ensure that the favourable conservation status of dormouse and lesser horseshoe bats could be provided within the context of the outline application (as all matters except access are reserved). As such, it can be demonstrated that, subject to the planning condition below being set, the planning authority will have had due regard for its statutory obligations under the Habitat Regulations when making their decision.*

*For dormouse, mitigation and enhancement measures might comprise (although the exact details would be informed by further surveys):*

- *Enhancement of retained hedgerows (gapping, laying up, widening – e.g. the hedgerow to the north)*
  1. *New hedgerow planting, within, and potentially outside, the development site*
  2. *New pockets of tree / copse (hazel) planting within, and potentially outside, the development site*
  3. *Translocation of dormouse to suitable habitats nearby (under licence to Natural England)*

*For lesser horseshoe bats mitigation and enhancement measures might comprise (although the details would be informed by further surveys):*

4. *Street and external lighting to be kept to a minimum*
  1. *Dark corridors through the development site*
  2. *Green corridors such as hedgerows (new and retained) and / or lines of trees running through the site (in particular from north to south)*
  3. *A new purpose-built bat roost in a building on the northern edge of the development site so that the lesser horseshoe bats have a long term sustainable roosting site on the edge of town next to the wider countryside (the existing roost may be under threat in the near future).*

*As agreed a condition to ensure that development does not commence until a bat and dormouse mitigation and enhancement strategy has been approved by the local planning authority would: 1) give confidence to the planners and the applicant that the housing scheme will be brought to fruition, 2) would avoid delays for the applicant, and, 3) would ensure that the favourable conservation status of lesser horseshoe bats and dormouse was maintained.*

*“Condition: No development or phase of development hereby permitted, including any site clearance or vegetation removal, shall commence until a bat and dormouse mitigation and enhancement strategy has been submitted to and agreed in writing by the local planning authority. The strategy is to be informed by the surveys set out in the email from GS Ecology to Larry Burrows dated 19 January 2018. The measures in the strategy shall thereafter be implemented in full accordance with the submitted details unless otherwise agreed in writing by the local planning authority.*

*Reason: To ensure that bats and dormouse, which are protected species and a material consideration in the planning process, are not adversely affected by the proposals and that their favourable conservation status is not compromised as a result of the development.”*

*As discussed, the following surveys will be carried out to inform the bat and dormouse mitigation and enhancement strategy:*

*Dormouse surveys of the hedgerows within the development site and fields to the north – tubes (a minimum of 50) and nest boxes (a minimum of 5) to be installed in February or March 2018. Tubes and boxes to be checked for dormouse once per month from April until September.*

*Bat surveys – A minimum of two static bat detectors to be set within the development site and, if access can be arranged, a comparison site such as the land to the west of the application site. The detectors are to be set once per month from April until October and are to record for a minimum of 5 nights per period. Three dusk transect surveys, one in spring, one in summer and one in autumn, will also be carried out, one of these will be a dusk and dawn transect survey.*

Following the submission of the above comments further discussions between the developer's ecologist and the County Ecologist and District Council landscape and biodiversity officer have now resulted in an agreement that the issues raised can be adequately dealt with by a further ecology condition as set out above.

### **Development layout and impact on local amenity**

The plan submitted with this application as an indicative layout is the same plan submitted under the original outline application for the site. This indicative plan was followed by an approval of reserved matters for 71 dwellings based on the plan but firmed up to take into account the comments of the Highway Authority and other consultees. At the time that application was dealt with it was possible to take fully into account the impact on neighbouring dwellings. Apart from the loss of view that the dwellings along Burges Lane and Style Road will suffer a small number of

dwellings on the south side of Burges Lane and the narrow link section of road between Burges Lane and Style Road that will be affected by additional overlooking from the new dwellings. That said such overlooking will be limited and will be in the case of the Wellington Terrace dwellings be at a distance of approximately 16 metres wall to wall as shown on the approved layout for the approval of details application. Whilst this is below the standard 21 metre distance usually applied the new dwellings will be at a higher level. The Waterloo Terrace front elevation is already publicly visible from Burges Lane at a close aspect so the limited overlooking that might occur is not considered to be at such a level that would warrant a refusal of permission. Similarly the approval of details drawings showed three new dwellings overlooking the front elevation of the bungalows on the link section of road referred to above. Again this loss of amenity is not sufficient to warrant a refusal. Such matters of amenity loss were considered as part of the Reserved Matters application. Any new application following an outline for a different layout that might be submitted can of course re-consider these matters afresh at the time.

