

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 2 March 2011 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 9 February 2011 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 06/10/0029 – Change of use of land to provide two residential gypsy pitches (consisting of one mobile home and one touring caravan per pitch) at Sunnydene, Dene Road, Bishops Lydeard
- 6 10/10/0024 – Erection of 22 dwellings (15 market dwellings and 7 affordable), a village shop and change of use from agriculture to community use of an adjoining field fronting Church Road at Newberry Farm, Taunton Road, Churchinford
- 7 25/10/0032 – Change of use to an indoor karting facility at Unit 13A, Taunton Trading Estate, Norton Fitzwarren
- 8 43/10/0127 – Development of up to 300 dwellings with a local centre, public open space landscaping, highways access and associated infrastructure works at land at Cades Farm, off Taunton Road, Wellington
- 9 43/10/0129 – Erection of dwelling and garage at land adjacent to Oak Villa, 1 Northside, Rockwell Green, Wellington
- 10 48/10/0059 – Application for variation of Condition 2 of Application No 48/03/0073 to incorporate the months of February, March and November to allow car boot sales to take place at Prockters Farm, West Monkton
- 11 E/0101/21/10 - Erection of agricultural storage building at Dunns Farm, Runnington, Wellington
- 12 Planning Appeals - The latest appeal decision received (details attached)

Tonya Meers
Legal and Democratic Services Manager

28 July 2011

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.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

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

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

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

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



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

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Planning Committee Members:-

Councillor C Bishop (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor R Bowrah, BEM
Councillor B Denington
Councillor A Govier
Councillor C Hill
Councillor M Hill
Councillor L James
Councillor N Messenger
Councillor I Morrell
Councillor J Reed
Councillor F Smith
Councillor P Tooze
Councillor P Watson
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor G Wren

Planning Committee – 9 February 2011

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Coles, Denington, Gaines,
Mrs Floyd, C Hill, House, Miss James, Morrell, Mrs Smith,
Stuart-Thorn, Watson, A Wedderkopp and D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr G Clifford (East Area Co-ordinator), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Brooks in connection with application No 38/10/0446 and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

6. Apologies/Substitution

Apologies: Councillors Bowrah and McMahon

Substitution: Councillor Stuart-Thorn for Councillor Bowrah

7. Minutes

The minutes of the meetings of the Planning Committee held on 12 January 2011 were taken as read and were signed, subject to it being noted that the Vice-Chairman (Councillor Mrs Hill) took the Chair for application No 07/10/0028.

8. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillor Mrs Hill and Councillor Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Floyd declared a personal interest in application No 38/10/0204 as her son was an employee of Tesco.

9. Applications for Planning Permission

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

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

30/09/0032

Change of use and conversion of garage block to holiday letting accommodation, formation of new vehicular access and erection of one bay green oak garage buildings at Oakwood Cottage, Pitminster

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Before any part of development hereby permitted is commenced, a scheme showing the area of hedgerow to be removed and the hedges to be retained shall be submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall include measures to protect the retained hedges and the roots of the hedge during construction;
- (d) (i) Before any part of the permitted development is commenced a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) Before the access is first brought into use, there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plan. Such visibility shall be fully provided and shall thereafter be maintained at all times;
- (f) Before the new access and garage is first brought into use, the access, parking and turning area as measured from the edge of the adjoining carriageway shall be properly consolidated and surfaced, not loose stone or gravel, at all times in accordance with details which shall have been submitted to, and agreed in writing by, the Local Planning Authority;
- (g) No entrance gates shall be erected at any time nor should the garage be enclosed with any type of door or other means of enclosure at any time;
- (h) Before the new access and garage is first brought into use, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and agreed in writing by, the Local Planning Authority;
- (i) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the parking of domestic vehicles only for Oakwood Cottage and shall not be used for further ancillary residential accommodation or other purpose whatsoever;
- (j) The area allocated for access, parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other

than for access, parking and turning, in connection with the development hereby permitted;

- (k) The holiday letting accommodation shall be occupied for holiday purposes only and the holiday letting accommodation shall not be occupied as a person's sole or main residence. The site operator or owner shall maintain an up to date register of the names of all owners and occupiers of individual holiday letting accommodation on the site and of their main home addresses and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority;
- (l) No development shall commence until details of the finished floor levels and flood resilience measures to be included in the buildings have been submitted to, and agreed in writing by, the Local Planning Authority;
- (m) No part of the development hereby permitted shall be occupied until a Flood Warning and Evacuation Plan for the site has been submitted to, and agreed in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that, having regard to the powers of the Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit; (2) Applicant was advised that a licence under Section 171 of the Highways Act 1980 must be obtained where works are to be undertaken on or adjoining the publicly maintainable highway; (3) Applicant was advised that with regard to condition (l), the finished floor levels should be in accordance with the Flood Risk Assessment, with raising of 350mm for the holiday let and 225mm for the garaging. The flood resilience measures in the FRA should be undertaken as part of the development; (4) Applicant was advised that with regard to condition (m), a warning and evacuation plan should allow for users to be evacuated prior to a flood event occurring where possible. A boat may not be the most appropriate means of evacuation for the development as it does not consider safety risks and is unacceptable for recreational visitors to be responsible for the evacuation of the current occupiers of the site; (5) Applicant was advised that there may be a requirement for plans, sections, specifications and calculations of the proposed retaining wall and sustaining structure for approval by the Highway Authority in accordance with Section 167 of the Highways Act 1980).

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity or the character of the area and was considered not to increase the risk of flooding. Although the visibility splay was marginally deficient in one direction, this was considered not to be detrimental to highway safety and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

38/10/0446

Demolition of residential dwelling, change of use of land from residential (C3) to residential institution (C2) and erection of a 6 bedroom residential care home for young adults with multiple disabilities at 6 Bridgwater Road, Taunton (resubmission of 38/10/0343)

Reason

The proposal was considered an over development of the site due to the size of footprint and lack of amenity space around the building and would have an adverse overbearing impact on neighbouring properties and was considered contrary to Taunton Deane Local Planning Policies S1(D) and S2 (A).

Reason for refusing planning permission contrary to the recommendation of the Growth and Development Manager:-

The Committee considered that the over development of the site would result in inadequate amenity space and would have an overbearing impact on neighbouring properties.

10. Extension to retail store and provision of new car park, landscaping and associated works at Tesco Stores Ltd, Castle Street, Taunton (38/10/0204)

Reported this application.

Resolved that subject to the applicants entering a Section 106 Agreement to provide land for the cycleway link to Somerset College and a monetary contribution to fund flood storage alleviation and improvements to the pedestrian and cycle route network and provision of an agreed Travel Plan, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) (i) The landscaping on Drawing No ASP4 RevF, together with details of the replacement for the trees covered by Tree Preservation Orders, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority before work on the new car park commences; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme the trees

- and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) Prior to commencement of trenching works within the canopy spread of existing trees, all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery;
 - (f) All existing trees on site shall be protected in accordance with details on Drawing No AA TPP 06 and a method statement to be agreed in writing by the Local Planning Authority prior to work affecting any trees commencing;
 - (g) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall be based on the advice of Aspect Ecology's submitted report dated June 2010 and updated water vole surveys and shall include:- (1) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (2) Details of the timing of works to avoid periods of work when species could be harmed by disturbance; and (3) Measures for the 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 nesting birds and bats 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;
 - (h) The new extension to the building shall not be brought into use until the means of vehicular access and parking has been constructed in accordance with the plan 6527_PL12 RevE hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
 - (i) Details of the footway crossing for vehicles, including the means of protecting the safety and right of way for pedestrians and cyclists, shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the new car park construction commencing and the details shall thereafter be provided as agreed;
 - (j) The extension construction shall not commence until a flood warning and evacuation plan have been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall thereafter be made available in store;
 - (k) Details of the means of flood resilient design to be incorporated into the store design to a minimum level of 16.57m AOD shall be submitted to, and agreed in writing by, the Local Planning Authority prior to work commencing and shall thereafter be included in the construction;
 - (l) Details of any new lighting to the car park areas shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and thereafter installed as agreed;

- (m) The new car park level shall be no lower than 16.27m AOD and agreement to anything higher shall be agreed in writing by the Local Planning Authority;
- (n) Details of the levels of the footway and cycleway to the south west of the new car park shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its construction;
- (o) Secure covered cycle parking shall be provided in locations identified on the plan or as otherwise agreed in writing by the Local Planning Authority and shall be provided prior to the new store extension being brought into use;
- (p) Finished floor levels of the building extensions shall be set no lower than 16.31m AOD;
- (q) No development shall commence until a scheme for surface water drainage disposal, including a sustainable surface water run-off limitation scheme, has been submitted to, and approved in writing by, the Local Planning Authority. The details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable agreed;
- (r) No development shall commence until full details of the access road and bridge across the Galmington Stream (Steps Water) has been submitted to, and agreed in writing by, the Local Planning Authority;
- (s) Details of the material finish to the CHP unit and details of the fencing around the sprinkler tank and CHP unit shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation and thereafter be so erected and maintained.

(Note to applicant:- Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation.

Breeding Birds – Applicant was advised that 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 trees should be checked for nesting birds before work begins;

Bats – Applicant was advised to be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), 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; Applicant was also advised that 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 trees, work must cease immediately and advice must be obtained from Natural England, the Government's advisers on wildlife. Bats should preferably not be handled, and not unless with gloves, but should be left in situ, gently covered, until advice is obtained).

Reason for planning permission, if granted:-

The proposal was not considered to have a detrimental impact upon visual amenity, residential amenity or the vitality and viability of the defined Town Centre and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M2 (Parking Provision) EN6 (Tree Protection) and PPS4 relating to the Town Centre, PPS9 relating to biodiversity and PPS25 relating to flood risk. In addition, the proposal did not conflict with Taunton Town Centre Area Action Plan Policy TG3 and complied with Policy F1. The access and parking were considered acceptable and in accordance with Somerset and Exmoor National Park Policy 49.

