

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 20 June 2018 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 24 October 2017 (attached) 25 April, 23 May 2018 (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 38/18/0029 Demolition and erection of replacement two storey 78 No. bedroom care home at Orchard Court Nursing Home, Harp Chase, Taunton as amended
- 6 43/17/0143 Erection of single storey side extension with mezzanine and glazed link to main dwelling at Linden Cottage, Linden Hill, Wellington
- 7 43/17/0144/LB Erection of single storey side extension with mezzanine and glazed link and internal alterations to main dwelling at Linden Cottage, Linden Hill, Wellington
- 8 48/18/0014 Installation of a heat pump unit for central heating on garage roof (retention of works already undertaken) at Glenrose, 89 Greenway, Monkton Heathfield
- 9 49/17/0070 Erection of 3 No. detached bungalows with car ports and associated works on land adjacent to and to the rear of 13/14 Spring Gardens, Wiveliscombe
- 10 TPO report for Firepool Lock
- 11 Latest appeals and decisions received

Bruce Lang
Assistant Chief Executive

12 June 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



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

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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

Planning Committee – 24 October 2017

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

Officers: - Tim Burton (Assistant Director - Planning and Environment), John Burton (Principal Planning Officer), Matt Bale (Area Planning Manager), Martin Evans (Solicitor, Shape Partnership Services), Richard Bryant (Democratic Services Manager) and Andrew Randell (Temporary Senior Democratic Services Officer)

Also present: Helen Vittery (Somerset County Council Highways), Lisa McCaffrey (Somerset County Council Transport Planner) and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

65. Welcome

The Chairman welcomed everyone to the meeting held at the Somerset County Cricket Club, Priory Bridge Road, Taunton to give further consideration to the two applications for residential development at Staplegrove which had been deferred at the previous meeting on 20 September 2017.

66. Apologies/Substitutions

Apologies: Councillors Martin-Scott, Nicholls and Wedderkopp.

Substitutions: Councillor Horsley for Councillor Wedderkopp; and Councillor Sully for Councillor Martin-Scott.

67. Minutes

- The minutes of the meeting of the Planning Committee held on 13 September 2017 were taken as read and were signed.
- The minutes of the meeting of the Planning Committee held on 20 September 2017 were taken as read and were signed subject to the following amendments to the resolutions:-

(i) With regard to application No. 34/16/0014:-

“Resolved that application No. 34/16/0014 be **deferred** to allow for further consideration of the following issues:-

- The provision of the 25% target for affordable housing set out in Core Strategy Policy CP4 instead of the 15% offered;
- The provision of the proposed Spine Road prior to the

commencement of any residential development;

- The provision of development without the loss of the Oak trees or the Dormouse habitat; and
- The effect of the proposed development on traffic flows both within the town centre and Taunton Town as a whole.

and

(ii) With regard to application No. 34/16/0007:-

“Resolved that application No. 34/16/0007 be **deferred** to allow for further consideration of the following issues:-

- The provision of the 25% target for affordable housing set out in Core Strategy Policy CP4 instead of the 15% offered;
- The provision of the proposed Spine Road prior to the commencement of any residential development;
- The removal of the proposal to provide a dropdown road to Corkscrew Lane / Manor Road to facilitate the first phase of the proposed housing development;
- The provision of development without the loss of the Oak trees or the Dormouse habitat; and
- The effect of the proposed development on traffic flows both within the town centre and Taunton Town as a whole.

68. Declarations of Interest

Councillor Coles declared a personal interest as a Member of Somerset County Council and as a Member of Devon and Somerset Fire and Rescue Service. Councillor Townsend declared that he was the Ward Councillor for Staplegrove and a Parish Councillor for Kingston St Mary Parish Council. He also declared that he had attended nearly all of the resident group meetings regarding these applications as well as meetings with officers and the developers in public settings. He declared that he had not ‘fettered his discretion’. The Chairman and the other Members of the Committee all declared that they had received various communications from members of the public in connection with the applications. All confirmed that they had not ‘fettered their discretions’.

69. Outline permission (with all matters reserved except for access) for the erection of up to 915 residential units, a primary school, 1 ha of employment land, local centre, open space including allotments and sports pitches, green infrastructure, landscaping, woodland planting, sustainable drainage systems and associated works; including provision of an internal Spine Road to connect the A358 Staplegrove Road to Kingston Road on land at Staplegrove (East), Taunton (34/16/0014)

Considered report previously circulated, which set out in detail further information relating to the matters upon which the application was deferred at the meeting of the Planning Committee on 20 September 2017.

The Committee heard representations from 24 individuals, the County Councillor who represented the Rowbarton and Staplegrove Division and three Taunton Deane Councillors who were not Members of the Committee.

At the conclusion of the debate, it was proposed by Councillor Coles, seconded by Councillor Mrs Adkins that the application be refused on the following grounds:-

- The application proposes insufficient affordable housing to meet identified local needs; and
- The spine road is not being provided at the outset, which will give rise to an unacceptable increase in traffic on the local highway network, resulting in a severe impact on highway safety, contrary to the National Planning Policy Framework.

The development is, therefore, not considered to be sustainable development within the meaning of the Framework taken as a whole.

In accordance with Standing Order 18(2)(a), the Chairman called for a formal roll call of votes to be taken in respect of the above motion and recorded in the Minutes.

The motion was put and was lost with six Councillors in favour and eight against, as follows:-

| Yes | No | Abstain |
|-----------------------|---------------------|---------|
| | | |
| Councillor Mrs Adkins | Councillor Bowrah | |
| Councillor M Adkins | Councillor Brown | |
| Councillor Coles | Councillor Gage | |
| Councillor Mrs Hill | Councillor C Hill | |
| Councillor Horsley | Councillor Mrs Reed | |
| Councillor Morrell | Councillor Sully | |
| | Councillor Townsend | |
| | Councillor Watson | |

Further proposed by Councillor Morrell, seconded by Councillor Coles that the application be deferred pending the outcome of the Council's application for Housing Infrastructure Funding.

In accordance with Standing Order 18(2)(a), the Chairman called for a formal roll call of votes to be taken in respect of the above motion and recorded in the Minutes.

The motion was put and was lost with six Councillors in favour and eight against, as follows:-

| Yes | No | Abstain |
|-----------------------|---------------------|---------|
| | | |
| Councillor Mrs Adkins | Councillor Bowrah | |
| Councillor M Adkins | Councillor Brown | |
| Councillor Coles | Councillor Gage | |
| Councillor Mrs Hill | Councillor C Hill | |
| Councillor Horsley | Councillor Mrs Reed | |
| Councillor Morrell | Councillor Sully | |
| | Councillor Townsend | |
| | Councillor Watson | |

Following the above, it was proposed by Councillor Gage, seconded by Councillor Sully that outline planning permission be granted in respect of application No. 34/16/0014.

In accordance with Standing Order 18(2)(a), the Chairman called for a formal roll call of votes to be taken and recorded in the Minutes.

The recommendation, which is detailed below, was put and was carried with seven Councillors in favour, six Councillors voting against and one abstaining as follows:-

| Yes | No | Abstain |
|---------------------|-----------------------|---------------------|
| | | |
| Councillor Bowrah | Councillor Mrs Adkins | Councillor Townsend |
| Councillor Brown | Councillor M Adkins | |
| Councillor Gage | Councillor Coles | |
| Councillor C Hill | Councillor Mrs Hill | |
| Councillor Mrs Reed | Councillor Horsley | |
| Councillor Sully | Councillor Morrell | |
| Councillor Watson | | |

Resolved that subject to the applicants entering into a Section 106 Agreement to secure the following items to the Council's satisfaction:-

- A minimum of 15% affordable housing;
- Off-site highway works at the following junctions:-
 - A358 site access signalised junction;
 - Kingston road site access signalised junction;
 - Silk Mills signalised junction;
 - Cross Keys signalised junction;
 - Corkscrew Lane/Hope Corner Lane/Kingston Road junction improvement and signalisation;
 - Improvements to Kingston Road Gyratory (Cheddon Road / Priorswood Road / St Andrews Road / Kingston Road / Greenway Road / Station Road / Station Approach);
 - Improvement measures for Gipsy Lane; and
 - Improvements to pedestrian links to Taunton Academy;

- The down-grading of the temporary access to phase 1 housing off Corkscrew Lane to a pedestrian and cycle route only;
- A technology package (MOVA/SCOOT) for the following junctions:-
 - Silk Mills Junction;
 - Development access on the A358;
 - Cross Keys Junction (if required);
 - Manor Road / Staplegrove Road Junction;
- Traffic management works for Manor Road / Corkscrew Lane;
- Travel Plan;
- Improvements to bus services serving the site;
- Delivery and timing of Spine Road;
- Prohibition of vehicle traffic on Rectory Road and Whitmore Lane (south) when the Spine Road has been delivered and is open to traffic to prevent unwanted vehicular shortcuts;
- On site pedestrian and cycle network;
- Details of the land transfer arrangements for the required primary school site;
- Provision of land for on-site play equipment, sports facilities and allotments (in accordance with the Council's adopted standards);
- Management and maintenance of the proposed landscape woodland buffer and SUDS features;
- Relationship with the Staplegrove West application (LPA ref: 34/16/0007); and
- A review mechanism to allow for more than 15% affordable housing, if the scheme becomes more profitable than currently argued or if the Council is successful in bids to the Government for funding under the Housing Infrastructure Fund;

(Should it not prove possible to agree these obligations the matter will need to be reported back to this Committee for further consideration.)

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

- (a) Approval of the details of the layout, scale, appearance, and landscaping of each phase of the Development (hereinafter called “the reserved matters”) shall be submitted to, and approved in writing by, the Local Planning Authority before any development in that phase is commenced and the development of that phase shall (unless otherwise agreed with writing by the local planning authority) be carried out as approved. Application for approval of the reserved matters of the first phase shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for the final phase of the development shall be submitted to the Local Planning Authority not later than the expiration of ten years from the date of this permission. Each phase of the development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters for that phase, or in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following

approved plans:-

- 1005.E.001 Location Plan;
- 1005.P.001 Illustrative Masterplan;
- ITL0047-SK-019 RD_ Proposed amendments to Silk Mills Junction;
- 0781-GA-045-RD_Kingston Road Site Access Signalised Junction Option;
- ITL10047-SK-029 RB_Access from Corkscrew Lane Restricted Access Option 3; and
- ITL10047-SK-031- Access from Corkscrew Lane Restricted Access;

- (c) An application for approval of reserved matters shall not be submitted until there has been submitted to, the Local Planning Authority a phasing and place-making strategy covering the general locations and phasing of the delivery of housing, infrastructure, transport links and community facilities within the whole development. This strategy shall also include the timing and delivery of the agreed highway improvements. The phasing strategy shall set out information on how the delivery of these elements will be integrated through green infrastructure to ensure that a cohesive and high quality place is created. The strategy shall identify any potential opportunities for the consultation with, or the involvement of, the local community or other stakeholders in the delivery and/or maintenance of community facilities. Thereafter each application for approval of reserved matters shall include an explanation of how the development of the phase or sub phase it covers relates to the phasing strategy of the overall development. The development shall be carried out in accordance with the approved phasing and place making strategy unless otherwise agreed in writing by the Local Planning Authority;
- (d) An application for approval of reserved matters for a phase or sub phase shall not be submitted until there has been submitted to the Local Planning Authority a Neighbourhood Masterplan and Design Guide for the Neighbourhood Area to which that application for approval of reserved matters relates. The Neighbourhood Masterplan and Design Guide shall be accompanied by a statement explaining how it accords with the Masterplan approved by this outline consent and the North Taunton Framework Plan and Development Brief as approved by Taunton Deane Borough Council in December 2015. If they do not accord with these documents then reasons for this will need to be given. The Neighbourhood Masterplan and Design Guide shall provide information on the proposed arrangement of development blocks, streets and spaces for the Neighbourhood Area to which they relate. The Neighbourhood Masterplan and Design Guide shall demonstrate how the Neighbourhood Area will function and explain its overall character and grain;
- (e) An application for approval of reserved matters shall not be submitted until there has been submitted to, the Local Planning Authority, an Appearance Palette which includes the phase or sub phase to which that application for approval of reserved matters relates. The Appearance Palette shall include details of individual character areas, guidance on building design, building materials, surface materials, street furniture and tree species for the phase or sub phase to which it relates. Any subsequent revisions to an approved Appearance Palette shall be subject to the approval of the Local Planning Authority;

- (f) An application for approval of reserved matters which encompasses the area designated as the local centre, shall not be submitted until a Design Brief has been submitted to the Local Planning Authority. The Design Brief shall provide information on the principles for the detailed design of the following matters - areas of public open space and public realm, and the landscaping of those spaces; streets; buildings including the proposed approach to architectural design and material;
- (g) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the written scheme of archaeological investigation shall be implemented in accordance with its terms;
- (h) Prior to the commencement of each phase of the development, with the exception of any required enabling works, earthworks and access, a foul water drainage strategy for that phase shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The foul water drainage strategy shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the phase to which it relates. The foul water drainage strategy shall thereafter be implemented in accordance with the approved details and to a timetable agreed;
- (i) Prior to the commencement of each phase of the development, with the exception of any required enabling works, earthworks and access, details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to, and approved by, the Local Planning Authority. The drainage strategy shall ensure that surface water run off post development is attenuated on site and discharged at a rate of 2 l/s/ha or greenfield run off rates, whichever rate is lower. Such works shall be carried out in accordance with the approved details. These details shall include: -
- Evidence that an appropriate right of discharge for surface water and any necessary improvements has been obtained;
 - Details of the drainage during construction of that phase or sub phase and information of maintenance of drainage systems during construction of this phase;
 - Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 m minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 - Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which shall include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - Identification of all future land-use limitations, ownership, operation and maintenance arrangements for the works over the lifetime of the scheme;

- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 year (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties;
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development; and
- An agreed timetable for delivery;

The approved scheme shall meet the requirements of both the Environment Agency and the Lead Local Flood Authority. Prior to the occupation of any dwelling of each phase it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details;

- (j) No phase or sub phase of development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental and Traffic Management Plan for that phase or sub phase has been submitted to, and approved in writing by, the Local Planning Authority. In discharging this condition the following information shall be supplied:-

- Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of that phase or sub phase;
- Construction vehicle routes to and from site including any off site routes for the disposal of excavated material;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road network;
- Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
- The control and removal of spoil and wastes;
- A scheme of measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities; the scheme shall include details of the following:-
 - Site security;
 - Fuel oil storage, bunding, delivery and use;
 - How both minor and major spillage will be dealt with;
 - Containment of silt/soil contaminated run-off;
 - Disposal of contaminated drainage, including water pumped from excavations; and