### **Applicant's agent comments on objections**

The applicant's agent has been asked for his comments on the concerns raised by local residents and the Parish Council and has submitted a detailed response. Many of his comments have been re-iterated above. He makes the point the principle has been long agreed, infrastructure capacity questions can be picked up as part of CIL, additional parking has been provided for local residents as part of the scheme, and detailed design concerns can be given further consideration at reserved matters stage.

### **Community Infrastructure Levy (CIL) and S106 contributions**

The previous outline permission was granted subject to planning conditions and obligations as set out above. The developers anticipate that any permission forthcoming would be granted subject to similar conditions and obligations having regard to any material changes in circumstances.

The Council has now adopted a CIL charging schedule and the monies payable are set out above. The only element now to be dealt with via a Section 106 agreement are affordable housing, children play facilities on the site and a Travel Plan. The understanding is as far as children play facilities is concerned is that the new facilities currently being finished off on site as part of phase 1 and 2 are sufficient in terms of the quantum of land to cater for phase 3 as well. That said there is a usual requirement to provide play equipment on a pro rata basis allied to the number and size of new dwellings. The Council's leisure services department has been asked to clarify this prior to the meeting. That leaves affordable housing which can be incorporated into the S106.

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

**Contact Officer: Mr S Belli**



# **TAUNTON DEANE BOROUGH COUNCIL**

**Planning Committee – 31<sup>st</sup> January 2018**

**Miscellaneous Report**

**E/0154/24/12**

**Untidy site at 12 Town Close, North Curry**

**Occupier: Mr Hunt**

**Owner: Mr Hunt**

12 Town Close, North Curry, Taunton TA3 6LZ

## **Purpose of report**

To update members of the planning enforcement situation at 12 Town Close, North Curry.

## **Recommendation**

That members consider a number of different approaches to remedy the harm caused by the untidy site at 12 Town Close, North Curry and should prosecution action be the choice, that it be deferred to review again in 12 months' time. Alternatively if it is considered that the site is now in a reasonable state, it could be decided to take no further action.

## **Site description**

12 Town Close, North Curry is a small development built by the Local Authority. It comprises mainly of semi-detached and terraced properties fronting onto a small cul-de-sac accessed from Windmill Hill. The properties have front and rear gardens some with parking. Two other parking areas are provided within the development. Many of the properties are now owner occupied, Number 12 being one. The slightly unusual rear garden configuration of number 12 has led to the situation being more noticeable by more properties than would normally be the case. This is due to the garden wrapping around the neighbour's garden and being adjacent to the rear garden of No 5 Chapel Close, a relatively new development.

## **Background**

Members will likely recall that the condition of the site has for some years been a cause of concern for both the neighbours and the Local Authority. Members authorised at the Planning Committee meeting of 30 January 2014 the serving of a Section 215 notice. This was served on 24 February 2014 with a 6 weeks compliance time (12 May 2014).

The requirement of the notice was to remove from the land all the stored and accumulated items as shown in the 3 photographs attached to the notice. A site visit

was made on 19 May 2014 and a number of photographs taken to show what progress had been made in complying with the notice. These photographs were shown at the Planning Committee on 4 June 2014 and members were told by officers that the owner of the site had been advised by the Council's Legal Section that if the notice was not complied with within 14 days from the date of the meeting, the Council would commence prosecution proceedings. The matter was again referred to committee in September 2014 when committee decided to defer prosecution for five months.

Since this time further clearing has continued to take place and the matter has been referred back to committee on a six monthly basis. The matter was last reported back to committee for a further update on 31<sup>st</sup> August 2016 when it was once again resolved to defer any formal action. Following the Planning Committee on the 1<sup>st</sup> February 2017 it was again resolved to defer any action for 12 months.

One letter of complaint has been received before Christmas 2017 stating that the owner has been preparing ground and collecting yet more materials/old tyres, as before, and appears to be planning to start building again.

## **Update on current situation**

I visited the site on the 18<sup>th</sup> January 2018. The garden has been greatly improved since my last visit. A new fence has been erected on the boundary with the open countryside. The garden is very tidy and there is no sign of any tyres on the site.

As previously reported for some time now, it is considered that proceeding with a prosecution is not appropriate and the Court would be likely to take a very dim view of the Council proceeding with such action at the present time. It is very unlikely that this would result in the site being cleared.