11. Non-Compliance with a Breach of Condition Notice - Residential Development of 7.65 ha, together with open space provision and access on land west of Bishop's Hull Road, Bishop's Hull

Reported that two Breach of Condition Notices had been served on the developer for the breach of some of the conditions relating to application No 05/07/0057. The conditions included:-

- 1) Works on site prior to the agreed highway works being completed;
- 2) Protection of retained hedges; and
- 3) Working hours during the course of construction.

The working hours condition had now been complied with. However the other conditions continued to be in breach.

Although the highways works were being carried out, these were not yet complete. Also, some of the hedges had protective fencing but this did not cover the whole site and it was not 2 metres from the hedge.

Prosecution proceedings against Persimmon Homes would now commence under delegated powers for the non-compliance with the Breach of Condition Notices.

Resolved that the report be noted.

12. Change of use of land from agricultural to residential at Brimstone Barn, Brimstone Lane, Rockwell Green, Wellington

Reported that it had come to the Council's attention that an area of agricultural land at Brimstone Barn, Brimstone Lane, Rockwell Green, Wellington was being used for residential purposes without the necessary change of use consent being obtained.

The occupier of the land had been contacted and she had stated that she intended to find an alternative location within the next six months.

Resolved that:-

1. Enforcement action be authorised to ensure the cessation of the use of the agricultural land for residential purposes at Brimstone Barn, Brimstone Lane, Rockwell Green, Wellington;
2. Any enforcement notice served should have a six month compliance period; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

13. Appeals

Reported that one new appeal had been lodged, details of which were submitted.

Also reported that one appeal decision had been received, details of which were submitted.

(The meeting ended at 7.20 pm.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors McMahon and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor McMahon
- Alternate Director of Southwest One – Councillor Watson

06/10/0029

MR H SMALL

CHANGE OF USE OF LAND TO PROVIDE TWO RESIDENTIAL GYPSY PITCHES (CONSISTING OF ONE MOBILE HOME AND ONE TOURING CARAVAN PER PITCH) AT SUNNYDENE, DENE ROAD, BISHOPS LYDEARD

Grid Reference: 317426.127568

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason

The proposed development would address an identified need as set out in the 'Gypsy & Traveller Accommodation Assessment' (GTAA). The proposed siting of the development is considered to be acceptable and would have no significant adverse impact upon the rural character or appearance of the area. The proposal therefore accords with Taunton Deane Local Plan Policies S1, S2, S7 and H14 and guidance contained within Circular 01/06.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

Revised Site Location Plan dated 15 December 2010.

Revised Block Plan dated 29 October 2010.

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

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/06 – Planning for Gypsy and Traveller Caravan Sites.

Reason – The site lies within a rural area where restrictive policies apply and to ensure the site remains available to meet the identified need for gypsy and traveller pitches as set out within the GTAA.

4. No more than 4 caravans, as defined in the Caravan Sites and Control of

Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time (of which 2 shall be static caravans or mobile homes and 2 shall be touring caravans which shall be capable of being towed on the public highway without division into separate parts, in accordance with the relevant Highway Act legislation).

Reason – In the interests of the rural character and appearance of the area in accordance with Taunton Deane Local Plan Policies S1 and EN12.

5. Prior to the commencement of any works, details of the surfacing of the access track to serve the site shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason – In the interests of the rural character and appearance of the area in accordance with Taunton Deane Local Plan Policies S1 and EN12.

6. No commercial activities shall take place on the land, including the storage of materials. Any machinery stored on the site shall not exceed 1.8 metres in height.

Reason – In the interests of the rural character and appearance of the area in accordance with Taunton Deane Local Plan Policies S1 and EN12.

7. The mobile homes, touring caravans and parking shall be sited in accordance with the submitted block plan. There shall be no material change unless any variation is agreed in writing by the Local Planning Authority.

Reason – In the interests of the rural character and appearance of the area in accordance with Taunton Deane Local Plan Policies S1 and EN12.

8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected on site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason – The Local Planning Authority wish to exercise control over the matters referred to in the interests of the rural character and appearance of the site in accordance with Taunton Deane Local Plan Policies S1 and EN12.

9.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

- 10. Prior to the commencement of development, a maintenance and management plan shall be submitted to and approved in writing by the Local Planning Authority for the retention of the hedgerow on the north boundary of the site, adjacent to the public highway. The hedgerow shall be retained at a minimum height of 2.0m from the adjoining ground level unless agreed otherwise. The management plan shall detail improvements required to the visibility splay, to be submitted to and agreed in writing by the Local Planning Authority, and carried out before the use is implemented. There shall be no obstruction above 900 mm in height within the visibility splay. Development shall be carried out strictly in accordance with the approved details.

Reason – In the interests of highway safety and the character and appearance of the area in accordance with Policy 49 of Somerset & Exmoor National Joint Structure Plan Review and Policy EN12 of Taunton Deane Local Plan.

- 11. Prior to the commencement of the development details of the foul water drainage shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details before the mobile homes are occupied.

Reason - To avoid pollution of the environment and/or flooding in accordance with Taunton Deane Local Plan Policy EN26 and guidance contained within PPS25.

Notes for compliance

- 1. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

PROPOSAL

Planning permission is sought for the provision of two pitches for gypsies (or travellers) each consisting of 1 mobile home and 1 touring caravan per pitch, together with associated access and parking. The location of the pitches would be at the bottom of the site, which slopes significantly from north to south from Dene Road, immediately adjacent to an existing stable block (within the ownership of the

applicant).

The applicant has confirmed that he is not seeking a personal permission; therefore, no details of the future occupiers of the site have been submitted. The application must therefore be determined on the planning merits of the site, for gypsy and travellers, set against national and development plan policies.

SITE DESCRIPTION AND HISTORY

The site, located approximately 5km to the west of Taunton, is on the south side of Dene Road. Dene Road is a classified unnumbered road linking the A358 Taunton to Minehead Road to the east, to the B3227 Taunton to Barnstable Road to the west. The village of Cotford St Luke is located 220 metres west of the site. A public footpath runs, approximately 200 metres to the west of the site, north-south across Dene Road. The West Somerset Railway Line is approximately 300 metres to the east.

The site is in an area of undulating open countryside, within the Low Vale landscape character area. The land slopes down from Dene Road (north to south). There is an established mature hedge along the northern roadside boundary. Access to the site is at the north-west corner, which was a former agricultural access that has been widened and currently serves the applicant's three pitches.

The land was originally part of a larger agricultural field. Planning permission was granted, in 2006, for a stable on the lower part of the field, reference 06/06/0035. In 2007, retrospective, planning permission was refused, reference 06/07/0064, for the use of land for the stationing of three mobile homes on the grounds that the siting of the mobile homes would have a detrimental impact to the rural character and appearance of the area. Following revisions to the siting of the mobile homes, permission was subsequently granted in 2008, reference 06/08/0046. The applicant subsequently appealed against a number of conditions attached to the permission.

CONSULTATION AND REPRESENTATION RESPONSES

PARISH COUNCIL – The Parish Council objects to the proposal on the following grounds: -

- The proposal constitutes development in the open countryside.
- The proposal lies outside of the Cotford St Luke development area.
- There will be significant adverse visual impact on the countryside scene.
- The proposal represents additional development over and above that for which planning permission was originally granted.
- The Parish Council is not aware of any identified need for more gypsy and traveller pitches within Taunton Deane.
- There is a history of non-compliance with previous planning conditions, including landscape planting, improvement of the visibility splay.
- An increase in traffic from the site would exacerbate existing safety concerns around access from Dene Road, especially in view of the non compliance with previous highway conditions.
- The Parish Council queries the effectiveness of the current septic tank to deal with more waste, especially as it is currently placed on an elevated section of

the site compared to the proposed area for the siting of the residential pitches.

- The Parish Council has concerns over an increased number of pedestrians on Dene Road should more families move onto the site.
- The current site does not have sufficient parking for the proposed increase in numbers of vehicles, both private and goods, nor would it be safe for vehicles to park on Dene Road.

STRATEGY AND COMMUNICATIONS UNIT - In terms of the principle of this development:

The key policy of Taunton Deane Local Plan (TDLP) is policy H14. This allows for the location of gypsy sites outside the defined limits of settlements, provided that they meet a number of criteria that are set out in the policy.

Of significant consideration is the recently published Somerset Gypsy & Traveller Accommodation Assessment (GTAA). This assessment of need is a statutory requirement under the Section 225 of the Housing Act 2004 and Planning Policy 3: Housing. The GTAA forms part of the Strategic Market Housing Assessment (SHMA). The SHMA provides a comprehensive understanding of the Market Housing Area in order to provide a robust evidence for accommodation need.

The findings of the GTAA supersede the Secretary of States Proposed Changes to the Regional Spatial Strategy South West which set provision for 20 residential pitches and 5 transit pitches from 2006-2011. The 2010 GTAA took account of the RSS figures and the provision provided in the Borough. The calculation of need also considered, inter alia, the analysis of Central Government data in the bi-annual caravan count, natural migration and immigration patterns, authorised private and public pitches, unauthorised encampments, survey responses from the Gypsy & Travelling community and Central Government guidance on population growth.

Location

In terms of the location of Gypsy and Traveller sites, it has long been accepted in planning policy that rural locations outside settlements are one of the exceptions to the normal strict control of new development. This is re-affirmed at paragraph 54 of Circular 01/2006, which states that 'Rural settings, where not subject to special planning constraints, are acceptable in principle.' Policy H14 and criterion (B) and (H) of the TDLP relates specifically to proposals in such areas.

Criterion (B); safe and convenient access to schools and other community services, is supported by paragraph 54 of the Circular states that in assessing the suitability of sites '...local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services'. The GTAA also supports this by stating that future site locations must take account of the need for sites to be sustainable – near transport, schools, and shops.

In this case, the application site is situated a short distance from the village of Cotford St Luke, which contains local services including a primary school, community centre and shop. The village also has a reasonable level of bus services to Taunton.

As far as criterion (H) is concerned, the site is not within an AONB or a SSSI. Nor, to

my knowledge, would it harm the special environmental importance of any other protected area.