- Site induction for workforce highlighting pollution prevention and awareness. Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented;
 - o The proposed hours of operation of construction activities;
 - o The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
 - o Sound attenuation measures incorporated to reduce noise at source;
 - o Details of measures to be taken to reduce the generation of dust; and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - o Ecological Construction Method Statement [ECMS]; The agreed Construction Environmental and Traffic Management Plan shall thereafter be implemented in full;
- (k) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority, for a remediation strategy detailing how this unsuspected contamination shall be dealt with;
- (l) Applications for reserved matters approval shall include a hard and soft landscaping scheme for the phase or sub phase of the development to which it relates. The hard and soft landscaping scheme shall include for the phase or sub phase to which it relates details of the landscaping; details of the surface treatment of the open parts of the site; a programme of implementation; and a planting schedule to include numbers, density, size, species and positions of all new trees and shrubs. The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development phase;
- (m) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species;
- (n) Before each phase of the development is commenced, the following shall in respect of that phase be submitted to, and approved in writing by, the Local Planning Authority:-
 - A plan showing the location of and allocating a reference number to each existing tree on the part of the site within that phase which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level, exceeding 75 mm, showing which trees are to be retained, the crown spread of each retained tree and which are to be removed;
 - Details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour, canopy spread and root protection area of each tree identified in the plan prepared pursuant to the above paragraph;

- Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site; and
- Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development;

The development of that phase shall thereafter be carried out in accordance with the approved scheme. In this condition “retained tree” means an existing tree which is to be retained in accordance with the plan referred to in the above paragraph;

- (o) No works (including demolition, ground works, vegetation clearance) shall be commenced on any phase of the development hereby permitted until details of a wildlife strategy (incorporating an Ecological Construction Method Statement [ECMS] and a Landscape and Ecological Management Plan [LEMP]) to protect and enhance that phase of the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall demonstrate how the long-term conservation of new and retained environmental resources, including habitats and species of biodiversity value, shall be secured and shall include arrangements for implementation responsibilities for the operation of the strategy following completion of development of each phase or sub phase of the development. It will need to meet the requirements of any Natural England European Protected Species Mitigation Licences. The strategy shall be based on the advice of all the submitted landscape and ecology reports to date including those contained within the Environmental Statement (dated February 2016) including the Ecological Report submitted by Wildwood Ecology (dated November 2013), the Pyrland Hall Farm Preliminary Ecological Appraisal (Wildwood Ecology, February 2014), the Protected Species Survey - Bats (Wildwood Ecology, August 2015), the Pyrland Hall Estate Protected Species Survey - Bats (Wildwood Ecology, February 2014), the ‘Results of a Climbing Survey for Bats at Staplegrove’, by Andrews Ecology (dated July 2015), the Great Crested Newt Survey Report and Outline Mitigation Strategy by Wildwood Ecology (dated July 2015), the Dormouse Survey Report (Wildwood Ecology, December 2015), the Badger Survey Report (Wildwood Ecology, December 2014), the Breeding Birds Survey (Wildwood Ecology, July 2015), the Environmental Statement Addendum (dated December 2016) and the Habitat Regulations Assessment (May 2016), and any other up to date surveys and include:—

1. An Ecological Construction Method Statement (ECMS) containing details of protective measures to include method statements to avoid impacts on all wildlife especially protected species during all stages of development;
2. Details of measures to prevent pollution of all water courses on or near the site;
3. Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance;
4. Arrangements to secure an Ecological Clerk of Works on site;
5. Measures for the enhancement of places of rest for protected species;
6. Details of a sensitive lighting strategy;
7. Use of protective fences, exclusion barriers and warning signs;

8. A commitment to commence planting of replacement habitat no later than day one of each phase of the development;

The strategy shall cover management of the whole site in perpetuity from completion of the works and, once approved, the works shall be implemented in accordance with the approved details and timing of the works. No part of the development on the phase concerned shall be occupied until the scheme for the maintenance and provision of the mitigation planting and maintenance of the hibernacula, bat, dormice and bird boxes and related accesses have been fully implemented. Thereafter the new planting and the wildlife resting places and agreed accesses shall be permanently maintained in accordance with the approved details;

- (p) No more than 12 months prior to the commencement of works on a phase of the development in which breeding sites or resting places of European Protected Species may be present, updated surveys for that phase shall be undertaken. The species in question include but are not necessarily limited to:-
- Bats;
 - Dormice;
 - Great Crested Newts; and
 - Otters;

The survey results shall be submitted in writing to the Local Planning Authority together with details of any required mitigation measures and the appropriate mechanism for delivery of such measures;

- (q) A habitat enhancement area of a minimum of either 10.92 hectares or 10.39 hectares of replacement habitat will be required depending on whether i) the Staplegrove West application does not come forward or ii) with a Staplegrove West application receiving permission respectively, in accordance with the agreed Habitat Regulations Assessment (May 2016). The replacement habitat shall be of accessible woodland, ponds and species rich meadow is created, which is accessible to Lesser Horseshoe Bats. The layout of and a planting schedule for the habitat creation / enhancement of this open space shall be submitted to and agreed with Taunton Deane Borough Council prior to work commencing on site (apart from any associated enabling works, earthworks and/or access). This enhancement will be planted at the first available planting season (October to March) following permission unless otherwise agreed with the Council;
- (r) A bat house for Lesser Horseshoe Bats will be constructed on the northern boundary, prior to any work commencing on site. The design and location of the bat roost shall first have been submitted to, and approved by, the Local Planning Authority and shall remain in place at all times thereafter;
- (s) Before any development takes place, the northern and western boundary hedgerows shall be retained in accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, giving the position, species and health of all such hedgerows and where necessary details of planting to infill existing gaps. These hedgerows shall then remain in accordance with these details and any parts of the hedgerow which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species;
- (t) Once the first phase of development has commenced, ecological monitoring of the whole site, for a period of time to be agreed between the Local Planning Authority and the applicant, shall be undertaken;

- (u) The proposals hereby approved shall be carried out strictly in accordance with the avoidance and mitigation measures put forward as conditions in Chapter 6 Section 124 of the approved Habitats Regulations Assessment. Where further information is specified to be provided by any of these requirements, this information shall have been provided to, and approved by, the Local Planning Authority before the relevant part(s) of the development is/are commenced and shall include a timetable for implementation of the measures. The agreed works shall then be implemented in full strictly in accordance with the approved plans and/or documentation and remain as such at all times thereafter;
- (v) No external lighting shall be placed on site or operated in any phase of the development until a Lighting Strategy for Biodiversity for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall incorporate the following measures:–
 - (i) Identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - (ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications showing Lux levels down to an agreed level) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places;
 - (iii) Street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive bats and other species. The applicant will demonstrate that all bat corridors and feeding habitat will not exceed the level of illumination to be agreed, which shall be the recommended light level for Horseshoe Bats in corridors through development (Natural England, 2010) and 0.5 Lux where falling on other wildlife habitats. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels;
 - (iv) Lighting will be of the soft white LED type with optics that are highly directional;
 - (v) Paths within the enhanced habitat areas will not be lit as these are primarily designed to replace the value of the habitat lost that would otherwise constitute a potential significant effect on the Hestercombe House SAC;
 - (vi) Properties with gardens adjacent to habitat used by Lesser Horseshoe Bats shall have their boundaries fixed with a 1.8 m high closed boarded fence to minimise incidental light spill from uncontrolled lighting and to prevent removal of habitat to extend gardens; and
 - (viii) There will be no routine night-time working during the construction stage of the development;

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy at all times thereafter;

- (w) Street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive bats and other species. The applicant will demonstrate that all bat corridors and feeding habitat will not exceed the level of illumination to be agreed, which should be the recommended light level for Horseshoe Bats in corridors through development (Natural

England, 2010) and 0.5 Lux where falling on other wildlife habitats. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels;

- (x) The proposed roads, including footpaths and, where applicable, turning spaces and cycle way connections, 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;
- (y) Construction of the internal spine road is to be completed in full within five years of the first occupation or a maximum of 326 of the residential units hereby approved, being occupied, whichever is achieved first. No individual phase of the development shall be occupied or brought into use until the part of the spine road that provides access to that phase has been constructed in accordance with plans that shall previously have been submitted to, and approved by, the Local Planning Authority;
- (z) In the interests of sustainable development none of the dwellings in the first phase (as will be agreed by condition (c) of this permission) shall be used or occupied until a network of cycleway and footpath connections has been constructed within the development site as a whole in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (aa) In relation to the spine road, any access shall ensure that there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 m either side of the access. Such visibility shall be fully provided before any junction(s) with the spine road is/(are) brought into use and shall thereafter be maintained at all times;
- (bb) No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein;
- (cc) Before the completion of the proposed spine road, traffic calming measures for Manor Road and Corkscrew Lane shall have been submitted to, and approved in writing by, the Local Planning Authority. The measures shall then be implemented in full, in accordance with the approved scheme(s) and remain in place in full working order as approved at all times thereafter;
- (dd) No part of the development hereby approved shall include B1(a) office development as defined by the 'Town and Country Planning (Use Classes) Order 1987;
- (ee) No dwelling in any phase or sub phase hereby permitted, shall be occupied until footpath connections have been constructed within the phase or sub phase in accordance with a scheme that shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (ff) No development shall commence on any phase until a proposed layout scheme to include the provision of access to other parts of the Staplegrove site as identified in Policy TAU2 of the adopted Site Allocation and Development Management Plan, has been submitted for approval in writing to the Local Planning Authority. The layout scheme will be in a form that is adequate to accommodate public transport, vehicles, cycleways and footpath linkages for the future development of the Staplegrove site. The development shall be carried out strictly in accordance with the approved details;

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

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that the protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; BREEDING BIRDS; Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (3) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement for each phase of the development clearly stating how wildlife and their habitats will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; (4) Applicant was advised that Dormice, bats and possibly Great Crested Newts are known to use the site as identified in submitted ecological surveys. The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. Natural England requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence. It should be noted that approval of this outline application, does not mean that Natural England has reached any views as to whether a licence may be granted; (5) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (6) Applicant was advised that nesting birds

are present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed; (7) Applicant was advised that the applicant is hereby advised to note that the Crime Prevention Design Advisor at Avon and Somerset Police would be pleased to work with them at the detailed design stage in order to 'design out' crime and disorder in this major mixed use redevelopment; (8) Applicant was advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc. in accordance with the Police approved 'Secured by Design' award scheme, full details of which are available on the SBD website; (9) Applicant was advised that development, insofar as it affects Public Rights Of Way (PROW), should not be started (and the rights of way kept open for public use) until, the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with; (10) Applicant was advised that the health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so; (11) Applicant was advised that 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 SCC's 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; and
- 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.)

70. Outline permission (with all matters reserved except for access) for a residential-led mixed use urban extension to include up to 713 dwellings, 1 ha of employment land comprising use classes B1 (a) (up to a maximum of 2500sqm), B1(b), B1 (c), B2, B8 together with green infrastructure, landscaping, play areas, sustainable drainage systems (SUDS) and associated works. An internal Spine Road is proposed to connect the A358 Staplegrove Road and Taunton Road at land at Staplegrove (West), Taunton (34/16/0007)

Considered report previously circulated, which set out in detail further information relating to the matters upon which the application was deferred at the meeting of the Planning Committee on 20 September 2017.

The Committee heard representations from 24 individuals, the County Councillor who represented the Rowbarton and Staplegrove Division and three Taunton Deane Councillors who were not Members of the Committee.

Proposed by Councillor Mrs Reed, seconded by Councillor Sully that outline planning permission be granted in respect of application No. 34/16/0007.

In accordance with Standing Order 18(2)(a), the Chairman called for a formal roll call of votes to be taken and recorded in the Minutes.

The recommendation, which is detailed below, was put and was carried with seven Councillors in favour, six Councillors voting against and one abstaining as follows:-

| Yes | No | Abstain |
|---------------------|-----------------------|---------------------|
| | | |
| Councillor Bowrah | Councillor Mrs Adkins | Councillor Townsend |
| Councillor Brown | Councillor M Adkins | |
| Councillor Gage | Councillor Coles | |
| Councillor C Hill | Councillor Mrs Hill | |
| Councillor Mrs Reed | Councillor Horsley | |
| Councillor Sully | Councillor Morrell | |
| Councillor Watson | | |

Resolved that subject to the applicants entering into a Section 106 Agreement to secure the following items to the Council's satisfaction:-

- A minimum of 15% affordable housing
- Off-site highway works at the following junctions:-
 - A358 site access signalised junction;
 - Kingston road site access signalised junction;
 - Silk Mills signalised junction;
 - Cross Keys signalised junction;
 - Corkscrew Lane/Hope Corner Lane/Kingston Road junction improvement and signalisation;
 - Improvements to Kingston Road Gyratory (Cheddon Road / Priorswood Road / St Andrews Road / Kingston Road / Greenway Road / Station Road / Station Approach);
 - Improvement measures for Gipsy Lane; and
 - Improvements to pedestrian links to Taunton Academy;
- The down-grading of the temporary access to phase 1 housing off Corkscrew Lane to a pedestrian and cycle route only;
- A technology package (MOVA/SCOOT) for the following junctions:-
 - Silk Mills Junction;
 - Development access on the A358;
 - Cross Keys Junction (if required); and
 - Manor Road / Staplegrove Road Junction;
- Traffic management works for Manor Road / Corkscrew Lane;
- Travel Plan;
- Improvements to bus services serving the site;
- Delivery and timing of Spine Road;
- Prohibition of vehicle traffic on Rectory Road and Whitmore Lane (south) when the Spine Road has been delivered and is open to traffic to prevent unwanted vehicular shortcuts;
- On site pedestrian and cycle network;

- Details of the land transfer arrangements for the required primary school site;
- Provision of land for on-site play equipment, sports facilities and allotments (in accordance with the Council's adopted standards).
- Management and maintenance of the proposed landscape woodland buffer and SUDS features.
- Relationship with the Staplegrove East application (LPA ref: 34/16/0014); and
- A review mechanism to allow for more than 15% affordable housing, if the scheme becomes more profitable than currently argued or if the Council is successful in bids to the Government for funding under the Housing Infrastructure Fund;

(Should it not prove possible to agree these obligations the matter will need to be reported back to this Committee for further consideration.)