It is also considered that taking direct action could result in the site being cleared at the initial cost of the Council, however officers consider that this would not be a proportionate repose to the breach in light of the current situation.

Alternatively committee could agree to take no further action if it is considered that the owner has done enough to remedy the harm, even the Notice has not been fully complied with.

Officers have considered alternative courses of action that could result in the clearance of the site and remedy the harm to the residential amenity of neighbours.

These include:

1. Defer prosecution action for a set period of time – This could allow for the owner to continue to clear the site, however, if further clearance does not occur, the Council could proceed with prosecution action and/or direct action in due course.
2. Prosecution - Where the council proceeds with prosecution action for noncompliance with the Section 215 Notice.
3. Direct action – Where the council looks to take direct action in seeking authorisation to enter the land, clear the site and store the removed items for a set



period of time. A charge would normally be placed on the land so that the Council's cost could be recovered at a later date.

At present, it is considered that proceeding with prosecution at this time would not achieve any kind of satisfactory resolution for anyone.

Taking direct action could result in the site being cleared at the initial cost of the Council, however it needs to be considered whether this is a proportionate response to the breach in light of the current situation. Officers do not consider that it is proportionate or reasonable at this time.

If it was resolved to take no further action, the Notice would remain on the land. Therefore, should the condition of the site deteriorate in the future and warrant action, prosecution for non-compliance could still be pursued.

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

**Planning Officer: Mr M Bale**

**Enforcement Officer: Mrs A Dunford**

## APPEAL DECISIONS – 31 JAN 2018

Site: SAINSBURY SUPERMARKET, HANKRIDGE WAY, TAUNTON, TA1 2LR

Proposal: Display of 1 No. illuminated totem sign, 1 No. non-illuminated totem sign, 1 No. illuminated fascia sign and 1 No. non-illuminated wall sign at Sainsburys, Hankridge Farm, Hankridge Way, Taunton

Application number: 48/17/0010A

Reasons for refusal: It is considered that the internally-illuminated fascia sign "C", scaling 1600mm x 1000mm, by reason of its siting and illumination, results in an incongruous appearance and disharmony with the architectural features of the building, to the detriment of the visual amenity of the building and the surrounding area and would set an undesirable precedent for other signage to go on the building. The signage is therefore contrary to the adopted Taunton Deane Core Strategy Policies DM1 and CP8, and Site Allocation and Management Plan policy D3 (Outdoor Advertisement & signs), Taunton Deane Advertisement Policy Guidance and the NPPF. This individual sign is therefore refused.

Appeal Decision: Allowed

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Site: GREENACRE FARM, RALEIGHS CROSS ROAD, COMBE FLOREY, TAUNTON, TA4 3JQ

Proposal: Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations at Greenacre Farm, Raleighs Cross Road, Combe Florey

Application number: 11/17/0011CQ

Reasons for refusal: The Local Planning Authority considers that the proposed development is not permitted development as it does not comply with the limitations or restrictions set out in Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. In particular, it is evident that the works necessary to create the dwelling from the structure on site would not fall within the scope of that permissible under Part Q(b). In addition the proposed development would fail to comply with conditions Q2 - (1) (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 in that the occupant's amenities would be harmed through noise disturbance.

Appeal Decision: Dismissed



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# Appeal Decision

Site visit made on 5 December 2017

by **J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC**

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

**Decision date: 22 December 2017**

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## **Appeal Ref: APP/D3315/Z/17/3182210**

### **Sainsbury's Store, Hankridge Farm, Hankridge Way, Taunton TA1 2LR**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Sainsbury's Supermarkets Ltd against the decision of Taunton Deane Borough Council.
  - The application Ref 48/17/0010/A, dated 7 February 2017, was refused by notice dated 12 July 2017.
  - The advertisements proposed are 1 no. illuminated totem sign, 1 no. non-illuminated totem sign, 1 no. illuminated fascia sign and 1 no. non-illuminated wall sign.
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### **Decision**

1. The appeal is allowed and express consent is granted for the display of 1 no. illuminated fascia sign as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

### **Procedural Matter**

2. Consent was granted by the Council for three of the four signs proposed and described in the heading above. This decision relates only to the sign which was refused consent, which is the 1 no. illuminated fascia sign.

### **Main Issue**

3. The powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The Council has expressed no concern over public safety and I am satisfied there would be no adverse implications in this regard. Therefore, the main issue in this appeal is the effect of the proposed sign on the amenity of the area.