Need

The issue of need, which is addressed by criterion (A) of policy H14, is an area where the more recent advice and guidance in PPS3, Circular 01/2006, Gypsy and Traveller Accommodation Assessments Guidance, is of particular relevance.

The GTAA has identified the need for 25 residential pitches and 5 transit pitches in the Borough between 2010 and 2015. The GTAA forms part of the SMHA and supersedes the draft Regional Spatial Strategy (which only allocated pitches to 2011). The need can not be met solely through the plan-led process since need is to 2015 and the Site Allocations Development Plan Document will not be adopted till post April 2013. Although we will look to make allocations through that document.

The GTAA lists location preferences for permanent sites; this establishes preference in a similar way that the Choice Based Letting register established preferred location for affordable housing. Cotford St Luke was specifically mentioned twice.

Summary

Taking the above into consideration the main point is whether or not the proposal accords with Circular 01/2006 and the Local Plan Policy H14. If it does we would not have any policy objections to the proposal.

LANDSCAPE OFFICER – The proposals would be acceptable, in terms of landscape impact, if kept to the lower part of the field and subject to landscape mitigation measures.

HIGHWAY AUTHORITY – Previous comments equally apply. (Repeated from 06/07/0064)

The proposed development site is located just outside of the development limit of Cotford St Luke. As a result, under normal circumstances if a proposal for residential development had been received, the Highway Authority would recommend the application for refusal on sustainability grounds. However, information from the ODPM and Policy 36 of the Somerset and Exmoor National Park Joint Structure Plan Review states that ‘the provision of sites for gypsies and other travelling people should be made where the site is within reasonable distance of a settlement providing local services and facilities’. The site is in close proximity of Cotford St Luke and Bishops Lydeard, which are the nearest settlements with services and facilities. I consider that this distance may not be so great as to conflict with Policy 36.

In detail the proposal will derive access onto a classified unnumbered highway, which is subject to the national speed limit, however vehicle speeds are generally lower than 60 mph. It is imperative in the interests of highway safety for all road users that adequate visibility splays are incorporated, which may result in the loss of part of the roadside hedges/trees, together with sufficient onsite parking and turning within the site to avoid reversing to or from the public highway. Given the size of the

applicant's land it would appear that this would be achievable, however no layout has been submitted with the application. I am aware there have been personal injury accidents on this stretch of highway to the east of the site. However, I do not consider that this proposal would result in a significant increase in traffic over and above that which currently occurs on this stretch of highway.

Conditions recommended.

DRAINAGE OFFICER – I note that the applicant states that foul drainage connects to a recently constructed septic tank. The description of the irrigation drainage is not a recommended layout for such purposes. It is assumed that the applicant has the Environment Agency's consent to discharge effluent to an underground strata and a copy of this can be forwarded. Till such time no approval should be given. With regards to surface water disposal to a soakaway these should be constructed in accordance with BRD365 (Sep 91) and made a condition of any approval given.

HOUSING ENABLING OFFICER – No observations to make.

Representations

1 letter of OBJECTION has been received from Cotford St Luke Community Association. Summary of objections: -

- There is no identified need for further gypsy or traveller pitches within the Taunton Deane area.
- The original Cotford St Luke Development Master Plan and TDBC Local Plan do not include this land for residential purposes.
- The stationing of the existing three mobile homes was not in keeping with the build environment of the village or natural beauty of the area (proximity to the Quantock Hills AONB)
- The Appeal Decision (6 May 2010) required landscaping within the first available planting season to preserve and enhance the local character and distinctiveness of the area. To date, there has been little evidence of tree and shrub planting that has enhanced the area and the site.
- The application does not specify which individuals require these extra pitches. The current permission and appeal decision states that the site may only be occupied by a dependant of Mr Small's family and may not be used for commercial activities. Furthermore, paragraph 15 of ODPM Circular 01/06 states that the site shall not be occupied by anyone other than gypsies and travellers.
- There is concern that these pitches would not be for dependant members of Mr Small's family and would also be for business purposes. If this application is granted than precedent will have been set and, in time, Mr Small will make further applications and eventually a travellers site will have been established. Should this happen it will be detrimental to the village of Cotford St Luke and its surrounding countryside.
- The Appeal Decision (6 May 2009) stated that the visibility splay should be improved. To date, there has been no evidence of this happening and additional vehicles requiring access/egress from Sunnydene will cause traffic problems along Dene Road, where the present speed limit is 60 mph and a significant amount of vehicles each day travel from / to Cotford St Luke, using

this road a thoroughfare.

- The Planning Applications states that there will be no more than 5 cars and 5 goods vehicles to be parked at Sunnysdene. No parking plan has been included in the application and it is doubtful that the present parking at Sunnysdene could accommodate 10 vehicles. Parking vehicles on Dene Road will cause an obstruction and the potential for a fatality or an accident to occur.

16 letters of OBJECTION have been received from individuals. Summary of objections: -

- The appeal decision limited the number of caravans on the site to 3 static and 3 touring – surely the LPA has a duty to uphold the appeal conditions?
- Inspector's conditions are not being enforced.
- Question whether Taunton Deane requires further gypsy site provision.
- If so, is this the ideal place? Or are there unfilled pitches elsewhere?
- Is it family members? If so, this needs investigating.
- Will the mobile homes be let out?
- Proposal would result in almost doubling the site.
- The government has indicated it intends revoke Circular 01/06 and any decision based on this guidance would not be in line with the government's long-term plans.
- The government has stated that 'planning rules should be the same for all' and Councils "will be able to decide for themselves how many traveller pitches are necessary according to local need and historic demand".
- The applicant states that Mrs Jackson has indicated that TDBC will recommend approval – is this correct? Lack of transparency.
- Is the proposal for family members or a commercial gypsy site?
- Detrimental visual impact – already an eyesore.
- Plenty of room at the top of the site without invading further agricultural land.
- Lower part of the field was for stabling of horses; however, a different kind of horsepower is used at weekends and evenings ruining the peace of the valley.
- Equality – If any other member of society applied for planning permission the application, in this location, would be refused.
- Mockery of planning laws.
- Site is excluded from TDBC Local Plan for residential use outside defined settlement boundary.
- Highway Safety.
- Has the parking figures set out in the application been verified by TDBC?
- Why are goods vehicles permitted to be parked as the existing permission excludes commercial activities taking place on the land?
- Precedent if allowed.

1 letter received confirming NO OBJECTION to the proposal.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPS7 - Sustainable Development in Rural Areas,
PPG 12 - Highways,
STR1 - Sustainable Development,

STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP36 - S&ENP - Sites for Gypsies and Travelling People,
S&ENPP5 - S&ENP - Landscape Character,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EN12 - TDBCLP - Landscape Character Areas,
H14 - TDBCLP - Gypsy and Traveller Sites,
CIRC 1/06 - Planning for Gypsy and Traveller Caravan Sites,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues are considered to be: - whether the proposals accord with the development plan and national planning guidance; whether the proposed development would harm the character or appearance of the area; highway safety; and, whether there would be any adverse impact on the amenity of existing residents.

Policy

The proposed development is located outside of the defined settlement boundary of Cotford St Luke, where residential development should be strictly controlled. Policy 36 of the Structure Plan permits sites for gypsy and travellers where the site is 'within reasonable distance of a settlement providing local services and facilities'. Local Plan Policy H14 permits the location of gypsy and traveller sites where they are located outside of defined settlement limits, subject to certain criteria. Circular 01/06, published after the Local Plan was adopted, is also a material consideration.

The coalition government have stated that the Circular will be revised with new guidance. However, the Circular remains a material consideration. The Secretary of State for Communities and Local Government, Eric Pickles, has made it clear that the framework and targets in the Regional Spatial Strategy (RSS) are to be rescinded. It is, however, important to note that this does absolve the responsibility of Local Authorities to respond to the existing and future needs of gypsy and travellers. The government's statement on changes to gypsy and traveller policy encourages Local Authorities to provide an appropriate number of sites to reflect historic demand and need rather than the top down approach set by the Regional Spatial Strategy.

The Authority has been successful in fulfilling the previous requirements for sites up to 2011, as part of the RSS. There is a statutory requirement to carry out an assessment of Gypsy and Traveller Accommodation needs under Section 225 of the Housing Act 2004, PPS3 – Housing and Circular 01/06. The findings of the GTAA have now been published and form the evidence base for gypsy and traveller provision within the Borough. The findings of the GTAA supersede the Secretary of States Proposed Changes to the RSS which set provision for 20 residential pitches and 5 transit pitches from 2006-2011. The conclusion of the GTAA is that there is an identified need for 25 residential pitches and 5 transit pitches in the Borough between 2010 and 2015. A further 19 residential pitches for the period 2015-2020 together with a further 5 transit pitches. As part of the GTAA it is noted that there was a location preference for 2 pitches at Cotford St Luke (part of the survey

information undertaken).

In addressing the identified need, as part of the GTAA, the Strategy Unit are working on a 'Small Sites Allocation Development Plan Document' which will look at allocating suitable land for gypsy and traveller pitches. However, the 'need' can not be met solely through the plan-led process since the identified need is to 2015 and the Site Allocations Development Plan Document will not be adopted until post April 2013. There will therefore also be applications for new private pitches (as supported by para 12 of Circular 01/06), such as the proposal before Members.

Sustainability

As discussed, the site is located outside of the defined settlement limits of Cotford. However Local Plan and Structure Plan policies permit gypsy and traveller sites in rural locations as an exception to the normal strict control of new development. This is re-affirmed at paragraph 54 of Circular 01/06, which states that 'rural settings, where not subject to special planning constraints, are acceptable in principle'. The guidance continues that 'local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services'. This need for the Council to take a more flexible approach to the consideration of the issue was one of those agreed by the Executive in April 2006.

In this case, the application site is situated a short distance from the village of Cotford St Luke, which contains local services including a primary school, community centre and shop. The village also has a reasonable level of bus services to Taunton. Moreover, the site has previously been considered acceptable in terms of its location.