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

- (a) Approval of the details of the layout, scale, appearance, and landscaping of each phase of the Development (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the Local Planning Authority before any development in that phase is commenced and the development of that phase shall (unless otherwise agreed with writing by the Local Planning Authority) be carried out as approved. Application for approval of the reserved matters of the first phase shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for the final phase of the development shall be submitted to the Local Planning Authority not later than the expiration of ten years from the date of this permission. Each phase of the development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters for that phase, or in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following approved plans:-
 - 14-017-110B_ Site Plan;
 - 14017_407E_Proposed Masterplan;
 - ITL0047-SK-019 RD_ Proposed amendments to Silk Mills Junction;
 - 0781-GA-045-RD_Kingston Road Site Access Signalised Junction Option ITL10047-SK-029 RB_Access from Corkscrew Lane Restricted Access Option 3;
 - ITL10047-SK-031- Access from Corkscrew Lane Restricted Access;
- (c) An application for approval of reserved matters shall not be submitted until there has been submitted the Local Planning Authority a phasing and place-making strategy covering the general locations and phasing of the delivery of housing, infrastructure, transport links and community facilities within the whole development. This strategy shall also include the timing and delivery of the agreed highway improvements. The phasing strategy

shall set out information on how the delivery of these elements will be integrated through green infrastructure to ensure that a cohesive and high quality place is created. The strategy shall identify any potential opportunities for the consultation with or the involvement of the local community or other stakeholders in the delivery and/or maintenance of community facilities. Thereafter each application for approval of reserved matters shall include an explanation of how the development of the phase or sub phase it covers relates to the phasing strategy of the overall development. The development shall be carried out in accordance with the approved phasing and placemaking strategy unless otherwise agreed in writing by the Local Planning Authority;

- (d) An application for approval of reserved matters for a phase or sub phase shall not be submitted until there has been submitted to the Local Planning Authority a Neighbourhood Masterplan and Design Guide for the Neighbourhood Area to which that application for approval of reserved matters relates. The Neighbourhood Masterplan and Design Guide shall be accompanied by a statement explaining how it accords with the Masterplan approved by this outline consent and the North Taunton Framework Plan and Development Brief as approved by Taunton Deane Borough Council in December 2015. If they do not accord with these documents then reasons for this will need to be given. The Neighbourhood Masterplan and Design Guide shall provide information on the proposed arrangement of development blocks, streets and spaces for the Neighbourhood Area to which they relate. The Neighbourhood Masterplan and Design Guide shall demonstrate how the Neighbourhood Area will function and explain its overall character and grain;
- (e) An application for approval of reserved matters shall not be submitted until there has been submitted to the Local Planning Authority, an Appearance Palette which includes the phase or sub phase to which that application for approval of reserved matters relates. The Appearance Palette shall include details of individual character areas, guidance on building design, building materials, surface materials, street furniture and tree species for the phase or sub phase to which it relates. Any subsequent revisions to an approved Appearance Palette shall be subject to the approval of the Local Planning Authority;
- (f) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the written scheme of archaeological investigation shall be implemented in accordance with its terms;
- (g) Prior to the commencement of each phase of the development, with the exception of any required enabling works, earthworks and access, a foul water drainage strategy for that phase shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The foul water drainage strategy shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the phase to which it relates. The foul water drainage strategy shall thereafter be implemented in accordance with the approved details and to a timetable agreed with the Local Planning Authority;
- (h) Prior to the commencement of each phase of the development, with the exception of any required enabling works, earthworks and access, details of the surface water drainage scheme based on sustainable drainage

principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall ensure that surface water run off post development is attenuated on site and discharged at a rate of 2 l/s/ha or greenfield run off rates, whichever rate is lower. Such works shall be carried out in accordance with the approved details. These details shall include:-

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

The approved scheme shall meet the requirements of both the Environment Agency and the Lead Local Flood Authority. Prior to the occupation of any dwelling of each phase it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details;

- (i) No phase or sub phase of development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental and Traffic Management Plan for that phase or sub phase has been submitted to, and approved in writing by, the Local Planning Authority. In discharging this condition the following information shall be supplied:-

- Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of that phase or sub phase;
- Construction vehicle routes to and from site including any off site routes for the disposal of excavated material;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- A scheme to encourage the use of Public Transport amongst contractors; and Measures to avoid traffic congestion impacting upon the Strategic Road network;
- Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
- The control and removal of spoil and wastes;
- A scheme of measures to prevent the pollution of surface and groundwater arising from the storage of plant and materials and other construction activities; the scheme should include details of the following:-
 - Site security;
 - Fuel oil storage, bunding, delivery and use;
 - How both minor and major spillage will be dealt with;
 - Containment of silt/soil contaminated run-off;
 - Disposal of contaminated drainage, including water pumped from excavation;
 - Site induction for workforce highlighting pollution prevention and awareness. Invitation for tenders for sub-contacted works must include a requirement for details of how the above will be implemented;
- The proposed hours of operation of construction activities;
- The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
- Sound attenuation measures incorporated to reduce noise at source;
- Details of measures to be taken to reduce the generation of dust; and
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice; and
- Ecological Construction Method Statement [ECMS]

The agreed Construction Environmental and Traffic Management Plan shall thereafter be implemented in full;

- (j) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with;
- (k) Applications for reserved matters approval shall include a hard and soft landscaping scheme for the phase or sub phase of the development to which it relates. The hard and soft landscaping scheme shall include for the phase or sub phase to which it relates details of the landscaping; details of the surface treatment of the open parts of the site; a programme of implementation; and a planting schedule to include numbers, density,

size, species and positions of all new trees and shrubs. The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development phase;

- (l) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species;
- (m) Before each phase of the development is commenced the following shall in respect of that phase be submitted to, and approved in writing by, the Local Planning Authority:-
- A plan showing the location of and allocating a reference number to each existing tree on the part of the site within that phase which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level, exceeding 75 mm, showing which trees are to be retained, the crown spread of each retained tree and which are to be removed;
 - Details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour, canopy spread and root protection area of each tree identified in the plan prepared pursuant to the above paragraph;
 - Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site; and
 - Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

The development of that phase shall thereafter be carried out in accordance with the approved scheme. In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in the above paragraph;

- (k) No works (including demolition, ground works, vegetation clearance) shall be commenced on any phase of the development hereby permitted until details of a wildlife strategy (incorporating an Ecological Construction Method Statement [ECMS] and a Landscape and Ecological Management Plan [LEMP]) to protect and enhance that phase of the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall demonstrate how the long-term conservation of new and retained environmental resources, including habitats and species of biodiversity value, shall be secured and shall include arrangements for implementation responsibilities for the operation of the strategy following completion of development of each phase or sub phase of the development. It will need to meet the requirements of any Natural England European Protected Species Mitigation Licences. The strategy shall be based on the advice of all the submitted landscape and ecology reports to date including those contained within the Environmental Statement (dated February 2016) including the Ecological Report submitted by A A Environmental Ltd, Environmental Statement Addendum (dated December 2016) and the Habitat Regulations Assessment (May 2016), and any other up to date surveys and include:-

1. An Ecological Construction Method Statement (ECMS) containing details of protective measures to include method statements to avoid impacts on all wildlife especially protected species during all stages of development;
2. Details of measures to prevent pollution of all water courses on or near the site;
3. Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance;
4. Arrangements to secure an Ecological Clerk of Works on site;
5. Measures for the enhancement of places of rest for protected species;
6. Details of a sensitive lighting strategy;
7. Use of protective fences, exclusion barriers and warning signs; and
8. A commitment to commence planting of replacement habitat no later than day one of each phase of the development.

The Strategy shall cover management of the whole site in perpetuity from completion of the works and once approved the works shall be implemented in accordance with the approved details and timing of the works. No part of the development on the phase concerned shall be occupied until the scheme for the maintenance and provision of the mitigation planting and maintenance of the hibernacula, bat, dormice and bird boxes and related accesses have been fully implemented. Thereafter the new planting and the wildlife resting places and agreed accesses shall be permanently maintained in accordance with the approved details;

- (l) No more than 12 months prior to the commencement of works on a phase of the development in which breeding sites or resting places of European Protected Species may be present, updated surveys for that phase shall be undertaken. The species in question include but are not necessarily limited to:-

- Bats;
- Dormice;
- Great Crested Newts; and
- Otters.

The survey results shall be submitted in writing to the Local Planning Authority together with details of any required mitigation measures and the appropriate mechanism for delivery of such measures;

- (m) A habitat enhancement area of a minimum of either i) 7.11 hectares (without the Staplegrove East application coming forward) or ii) 6.83 hectares (with Staplegrove East application being delivered) of replacement habitat will be required respectively in accordance with the agreed Habitat Regulations Assessment (May 2016). The replacement habitat shall be of accessible woodland, ponds and species rich meadow is created, which is accessible to Lesser Horseshoe Bats. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with Taunton Deane Borough Council prior to any work commencing on site (apart from any associated enabling works, earthworks and/or access). This enhancement will be planted within the first available planting season (October to March) following permission, unless otherwise agreed with the Council in writing;
- (n) A bat house for Lesser Horseshoe Bats will be constructed on the northern boundary, prior to any work commencing on site. The design and location of the bat roost shall first have been submitted to, and approved in writing by the Local Planning Authority and shall remain in place at all times thereafter;

- (o) Before any development takes place, the northern and western boundary hedgerows shall be retained in accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, giving the position, species and health of all such hedgerows and where necessary details of planting to infill existing gaps. These hedgerows shall then remain in accordance with these details and any parts of the hedgerow which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species;
- (p) Once the first phase of development has commenced, ecological monitoring of the whole site, for a period of time to be agreed between the Local Planning Authority and the applicant, shall be undertaken;
- (q) The proposals hereby approved shall be carried out strictly in accordance with the avoidance and mitigation measures put forward as conditions in Chapter 6 Section 124 of the approved Habitats Regulations Assessment. Where further information is specified to be provided by any of these requirements, this information shall have been provided to and approved by the Local Planning Authority before the relevant part(s) of the development is/are commenced and shall include a timetable for implementation of the measures. The agreed works shall then be implemented in full strictly in accordance with the approved plans and/or documentation and remain as such at all times thereafter;
- (r) No external lighting shall be placed on site or operated in any phase of the Development until a Lighting Strategy for Biodiversity for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall incorporate the following measures:–
 - (a) Identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications showing Lux levels down to an appropriate level) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - (c) Street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive bats and other species. The applicant will demonstrate that all bat corridors and feeding habitat will not exceed agreed appropriate level of illumination, in accordance with the recommended light level for Horseshoe Bats in corridors through development (Natural England, 2010). Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels;
 - (d) Lighting will be of the soft white LED type with optics that are highly directional;
 - (e) Paths within the enhanced habitat areas will not be lit as these are primarily designed to replace the value of the habitat lost that would otherwise constitute a potential significant effect on the Hestercombe House SAC.
 - (f) Properties with gardens adjacent to habitat used by Lesser Horseshoe Bats shall have their boundaries fixed with a 1.8 m high closed boarded

fence to minimise incidental light spill from uncontrolled lighting and to prevent removal of habitat to extend gardens.

- (g) There will be no routine night-time working during the construction stage of the development.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy at all times thereafter;

- (s) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, 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 before the commencement of each phase (or sub-phase) of the development;
- (t) The proposed roads, including footpaths and where applicable turning spaces and cycle way connections, 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;
- (u) Construction of the internal Spine Road is to be completed in full within five years of the first occupation or a maximum of 200 of the residential units hereby approved being occupied, whichever is achieved first. No individual phase of the development shall be occupied or brought into use until the part of the Spine Road that provides access to that phase has been constructed in accordance with plans that shall previously have been submitted to, and approved by, the Local Planning Authority;
- (v) To enable the spine road to be constructed, a first phase of development is to be located to the north of Corkscrew Lane with a temporary access to be taken from Corkscrew Lane. The access road is temporary and will close to vehicles upon completion of the spine road or within five years of first occupation, whichever is achieved first;
- (w) In the interests of sustainable development none of the dwellings in the first phase (as will be agreed by condition (c) of this permission) shall be used or occupied until a network of cycleway and footpath connections has been constructed within the development site as a whole in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (x) In relation to the spine road, any access shall ensure that there shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 m either side of the access. Such visibility shall be fully provided before any junction(s) with the spine road is/(are) brought into use and shall thereafter be maintained at all times;
- (y) No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein;

- (z) Before the completion of the proposed spine road, traffic calming measures for Manor Road and Corkscrew Lane shall have been submitted to, and approved by, the Local Planning Authority. The measures shall then be implemented in full, in accordance with the approved scheme(s) and remain in place in full working order as approved at all times thereafter;
- (aa) No dwelling in any phase or sub-phase hereby permitted, shall be occupied until footpath connections have been constructed within the phase or sub phase in accordance with a scheme that shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (bb) No development shall commence on any phase until a proposed layout scheme to include the provision of access to other parts of the Staplegrove site as identified in Policy TAU2 of the adopted Site Allocation and Development Management Plan, has been submitted for approval in writing to the Local Planning Authority. The layout scheme will be in a form that is adequate to accommodate public transport, vehicles, cycleways and footpath linkages for the future development of the Staplegrove site. The development shall be carried out strictly in accordance with the approved details;
- (cc) The applicant shall ensure that all construction vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of development and thereafter maintained until the site has been fully completed;

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

mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; (4) Applicant was advised that Dormice, bats and possibly Great Crested Newts are known to use the site as identified in submitted ecological surveys. The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. Natural England requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence. It should be noted that approval of this outline application, does not mean that Natural England has reached any views as to whether a licence may be granted; (5) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (6) Applicant was advised that nesting birds are present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed; (7) Applicant was advised to note that the Crime Prevention Design Advisor at Avon and Somerset Police would be pleased to work with them at the detailed design stage in order to 'design out' crime and disorder in this major mixed use redevelopment; (8) Applicant was advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc. in accordance with the Police approved 'Secured by Design' award scheme, full details of which are available on the SBD website; (9) Applicant was advised that development, insofar as it affects Public Rights of Way (PROW), should not be started (and the rights of way kept open for public use) until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with; (10) Applicant was advised that the health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so; (11) Applicant was advised that 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 SCC's 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; and
- 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.)

(The meeting ended at 10.24 pm.)

ORCHARD COURT HOLDINGS LTD

Demolition and erection of replacement two storey 78 No. bedroom care home at Orchard Court Nursing Home, Harp Chase, Taunton as amended

Location: ORCHARD COURT NURSING HOME, HARP CHASE, TAUNTON,
TA1 3RY

Grid Reference: 323966.123247

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Subject to no further comments raising new issues by 22 June the application be delegated to the Assistant Director Planning & Environment to determine

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 1992 LOC1 Rev 01 Site Location Plan

(A1) DrNo 1992 2100 Rev 04 Proposed Block Plan

(A1) DrNo 1992 2101 Rev 04 Proposed Site Layout

(A1) DrNo 1992 2110 Rev 04 Proposed Ground Floor Plan

(A1) DrNo 1992 2111 Rev 04 Proposed First Floor Plan

(A1) DrNo 1992 2112 Rev 04 Proposed Second Floor Plan

(A1) DrNo 1992 2113 Rev 04 Proposed Roof Plan

(A3) DrNo 1992 2120 Rev 01 Typical Bedroom Plan

(A1) DrNo 1992 2200 Rev 03 Proposed North & East Elevations

(A1) DrNo 1992 2201 Rev 02 Proposed South & West Elevations

(A3) DrNo 1992 2201 Rev 02 Proposed Courtyard Elevations

(A3) DrNo 1992 2210 Rev 02 Proposed Photomontage

(A3) DrNo 1992 2220 Rev 02 Proposed Elevation Detail

(A1) DrNo 1992 2300 Rev 03 Proposed Site Section

(A1) DrNo 1992 2301 Rev 03 Proposed Site Sections

(A1) DrNo 897-01 Landscape Proposals

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

3. Prior to the wall construction of the building 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 building/area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor windows to be installed in the south, east and north facing elevations of the building and the first floor west stair and corridor windows shall be obscured glazed and non-opening. 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.

5. The new development shall not be commenced until an appropriate, detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

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.

6. Prior to first occupation of the development hereby permitted, access to a covered electric vehicle charging point shall be made available to vehicles associated with the proposal. The point shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a transport choice is provided and to ensure that staff and other users can travel to and from the premises by means of an electric vehicle.

7. The premises shall be used for dementia care home only and for no other purpose (including any other purpose in Class C2 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: To prevent changes to unacceptable use that would generate more traffic.

8. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Abricon's Phase one habitat survey dated January 2018 and Western ecology's bat emergence survey dated May 2018 and include:
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for the 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 and thereafter the resting places and agreed accesses for nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Reason for pre-commencement: To ensure wildlife is addressed and adequately protected during the construction process.

Notes to Applicant

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

Proposal

The demolition of the existing single storey, 43 bedroom care home and erection of a replacement 78 bedroom facility over largely 2 floors, with additional space in the roof above the entrance. The site will provide 18 parking spaces together with communal space and gardens. The new building would be designed to meet modern care needs which the current building fails to.

Site Description

The site is currently occupied by a largely single storey care home that is vacant and was unrestricted in terms of its use. It was closed in 2016 and currently does not meet the CQC requirements for modern care needs. It is surrounded by two storey residential development on all sides including the access route off Harp Chase.

Relevant Planning History

38/95/0160 - Erection of nursing home and construction of access road and associated parking on land off Shoreditch Road, Taunton – Approved - 24/7/1995

38/05/0184 - Retention of 1.8m high fence at Orchard Court, Harp Chase, Taunton – Approved - 7/7/2005

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal is for the demolition of the existing for care home and the erection of a two storey 78 bed specialist dementia care home with associated parking.

The proposal site sits off the unclassified no through Harp Chase road, which subsequently ties into the classified Shoreditch Road in the southern region of Taunton.

It is to our understanding the proposal site had a former occupancy as a care home, consisting of 43 bedrooms and 18 parking spaces. The current proposal would see the creation of 78 bedrooms, the 18 parking spaces retained (albeit repositioned) with an additional disabled parking space and 11 cycle spaces. The body of the proposal states that residents of the home would not drive or cycle to and from the site, which is believed to have occurred previously. Associated vehicle movements will largely be related to employees and visitors to the care home. When consulting the Somerset Parking Strategy, the proposed number of vehicle and cycle spaces is considered acceptable however the Highway Authority would like to see a designated sheltered parking area for cycle spaces. Whilst the proposal falls below the threshold for the requirements for electric car charging points, the Highway Authority would welcome a designated area to accommodate this.

The applicant should note that for any parking bay that abuts a structure, a parking dimension of 2.4m x 5.5m is required to ensure there is no overhanging onto the public highway in the interests of highway safety.

Any existing gullies that coincide with drop kerbs would need to be pedestrian friendly and appropriate gully frames installed. The applicant should also note that street lights may need relocating and contact should be made with the Highway Authority Street Lighting team prior to any works commencing.

Whilst the applicant states that none of the associated residents of the proposal will have independent vehicular access, consideration has to be taken into account the

existing classification of the site. Whilst this proposal may be acceptable in terms of anticipated trip generation and traffic impact, potentially the site could be subject to higher volumes of vehicle movement should the nature of the residents at the proposed care home change in the future and vehicle movements associated with the site increase. The Highway Authority may require further transport details if this was to occur and the Local Planning Authority should take this into consideration.

A Measures only Transport Statement was submitted as part of the application and this has been audited by colleagues in the Travel Planning Team. The audit identified a number of issues, some major that will require addressing. Concerns include that this should be a Travel Plan Statement (TPS) in this instance which needs to consist of a robust table of measures. It is important to note however, that a Full Travel Plan would likely be required if the care home wasn't resident specific.

To achieve an acceptable Travel Plan Statement a detailed audit report can be made available to the applicant to assist preparing a suitable document.

There appears to be no mention of a Travel Plan fee in the document but I can confirm a fee of £700 plus VAT is required to be paid in full to the Highway Authority prior to commencement of the development.

It is also recommended that the provision of the Travel Plan be secured by an agreement under Section 106 of the Town and Country Planning Act 1990, which should include the relevant Travel Plan fee.

It is in the opinion of the Highway Authority that this proposal is likely to generate a material increase in vehicle movements to the site in comparison to the sites former use given the increase in proposed bedrooms, associated work force and the anticipated level of visitors the site is likely to receive on a regular basis. However the Highway Authority does not consider the current application would have a severe impact on the local highway network.

With the above in mind the Highway Authority raises no objection in to this proposal. If the Local Planning Authority is minded to grant planning permission the Highway Authority recommends the following conditions be attached.

1. 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 commencement of development and thereafter maintained until the use of the site discontinues.

2. 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.

3. The area allocated for parking and turning on the submitted plan, drawing number 2101 01, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

4. Prior to first occupation of the development hereby permitted, access to covered electric vehicle charging points will need to be available to vehicles associated with the proposal. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

5. 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.

6. The new development shall not be commenced until an appropriate, detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

BIODIVERSITY - Abricon carried out a Phase one habitat survey of the site in January 2018.

A bat emergence survey was carried out by western ecology in May 2018
Findings were as follows

Bats.

The outbuildings were not deemed suitable for bats.

Trees on site did not have potential to support bats.

However features were present on the exterior and interior of the main building that were considered to be suitable for bats so an emergence survey was carried out in May 2018. No bats were seen to emerge from the building therefore it is reasonable to conclude that bats are not roosting within this structure.

I agree that works can proceed with negligible risk to bats, and do not require a method statement for bats or a European Protected Species licence.

Birds

Vegetation on site has potential to support birds. Removal of vegetation should take place outside of the bird nesting season. Provision should be made in the new build for nesting birds.

Badgers

The site provided limited habitat for badgers.

Reptiles

The site provides reptile and hedgehog habitat including potential hibernacula in the form of log and brash piles. Due to the site only recently being left unmanaged since 2017, no survey is required as long as site maintenance is continued in 2018

Subsequently clearance of vegetation should take place in a precautionary manner.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Abricon's Phase one habitat survey dated January 2018 and Western ecology's bat emergence survey dated May 2018 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the 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 and thereafter the resting places and agreed accesses for nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note

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.

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

WESSEX WATER - No comment

LANDSCAPE - The replacement building , being two rather than one storey will have a greater impact on the amenity of the adjoining properties.
The proposed landscaping is satisfactory.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No comment received.

POLICE ARCHITECTURAL LIAISON OFFICER - No objection subject to comments:

1. Crime Statistics – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/02/2017 - 31/01/2018 is as follows:-

Criminal Damage - 2 Offences (both criminal damage to vehicles)
Theft & Handling Stolen Goods - 3 Offences (all theft from motor vehicles)
Violence Against the Person - 5 Offences (incl. 2 common assault & battery & 2 causing intentional harassment, alarm distress)
Total - 10 Offences

This averages less than 1 offence per month, which is a very low reported crime level.

2. Defensible Space – it is important that boundaries between public and private space are clearly defined and the Site Layout plan shows surface changes by colour and texture only to the front of the building incorporating parking spaces, with no apparent boundary treatment. Police advice is that building frontages should be kept open to view to assist natural surveillance, however, an appropriate form of boundary treatment should be provided, even if only in the form of low wall, fence, hedge or similar (maximum height 1 metre) to deter unauthorised access to windows and doors at the front of the building. I note that windows in the ground floor rooms on the western side of the building are protected by a landscape buffer but not the remaining ground floor rooms. It is also unclear from the plan whether unlawful access can be gained from the front via the sides of the building and, if so, this should be prevented by using walls, fences or similar boundary treatment, minimum height 1.8 metres. The sides and rear of the building appear to back onto existing dwellings, which should prove sufficient to deter crime.

3. Natural Surveillance – optimum natural surveillance should be incorporated whereby residents can see and be seen, this should include unobstructed views from the development of all external spaces, including footpaths, roadways, the internal communal area and landscaping. Any recesses, blind corners or potential hiding places should be eliminated. Generally speaking, this appears to be the case.

4. Public Access – the security of the development is enhanced by discouraging casual intrusion by non-residents, so public access should be restricted. In this

regard, the main entrance appears to be well supervised from the staff and manager's offices and incorporates an 'airlock' type arrangement between the outer and inner access doors. Good signage should be displayed to deter unauthorised access and assist emergency services.

5. External Lighting – appropriate 'dusk to dawn', low energy security lighting should be designed to cover potential high risk areas including main site access points, footpaths associated to main building, cycle store, bin store and any other secluded areas around the site. Also main entrance doors, secondary access doors and fire exit doors. All lighting should be vandal resistant and automatically controlled by photo-electric cell or time switch with manual override. There is existing street lighting in Harp Chase at the front of the building.

6. Landscaping/Planting – externally there appears to be limited scope for landscaping and planting around the development and any such planting should not impede opportunities for natural surveillance. As a general rule, where good visibility is needed shrubs should be selected which have a maximum 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.

7. Car Parking – appears to be limited to car parking spaces for staff/visitors at the front of the building only.

8. Cycle and Bin Stores – the Site Layout plan indicates an internal Cycle Store at the front of the building which should be lockable to deter cycle theft. The visitor's cycle rack adjacent to the front entrance should also be secure. The separate Bin Store at the rear of the building appears to be of substantial construction and should also be lockable to prevent the use of wheelie bins as climbing aids or for arson.

9. Doorsets & Windows – in order to comply with Approved Document Q: Security Dwellings of Building Regulations, all easily accessible external doorsets and ground floor or easily accessible windows (including rooflights) must be tested to PAS 24:2016 security standard or equivalent.

10. Access Control – an appropriate form of electronic access control e.g. swipe card, proximity fob or similar system should be installed to ensure that doors leading to potentially vulnerable areas or offices are secure, including the communal stair door off Reception and the two communal entrance doors at the rear of the building.

11. CCTV – the installation of a monitored cctcv system can help deter crime, assist in the identification of offenders when a crime has been committed and assist in the management of premises. I recommend that such a system be considered to monitor internal communal areas and potentially vulnerable external areas. Any such system installed must be compatible with the lighting system.

12. Intruder Alarm – consideration should also be given to the installation of a monitored intruder alarm to cover potentially vulnerable offices/rooms. Such a system could also incorporate a personal attack facility for use by staff.

13. Other Internal Security Issues – 24 hour lighting should be provided to

communal parts of the building including the communal entrance hall, lobbies, landings, corridors, stairwells and all entrance/exit points. The design does appear to provide good sight lines from the nurse's offices along the wings of the building.

14. Secured by Design(SBD) – if planning permission is granted, the applicant is advised to refer to the additional comprehensive information available in the 'SBD Homes 2016' design guide available on the on the police approved SBD website – www.securedbydesign.com.

SOUTH WESTERN AMBULANCE SERVICE - No comment received

RSPB - I request to condition internal swift boxes at the above.

We have found that nursing home providers favourably consider this type of biodiversity enhancement as nest boxes and birds feeders are a source of interest to the residents, current research suggests that their health and wellbeing benefit as a consequence.

We recommend internal swift boxes more or less exclusively as they recreate the cavities generally found in older buildings and are used by most species that nest/roost in them.

Internal boxes are far more satisfactory than the retro-fitted variety as they are permanent, inconspicuous and need little or no maintenance. We hope that you agree and make their inclusion a condition if planning permission is granted as a guide we would suggest approx. twenty four boxes in small clusters and would be happy to advise on locations.

ENVIRONMENTAL HEALTH - FOOD SAFETY - No comment

SOMERSET COUNTY COUNCIL COMMISSIONING - ADULT SOCIAL CARE –

We are aware that we have a surplus of care homes beds in Somerset currently, however we have some key gaps in provision, in particular around specialist nursing care and less traditional care home models.

- We would support a facility that enable local residents living with dementia to remain local and maintain links to the community as opposed to being forced to live further away.
- Provide residents with purpose built accommodation to modern standards – most importantly with their own ensuite facilities.
- Support those living with dementia with an environment specially designed to enhance their life experience and care.
- It will be Evolve who will be tasked with providing a service that the LA and others want to use.

We cannot give any guarantees though we will always work with progressive providers who meet peoples' needs in a quality care environment.

Representations Received

WARD CLLR HERBERT - I strongly object to this application on many grounds. The proposal is for a three storey building which would be totally out of context and suitability for this location. As a residential area it is essential that a maximum of two standard stories is maintained or the building will be overly imposing in its setting. Overlooking of any kind must be avoided, a large concern is the idea of putting the kitchen and laundry facilities at the top of the building, noise would cascade out and down onto the surrounding area causing disturbance and nuisance to neighbours. The lack of parking is an obvious concern especially as there are no bus services past 18.00 on week days and no services at all on Sunday. I presume there will be staff after 18.00 and on a Sunday. The limited area for waste disposal is very worrying, the site already had issues in the past with disturbance from waste collections, having such a small space in an awkward position will undoubtedly cause problems with storage and access by contractors. Noise from deliveries has also been a problem and it would be essential for conditions to be added to restrict timings of waste collections and deliveries to prevent noise nuisance traffic neighbouring properties. Please refuse this application as it is overdevelopment and unsuitable in its design and scale for this location.

COMMENT ON AMENDMENTS

I can see no improvement in these small revisions, indeed some aspects are worse. The scheme needs entirely rethinking to be anywhere near suitable for this site. It is too big, too imposing and will cause unacceptable daily disturbance to this quiet residential area in its current format. Not acceptable at all.

I have looked carefully at the revised plans but can not see they have been improved sufficiently to make them anywhere near acceptable. To propose frosted glass to windows where residents are already easily confused and vulnerable is pretty inhumane in my opinion. The existing building was only given permission because it was single storey as it is so close to the boundaries of the site. If the developer wants to have anything over a single storey then the building will have to be moved away from the boundaries. The waste storage remains poorly sited and will cause disturbance whilst being used and when being emptied. The kitchen and laundry in the roof is still a great problem and will cause noise and disturbance to all neighbours. The level of parking is a concern in an area where public transport is not 24/7, this will cause significant issues for Harp Chase and there was previous issues with access for ambulances to the previous home due to parking in the street. This proposal remains ill thought out and is out of scale for the size of site and location. It will be detrimental to the amenity of Harp Chase, Tamar Avenue and Stoke Road.

37 letters of objection on grounds of

- Loss of daylight to garden,
- overlooking
- Loss of privacy and amenity
- Building size, design and materials out of keeping
- 3 storey out of keeping
- will dominate and overshadow local homes
- Looks like business park

- Overdevelopment
- Unattractive with dark materials
- Building closer to boundaries
- Will add to congestion
- Increase in noise
- Increase in light pollution
- Increased servicing
- lack of care for patients with limited glazing
- concern over dementia occupants
- Pressure on services insufficient refuse storage and increase in waste
- Insufficient parking
- Lack of cycle and motorbike parking
- Increase parking on street will lead to congestion and highway danger
- insufficient servicing space & bin collection times should be conditioned
- No room to double the parking spaces
- Need for obscure glazing
- Impact of dust on medical condition
- No justification to demolish and overdevelop the site.
- Fire risk
- No emergency exit from kitchen
- Loss of trees
- Wildlife impacts
- D&A refers to incorrect garden lengths
- Prefer refurbishment
- Prefer residential properties
- Objection to where support letters originate and not being local.
- Loss of value.

13 letters of support on the basis it will support a local need and local jobs.

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.

CP1 - Climate change,
 CP2 - Economy,
 CP5 - Inclusive communities,
 CP6 - Transport and accessibility,
 CP8 - Environment,
 DM1 - General requirements,
 SD1 - Presumption in favour of sustainable development,
 A2 - Travel Planning,

A1 - Parking Requirements,
C4 - Protection of community facilities,
D7 - Design quality,
ENV1 - Protection of trees, woodland, orchards and hedgerows,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

The Care Home (C2 Use Class) would not be eligible for CIL.