### **Reasons**

4. The Sainsbury's store is located on the Hankridge retail park and lies alongside the M5 motorway. Vehicular access for customers and the main car park are on the south side of the store building. This car park also serves other units immediately to the west of the Sainsbury's store.
5. The large store building is predominantly single storey with a prominent pitched roof. It has an arch shaped glazed central entrance set at the base of a low tower-like structure which serves to highlight and identify the store entrance. Above the glazed archway the tower feature is mainly of plain buff

- colour bricks with darker bricks defining the corners. There is a rendered band around the top of the entrance feature, immediately below the pyramidal roof, and to which the store signage consisting of large individual letters is fixed.
6. The sign for which consent is now sought is already in place. It is positioned centrally on the brick façade of the entrance feature, below the rendered band. The sign is considerably smaller than the signage above and different in design and appearance as it is rectangular with an aluminium finish, with incised lettering and inset logo.
  7. Although the sign does not follow the style of other signage on the store building, the modest size and central position of the sign are such that it does not diminish the impact of the entrance feature. The illumination around the edges of the lettering and to the edge and face of the logo, at a maximum illumination level of 350 cd per sq m, is not excessive in this location.
  8. The subject sign masks a small section of the top of a narrow, vertical raised-brick feature within the brick façade. This feature runs from the apex of the glazed entrance to the rendered band. Whilst the sign stands slightly proud of the façade as a consequence, the effect on the building is modest and not sufficient on its own to warrant refusal of the proposal.
  9. The store building is within a retail location with other retail facilities nearby. The Council does not identify any particular viewpoints outside the retail area from which it considers the sign to be intrusive. The main area from which the sign is visible is the car park serving the host store and other stores adjacent to it and from approaches to these stores. As well as the store signage, various other signs including those of the store's petrol filling station and signage on the gables of the units to the west of the store are clearly visible from the car park and beyond. Given the overall level of signage and the retail and commercial nature of the immediate environment, I find the sign for which consent is sought does not have any appreciable negative impact on the building or its surroundings and would not create visual clutter or be unduly prominent. Accordingly, it does not harm the visual amenity of the area.
  10. The Council's reasons for refusal refer to policies DM1 and CP8 of the Core Strategy and Policy D3 of the Site Allocations and Management Plan; the latter relates specifically to outdoor advertisements and signs. In my determination of this appeal, the Council's policies have not of themselves been decisive but have been considered as part of my deliberations. The sign does not conflict with these policies. I have also considered the Taunton Deane Advertisement Policy Guidance of June 2009 and ADV/9 of this document which is specific to business park locations. However, the relevance of the guidance to the appeal is limited given the strong retail character of the site and its surroundings.
  11. The appellant has provided me with an appeal decision which relates to a site in Sutton Coldfield but this has not been a determining factor in my decision.

12. For the reasons given above I conclude that the appeal should be allowed.  
The Council has not suggested any additional conditions to the five standard conditions and none are required.

*J E Tempest*

INSPECTOR



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## Appeal Decision

Site visit made on 9 January 2018

**by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC**

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

Decision date: 19<sup>th</sup> January 2018

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**Appeal Ref: APP/D3315/W/17/3184348**

**Greenacre Farm, Raleighs Cross Road, Combe Florey, Taunton, Somerset  
TA4 3JQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Stanley Dusting against the decision of Taunton Deane Borough Council.
  - The application Ref 11/17/0011/CQ, dated 24 May 2017, was refused by notice dated 17 July 2017.
  - The development proposed is change of use of agricultural building to a dwelling house (Class C3), and for associated operational development.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Planning Practice Guidance (PPG) advises that the starting point for Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) is that the permitted development rights grant planning permission, subject to the prior approval requirements. However, it is necessary to determine whether the proposal falls within permitted development. Class Q of the GPDO states that development consisting of Q(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order<sup>1</sup>; and Q(b) building operations reasonably necessary to convert the building, is permitted development.
3. Where development is proposed under Class Q(a) together with Class Q(b), it is permitted subject to the condition under paragraph Q.2 (1) that before beginning the development, an application must be made to the local planning authority for a determination as to whether the prior approval will be required as to (a) transport

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and highways impacts, (b) noise impacts, (c) contamination, (d) flooding, (e) location or siting, and (f) the design or external appearance of the building. An assessment relative to prior approval requirements under paragraph Q.2(1) is only necessary if it is firstly determined that the proposal would be permitted development under Class Q.