Character and appearance

The impact of the proposed development on the rural character and appearance of the area needs careful assessment. The landscape officer has previously expressed concern to the siting of mobile homes closer to the highway due to its elevated position in the landscape. There would be significant visual impact should the mobile homes be sited in the middle of the field due to its prominence on sloping land. The applicant has, therefore, proposed to site the mobile homes and touring units at the bottom of the slope to reduce the visual impact of the development. The landscape officer is of the opinion that the development is acceptable, in terms of landscape impact, if kept to the lower part of the field and subject to landscape mitigation measures.

Highways

The site is accessed from a former agricultural access into the site, which currently serves 3 gypsy pitches and stables. The original access has been hard surfaced. The requirement to provide full visibility splays to accord with the technical requirements of the highway authority need to be balanced against the previous use of the access and the impact of removing a substantial amount of hedgerow on the rural character of the area. The applicant has been in discussions with the landscape officer to plant a further hedgerow behind the existing double staggered hedgerow, at which point the front hedgerow would be removed to improve visibility. The Inspector (in determining the conditions appeal), recognised the need to ensure the visibility splay is improved, but did not go so far as conditioning the requirements of

the Highway Authority. A condition was imposed requiring no obstruction above 900 mm and a plan to be submitted to show improved visibility. It is considered that a condition should be imposed requiring a management and maintenance plan for the hedgerow, taking into account the need to improve visibility, to preserve the natural screening of the site.

The applicant has amended the block plan to indicate the provision of parking spaces within the lower site.

Amenity

There has been concern from local residents that this proposal is contrary to the previous decision and the appeal. The original consent was restricted to the red line of the application site and was conditioned for that specific number of mobile homes in order to control the siting of the units in the interests of the visual amenity of the area. This was reaffirmed by the Inspector. This application is for a separate parcel of land which must be assessed on its merits. It is appropriate to make a judgement as to whether the cumulative effect would have an adverse impact on the visual amenity of the area or the local community. The landscape officer has stated that the proposal, given its siting, would not have an adverse impact. Furthermore, it is not considered that the scale of the proposal, two additional pitches or taken cumulatively, would be of a scale as to dominate the settled community (para 54 Circular 01/06).

Other Matters

There has been concern expressed by local residents that existing conditions attached to the 2007 consent (and subsequently amended, in part, by the Inspector) have not been carried out. An enforcement item was taken to Committee on 20 October 2010, where Members resolved to proceed with an Enforcement Notice, if the conditions were not complied with. The applicant has subsequently agreed to carry out the requirements of the landscape scheme designed by Council's the landscape officer. The applicant planted trees but were not considered acceptable due to their size. The landscape officer has subsequently sourced the appropriate size and species of trees for which the applicant will plant.

Further details of the drainage system, which the applicant has stated will utilise the existing septic tank, have been requested following comments by the drainage officer. Members will be updated with any further information. However, it is considered reasonable to condition the submission of details prior to the commencement of any works.

Notwithstanding the aforementioned points, in this paragraph, the application must be assessed on its own merits.

Conclusion

The GTAA identifies a need for further pitches for both gypsy and traveller sites within the Borough. The principle of the location of the development is considered acceptable and would have, subject to further landscape mitigation, no significant adverse impact upon the character or appearance of this rural area. The proposal would utilise an existing access into the site and by reason of its siting would not adversely affect the residential amenities of local residents.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

10/10/0024

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) LTD

ERECTION OF 22 DWELLINGS (15 MARKET DWELLINGS AND 7 AFFORDABLE), A VILLAGE SHOP AND CHANGE OF USE FROM AGRICULTURE TO COMMUNITY USE OF AN ADJOINING FIELD FRONTING CHURCH ROAD AT NEWBERRY FARM, TAUNTON ROAD, CHURCHINFORD (AS AMENDED)

Grid Reference: 321202.112809

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to a Section 106 Agreement to secure a contribution for the improvement to the sewage treatment works, the future use of the adjacent field for recreation purposes, maintenance of the play area, provision of a community shop and affordable housing.

The proposal is considered not to have a detrimental impact upon visual or residential amenity and would have limited visual impact within the wider landscape of the AONB and would not give rise to highway danger. In addition there would be adequate drainage provided for the new development and the benefits of the development in terms of recreation, affordable housing and a community shop is therefore considered acceptable and sufficient to outweigh the location outside of the settlement limit and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Leisure and Recreation provision), M4 (Residential Parking) and EN10 (Areas of Outstanding Natural Beauty).

RECOMMENDED CONDITION(S) (if applicable)

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule by Peter Smith Design Service Ltd revised 17/2/11.

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

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

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

5.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

6. The boundary treatment shown on drawing 1068/01F shall be completed before **building(s) are occupied** and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the

protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of construction works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

8. Details of the materials of the windows and doors hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority and thereafter maintained as such.

Reason: In the interests of the character and appearance of the building, in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

9. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Michael Woods Associates Ecological survey, dated October 2010 **and further monitoring of the badger sett to be undertaken** and include:

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

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

Reason: To protect and accommodate protected **species** from damage in accordance with PPS9.

10. All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).

11. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:
- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
 - (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
 - (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority in accordance with Taunton Deane Local Plan Policy EN32.

12. There shall be no occupation of more than 8 dwellings on the site until the improvement works to the sewage treatment works have been agreed with South West Water and carried out in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Reason: To ensure adequate foul drainage provision to serve the site and prevent pollution.

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

Reason: To provide adequate access to sport and recreation facilities for

occupiers in accordance with Taunton Deane Local Plan Policy C4.

14. A schedule for each dwelling shall be submitted to and approved in writing by the Local Planning Authority indicating a renewable energy source for each property and the said source must be commissioned and installed prior to occupation.

Reason: To ensure a sustainable source of energy is provided in accordance with PPS1 Supplement and C12 of the Taunton Deane Local Plan.

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

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

16. The boundary hedging to the roadside (east) and northern boundaries of the site shall be retained and not removed at any time.

Reason: In the interests of the ecology and character of the area in accordance with policies EN10 and S2 of the Taunton Deane Local Plan.

17. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the near side carriageway edge 70m either side of the access. Such visibility shall be fully provided before any part of the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

18. There shall be an area of hard standing at least 6m in length, as measured from the nearside edge of the highway to the face of the garage doors where the doors are of an up and over type.

Reason: To ensure adequate parking space clear of the highway in the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

19. No part of the access drive shall be laid out at a gradient steeper than 1 in 10.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

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

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

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

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

22. No house construction work shall commence on the development hereby permitted until details of the footway shown on drawing no.3624-101A have been submitted to and approved in writing by the Local Planning Authority. Such footway shall be fully constructed in accordance with the agreed plan and specification before any part of the development is first occupied.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

23. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge to the highway and details of which shall be submitted to and approved in writing by the Local Planning Authority and thereafter so provided.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

24. Details of the surface finish to roads within the site, other than tarmac, shall be submitted to and approved in writing by the Local Planning Authority prior to their formation and thereafter carried out as agreed.

Reason: In the interests of the visual amenity and character of the area in accordance with policy S2 of the Taunton Deane Local Plan.

25. 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 during the construction period. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of

which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until construction on the site has ceased.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

26. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority.

Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

27. The development shall provide for covered and secure cycle storage facilities, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with policy S1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

28. The windows hereby permitted shall be recessed in the wall to a minimum of 70mm unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure details appropriate to the character of the building and character of the area, in accordance with policy S2 of the Taunton Deane Local Plan.

29. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 2 Classes A and B of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent loss of boundary walls, fencing or hedges between the houses and road ways to protect the character of the area in accordance with Policy S1(D) and S2 of the Taunton Deane Local Plan.

30. Development shall not commence until satisfactory means of the surface water drainage disposal for the site has been submitted to and agreed in writing by the Local Planning Authority. The timing and future maintenance of the works shall also submitted to and agreed by the Local Planning Authority and thereafter carried out as agreed prior to the occupation of any

dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory surface water disposal and to prevent flood risk in accordance with PPS25.

31. Notwithstanding the detail on drawing on 1068/01F the small section of hedge separating the play area and open space shall be removed prior to the area being brought into use.

Reason: To ensure improved surveillance of the play and open space area in accordance with policy S2 of the Taunton Deane Local Plan.

Notes for compliance

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

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.

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
3. Works to be undertaken on or adjoining the publicly maintainable highway require a licence under Section 171 of the Highways Act 1980 and must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson, Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning 01823 356011. Forms should be submitted at least 4 weeks in advance before works are proposed to commence.

The Highway Service Manager, Taunton Deane Area Highway office, Burton Place, Taunton, Tel. 0845 345 9155 must be consulted at least 7 days before access works commence.

PROPOSAL

The proposal is for the erection of 22 dwellings, including 7 affordable units, on land within and to the north of the settlement boundary of Churchinford. In addition to the housing the applicant is offering the adjacent field for recreational open space and a new build shop unit for community use on the main road frontage.

The application was accompanied by an Ecological Survey, an Affordable Housing Statement, a Planning Statement, a Stormwater Drainage Strategy, a Transport

Assessment, a Design Statement and a Landscape and Visual Impact Assessment.

SITE DESCRIPTION AND HISTORY

The site consists of approximately 1.25 hectares of farmland, two thirds of which is grassland and a third of which is land that was a former yard and buildings of the farm that lies within the settlement limit.

Previous permission exists in outline for 8 dwellings, ref. 10/08/0030 which included land within and just beyond the existing settlement limit.

The site has been considered as a suitable one for a small extension to the village in the LDF consultation and the draft Core Strategy recognises Churchinford as a local rural centre suitable for limited future growth.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHURCHSTANTON PARISH COUNCIL - Parish Council support the proposal.

SCC - TRANSPORT DEVELOPMENT GROUP -

The proposed development site lies outside the Development Boundary Limits for Churchinford which does not accommodate adequate services and facilities such as, employment, health, retail and leisure whilst the public transport services within the village are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provision of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan, Adopted April 2000 and Policy S7 of the Taunton Deane Local Plan. Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the principle of development on this site outweighs the transport policies that seek to reduce reliance on the private car.