New Homes Bonus

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

Determining issues and considerations

The main considerations are compliance with policy in terms of the use, parking, amenity and wildlife.

POLICY

The site is currently used as a care home and consequently the re-use of the site for that purpose is acceptable in terms of the use in this location. Policy C4 of the Site Allocations and Development Management Plan (SADMP) seeks to retain such community uses and only allows their loss in certain circumstances as follows:

- A. Evidence is submitted to demonstrate that there is no longer a community need for the facility; and
- B. The facility is no longer financially viable; and
- C. It could not be put to another similar, community use; or
- D. Replacement facilities are provided on site, or within the vicinity to meet the needs of the local population.

It is considered that there is a community need for such a facility and while it is accepted that the current building is sub-standard and could not be made so in viable way, the replacement of the building is a suitable alternative that provides an appropriate care home facility on site and this view is supported by the County Council. If it were to be accepted that the redevelopment of the site for a care home was not suitable then this would open up an alternative use of the site may not be classed as a community facility.

PARKING

The parking policy is set out in the SADMP as policy A1. The allows for 1 parking space per 8 bed spaces and this would equate to 10 spaces and 20 spaces are being provided on site as well as cycle parking and an electric vehicle charging point. The proposed use is intended as a dementia care facility whereby residents would not drive and this would differ from the previous care home on the site. A travel plan is also proposed and it is considered that this can be conditioned to be agreed prior to occupation as well as the provision of the electric vehicle charging point. The parking and turning will be controlled by the plan details submitted and the control of construction detail and access are not something that can be enforced by the Planning Authority and are not therefore considered appropriate conditions.

AMENITY

The application site is surrounded on all sides by residential properties and while there are existing first floor windows in the current building these are obscure glazed to avoid overlooking issues and loss of privacy. In re-designing the replacement building to make the use viable on site the applicant has designed a largely two storey building. This has meant increasing the height of the building by 3m. While this roofscape will be visible from the Tamar Avenue properties these dwellings lie to the south and so would not be impacted in terms of overshadowing and loss of light. The properties to the north in Stoke Road would be impacted more, however given the back gardens of these properties are around 45m long the impact is not considered one that is so severe on amenity to warrant a refusal. Similarly the dwellings to the west are over 30m away and the early morning impact is considered an acceptable one. The development proposes landscaping to the site which is considered acceptable by the Landscape Officer and while the building will be more visible at the end of surrounding gardens this is not considered a reason warranting refusal of the development.

The new building is two storey and has windows on all four sides. Revisions to the design have been made which provide bay window designs with clear glazed sides looking parallel to the building and obscure glazed sections facing the residential boundaries. The window to window distances are 45-50m to the north and 28-33 to the south which are acceptable and there is not considered to be any significant loss of privacy from the revised scheme to warrant an objection on this ground.

WILDLIFE

The applicant has submitted a wildlife survey and further survey work has been carried out as the intention is to demolish the existing building. No bats were identified as roosting in the building and an appropriate condition can therefore be imposed requiring a strategy to protect wildlife on the site and incorporate any mitigation into the scheme.

OTHER MATTERS

Bin storage is provided for on site and its management and collection is not

something that can be adequately be controlled by condition as this is the responsibility of a third party. The proposal is a similar footprint to the existing building and the site foul drainage will be to existing sewers and the building will not generate significant increased surface water run-off. Emergency exits and fire risk are matters to be controlled under the Building Regulations and cannot be conditioned under the planning legislation.

CONCLUSION

The existing building on the site is not considered suitable or viable for the continued nursing home use. The development increases the number of bedrooms on the site and the height and impact of the proposed building to ensure its future viability. The use is one that is identified as being in need and is in a sustainable location. The impact of the proposed building alterations on the surrounding area to secure a viable community use of the site are considered acceptable subject to conditions.

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

Contact Officer: Mr G Clifford

43/17/0143

MR & MRS MUGRIDGE

Erection of single storey side extension with mezzanine and glazed link to main dwelling at Linden Cottage, Linden Hill, Wellington

Location: LINDEN COTTAGE, LINDEN HILL, WELLINGTON, TAUNTON, TA21
ODW

Grid Reference: 312394.120629

Full Planning Permission

1. Recommendation

Recommended decision: Refusal

- 1 The proposal is contrary to policy D5D of the Site Allocations and Development Management Plan and policy CP8 of the Core Strategy as well as Paragraph 134 of the National Planning Policy Framework. It is considered to cause less than substantial harm to the setting of the listed building without any public benefit and there is no evidence to suggest Linden Cottage is not viable as the existing cottage.

Recommended Conditions (if applicable)

Notes to Applicant

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

Proposal

Permission is sought for the erection of a 5.7m x 7.7m timber cladding and glazed extension to the east of the existing dwelling. A glazed link is proposed to join the two buildings together. Several internal alterations are proposed these include the reconfiguration of the ground floor to include the enlargement of the bathroom. The removal of the internal wall that currently forms a cupboard to create a passageway, and creation of a new opening from the new passageway into the snug. The proposal also includes the enlargement of an existing window to create an opening in the eastern elevation to form the glazed link.

Site Description

Linden Cottage is a detached rendered cottage which is grade II Listed. The site is accessed from the north then runs along the western and southern boundaries to

the principal elevation. There is a detached garage to the front of the property and a brick washhouse to the rear. The garden slopes away to the east.

Relevant Planning History

Applications 43/17/0141 and 43/17/0142 for the erection of an extension and conversion of the washhouse to ancillary accommodation have been submitted and are awaiting determination.

Application 43/17/0144 is the listed building application running parallel to this application.

Applications 43/09/0037 and 43/09/0038 erection of extension and conversion of wash house to form annexe was refused in 2009 because "the proposed extension, by reason of its scale and location would seriously reduce the historic interest of the host building as a small ancillary building would undermine the subservient relationship of the building with the host dwelling and therefore be detrimental to the setting of the main listed building and curtilage listed building. Reason two was the proposed annexe, by reason of its size, is tantamount to the creation of a new self contained dwelling. It has not been demonstrated that adequate parking, access and amenity space can be provided on the site, without prejudice to the setting of the listed building.

Consultation Responses

WELLINGTON TOWN COUNCIL - permission be granted

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice

CONSERVATION OFFICER - My view is that the building is in its optimum viable use as a small cottage. It has value in this form and would easily be sold if marketed.

I don't see that this proposal enhances the asset or makes it easier to understand.

I am not aware of any risks as the building is in good condition and we are not able to take account of any future deterioration that happens if neglected.

National Planning Policy Framework makes the following statement.

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.

My view remains the same. This particular design causes less than substantial harm at the higher end of the spectrum and will fundamentally change the setting of the building when viewed from the public footpath that runs around the site. I

don't consider that the public benefits are sufficient to offset this harm.

I have suggested a set down building that makes use of the land form to conceal a room. This would be less visible but would have an outlook onto the garden. It was made very clear to me that the current design was the only one that the owner wished to consider. If this has now changed I would be happy to meet. Otherwise it would be better for us to determine the application and if refused it could be tested at appeal.

I formally recommend Refusal of this application.

Representations Received

Ten letters of support making the following comments (summarised):

- Tasteful and unobtrusive
- Create a lovely large space
- Glazed link looks less cumbersome than a solid structure linking the tow.
- Neat and tidy with clean lines
- Well designed
- Good for the building
- Safeguard the building future
- use of materials will sympathetically improve the property.
- no adverse impacts on the area
- no increase in traffic
- extension blends the old with the new
- enhance the beautiful property
- Sympathetically planned

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.

ROW - Rights of Way,
DM1 - General requirements,
D5 - Extensions to dwellings,
CP8 - Environment,

This takes into account the recent adoption of the SADMP.

Determining issues and considerations

The main consideration in determining this application is the impact upon the setting of the listed building.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any feature of historic or architectural interest when deciding whether to grant planning permission.

It is noted that the views of the proposed extension would be minimal from the dwellings to the south west and will only be partially visible from the footpath that runs south of the property it is therefore considered that the proposal will not have a detrimental impact upon the residential amenity of the neighbouring properties.

Paragraph 134 of the NPPF states 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". Comments from the Heritage Officer state that the current design causes less than substantial harm at the higher end of the spectrum and will fundamentally change the setting of the building when viewed from the public footpath while the public benefits are not sufficient enough to offset this harm. It is considered that the building is in its optimum viable use as a small cottage, it has value in this form. The current proposal is not considered to enhance the property or make it easier to understand.

It is considered that the proposal does not comply with policy D5 or CP8, as it is not considered to preserve or enhance the character or the setting of the listed building. An alternative suggestion by the Heritage Officer has not been taken up by the applicant.

It is therefore recommend that planning permission be refused.

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

Contact Officer: Briony Waterman

43/17/0144/LB

MR & MRS MUGRIDGE

Erection of single storey side extension with mezzanine and glazed link and internal alterations to main dwelling at Linden Cottage, Linden Hill, Wellington

Location: LINDEN COTTAGE, LINDEN HILL, WELLINGTON, TAUNTON, TA21
ODW

Grid Reference: 312394.120629

Listed Building Consent: Works

Recommendation

Recommended decision: Refusal

- 1 The proposal is contrary to policy D5D of the Site Allocations and Development Management Plan and policy CP8 of the Core Strategy as well as Paragraph 134 of the National Planning Policy Framework. It is considered to cause less than substantial harm to the setting of the listed building without any public benefit and there is no evidence to suggest Linden Cottage is not viable as the existing cottage.

Recommended Conditions (if applicable)

Notes to Applicant

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

Proposal

Permission is sought for the erection of a 5.7m x 7.7m timber cladding and glazed extension to the east of the existing dwelling. A glazed link is proposed to join the two buildings together. Several internal alterations are proposed these include the reconfiguration of the ground floor to include the enlargement of the bathroom. The removal of the internal wall that currently forms a cupboard, to create a passageway, and creation of a new opening from the new passageway into the snug. The proposal also includes the enlargement of an existing window to create an opening in the eastern elevation to form the glazed link.

Site Description

Linden Cottage is a detached rendered cottage which is grade II Listed. The site is accessed from the north the access runs along the western and southern boundaries to the principal elevation. There is a detached garage to the front of the property and a brick washhouse to the rear. The garden slopes away to the east.

Relevant Planning History

Applications 43/17/0141 and 43/17/0142 for the erection of an extension and conversion of the washhouse to ancillary accommodation have been approved.

Application 43/17/0143 is the householder application running parallel to this application.

Applications 43/09/0037 and 43/09/0038 erection of extension and conversion of wash house to form annexe was refused in 2009 because "the proposed extension, by reason of its scale and location would seriously reduce the historic interest of the host building as a small ancillary building would undermine the subservient relationship of the building with the host dwelling and therefore be detrimental to the setting of the main listed building and cartilage listed building. Reason two was the proposed annexe, by reason of its size, is tantamount to the creation of a new self contained dwelling. It has not been demonstrated that adequate parking, access and amenity space can be provided on the site, without prejudice to the setting of the listed building.

Consultation Responses

WELLINGTON TOWN COUNCIL - no comments received

CONSERVATION OFFICER - My view is that the building is in its optimum viable use as a small cottage. It has value in this form and would easily be sold if marketed.

I don't see that this proposal enhances the asset or makes it easier to understand.

I am not aware of any risks as the building is in good condition and we are not able to take account of any future deterioration that happens if neglected.

National Planning Policy Framework makes the following statement:

34. 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.

My view remains the same. This particular designs causes less than substantial harm at the higher end of the spectrum and will fundamentally change the setting of the building when viewed from the public footpath that runs around the site. I don't consider that the public benefits are sufficient to offset this harm.

I have suggested a set down building that makes use of the land form to conceal a room. This would be less visible but would have an outlook onto the garden. It was made very clear to me that the current design was the only one that the owner wished to consider. If this has now changed i would be happy to meet. Otherwise it would be better for us to determine the application and if refused it could be tested at appeal.

I formally recommend Refusal of this application.

Representations Received

four letters of support making the following comments (Summarised):

- Well designed proposals
- Good for the building

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), 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.

ROW - Rights of Way,
DM1 - General requirements,
D5 - Extensions to dwellings,

This takes into account the recent adoption of the SADMP.

Determining issues and considerations

The main consideration in determining this application is the impact upon the setting of the listed building.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any feature of historic or architectural interest when deciding whether to grant planning permission.

It is noted that the views of the proposed extension would be minimal from the dwellings to the south west and will only be partially visible from the footpath that

runs south of the property it is therefore considered that the proposal will not have a detrimental impact upon the residential amenity of the neighbouring properties.

Paragraph 134 of the NPPF states that "where a development proposal will lead to less 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". Comments from the heritage officer state that the current design causes less than substantial harm at the higher end of the spectrum and will fundamentally change the setting of the building when viewed from the public footpath where the public benefits are not sufficient enough to offset this harm. It is considered that the building is in its optimum viable use as a small cottage, it has value in this form. The current proposal is not considered to enhance the property or make it easier to understand.

It is considered that the proposal does not comply with policy D5, as it is not considered to preserve or enhance the character or the setting of the listed building.

The proposal includes internal alterations such as the removal of an existing partition in the hall and the insertion of two new doors one leading into the snug and one into the proposed utility/laundry. These changes are not considered to have a significant impact on the historic fabric of the building and are considered acceptable. The applicants submitted statement of significance states that the window to be removed is set in modern brick work indicating that it was inserted into the south east elevation in the late 20th Century, and that the enlargement of this opening would require the loss of some of the original historic fabric. (rubble stone). This opening is not considered to negatively impact upon the listed building. Notwithstanding the above the side extension is considered harmful and there is insufficient benefit and justification to offset the harm.

It is therefore recommend that planning permission be refused.

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

Contact Officer: Briony Waterman

48/18/0014

MR M ELLIS

Installation of a heat pump unit for central heating on garage roof (retention of works already undertaken) at Glenrose, 89 Greenway, Monkton Heathfield

Location: GLENROSE, 89 GREENWAY, MONKTON HEATHFIELD, TAUNTON,
TA2 8NH

Grid Reference: 325420.127453

Full Planning Permission

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:

(A4) Site Plan
(A4) South Elevation Amended
(A4) Amended East Elevation
(A4) Roof Plan

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

2. The external finishes of the works hereby permitted shall match in material, colour, style, type, size, pointing, coursing, jointing, profile and texture those of the existing building.

Reason: To safeguard the character and appearance of the building.

Notes to Applicant

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

Proposal

Permission is sought for the installation of a heat pump unit for central heating on the garage roof (retention of works already undertaken).

Site Description

Glenrose is a detached brick built bungalow with a flat roofed garage. The central heating unit is situated on the flat roofed garage.

Relevant Planning History

No relevant planning history.

Consultation Responses

WEST MONKTON PARISH COUNCIL - The street scene is affected by the installation. It is suggested that the heat pump unit is turned through an appropriate degree (applicant suggested 30 degrees) to diminish the sound and direct it into the trees. The Parish Council recommends that acoustic louvres are fitted around the heat pump unit to reduce the sound and to turn the heat pump through 90 degrees which would not reduce air flow, but would reduce the impact on the street scene. The Parish Council would support the written recommendation from the TDBC Environmental Health Officer who attended the property.