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<sup>1</sup> The Town and Country Planning (Use Classes) Order 1987 (as amended)

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4. The Council considers that the works necessary to create the dwelling from the structure on site would not fall within the scope of that permissible under Part Q(b). It also considers that the occupant's amenities would be harmed through noise disturbance.
5. There is no dispute between the parties that the current proposal for change of use and operational development would otherwise meet the requirements of Schedule 2, Part 3, Class Q, paragraphs Q.1(b)- (h) and (j)-(m) of the GPDO. Based on the evidence before me, together with my observations of the building and its surroundings, I have no reason to take a different view in terms of those Class Q requirements.
6. I have the date of the application from the appeal form as the date on the application form appears to contain typographical errors.

### **Main Issues**

7. Taking into account the above, the main issues are:
  - whether the proposal would be permitted development, with regard to whether the requirements of Schedule 2, Part 3, Class Q would be met; and
  - if permitted development and not excluded by Q.1, whether or not prior approval is required and the proposal would be acceptable in relation to the matter set out in paragraph Q.2(1)(b) of the GPDO.

### **Reasons**

8. Paragraph Q.1(i) of the GPDO states that development is not permitted by Class Q if the development under Class Q (b) would consist of building operations other than: the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling.
9. The agricultural building in question is a steel framed structure with a shallow pitch roof. It has timber purlins within the steel frame to support the cement fibre corrugated roof. The east elevation is mainly open and the north elevation is open all along its top half and within one section of the steel frame. In addition the south elevation is open all along the lower section and the timber boarding is spaced so that there is an opening between each piece of it. The steel uprights are located on a concrete floor. The adjoining agricultural building would be demolished as part of the proposal.
10. Class Q(b) relates to building operations reasonably necessary to 'convert' the building. The appellant's submission describes how the steel frame, timber boarding, steel sheeting, blockwork and roof covering of the existing building would be retained. The timber boarding would need to be supplemented with a weatherproof and insulated partition behind it. The large openings on 3 sides would be glazed with windows and doors and a first floor would be inserted within the building.
11. The Planning Practice Guidance (the PPG) refers to some building operations being permitted under Class Q (b), including the installation of windows, doors and exterior walls to the extent reasonably necessary for the building to function as a dwelling house. The PPG also states that *"It is not the intention for the permitted development right to include the construction of new*

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*structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right”.*

12. There is no dispute between the parties that the submitted structural report indicates that the building is structurally strong enough to take the loading of the proposed works. However, I need to have regard to the extent of works necessary for the agricultural building to function as a dwelling. I acknowledge that substantial works could fall under the scope of Class Q (b), but taking into account the court judgement<sup>2</sup> it is whether the works comprise “conversion”.
13. In this case, the building before me would not be capable of functioning as a dwelling without the building work outlined above which includes the construction of substantial areas of glazing to 3 of the walls and a weatherproof partition behind the timber boarding. I acknowledge that many agricultural buildings have large openings in them related to their functions which could have windows and doors inserted into them. Nevertheless, in this the case the openings constitute significant sections of 3 of the walls.
14. The appellant states that the amount of wall area to be constructed would be less than that attributed to the case, in the court judgement cited above. The judge in that case did state that *“In many permitted developments the work might be extensive yet that does not thereby disqualify a development from automatic permission”*. However, the judgement does go on to state *“I thus accept the analysis that the extent of the works is a relevant but not dispositive consideration”*. Even though it may be possible to retain the cement fibre roof and the existing walling materials I consider that the works described in this case would be so extensive and fundamental as to exceed what could reasonably be considered as a conversion.
15. I conclude that, based on the evidence before me, the proposal would not satisfy the requirements of Schedule 2, Part 3, Class Q of the GPDO and is therefore not development permitted by it.

*Prior Approval Matters*

16. Given my conclusion that the proposal would not be development permitted under Schedule 2, Part 3, Class Q of the GPDO, there is no need for me to consider the prior approval matters as it would not alter the outcome of the appeal.

**Conclusion**

17. For the reasons given above I conclude that the proposal is not permitted development and that the appeal should be dismissed.

*D. Boffin*

INSPECTOR

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<sup>2</sup> Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)



**APPEALS RECEIVED – 31 January 2018**

**Site:** NORTH STREET, WIVELISCOMBE, TAUNTON, TA4 2LB

**Proposal:** 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

**Application number:** 49/17/0007

**Appeal reference:** APP/D3315/W/17/3189981

**Start Date:** 15 January 2018

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