In terms of the detail a Transport Statement was submitted as part of this application and has been passed to our Traffic Analyst for comment, his observations are set out below.

In regards to the traffic impact the Transport Statement (TS) uses TRICS data sets to estimate trip generation of around 10 movements in each peak hour and a total of around 77 per day. The TS argues that this is partially offset by the extant permission for agricultural use. To some extent this may be a reasonable argument the previous impact is not quantified, and the farm is no longer in operation.

Turning to the parking requirements for the site, according to the TS, at an average of two spaces per dwelling. This is within the Somerset County Council Countywide Standards, and considered acceptable for the location. Based on the Parking Schedule (a separate document) and the Site Layout Plan, however, it is not clear how the numbers have been calculated. It is further noted that the Planning Statement quotes 2.7 spaces per dwelling. This contradiction needs to be clarified.

Plots 4 and 13 have space for a large number of vehicles to park. Conversely at least three dwellings (Plots 1-3) do not have off-street parking other than their garages. Part of the development would see the construction of a shop, which will be provided with two spaces, within the development, and presumably shared with the apartment, and a short layby on Taunton Road. Careful consideration needs to be given to whether this is sufficient; presumably delivery vans will use the layby leaving space for at most one shopper's car. It is thought that at busy times, there is likely to be a requirement for some shoppers to park on-street.

No details have been provided have been given on cycle parking. This needs to be clarified, both for residential units and the shop, and provision should be in line with Countywide Standards. In this context it is noted that a small number of dwellings, plots 15-16, do not have a garage. The Planning Statement and not the Transport Statement suggests that back gardens could be used (presumably after occupancy) to provide storage, but Plot 15 at least does not have outside access to the garden.

Finally, the development falls within the threshold for a Measures-Only Travel Plan. This is likely to mean appropriate provision of travel information and suitable infrastructure such as cycle parking. Although to some extent this is considered in Section 5.2, there is no actual commitment at present.

In terms of the site layout the application was passed to our Estate Roads Team, which fully assessed the proposed layout and their comments are set out below. Firstly the developer should be made aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code.

The proposal would see the construction of a new footway along the frontage of the site and would link the site with the centre of Churchinford. These off-site highway works would need to be covered under a legal agreement between the applicant and the Highway Authority. In addition the applicant should note that these works should not result in the narrowing of Taunton Road. As a result of this footway the existing electricity poles which are currently adjacent to the public highway may need to be relocated as a result of the proposed footway works.

At the point where to the proposed access joins Taunton Road the proposed estate road shall incorporate radii of 6.0m. Whilst allowances should be made to resurface the full width of the existing Taunton Road where it has been disturbed by the extended construction and to overlay each construction layer of the carriageway by a minimum of 300mm.

In regards to the proposed internal layout it may be possible for Roads 2, 3 and 5 to be constructed as block paved shared surfaces. A minimum carriageway width of 5.0m with 2 x 500mm wide service margins will be required though. If shared surfaces are constructed as indicated above, then vehicular crossovers can be constructed across their junctions with Road 1, in lieu of the standard radii junctions proposed. Whilst the private drives serving plots 20 and 22 should either be increased in length to 10.5m or reduced to 6.0m. The proposed length indicated may well result in parked vehicles overhanging the prospective publicly maintained highway. Where private access paths crossover the prospective public highway margins they should be constructed as per typical Somerset County Council bitumen macadam footway spec. Paving slabs will not be permitted.

Whilst a 2.0m hardened vehicle overhang margin will be required at the end of the turning arm adjacent to plots 5 and 9. However should either road be constructed as a block paved shared surface, then only a 1.0m wide margin will be required. The applicant should note that all proposed internal estate roads shall be constructed to a minimum width of 5.0m throughout. An adoptable 500mm wide flat margin will be required around perimeter of the planted area containing the proposed soakaway within Road 3.

The first 2.0m, as measured from the back edge of the proposed footways, of proposed boundary/screen walls immediately adjacent to private drives, should not exceed a height greater than 900mm above adjoining carriageway level, so as not to restrict intervisibility between motorists and pedestrians. No doors, gates or low level windows, utility boxes, down pipes or porches are to obstruct footways or shared surfaces. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted) and steps.

The proposed footway between plot 17 and Taunton Road should be constructed with a minimum width of 1.5m, whilst maintaining a 2.0m wide lay-by. From the drawings provided a current footway width of 1.2m is proposed. In addition the proposed footway which fronts the site should be extended in width so that the length of the visibility splay fronting plots 19-21 is totally of hardened material.

It is noted that the longitudinal sections for Road 1 and 5 indicate cambered cross falls. Would it be possible for the applicant to introduce side hung carriageways? This would help to reduce the number of carriageway gullies required. It is this Authority's wish that all adoptable margins are surfaced in bound material. Somerset County Council does not have the necessary facilities to maintain grassed/planted areas.

The proposed 2.0m wide pedestrian link between plots 17 and 19 that provides direct access onto Taunton Road, is intended to be used by cyclists. Therefore, it will be necessary for an appropriate visibility splay, measured 2.0m back from where the link joins the back of the footway fronting the site. There shall be no obstruction to visibility within the splay, the full extent of which will be adopted to Somerset County Council. The requirement for the splay will result in the boundary wall to plot 19 having to be slightly set back. The height of the boundary walls on either side of the cycle link should not exceed 900mm at the tie in with the internal footway. Finally the proposed layby indicated within Taunton Road, should ideally be located outside of the 2.4m x 70m visibility splay.

Turning to the site drainage the applicant should note that surface water from all private areas, including parking areas, must be intercepted by private drainage systems to prevent any discharge onto the prospective publicly maintained highway. Under Section 50 of NRSWA 1991 (Sewer Connections) where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable by contacting Mr John Nicholson, Streetworks Co-ordinator (01823 483103).

In regards to the Drainage Strategy Report the applicant has indicated that a attenuation system is proposed within a grassed island within Road 3. There are concerns over the proximity of this drainage scheme to the proposed highway.

Somerset County Council as the Highway Authority has adopted soakaways on schemes on the proviso that they are designed and constructed to accord with our standard requirements. The critical issues to address in terms of design are that the drainage system outfalling into the soakaway must serve to collect run-off from the prospective public highway. The soakaway must be positioned such that it does not present any potential long term effect to the structure of any adopted/adoptable road. The soakaway should be sized to provide the desired level of flood protection to the properties and roads and finally a geotechnical appraisal is undertaken for this enhanced infiltration. It would also required further understanding of the overland flood routes in exceedance and whether facilities can be provided for overflows from the soakaways.

It is noted from the addendum to the Drainage Strategy that infiltration rates have been established from further percolation tests and the values obtained indicate that underlying soils may be conducive to infiltration. I understand that our Supervision Team have been in dialogue with the applicants drainage engineers and supplied them with our standard drainage requirements for surface water soakaways as a consequence I am awaiting further details taking into account their discussions.

Having evaluated the submitted information and plans and taking into account the information set out above and subject to further drainage details being submitted I raise no objection this proposal and if planning permission were to be granted I would require conditions to be attached.

BLACKDOWN HILLS AONB SERVICE –

There are limited instances of this scale of residential development in the AONB and so when such development does occur it is important that matters of detail are given careful consideration so that local character is maintained and the natural beauty of the area is conserved and enhanced. The reference to the AONB's draft design guide in the 'Design proposals' document is welcomed, however the content and references are very general and indeed there are aspects that would not accord with the desire to reinforce local character and distinctiveness;

The indication on page 4 that there will be different surface materials and textures within the street scene suggests a typical estate approach, which is not in keeping with the character of Blackdown Hills villages

On pages 8 & 9 it is indicated that at least some of the properties will be red brick with buff brick detailing. Although found in other local settlements such as Hemyock, these materials and style are not typical of Churchinford and local traditions would be better reflected by limiting building materials to chert rubblestone and render.

The Taunton Road boundary and frontage will be an important aspect as to how the development fits in to the village and wider landscape. The retention (and management) of the roadside hedge/bank is therefore welcomed. Rubblestone walls adjacent to the highway are very typical local features – this would be an appropriate boundary, provided its construction reflects the local style.

Finally, the AONB Partnership is also mindful of the social and economic wellbeing of the communities of the Blackdown Hills, supporting initiatives that support

sustainability and the maintenance of thriving villages. In this respect, the inclusion of provision for a village shop within the scheme is welcomed, and it is hoped that this will provide a solution that meets the needs of the local community.

The AONB Management Plan includes the following objectives and policies –

EQC 2 - Emissions of carbon dioxide and other greenhouse gases are decreased to help carbon reduction in the AONB.

EQC 2/A - Support and encourage appropriate, small-scale renewable energy schemes to minimise net emissions of carbon dioxide and other greenhouse gases to help achieve carbon reduction without conflicting with the special qualities of the AONB or the conservation of natural beauty.

PD 2 - Traditional, local materials, and energy- and water efficient technologies are used widely in all development.

PD 2/A Encourage new developments or conversions to use traditional and local materials, to be as carbon-neutral and water-efficient as reasonably practicable, and to incorporate appropriate renewable energy sources.

The Blackdown Hills Renewable Energy study (2010) assesses the potential suitability of various technologies taking account of AONB designation, landscape and planning considerations and carbon savings. It concludes that technologies such as domestic photovoltaics, and ground, air and water source heat pumps would be appropriate - having little or no impact on the AONB landscape and natural beauty. The report also highlights the potential benefits and opportunities afforded by biomass fuel used in small-scale and household biomass heating/ combined heat and power plants and small-scale or micro community heating schemes. Opportunities for community heating systems within the AONB are limited, but the scale of development proposed here would be suitable for consideration.

The AONB Partnership would therefore very much support and encourage the local planning authority and developer to incorporate appropriate renewable/sustainable energy technology into the scheme and look to explore innovative approaches such as community heating.

ENVIRONMENT AGENCY - We Object to the application on the following grounds:

Surface Water Drainage - Due to the size of the site a Flood Risk Assessment is required to ensure risk is not increased as a result of the development as required by PPS25. A Drainage Strategy Report has been submitted, however this is insufficient to demonstrate that flood risk will not be increased elsewhere and that a viable drainage scheme can be achieved on site.