Representations Received

8 letters of objection making the following comments (summarised):

- Emits a constant noise
- industrial appearance
- the impact on wildlife
- effect on the streetscene
- Elevated position dominates the neighbours

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
D5 - Extensions to dwellings,
H17 - Extensions to dwellings,

This takes into account the recent adoption of the SADMP.

Determining issues and considerations

The main consideration in determine this application is the impact upon the neighbouring properties.

Comments received from the neighbours mention the impact from noise. However comments from Environmental Health have stated that they do not find the noise to be a statutory nuisance.

Amended plans submitted by the applicant show the heat pump to be screened by interlocking tiles to form a false roof. This will enable the proposal to be screened from the neighbouring properties and the highway minimising the impact upon the streetscene. It will also act as a buffer to reduce the noise impact.

The proposal would be acceptable in terms of its scale and design and appearance and character of the street scene would not be unacceptably harmed by the development

It is therefore considered 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: Briony Waterman

49/17/0070

GADD PROPERTIES (SOUTH WEST)LTD

Erection of 3 No. detached bungalows with car ports and associated works on land adjacent to and to the rear of 13/14 Spring Gardens, Wiveliscombe

Location: 13/14 SPRING GARDENS, WIVELISCOMBE, TAUNTON, TA4 2LQ

Grid Reference: 308161.128035

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed development of three detached bungalows will lead to less than substantial harm to the significance of a designated heritage asset, and in accordance with paragraph 134 of the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal.

The dwellings, by reason of their design as single storey structures and through the use of inappropriate materials would adversely impact upon on the setting of the Conservation Area and the nearby Listed Buildings; would result in loss of the historic burgage pattern arrangement in the area; and the provision of the car port adjoining the dwellings and the associated vehicular access across the land from open land at Spring Gardens would result in the breach of the distinctive and significant historic town boundary together with the unacceptable loss of an extensive section of the stone wall. Therefore the public benefits of the proposal do not outweigh the harm caused, which makes the proposal contrary to the advice given within the National Planning Policy Framework. For the same reasons, the proposal fails to meet the tests of policy CP8 and DM1 of the adopted Taunton Deane Core Strategy and policies ENV4 and D7 of the adopted Site Allocations and Development Management Plan.

Recommended Conditions (if applicable)

Notes to Applicant

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

Proposal

Erection of 3 No. detached bungalows with car ports and associated works on land adjacent to and to the rear of 13/14 Spring Gardens, Wiveliscombe (revised scheme from previous approval ref 49/17/0015).

The previous approved scheme (49/17/0015) involved the construction of 3 bungalows within the former garden area of the site and the associated parking was to be accommodated under car port parking on the area of open space adjacent to properties in Spring Gardens. This current scheme now seeks to construct an internal road to access car ports within each proposed bungalow plus two visitor spaces on the open space area.

Site Description

The land comprises of rear garden areas of two properties within the adjoining road to the east (known as Golden Hill). These gardens have an existing natural stone High wall along the eastern boundary and this also forms the edge of the existing Wiveliscombe Conservation Area.

The southern boundary of the application site adjoins the garden of No 17, Golden Hill (North-east side), Wiveliscombe (HER PRN 45059), a Grade II listed building.

The proposal site is not directly within the designated Wiveliscombe Conservation Area but directly adjoins this area along the eastern and south eastern boundary.

Mature trees and boundary hedges help screen the listed building from views to the application site but glimpses will be possible in the winter months.

Also adjacent to the boundary walls of the site is a public footpath and adjoining this on the other side is an area of currently green open space area besides nos. 13 and 14 Spring Gardens.

Relevant Planning History

49/16/0023, Erection of 3 detached bungalows with associated works on land adjacent to 13/14 Spring Gardens, on refused on 09/01/17.

This application was for a similar layout of development to the current proposal and included a vehicle access into the main part of the site. It was refused for the following reason:

The proposed development of three detached bungalows will lead to less than substantial harm to the significance of a designated heritage asset, and in accordance with paragraph 134 of the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal. The dwellings, by reason of their design as single storey structures and through the use of inappropriate materials would adversely impact upon on the setting of the Conservation Area and the nearby Listed Buildings; would result in loss of the

historic burgage pattern arrangement in the area; and would result in the breach of the distinctive and significant historic town boundary together with the unacceptable loss of an extensive section of the stone wall. Therefore the public benefits of the proposal do not outweigh the harm caused, which makes the proposal contrary to the advice given within the National Planning Policy Framework. For the same reasons, the proposal fails to meet the tests of policy CP8 and DM1 of the adopted Taunton Deane Core Strategy and policies ENV4 and D7 of the adopted Site Allocations and Development Management Plan.

49/17/0015, Erection of 3 detached bungalows and car ports with associated works, conditionally approval on 22/09/17.

This application removed the need to provide vehicle access into the main part of the site by providing parking outside of the wall and therefore addressed the issue regarding the removal of a substantial part of the wall.

Consultation Responses

WIVELISCOMBE TOWN COUNCIL - The town council support the application with the following comments;

- The proposed development site has now received an archaeological investigation and as not found anything of significance, but it should be a condition that a watching brief be carried out by the County Archaeology team to record anything else that may be found on the site.
- The wall in some form or another stretches from North Street to Northgate and has been breached in recent years by two roads and ten gateways. A few years ago, the section of wall next to the proposed development collapsed and blocked the footpath. No one showed any interest in this and the Council at considerable public expense had to cap it off at low level to make both the wall and the footpath safe.
- The wall is not classed as a 'positive wall' in the conservation document and is not listed and like some other parts it is showing signs of deterioration and will need maintaining to keep it safe.
- The conservation area has had a number of dwellings built on it over the last few years with no damage to the area.
- It will be more sensible to have cars parked next to the dwellings rather than parked away in a carport on the roadway, this will reduce criminal activity and improving the visual appearance of the area.

SCC - RIGHTS OF WAY - No comments received.

SCC - TRANSPORT DEVELOPMENT GROUP –

In reference to the application and to reiterate previous comments

There was no appropriate drawing to condition the visibility splays. The Highway Authority had a 'pre app' discussion with Mike Bellamy (as attached) regarding proposed splays for the site which was considered acceptable in principle in this instance. If the applicant can demonstrate these proposed splays as agreed in principle on a suitably scaled drawing then it is likely that these visibility splays can be conditioned to a suitably scaled drawing.

The Highway would prefer the 'X' distance be set back to the standard distance of 2.4m in accordance with MFS. However in this instance we would consider the proposed visibility splays set out below despite being in a built up area.

Given the nature of the unclassified road, it may be perceived that the immediate highway would experience a low volume, low speed vehicle movement environment in an existing estate road whilst noting the cul de sac/no through road arrangement to the south of the proposal site.

With the above in mind it would be likely that the Highway Authority would not object to the proposed visibility splays set out below in this instance.

Amended plan/additional comments;

In response to the application above and with reference to Drawing No: 2573-SK-02, it would appear that the drawing isn't to scale as initially requested by the Highway Authority. Therefore the current drawing cannot be conditioned. However, if the proposed visibility splays can be achieved by the applicant (2m x 33m in either direction, to the nearside carriageway edge to the north and up to 1m out carriageway edge to the south), there is no objection to this element of the application by the Highway Authority, however please note our previous comments dated 25/7/17. If the Local Authority is minded to grant planning permission to the application, please find the following conditions recommended:

- There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.0 metres back from the carriageway edge on the centre line of the access extending to 33 metres in each direction to points on the nearside carriageway to the north and up to 1m out from the carriageway edge to the south. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.
- Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.
- 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.

- The area allocated for parking on the submitted plan, A2013 / 02 / PL202 Rev B shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Note: In terms of the internal layout it should be aware that the internal layout of the site is envisaged to remain private. The Highway Authority has no wish to adopt this.

Further comments;

I apologise if this has caused any inconvenience but I misread the drawing and can confirm that drawing no 2573-SK-02 can be conditioned for the application subject to approval.

Please find the following to be added to the remaining conditions in our email to you yesterday.

- At the proposed access there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 2573-SK-02) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

WESSEX WATER - Wessex Water as sewerage and water supply undertaker for the area in question.

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.

Further information can be obtained from our new connections team by phoning 01225 526222 for water supply and 01225 526333 for Wessex Water.

Protection of existing assets

Public sewers are shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building near to a public sewer

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

Separate Sewer Systems

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

DRAINAGE ENGINEER - no comments received.

SOUTH WEST HERITAGE -

The site lies within an area of High Archaeological Potential in the historic burgage plots of Wiveliscombe. The applicants have identified that this is in an area of archaeological importance and have already identified the need for archaeological recording of the proposed sites of the buildings and the old boundary wall. The revised scheme retains this historic boundary in the townscape and this is to be welcomed.

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

"Programme of Works in Accordance with a Written Scheme of Investigation (POW) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme." and: "Archaeology and ensuring completion of works No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured."

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it. Please get in touch if you require any further information.

CONSERVATION OFFICER - This site was approved following extensive negotiation regarding design of buildings and access to protect and designated

heritage asset, being the walls to the north-west of the site and the setting of the conservation area as viewed from Spring Gardens. The setting of the conservation area and listed buildings to the east was also a significant influence. I have copied the comments from myself and also the County Archaeologist at the South West Heritage Centre.

My comments were as follows:

I am writing regarding the revised submission of three bungalows for the above site. My previous objection concerned the removal of the historic wall to provide parking and the impact that the bungalows would have on the setting of the conservation area and listed building on the hill above towards the town. This has been addressed with the relocation of the car parking to the access strip which has pergolas to shield the cars in the street scene. The bungalows have now been redesigned in a green eco style so that they sit down into the landscape. The impact has been dramatically reduced on surrounding heritage assets. The wall will be repaired and now only has pedestrian access. Again this is a great improvement.

I consider that the impact of the development as defined in NPPF chapter 12 is now at the bottom end of less than substantial harm. The improvements to the walls are a public benefit.

The acceptability of this scheme depended on the conservation and repair of a designated heritage asset, namely the historic walls that bound the site to the north west. Also the protection of the setting of the conservation area as viewed from spring gardens and also back from the town.

Having considered the new proposal, I find that the harm as prescribed in the national Planning Policy Framework Chapter 12 has increased. The walls that were to be conserved by the previous approval will now be demolished to provide vehicular access. In the previous scheme, the repair of the walls and footpath was the public benefit that offset the harm of the scheme making it acceptable. This represents less than substantial harm in the medium range of the spectrum of harm. Also the introduction of cars onto the site will sit very uncomfortably alongside the 'eco' style buildings which are designed to sit into the landscape. It would compromise the design that led us to recommend approval of the scheme.

I think that it is a great shame that the previous approval which was the result of extensive negotiation is not being implemented.

The revised scheme causes less than substantial harm at a greater level than the previous approval, but has no public benefit to offset the harm as described in paragraph 134 of the National Planning Policy Framework..

Accordingly I recommend that the scheme be refused.

Amended Plan - comments,

As the agent suggests this proposal still requires the demolition of a wall in the Conservation Area.

The cars will still be visible when viewed from the town centre which forms the

Conservation Area which is my main issue aside from the demolition.

I maintain my objection to the proposal.

BIODIVERSITY - The site comprises the rear gardens of two properties along Golden Hill and an area of mown grass between 13/14 Spring Gardens.

A PROW bordered by a stone wall passes through the site

EPS ecology carried out a Preliminary Ecological Appraisal of the site in July 2016. The site was then revisited in December 2017 when it was confirmed that there was no change

Findings of the 2016 survey which are still valid were as follows

Bats

The surveyor considered the site to having low value to roosting bats due to the lack of buildings and trees with features suitable for roosting. The site however does have some foraging value.

Dormice

The surveyor considered that the likelihood of dormice being found on site is low as the site is surrounded by dense urban development and does not have links to the wider landscape.

Badgers

No evidence of badgers was found on site.

Reptiles

The surveyor considered that the site does not provide suitable habitat to support reptiles as it is too disturbed and heavily shaded.

Birds

Vegetated areas within the site have potential to support nesting birds. Vegetation should therefore be removed outside of the bird nesting season.

I would like to see some biodiversity gain and so support the provision of bird and bat boxes within the new build.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EPS ecology's submitted report, dated July 2016 and the ecology Addendum dated December 2017 include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance

3. Measures for the retention and replacement and enhancement of places of rest for the species

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 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 wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note

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

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

LANDSCAPE - Please see landscape comments made in connection with the previous application 49/17/0015 (shown below).

This scheme is an improvement upon the scheme formally submitted (49/16/0023).

However, could the existing breach in the wall or an entrance to the immediate north of the wall be used for pedestrians to reach their properties instead of forming a new entrance?

What is happening with levels in the residents parking area? This should be handled sensitively as it is the entrance to the site.

NATURAL ENGLAND - has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran tree which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-advice>.

Representations Received

3 representations of objection have been received (2 from the same person, all from the same household) and 4 letters of support raising the following issues;

Objections

- It has been thoroughly documented that the boundary wall is 19 century not medieval.
- It does remain the boundary wall that defines the conservation area and is an important buffer zone between the conservation area and spring gardens.
- The report talks about the structural integrity of the wall and that it would be rebuilt at the same height as recognised in the previously approved scheme (ref 49/17/0015). Putting a 3m wide hole in the wall and identifying as being structurally unsound it is a surprising tactic to allow vehicles into the conservation area.
- The ingress of vehicles into the conservation area devalues the conservation concept where property owners have to apply to cut limbs from tree and hang satellite dishes.
- This area would become an extension of the Spring Gardens development and therefore inappropriate development.
- The proposed development will adversely affect the setting of 17 Golden Hill by views into and out of the property to the proposed new buildings.
- From the plans the side of one of the new bungalows is 1m away from the curtilage of 17 Golden Hill.
- Observations and concerns by SW Heritage remain valid and that a buffer should remain in place.
- The re-instatement of vehicle parking would add to the negative impact proposed development.
- The centuries old drainage system runs from our property a few feet below ground level ultimately connecting with main in Spring Gardens. It seems likely that major building work could disrupt this fragile structure.
- We are concerned over loss of privacy and the impact on views from and into our property.
- Significant alterations have been made to the stone wall running adjacent to the public footpath with substantial areas of wall being reduced in height.
- The lowered section of wall on adjacent land to the SW was undertaken in 2014

which I now own and this should not be used as justification for further damage to this important wall.

Support

- With the new application and inclusion of car ports within the bungalow footprint these look most practical and improve the situation for residents in Spring Gardens, as the siting of car ports in the gap did look unsightly.
- We now see the provision for 2 visitor spaces plus some landscaping which appears acceptable.
- I welcome the single storey development which seems ideal for elderly and less-abled residents of the town, especially as the site is situated close to Wiveliscombe centre.
- The addition of car ports and possible electric car charging ports provide a very nice addition that most developers are overlooking at the moment.
- The unsightly car port outside the main area would look vastly different to the rest of Spring Gardens and surely invite more people to park along spring gardens which is already overly congested.
- I support the latest application to allow vehicular access.

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,
CP8 - Environment,
CP4 - Housing,
CP5 - Inclusive communities,
CP6 - Transport and accessibility,
A1 - Parking Requirements,
A5 - Accessibility of development,
D7 - Design quality,
D10 - Dwelling Sizes,
D12 - Amenity space,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
Proposed development measures approx. 375sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £47,000.00. With index linking this increases to approximately £62,500.00.

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 | £3,237 |
| Somerset County Council | £810 |

6 Year Payment

| | |
|-------------------------|---------|
| Taunton Deane Borough | £19,422 |
| Somerset County Council | £4,857 |

Determining issues and considerations

The main issues and considerations in this case are;

- Principle of development
- Impacts in the character and appearance of the area
- Impacts on residential amenity
- Ecology
- Highway safety

Principle of development

The proposal site is within the development limits of Wiveliscombe and therefore development of this site is acceptable in principle in accordance with policy SD1 of the adopted Taunton Deane Core Strategy 2011-2028 and with the NPPF in terms of the presumption in favour of Sustainable Development. However, this must be subject to consideration of the other relevant issues and local policy.

It is also noted that the previous approval for 3 bungalows on this site ref 49/17/0015, is a material consideration and is the current fall back position.

Impacts in the character and appearance of the area

The open grassland area located between nos. 13 and 14 Spring Gardens fronts the estate road and terminates at an existing footpath. The footpath is the designated area of high archaeological potential (AHAP) and stretches from the footpath to the rear gardens on the eastern side of Golden Hill.

It is understood that The application site was included in the Conservation Area Designation in the 2007 review for the following reasons (p.17 and 22):

- to form a buffer between the historic townscape and modern housing development,
- to include the remaining fragments of town orchards (No 17, 19 and 23 Golden Hill)
- to include the high local stone rubble wall, which forms the boundary of the historic burgage plots of the town.

The main consideration in this case is the impact of the proposal on the character and appearance of the area and the impacts on the designated Wellington Conservation Area and in particular the breaching/alterations to the existing historic stone boundary wall adjacent to the public footpath, and the impacts on the listed buildings to the east of the site at Golden Hill.

As stated in the earlier approved scheme, a Public footpath WG15/4 is affected by this proposal, as this bisects the garden area of the site at the rear of Golden Hill and the area of open space land adjacent to 13/14 Spring Gardens. It is also noted that the land at Spring Gardens is significantly higher than the level of the footpath and modification of the land levels would be required adjacent to either side of the footpath. This would require a licence from the Public Rights of Way Group in Somerset County Council.

As can be seen in the comments above from South West Heritage, this site lies within an area of archaeological potential and that this scheme requires not only removing part of the current natural stone boundary wall, it will also mean a reduction in ground levels in garden areas of the plots (x3). Advice from the archaeological evaluation (produced by Cotswold Archaeology December 2017) has confirmed the presence of archaeological remains on the site and the report advises that any development would require a programme of works in accordance with a written scheme of investigation.

Also shown above are the comments from the Councils Conservation officer who continues object and to recommend refusal of this current scheme due to the impacts upon the conservation area and also in terms of the level of harm when weighed against the public benefits of the development. The officer, advises of the objection raised due to the extent of the removal of wall, (a new 5m wide opening through the wall and including a reduction in height in part to 600mm as shown on dwg. no. A2013/02/PL304) in order to provide a vehicular access and in this case integral car port spaces for each of the three new bungalows. The previous scheme included a much smaller breach of the existing wall as this was to provide pedestrian access only and not vehicle access.

Having assessed and considered the proposal, the conservation officer comments that the scheme will cause harm which has (as prescribed in the national Planning Policy Framework Chapter 12) increased from previously repairing the wall and providing a single pedestrian gate to now a vehicular entrance. It was also noted that in the previous scheme (ref 49/17/0015) was considered acceptable only on the conservation and repair of the historic walls which bound the site to the north west, however, the conserved wall will now be demolished to provide a larger opening and this represents a less than substantial harm, but at a greater level than the former scheme and has no public benefit to offset this harm as described in paragraph 134

of the National Planning Policy Framework.

The Councils Landscape Officer (to the previous scheme and now re-iterated), advises that the ground levels in the area should be handled sensitively and they questioned if the existing breach in the wall (a narrow single pedestrian gate) could be used as access to the dwellings instead of forming a new entrance?

In terms of boundary treatments of the garden part of the site, the submitted drawing no. A2013/02/PL302, shows existing boundary fencing to Plots 1 and 2 (north) is to be made good. A new 1.8m close boarded fence is to be erected along the eastern boundary along with some enhanced planting. The southern site boundary fencing is to be made good and a new 1.8m close boarded fence is to be erected inside and along the western boundary.

The Town Council support this proposal as they comments there have been several breaches of the walls (which is not historic) have been made in the past, that development has also been constructed within the conservation area and they consider it would be more sensible to have vehicles parked next to the dwellings. However, to quote Historic Englands 'Conservation Principles', 'Change to a significant place is inevitable, if only as a result of the passage of time, but can be neutral or beneficial in its effects on heritage values. It is only harmful if (and to the extent that) significance is reduced' (Paragraph 84).

When considering a planning application that would affect a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area as defined in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Officers consider that the scheme will cause harm to the conservation area and the setting of listed buildings on Golden Hill, and this is not outweighed by the public benefits and is contrary to local planning policies DM1, CP8, of the Taunton Deane adopted Core Strategy 2011-2028 and policies; ENV4 (Archaeology) and D7 (Design) of the adopted Site Allocation and Development Management Plan.

Impacts on residential amenity

A mixture of comments objecting and in support have been received from the local community and can be seen above.

The comments of objection centre on the following;

The stone boundary wall of the site is 19th century and not medieval, but does define the designated conservation area and is an important buffer zone between the conservation area and spring gardens and in the view of SW Heritage the buffer should remain in place. The submitted report talks about the structural integrity of the wall which would be rebuilt at the same height as recognised in the previous scheme (49/27/0015) but putting a 5m wide hole in it and identifying it as structurally unsound is a surprising tactic to allow vehicles into the area, which devalues the conservation area. Objections to previous breaches of the wall have also been raised and these aforementioned considerations have been discussed in the previous section.

The right to a view is not a material planning consideration. Privacy and overbearing

impacts are however, whilst it is noted that the bungalow shown as plot 3 is sited approximately 1 m from the rear garden boundary of no. 17 Golden Hill, the site layout plans show that the existing boundary fencing is to be made good in this part of the site and that the land levels in the garden of golden hill range from 97.34 to 98.95 and the levels of the adjoining plot 3 are shown as 96.96 to 98.69. It is therefore considered that there would not be significant overlooking or overbearing impacts to residential amenity.

In response to the objection/comments on centuries old drainage systems being a few feet below ground level and connecting with the mains in Spring Gardens and it being likely that building works could disrupt this fragile structure, this would be controlled by the water supplier (Wessex Water) and the developer who would be responsible for any damage and is not controlled by the planning remit.

It is therefore considered that the proposal accords with local planning policies DM1 and D7 and that the development is acceptable in terms of residential amenity.

Ecology

The applicant has submitted an addendum to the original EPS ecology's Ecological Appraisal report, dated July 2016, and these details have been assessed by the Councils Biodiversity Officer, who has advised that they would like to see some biodiversity gain and so support the provision of bird and bat boxes within the new build. They have also suggested an appropriate protected species condition and informative note be appended should the proposal be approved.

It is therefore considered that on ecological grounds, the proposal accords with local planning policies DM1, and CP/8 of the adopted Taunton Deane Borough Council Core Strategy 2011-2028.

Highway safety

SCC Highways conclude that following the receipt of additional information, they do not object to the proposal given the nature of the unclassified road, low vehicle movements in the existing estate road in Spring Gardens and the previous discussions/information from the applicant Highway consultant Mr M Bellamy. SCC Highways also confirm that the internal layout of the proposal site is envisaged to remain private and that the Highway Authority has no wish to adopt this.

If approved highways would wish to see a series of conditions attached to an approval including a condition re the additional information recently submitted regarding the visibility splays as per drawing no. 2573-SK-02.

It is noted that the applicant confirms that the parking provision comprises of 6 no. parking spaces, garaging and vehicle turning within the site (dwg. no. A2013.02/PL302).

It is therefore consider that on highway grounds, the proposal accords with local planning policy DM1 and CP8 of the adopted Core Strategy and policy A1 (Parking) of the adopted Site Allocations and Development Management Plan 2016.

Water/Drainage;

Following comments from Wessex Water, the applicant confirms that the development would be connected to the mains water system and that surface water would be drained via soakaway.

Conclusion

Given the above considerations of the proposal and in particular the adverse impact on heritage issues and local amenity together with the public benefit of the repair of the historic wall, it is concluded that there is harm to the historic environment which would not be outweighed by the public benefits of the proposal. The proposal is therefore contrary to the guidance in the NPPF and the local considerations of policies DM1 and CP8 of the adopted Taunton Deane Core Strategy and policies ENV4 and D7 of the adopted Site Allocations and Development Management Plan. It therefore recommended for refusal.

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

Contact Officer: Sue Keal

REPORT FOR THE TAUNTON DEANE PLANNING COMMITTEE, 20th JUNE 2018

Objections to Taunton Deane Borough Tree Preservation Order TD1135, (Taunton No.1) 2018, 100-110 (evens) and 155-169 (odds) Firepool View

The Tree Preservation Order protects 14 birch trees. The trees were planted about five years ago, as part of the agreed landscape scheme for this Crest Nicholson Firepool development (reserved matters application 38/11/0596).

RECOMMENDATION

It is recommended that the Tree Preservation Order is confirmed, unmodified.

Background

The Tree Preservation Order (TPO) was served on 4th January 2018.

The grounds for serving the TPO was stated as follows:

The trees are healthy and have high amenity value. They were planted as part of the landscape scheme for the development. A planning condition ensured their retention for 5 years after planting. This new TPO ensures that these trees are retained once the 5 years has passed.

Procedure

A Tree Preservation Order comes into force on the day that it is served for a period of 6 months. The TPO lapses after that date unless it has been confirmed by the Council. If there are no objections to the TPO, it can be confirmed. If any objections are received, the points raised must be considered and a decision made as to whether to confirm the TPO, either with or without modification. The decision whether to confirm a TPO that raises objections is taken by members of the Planning Committee.

When deciding whether to serve and confirm a TPO, the present or future public amenity value of the trees must be considered. Tree Preservation Orders are served to protect selected trees if their removal would have a significant impact on the local environment. TPO trees should therefore be visible from a public place, such as a road or footpath.

In assessing a tree's amenity value, consideration must be paid to its visual impact, its health and structural integrity, its life expectancy and its suitability to the location. The tree's potential impact on highways, services and structures should be considered.

Representations

Five representations have been received stating objections to the TPO. Eleven representations have been received in support of the TPO. It is noted that all five objections are from owners of the trees (although some properties are rented), whereas support comes from two owners and nine other addresses nearby on the development.

The reasons given for the objections can be summarized as follows:

- a) The trees are of little aesthetic value, and their amenity value is questionable;
- b) They will become a nuisance as they grow taller and wider, uplifting paving and requiring pruning;
- c) They will be prone to wind-throw as they grow taller;
- d) The species is unsuitable due to its eventual size and shallow roots;
- e) The trees drop debris, such as leaves and seeds, which is a nuisance and potential safety hazard;
- f) The positions of the trees limits any future widening of the parking bays in front of the properties. The lack of a second outside parking bay is a nuisance;
- g) The trees may cause damage to drainage systems, or to foundations.

The reasons given in support can be summarized as follows:

- a) The trees are elegant and attractive, forming a 'landmark avenue'. They are an important part of the aesthetics of the development;
- b) The presence of the trees was an important factor when choosing to live on the development;
- c) Removal of the trees for more parking would spoil the look of the development;
- d) The trees benefit the environment in many ways, such as absorbing CO₂ and pollutants, releasing oxygen, providing habitat for wildlife and improving drainage;
- e) They are an appropriate species, because they are not potentially very large trees, such limes or planes.

Determining Issues and Considerations

The TPO protects fourteen birch trees. The trees were planted by the developer, Crest Nicholson, as part of the agreed landscape scheme, as shown on drawing 80130 by Stride Treglown Tektus. Each tree is in the corner of the front garden of one property, adjacent to the public footpath. In combination, they form an avenue of trees between houses 100-110 and 155-169, running north to south between Trenchard Road and the River Tone.

The development has been designed to be a modern, energy-efficient urban estate, drawing heavily on the fact that it is situated along the north side of the River Tone. It has a distinctive, contemporary feel, in contrast to the more traditional new developments on the outskirts of the town.

The design principles and philosophies are explained in the Design and Access Statements that were submitted for the planning application. The landscape scheme was an important part of the overall design for the development, and was agreed by this planning authority. Below is an extract from part 2 of the statement:

The internal streets that run perpendicular to the southern boundary of the site are subject to avenue tree planting, helping to frame views to the north and south from the scheme and to help express their importance within the street hierarchy. Tree species are proposed as semi-mature to provide an immediate impact and reduce the likelihood of possible vandalism and have been selected to offer a different character to each street with changes throughout the seasons and strong autumnal colour to enhance the streetscape. Pockets of sensory planting within the streets offer year round interest and increased biodiversity, whilst threshold planting offers residents the opportunity to personalise and take ownership of their surroundings.

In response to the points raised by the objectors:

- 1) Whether trees are attractive or have aesthetic value is subjective. However, the council considers that these birch trees do have amenity value, because they are a prominent feature of the development, and can be easily seen by the general public. Their amenity value and prominence will increase as they grow.
- 2) Some pruning may be required as the trees grow taller and wider. The removal of the lowest branches (crown-lifting) may help to prevent the branches from obstructing people or car parking in the future. Any proposed pruning works can be applied for by using one of the standard forms. Any dead or dangerous branches can be removed without the need for consent, subject to prior notification to this council in writing.

The roots of trees in urban areas do sometimes lift minor structures such as paving or tarmac. This would not normally be considered justification for not planting trees, or for removing them.

- 3) No healthy tree is totally immune to the effects of extreme winds. However, birch trees have a relatively light and narrow canopy that does allow the wind to pass through more easily than some other species. They will shed minor twigs in high winds, but this would not be considered justification for removing the trees.

As the trees mature and become larger, it would be for the respective owners to make sure that they were as safe as trees can be, by having them regularly inspected by a professional arborist.

- 4) Although birch trees can be quite tall, they are generally considered to have a pyramidal shape that is not particularly wide-spreading. They are not very large trees, such as beech, lime or plane. It is generally thought that most tree roots, of whatever species, are within the top 60cm of soil, because they require air, water and nutrients.
- 5) Trees do drop debris at certain times of the year, such as leaves, seeds or sap. This can be a nuisance, but when weighing this up with the overall benefits of trees, this is not considered to be a sufficient reason for removing or not planting them.
- 6) The protection of the birch trees does limit the opportunity for residents to increase the parking areas in front of their houses. However, the council considers that the trees are an integral part of the overall design of the development, and it would not want to see trees replaced by more car parking, which would be detrimental to the look of the estate.

It would have been clear that each house has two parking spaces. New houses with more parking would have been available elsewhere in Taunton and the surrounding areas. There are places nearby where visitors can park, such as the station. Registered disabled parking could be along Trenchard Way, where there is a single yellow line.