The proposed strategy refers to the preferred hierarchy for surface water disposal in the Building Regulations. There does not appear to be sufficient justification as to why infiltration cannot be used to attenuate flows on site. This is clearly the preferred option and should be pursued where possible. The strategy relies on connection to an existing sewer when disposing of surface water flows. Written confirmation from the owner that flows from the development and can be accommodated must be provided with suitable connection point. We must also be

confident that the system will not surcharge. The strategy provides estimates for surface attenuation storage on site, however it is unclear how these are derived. Without this explanation we cannot be confident that the proposed storage will be sufficient to retain flows up to and including for 1 in 100 year storm event with allowance for climate change. Micro-drainage calculation must be provided or a 'worst-case' scenario adopted. It is not clear whether the detention basin will be an above ground feature, although we assume that it is given reference to biodiversity opportunities. We would encourage further use of SUDS including infiltration for storage and lined ponds, swales or filter strips for conveyance.

The 1 in 100 storm event plus climate change must be contained on the site to ensure flood risk is not increased elsewhere. No information has been provided on when/if the system will be exceeded and the situation should this occur. This must be demonstrated with indicative surface water run-off calculations and exceedance flow paths or storage areas. We would not expect any more than 300mm of exceedance flood waters along any access roads or at the location of any buildings. There must be no interruption to surface water or land drainage system of the surrounding land as a result of operations on site. Provision must be made to ensure all existing drainage systems operate effectively. Until the above points are resolved we do not consider it prudent to agree the surface water scheme proposed because it is not demonstrated to be viable. There is significant likelihood of development exacerbating flood risk elsewhere should a suitable disposal point not be agreed and insufficient storage provided on site.

Foul Drainage - The proposals in the strategy appear to conflict with South West Water's position in that SWW have confirmed that there is insufficient capacity for foul flows from the development to be discharged to the existing sewer. SWW also make it clear improvement works are required, although it is unclear what they will be, how much they will cost and therefore whether mains connection can be achieved.

Discharge to mains sewer would be the preferred option in line with Circular 03/99 and is less likely to impact on the environment. Moreover if a mains sewer connection is not achievable then another foul drainage system will need to be provided and it is unclear whether this can be achieved under the current layout/design. The site overlies a principle aquifer which must be protected. It would not be appropriate to allow any foul flows to percolate ground waters.

The LPA should be satisfied that a mains connection is achievable and will not impact the viability of the scheme. Consideration should be given to the timing of any improvement works which should be completed prior to any works commencing on site and thus, within the expiry dates of any permission granted.

DRAINAGE ENGINEER - I refer to the above application and object on the following grounds as many of the comments in the Drainage Strategy Report are of a general nature with numerous issues still to be determined, undertaking of percolation tests, CCTV survey of receiving surface water sewer/drain etc. A full drainage strategy plan should be submitted for approval before any permission is given.

1) A full strategy shall be submitted and agreed with the Authority before construction works commence on site. The report shall include details of all existing and proposed impermeable areas, a final design of the proposed surface water

system including full calculations for outfall and on site flow limitation. It shall also identify all future land use limitations and identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

2) There is no indication given if any flow rates for exceedance flow should the design capacity of the proposed system be exceeded for any reason.

3) Confirmation is required that the owners of the receiving piped surface water sewer are happy to accept the additional flows produced by the development.

4) Comment is made that SUDS systems are to be used and these will be in the form of rainwater storage, permeable paving and oversized pipes. I do not believe that all these are true SUDS techniques, especially oversized pipes. It needs to be shown that all recommended SUDS techniques have been explored before piped storage is considered. The results of the proposed percolation tests should give a better indication for chosen solutions.

5) I note the calculation for hardstanding areas is slightly incorrect and the area should be 0.296ha. No allowance has been made for betterment. A requirement of PPS25 is that it should be demonstrated that it should reduce flood risk overall and not just on the site in question. An allowance of 20% reduction in existing impermeable areas should be considered in all the calculations to be provided.

Further Comment 31/1/11

In light of details supplied it appears that SCC has had a change in protocol since I last dealt with highway surface water discharging to soakaways. The following condition should be attached to any approval once you have SCC's confirmation and maintenance arrangements for their adopted soakaway. Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

HERITAGE AND LANDSCAPE OFFICER - Subject to protection of trees and hedgerows during construction with no services through root areas, the landscape proposals should meet the requirements of EN10 & EN12.

LEISURE DEVELOPMENT MANAGER - In accordance with Local Plan policy C4, provision for play and active recreation should be made for the residents of these dwellings. The Local Plan requires 20sqm of play space per family dwelling, a site of this size should therefore provide 440sqm of play space. The Council's Parks Department should be asked to comment on the layout of the play space. If the road is continued at a later date into the proposed recreation field then the play area should be relocated at no cost to the Council. I note the application includes the request for change of use of the adjoining field from agriculture to recreational community use. If the change is permitted then this would be acceptable as the outdoor recreation contribution. If the change is not approved then a contribution of £1100 for each dwelling should be made towards the provision of facilities for active outdoor recreation. A public art contribution is also required in accordance with Taunton Deane Public Art Code either through commissioning and integrating public art into the design of buildings or public realm or by commuted sum to the value of 1% of the development costs.

HOUSING ENABLING MANAGER - The Housing Enabling Lead supports this application based on need and does not reflect the suitability of the site in relation to planning. The location of the unit types for affordable housing is acceptable. The tenure split should reflect the housing need and incorporate social rent, intermediate housing and discounted market value (70%) homes. If any form of grant funding is included in the scheme, Code for Sustainable Home Level 3 is required. If the scheme is self funding Code 3 is desirable but not essential.

WESSEX WATER - The above site is not located in a Wessex Water sewered area. The developer has proposed to dispose of surface water to 'sustainable drainage system'. It is advised that your Council should be satisfied that any arrangement for the disposal for foul and surface water flows. Turning to water supply, there is a water main in the vicinity of the proposal. It will be necessary to agree a point of connection that can be agreed at detailed stage.

SW WATER - The sewage treatment works serving Churchinford has insufficient capacity to accommodate the proposals. Should you be mindful to approve the application we will require a suitably worded Section 106 agreement to be drawn up requiring full payment of the improvement costs to be paid to South West Water

COUNTY ARCHAEOLOGIST - There are limited or no archaeological implications to this proposal and we therefore have no objections.

NATURE CONSERVATION & RESERVES OFFICERS - The site consists of a species poor improved grassland pasture field with mature hedgerows and hedge banks. To the south of the survey area is a small area of land used for material storage. The application involves the removal of approximately 80m of hedgerow

Michael Woods Associates carried out an ecological survey in October 2010. Findings of the survey are as follows

Badgers - A single entrance to an outlier badger sett was found on the NW boundary of the site, within the old stonewall of boundary 2. Recent spoil and a number of badger hairs indicated that the sett had been recently used. It is likely that the main sett exists within hedgerows to the north or west of the site.

I support the surveyor's recommendation that further monitoring of the sett is undertaken prior to any construction on site. If the sett remains active the applicant will need to apply to Natural England for a licence to temporarily block the sett. This can only take place between 1st July and 30th November outside of the closed season

Bats - No signs of bats were confirmed at the time of survey but it is likely that bats forage in the trees and hedgerows on site. I agree that exterior lighting should be carefully designed to avoid impacting on bats.

I support the enhancement proposals made with regards to bats.

Dormice - The hedgerows on site consist of suitable species for dormice but they had limited connectivity to the wider landscape network due to wide gateways and gaps. In addition they were heavily managed and so the surveyor considered that they were unlikely to support dormice.

I support the surveyor's recommendation that management of the hedgerows be improved.

Reptiles - The storage area was considered to offer some potential for reptiles but when the piles of debris and materials were hand searched no reptiles were found.

Birds - The hedgerows and trees on site offered nesting and foraging opportunities for birds.

In accordance with PPS9 I would like to see wildlife protected and accommodated in this development and I suggest a condition and note.

ENVIRONMENTAL HEALTH OFFICER - Recommend a contaminated land condition due to the commercial use of the site.

STRATEGY AND COMMUNICATIONS UNIT - Generally, the application would not be supported ahead of the sites allocation in an adopted Development Plan Document since the proposal runs counter to Adopted Local Plan Policy S7.

The village of Churchinford is recognised as a rural centre in the TDBC Local Plan. Rural Centres are a focus for services and facilities for their immediate rural hinterland. The village has some community facilities; a community hall which the part time post office is run from, pre-school, public house, doctors' surgery, limited daily bus service and there is an established cycle route to the local primary school a mile and a half away. The shop recently closed in 2010.

The application site has been identified as a Deliverable Site in the 2010 TDBC Strategic Housing Land Availability Assessment (SHLAA) but for smaller development numbers than is proposed. As part of consultation on the emerging Core Strategy strong community support for limited development in Churchinford; including delivery of affordable housing and community facilities was expressed. This is further supported by the engagement undertaken by the Applicant and Falcon Housing.

Churchinford was recognised in the Regulation 25 Core Strategy as a suitable settlement of future growth based upon the services it could identify at that point in time. Since the shop has now closed, the provision of a shop, affordable housing and playing provision is an important consideration in the determination of the planning application.

In light of the scheme proposed, we would raise no objections to the proposal subject to the delivery of the shop and playing field.

POLICE ARCHITECTURAL LIAISON OFFICER - The Design Proposals document contains a section on 'Crime Prevention' which indicates to me that the applicant has taken into account the potential crime prevention issues which could affect the development when formulating the design. I would concur with the majority of

comments made by the applicant with one exception, that 'the Public Open Space (including the Children's Play Area) is well overlooked by buildings and the street.' From the site layout plan the POS and Play Area appear to be located on the edge of the development in an area of limited surveillance from surrounding dwellings. Whilst the play area and entrance to the POS is overlooked by two dwellings on one side, the hedge between these dwellings and the POS appears to limit resident surveillance of this area. Such communal areas have potential to generate crime, the fear of crime and anti-social behaviour and must be designed with due regard for natural surveillance. Boundaries between public and private areas need to be clearly defined and measures taken to prevent unauthorised vehicle access. In my view the play area in particular should be more centrally located in an area with good all round surveillance.