- 7) Trees do sometimes cause damage to drains and pipes. However, this is generally when the drainage system is very old. In this case, the trees should not cause damage, if at all, for many years.

It is highly unlikely that the trees' roots will damage foundations, because these are modern buildings with deep foundations. In addition, birch trees are not considered to be very high water-demanding, and the soils of this area are not heavy clays with high plasticity.

The contemporary design of the buildings, layout and landscaping of this development would be clear to any prospective purchaser of the houses. The overall design is one that the council is pleased with, and would like to preserve. In fact, the tree planting in this street follows some of the garden town principles that the Council is looking to develop further and implement in future developments.

It is therefore recommended that the Tree Preservation Order is confirmed, unmodified.

Note: Dead or imminently dangerous branches can be removed from the trees, subject to written notice to the council, giving the council up to 5 days to respond. Applications can be made for the pruning of the trees if necessary, using the standard form or the Planning Portal.



Richard Bryant
Democratic Services

The Deane House, Belvedere Road, Taunton TA1 1HE
Tel 01823 356414 Fax 01823 356329
Email r.bryant@tauntondeane.gov.uk

Our Ref: RB/PD22.950/TD1135

Date: 10 January 2018

The Owner/Occupier
Firepool View (100, 102, 104, 106, 108 & 110)
Taunton
TA1 1PS

Dear Sir/Madam,

Town and Country Planning Act 1990
Taunton Deane Borough (Taunton No.1) Tree Preservation Order 2018

I enclose a formal Notice of the making of the Tree Preservation Order which affects trees on land in your ownership. I also enclose a certified copy of the Tree Preservation Order and a plan of the affected trees.

A Local Planning Authority may make such an Order if it appears to it that trees or woodlands should be preserved in the interests of amenity. The Order prohibits the cutting down, topping, lopping, uprooting, wilful damage to or wilful destruction of such trees or woodlands without the Authority's prior consent. There may be circumstances where work may be undertaken without the Authority's prior consent, in particular where a tree has become dangerous. Normally the Authority will need at least five days notice of your plan to carry out the works.

If you wish to object or make representations about the Order, I would point out the last paragraph of the attached Notice.

Under Section 330 of the 1990 Act, would you please inform me within 21 days about your interest in the property and the names and addresses of any other persons known to you to have an interest in the land the subject of the Order.

If there is anything you do not understand about the Order please contact me.

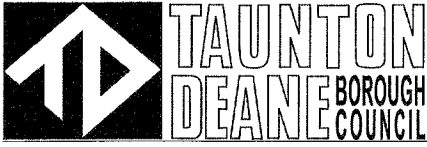
Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Bryant', with a horizontal line drawn underneath it.

Democratic Services Manager

Enc





Richard Bryant
Democratic Services

The Deane House, Belvedere Road, Taunton TA1 1HE
Tel 01823 356414 Fax 01823 356329
Email r.bryant@tauntondeane.gov.uk

Our Ref: RB/PD22.950/TD1135

Date: 10 January 2018

The Owner/Occupier
Firepool View (155, 157, 159, 161, 163, 165, 167 & 169)
Taunton
TA1 1NY

Dear Sir/Madam,

Town and Country Planning Act 1990
Taunton Deane Borough (Taunton No.1) Tree Preservation Order 2018

I enclose a formal Notice of the making of the Tree Preservation Order which affects trees on land in your ownership. I also enclose a certified copy of the Tree Preservation Order and a plan of the affected trees.

A Local Planning Authority may make such an Order if it appears to it that trees or woodlands should be preserved in the interests of amenity. The Order prohibits the cutting down, topping, lopping, uprooting, wilful damage to or wilful destruction of such trees or woodlands without the Authority's prior consent. There may be circumstances where work may be undertaken without the Authority's prior consent, in particular where a tree has become dangerous. Normally the Authority will need at least five days notice of your plan to carry out the works.

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If there is anything you do not understand about the Order please contact me.

Yours faithfully

A handwritten signature in black ink that reads 'R. Bryant' with a stylized flourish underneath.

Democratic Services Manager

Enc

Systeme der Mathematik (Klausur)

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 198

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 2012

TAUNTON DEANE BOROUGH (TAUNTON NO.1) TREE PRESERVATION ORDER 2018

To: The Owners/Occupiers of 100, 102, 104, 106, 108 and 110 Firepool View, Taunton, TA1 1PS

The Owners/Occupiers of 155, 157, 159, 161, 163, 165, 167 and 169 Firepool View, Taunton, TA1 1NY

TAKE NOTICE that the Taunton Deane Borough Council in pursuance of their powers as Local Planning Authority under Section 198 of the Town and Country Planning Act 1990 has this day made a Tree Preservation Order (a copy whereof together with the map included therein is enclosed herewith) in respect of:-

Birch Trees on land at 100, 102, 104, 106, 108, 110, 155, 157, 159, 161, 163, 165, 167 and 169 Firepool View, Taunton, TA1.

The said Order contains a direction under Section 201 of the Town and Country Planning Act 1990, the effect of which is explained overleaf.

The grounds for making the said Order are as follows:-

The trees are healthy and have high amenity value. They were planted as part of the landscape scheme for the development. A planning condition ensured their retention for five years after planting. This new Tree Preservation Order ensures that these trees are retained once the five years has passed.

A certified copy of the Order and the map included therein may be inspected without charge at The Deane House, Belvedere Road, Taunton, between the hours of 9.00 a.m. and 4.30 p.m., Mondays to Thursdays and 9.30 a.m. and 4.30 p.m. Fridays.

Should you wish to raise any objections or make any representations with respect to the Order they should be made in accordance with Regulation 4 of the said Regulations (a copy of which is also printed overleaf) and then sent to the Legal Services Manager, Taunton Deane Borough Council, The Deane House, Taunton, within 28 days from the date of the service of the notice of the making of the Order. Every objection or representation shall be made in writing and shall state the grounds thereof and specify the particular tree, group of trees, or woodlands in respect of which it is made.

Signed 
.....
Legal Services Manager

Dated: 10 January 2018

NOTES

TOWN AND COUNTRY PLANNING ACT 1990

Section 201(2) of the Town and Country Planning Act 1990 provides that:-

"Notwithstanding Section 199(1), an Order which contains such a direction (a) shall take effect provisionally on such date as may be specified in it; and (b) shall continue in force by virtue of this Section until:-

- (i) the expiration of a period of six months beginning with the date of which the Order was made; or
- (ii) the date on which the Order is confirmed;

whichever first occurs."

THE TOWN AND COUNTRY PLANNING (TREE) REGULATIONS 2012

"Objections and representations

4. (1) Subject to paragraph (2), objections and representations:-

(a) shall be made in writing and:-

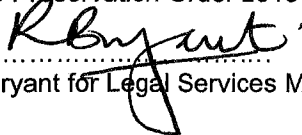
- (i) delivered to the authority not later than the date specified by them under regulation 3(2)(c); or
- (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected."

This is to certify that this is a true and correct copy
of the Taunton Deane Borough Council (Taunton No.1)
Tree Preservation Order 2018


.....
R. Bryant for Legal Services Manager

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Town and Country Planning Act 1990

Taunton Deane Borough (Taunton No.1) Tree Preservation Order, 2018

The Taunton Deane Borough Council in exercise of the powers conferred on them by Sections 198 of the Town and Country Planning Act 1990 make the following Order:-

1. Citation

This Order may be cited as the Taunton Deane Borough (Taunton No.1) Tree Preservation Order, 2018 (PD.22/950 – TD1135).

2. Interpretation

- (1) In this Order "the authority" means the Taunton Deane Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

3. Effect

- (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of Section 198 (Power to make Tree Preservation Orders) or subsection (1) of Section 200 (Tree Preservation Orders: Forestry Commissioners) and, subject to the exceptions in Regulation 14, no person shall:-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of, any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with Regulations 16 and 17, or of the Secretary of State in accordance with Regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

4. Application to trees to be planted pursuant to a condition

In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of Section 197 (Planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this tenth day of January 2018

The Common Seal of the TAUNTON DEANE BOROUGH COUNCIL
was affixed to this Order in the presence of: –



.....
Duly Authorised Signatory

SCHEDULE 1

| Reference on Map | Description | Situation |
|-------------------------|--------------------|---------------------------------|
| | | (See accompanying map) |
| T1 | Birch | Front garden, 100 Firepool View |
| T2 | Birch | Front garden, 102 Firepool View |
| T3 | Birch | Front garden, 104 Firepool View |
| T4 | Birch | Front garden, 106 Firepool View |
| T5 | Birch | Front garden, 108 Firepool View |
| T6 | Birch | Front garden, 110 Firepool View |
| T7 | Birch | Front garden, 155 Firepool View |
| T8 | Birch | Front garden, 157 Firepool View |
| T9 | Birch | Front garden, 159 Firepool View |
| T10 | Birch | Front garden, 161 Firepool View |
| T11 | Birch | Front garden, 163 Firepool View |
| T12 | Birch | Front garden, 165 Firepool View |
| T13 | Birch | Front garden, 167 Firepool View |
| T14 | Birch | Front garden, 169 Firepool View |

Trees specified by reference to an area (within a dotted black line on the map)

| Reference on Map | Description | Situation |
|-------------------------|--------------------|------------------|
| None | | |

Groups of Trees
(within a broken black line on the map)

| Reference on Map | Description | Situation |
|-----------------------------|--------------------|------------------|
| None | | |

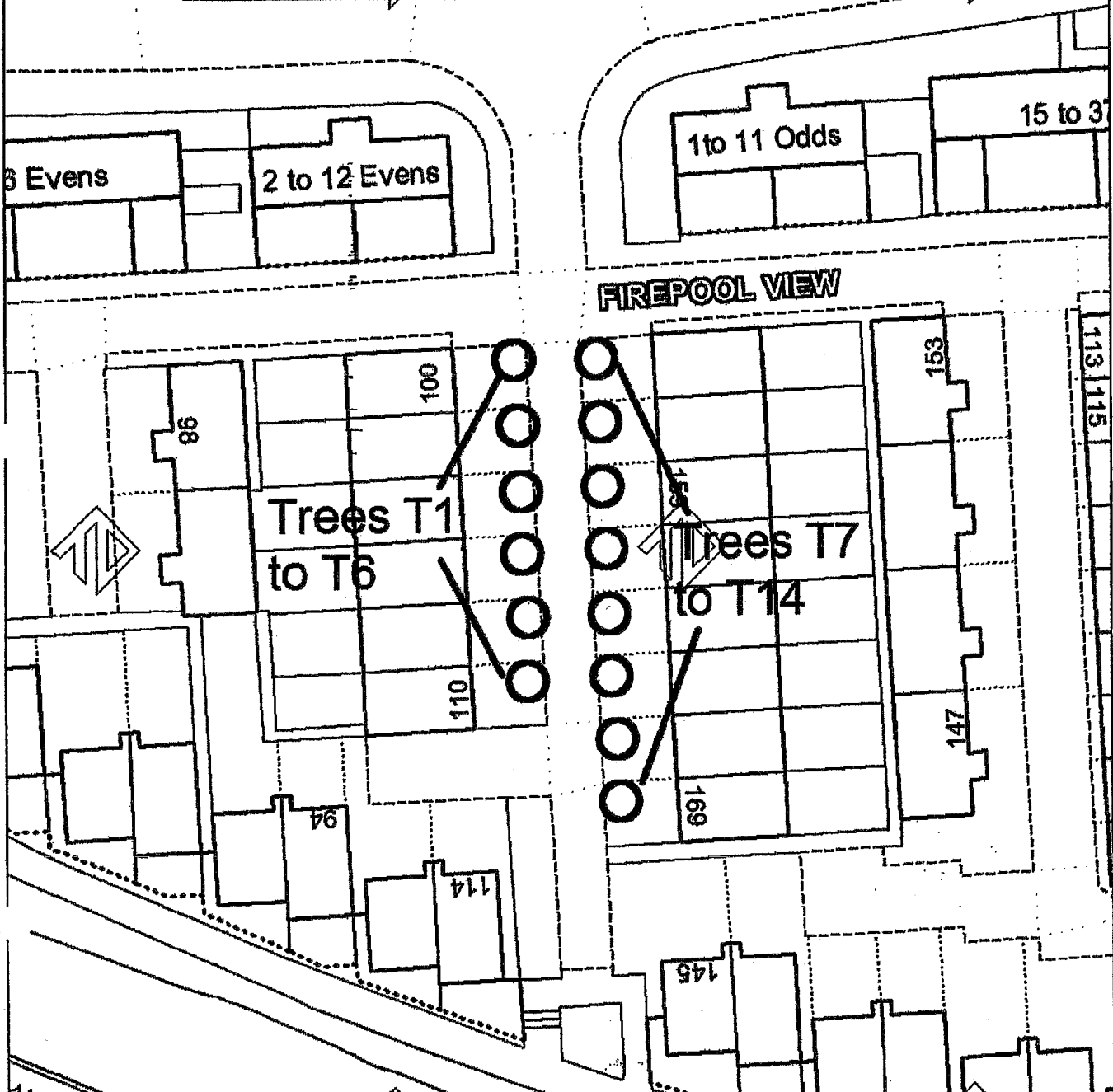
Woodlands
(within a continuous black line on the map)

| Reference on Map | Description | Situation |
|-----------------------------|--------------------|------------------|
| None | | |

Firepool View TPO

Date: 13/12/2017 Scale 1: 500

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Taunton Deane Borough Council

Town and Country Planning Act 1990
Tree Preservation Order Regulations 2012

(Taunton No.1)
Firepool View

Tree Preservation Order 2018

Ref: TD1135

Date: January 2018

Drawn: DG

scale 1:500

The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

ter and Taunton Canal

Tow Path

APPEALS RECEIVED – 20 JUNE 2018

Site: STONEY RIDGE, LANGPORT ROAD, WRANTAGE, TAUNTON, TA3 6BZ

Proposal: Variation of Condition No's 01 (restrictions of occupier and limited period) and 03 (number of caravans) of application 24/11/0017 at Stoney Ridge, Langport Road, Wrantage

Application number: 24/17/0046

Appeal reference: APP/D3315/W/17/3191282

Enforcement Appeal

Site: LAND OFF MILVERTON ROAD, LANGFORD BUDVILLE

Alleged breach of planning control: Alleged unauthorised development / untidy site on land off Milverton Road, Langford Budville

Reference number: E/0004/21/16

Appeal reference: APP/D3315/C/18/3196405

Site: LAND ADJACENT TO TWO TREES, MEARE GREEN, WEST HATCH, TAUNTON

Proposal: Prior approval for proposed change of use from agricultural building to 2 No. dwelling houses (Class C3) and associated building operations on land adjacent to Two Trees, Meare Green, West Hatch

Application number: 47/17/0007CQ

Appeal reference: APP/D3315/ W/18/3194074

Site: 29 RICHARDS CLOSE, WELLINGTON, TA21 0BD

Proposal: Replacement of garage and shed with the erection of 1 No. dwelling in the garden to the side of 29 Richards Close, Wellington

Application number: 43/17/0133

Appeal reference: APP/D3315/ W/18/3195540

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