The cul-de-sac design has advantages in that it helps frustrate the search and escape pattern of the potential criminal and the use of physical or psychological features such as rumble strips, change of road surface, pillars at the entrance or similar would help define defensible space giving the impression that the area beyond is private. The boundary treatments appear appropriate for the crime risk. With regard to physical security of the buildings, the applicant is advised to formulate all designs in accordance with the police approved 'Secure by Design' award scheme.

Representations

1 letter of no objection

1 letter of no objection on basis of trees adjacent to 9 Newberrys Patch being retained.

2 letters of no observation.

1 letter of support on basis that the number of 22 is the maximum and the local infrastructure such as sewerage can cope, as this will help maintain viability of village.

1 letter of support on behalf of Village Hall Trustees on grounds that a shop facility can only benefit the local community. There is a local initiative to set up a community shop in a temporary building and hope this could transfer together with a post office facility to the new shop in future.

8 letters of objection on grounds of

- scale of development and too big for village,
- incongruous and house types wrong,
- proximity of plots 13 & 14,
- there being no need for housing,
- inadequate visibility from the proposed access in either direction,
- increase in traffic along main road to Taunton,
- proposal outside village boundary and in AONB,
- it is not sustainable in transport terms, the bus service is insufficient, it does not make use of sustainable building materials and renewable energy sources,
- the two and a half storey buildings are at the highest point of the site and would have a detrimental and intrusive impact on the AONB landscape and visual amenity.

- concern that the new shop would not be viable, would remain empty and undermine the local community attempts to set up a project,
- the properties at the upper end of the site would be higher than the road and be an imposing eyesore at the entrance to the village, bungalows would be more appropriate,
- concern over number of units and most seem aimed at younger families, housing will be a dormitory area with commuting, better to build fewer more appealing houses,
- trees planted near the Chapel will block out light, impact on future chapel development and the entrance opposite a parking bay with no visibility is not thought suitable.
- the additional traffic will pose a safety hazard to residents, particularly children.
- concern over adequacy of water and sewerage disposal.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS 1 SUPP - Planning and Climate Change,
 PPS3 - Housing,
 PPS7 - Sustainable Development in Rural Areas,
 PPS9 - Biodiversity and Geological Conservation,
 PPG13 - Transport,
 PPG17 - Sport and Recreation,
 PPS25 - Development and Flood Risk,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,
 S&ENPP33 - S&ENP - Provision for Housing,
 S&ENPP35 - S&ENP - Affordable Housing,
 S&ENPP38 - S&ENP - Sport and Recreation in the Open Countryside,
 S&ENPP48 - S&ENP - Access and Parking,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 S7 - TDBCLP - Outside Settlement,
 H9 - TDBCLP - Affordable Housing within General Market Housing,
 EC15 - TDBCLP - Associated Settlements/Rural Centres/Villages,
 M4 - TDBCLP - Residential Parking Provision,
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,
 EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
 EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
 EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The proposal for residential development in this edge of village location has to be considered in light of the policy considerations for the site together with design, the provision of adequate access, affordable housing, ecology, drainage, provision of a play area, open space and a community shop as well as energy efficiency measures.

Policy

The proposed site lies on the northern edge of the village and incorporates part of the site approved under outline permission 10/08/0030 as well as agricultural land to the north outside of the settlement limit as defined in the existing Taunton Deane Local Plan. Consequently policy S7 of the Local Plan would apply as well as STR6 of the Joint Structure Plan Review. Any planning application should be determined in accordance with the development plan unless other material considerations indicate otherwise as specified in PPS1. In this case therefore the main issue is whether there are material considerations that are of sufficient weight to overcome the policy objection to the proposal.

The site has been identified as deliverable in terms of the 2010 TDBC Strategic Housing Land Availability Assessment (SHLAA) and as part of a consultation exercise on the emerging Core Strategy there was strong community support for limited development in the village. This was further supported by the community engagement exercise undertaken by the applicant. The site was subsequently identified as a suitable settlement for future limited growth on the basis of services available. The village has limited bus service to Taunton, however the site is well related to the centre of the village and local services including a doctors. Although the shop has since closed it is considered that support for this level of development could only be maintained on the basis of the benefits to be secured, including the community shop, playing field and affordable housing all of which would help support the vitality and viability of the rural economy in this location within the AONB. The provision of a limited rounding off development here is not considered to harm the emerging LDF and is supported by the Strategy Unit on the basis of the delivery of the benefits offered.

Design

The proposed buildings on the site are designed to address the street with a clear definition of public and private space. The dwellings are largely two storey and the materials are slate or tile for the roofs and stone render or limited brick for the walls. An element of front boundary treatments will also be of stone to maintain the local distinctiveness of the area. The materials have been amended to address the concern of the AONB Partnership, as has materials to the road frontage, which now reflects the local stone. Crime prevention has been considered as part of the design process with clear public access routes, defensible space for dwellings and good surveillance. Concern has been raised over the open space location and surveillance and a condition to secure a small section of hedge removal and improved surveillance of the play/open space area is proposed to address the concern raised. Specific conditions are proposed to control elements of the design such as materials, boundary treatments, windows and doors to ensure the character of the area is maintained.

Access

The proposal seeks to provide a new access into the site from the main road through the village. Visibility splays of 2.4m x 70m are provided to meet the Highway Authority requirements. This requires the realignment of a section of wall to the south of the site frontage and loss of 75m of hedge. A 30m section of hedge is to be replanted and a footway from the site access south to the shop is provided as part of the proposal. There are no footpaths in the centre of the village, however the provision of a footway as proposed is supported in safety terms due to the location of

the proposed new shop.

Parking for each unit is provided with 2 spaces per dwelling provided to meet the standard of the County Wide Parking Strategy and the Local Transport Plan. While this is more than the Local Plan policy M4 allows, in light of recent changes to advice in PPG13 the level of parking provision is considered acceptable. Garaging is provided for 17 of the 21 units and a condition is also proposed to secure cycle storage. Conditions in relation to other estate road details are also recommended.

Landscape

The site lies to the north of the village on partly grassed field. A Landscape and Visual Impact Assessment of the site has been carried out as the site lies within the Blackdown Hills Area of Outstanding Natural Beauty, an area that has significant landscape protection under PPS7. The site has well established boundaries and is set within a surrounding landscape of gently rolling hills with around 10% tree cover. The site has very limited views of it from publicly accessible sites and the most visible will be from the road through the village. All trees on the site will be retained and protected during construction. A group of conifers in poor condition to the south of the site as will a section of roadside hedge. However planting on site will compensate for that removal. An increase in built form is not considered in itself detrimental as it will be read as part of the village and sympathetic to its form. At a distance the development will merge with existing buildings and the impact is considered minimal and not detrimental. The dwelling on plot 4 has been moved away from the roadside boundary and lowered by 300mm to lessen its local impact on the road. The Landscape Officer considers the impact on the character of the area to be an acceptable one in keeping with Local Plan policies and the AONB Partnership do not raise an objection to the scheme. In the circumstances therefore the landscape impact of the scheme is considered to be an acceptable one.

Affordable Housing

The proposal is for a mixed housing development that exceeds the Council's site size threshold, so an element of affordable housing is required within the scheme. The applicant has offered to provide 7 units of affordable housing and this is accepted by the Housing Enabling Manager in light of the needs assessment by Falcon Rural Housing that identifies a genuine need for 7 affordable units. A Section 106 Agreement will be necessary to secure the necessary affordable housing provision and tenure split.

Ecology

The submitted ecological survey identified no protective species on the site other than badgers. Monitoring of the 'outlier' sett will be required and a condition to ensure suitable wildlife mitigation is recommended as part of any permission granted.

Drainage

There are two main elements of the drainage for the site, foul and surface water provision. South West Water control the existing foul sewerage provision within the village and they have identified a possible lack of capacity to serve the new development in its entirety. The applicant has agreed with South West Water to

contribute to improvements to the treatment works and this is intended to be secured through a legal agreement. The application is therefore recommended on this basis. I consider there is also a requirement for a Grampian condition to restrict occupation of a certain number of dwellings on site (8) until the improvements works to be carried out by South West Water have been carried out to their satisfaction to prevent potential future pollution issues.

The other issue on site is the disposal of surface water and a drainage strategy for the site has been submitted. The revised proposal is to deal with surface water by means of soakaways, water butts and permeable paving. The Drainage Officer has indicated that the revised information received addresses the issues raised and a condition re soakaways is recommended. The Environment Agency's formal response to the amended drainage strategy is still awaited at the time of writing the report and subject to the Environment Agency withdrawing their objection and recommending any conditions the development is considered to provide suitable drainage scheme.

Community Provision

As part of the application a number of community facilities are being provided. Local Plan policy C4 requires the provision of adequate play and recreational open space to serve the site. In this instance a play area to the north of the site is proposed and will be the subject of a condition. A need for a recreational open space close to the village has also been identified as the only existing facility is some distance out of the village. The applicant is therefore proposing that the field to the west of the site be transferred into public ownership for use by the local community in perpetuity. This would have to be achieved by a Section 106 Agreement and is recommended as part of the proposal. The provision for public art is not a policy requirement under the current Local Plan policy for this area and while it has been requested it is not a sum that can be insisted upon.

In addition to the above the local shop/post office closed recently and the Trustees of the Village Hall Charity are currently using the Hall to run a temporary post office facility. There is also a local initiative to set up a community shop in a temporary building. In order to address longer term needs for the village the applicant is proposing a shop unit as part of the development and to rent this on the basis of 75% of market rental value and not to seek any change once constructed for a minimum of two years. This element of the scheme is supported locally and is an important element in the weight of benefits to the local economy in support of the scheme. Again this element of the proposal would need to be secured through a legal agreement and will therefore need to be part of the Section 106 for the site.

Sustainability

The site lies on the edge of Churchinford, a village in the AONB which has a local public house, doctor's surgery, village hall, temporary post office following the local shop closure and access to a primary school beyond the village via a designated cycle route. Clearly there is limited local employment, however there is a limited bus service to Taunton. The Highway Authority question the sustainability of the site as do a number of local objectors.

In addition to the need to conserve the natural beauty of the area the AONB Partnership also recognise that the need to preserve the social and economic

wellbeing of the communities of the Blackdown Hills, supporting initiatives that support sustainability and the maintenance of thriving villages. With this in mind the scheme does provide community benefits through the new shop and recreational open space. In addition, and to reflect AONB Partnership policies, a renewable energy statement has been submitted that considers sources available to the site and the need to minimise energy demand. It is intended to provide at least one renewable energy source per dwelling (such as solar hot water or air source heat pumps) and a condition requiring a schedule of such provision is proposed.

Summary

The proposal is for residential development of a greenfield site part of which is currently outside the identified settlement limits of Churchinford. Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and PPS1 all proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Strategy Unit has assessed the proposal in terms of site suitability, housing need, local needs provision and the need to allocate sites in the emerging LDF. The conclusion is that the principle is acceptable subject to the details of the submission and there are sufficient considerations to outweigh the development plan.

Subject to the necessary conditions and appropriate legal agreement being entered into to ensure the affordable housing, recreational open space for the community, play area maintenance, shop provision and improvements to the sewage treatment plant are secured, the proposal is considered sufficient to set aside the development plan and the scheme is recommended for approval.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

RACELINE KARTING LTD

CHANGE OF USE TO AN INDOOR KARTING FACILITY AT UNIT 13A, TAUNTON TRADING ESTATE, NORTON FITZWARREN

Grid Reference: 320184.125925

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason

The proposed temporary use of the building as a karting venue is considered acceptable, subject to the proposed noise mitigation measures and the imposition of a noise restrictive condition. It is considered that as the existing unit is vacant and is earmarked for future development, as part of the wider redevelopment of the Trading Estate, the proposal would not undermine the Council's aim of protecting employment land (Policy EC9). It is therefore considered that a temporary use of the building would be acceptable and would not result in any loss of long term employment for a B1/B2/B8 use given the re-development plans for the site.

RECOMMENDED CONDITION(S) (if applicable)

1. This permission shall expire on 2 March 2016. On or before that date the use hereby permitted shall be discontinued.

Reason – The use of the unit for a karting venue is considered acceptable for a temporary time period. The building is proposed to be demolished, as part of the wider re-development of the site, and would not therefore undermine the Council's Policy EC9, or prejudice the comprehensive development of the site.

2. Noise emissions from any part of the premises or land to which this permission refers shall not be more than 3dB (expressed in terms of an A-Weighted, 2 Min Leq) below the background level when measured at - footpath on the south side of Blackdown View at the junction with the B3227 (grid reference ST 2009, 2600).

For the purposes of this permission background noise levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason - To protect the residential amenities of nearby residents from noise disturbance in accordance with Policy S1 of the Taunton Deane Local

Plan.

3. The business shall only operate within the hours of use specified within the application:

Monday to Saturday 10:00 to 21:00
Sunday & Bank Holidays: 10:00 to 20:00

Reason - In the interests of minimising the impact of the use on the residential amenities of nearby occupiers from noise and disturbance at unsociable hours. The condition is necessary in accordance with Taunton Deane Local Plan Policy S1.

4. The use shall not be implemented until a schedule of noise mitigation measures have been submitted to and agreed in writing by the Local Planning Authority. The approved mitigation shall be fully implemented in accordance with the approved details and retained thereafter.

Reason - To ensure the mitigation has been carried out in the interests of reducing any potential noise nuisance on nearby residents. The condition is required in accordance with Taunton Deane Local Plan Policy S1.

Notes for compliance

1. Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.
2. Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

PROPOSAL

Planning permission is sought for the change of use of a vacant industrial building to an indoor karting facility. The application is for a temporary five year consent (as the site is earmarked for demolition as part of the wider redevelopment of the area). The landowner/developer, St Modwen, have confirmed their acceptance and the proposed schedule of development would fit in with the temporary consent.

The application is accompanied by a supporting planning statement. The statement sets out that the applicants identified a gap in the market for such a facility in the Taunton Deane area. The facility will cater for people of 12 years and upwards to learn the skills of karting in a supervised environment; the business will also cater for corporate facilities and private group bookings, as well as individuals. The business will have a maximum of 8 karts (from 10) running on the circuit. Parking is provided on site for upto 40 vehicles (as per existing). Opening hours are proposed Monday to Friday 10:00 – 21:00, Saturday 10:00 - 21:00, Sundays (public holidays) 10:00 – 20:00. The use would generate 6 equivalent full time jobs.

A noise assessment has been submitted.

SITE DESCRIPTION AND HISTORY

The unit is located on the Taunton Trading Estate at Norton Fitzwarren. The building is a substantial disused industrial unit which is now in a poor state of repair. The site is part of the wider redevelopment of the Trading Estate which is being re-developed as a mixed use development.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL – The Parish Council objects to this application on the grounds that the evidence does not show that the noise controls will be sufficient for the residents who live opposite the site. The main road becomes considerably quieter in the evening and may not therefore overshadow the noise coming from the building as it states in the report.

HIGHWAY AUTHORITY – The proposal is seeking the change of use of an existing industrial unit on the Taunton Trading Estate at Norton Fitzwarren.

I have no objection to either the principle or the detail of the proposal as neither would have a detrimental effect on the existing highway network.

If the Local Planning Authority is minded to grant consent I would recommend that the parking area denoted on the submitted plan is conditioned to ensure that it is maintained in perpetuity. The planning officer may also consider it appropriate to request a detailed parking/turning layout, in connection with the condition, which should be delineated to ensure orderly parking, occurs in relation to the development and prior to any use commencing.

ENVIRONMENT AGENCY – The Environment Agency has no objections to the proposed development but recommends that if planning permission is granted informatives and recommendations are included on the decision notice.

ENVIRONMENTAL HEALTH - I refer to a noise report provided by the applicant:

- Noise Assessment Unit 13a, Taunton Trading Estate. Hawkins Environmental 20th December 2010.

The Noise Assessment includes details of the monitoring of kart noise levels inside and outside the Unit. Background noise levels were measured adjacent to premises in Blackdown View and Yarlinton Close between 6.00p.m. and 9.00p.m., which was chosen as being the quietest period when the karts would be operational.

The measured noise data was used to estimate the noise level that would be experienced at nearby premises when 8 karts were being used on the site. This was assessed using a British Standard method (BS4142) and compared to measured background noise levels. With the building in its current condition it was estimated

that noise from the karts would be 12-13 dB above background levels at the nearest houses, which would indicate that complaints about noise would be likely.

The report makes recommendations about improving the sound insulation of the building. It notes that the northwest façade of the Unit, facing the houses, consists of a masonry wall with a single glazed window along the top 2m. It is recommended that the sound insulation of the glazed area is improved and details are given of how this could be carried out.

The report carries out another assessment of the noise level at nearby houses with the additional sound insulation to the building, and the use of quieter karts (the report stated that quieter exhausts can be used). The assessment concludes that the improvements would reduce noise levels to below the background noise level at the nearby houses.

I did visit the site when the noise consultant was measuring the noise from the kart inside the building. At the north of the site, approximately level with houses in Blackdown View, the noise from the kart was audible, however it was drowned out when any vehicles passed on the road (B3227)

Based on the information in the noise assessment if works are carried out to improve the sound insulation of the building, and quieter karts are used, the noise from the karts should be below the measured background noise level. This may not mean that the noise from karts will never be audible by the residential houses (it could be when there are very low background noise levels), however, any traffic or other noise in the area should be louder than the noise from the karts.

It is recommended that the noise insulation works outlined in the report are carried out before the premises is used for karting activities.

It is noted that the proposal is to operate until 9.00p.m. I would recommend that no karting activity takes place after this time as the background noise and noise from passing traffic would decrease after this time.

I would also recommend the imposition of a noise condition. Based on the information in the noise assessment the applicant should be able to achieve these levels.

Representations

Cllr Hayward - objects to the proposal on the grounds that the proposal is so close to residential development and the noise pollution from the site would be unbearable. The existing building in which the karting is proposed is of very poor insulation quality and has a wide expanse of single glazed window, meaning that noise from inside the building will easily transfer out. I urge that this application be refused.

Cllr Adkins – objects to the proposal on the grounds that the building and location are unsuitable due to the noise which will be generated at evenings and weekends.

Three letters of OBJECTION have been received. Summary of objections:

- Potential noise nuisance arising from the development in close proximity to residential dwellings.

- Increased traffic movements and noise disturbance at evenings and weekends.

One letter confirming no observations to make as there will be no change to the Unit.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS4 - Planning for Sustainable Economic Growth,
STR1 - Sustainable Development,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,
EC9 - TDBCLP - Loss of Employment Land,
T5 - TDBCLP - Housing Allocations (Norton Fitzwarren),

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent considerations in the assessment of this application relate to (i) the principle of the use and (ii) the potential for any adverse impact to residential or visual amenity.

Policy

Policy EC9 states 'proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site'.

The Economic Development Specialist, during pre-application discussions, initially indicated that the proposal is a non-conforming use on an industrial estate, with irregular opening hours, and it has significant potential to be a nuisance to the other businesses on the estate, particularly noise. It would displace the jobs that a regular B use would create and as a leisure use has limited wider impact on the local economy (i.e. job creation, supply chains and support services etc).

However, subsequently the officer, taking into account that the unit is in a poor state of repair and earmarked for demolition, as part of the re-development of the industrial estate, and as the proposal (for which there is no equivalent within the Borough) is for a temporary use it may be that the scheme could be supported, subject to overcoming any other planning considerations.

It is therefore concluded that the proposed use would not (given the context to the application) undermine the provisions of Local Plan Policy EC9.

St Modwen, the developer, has confirmed that they are aware of the application and an agreement between the developer and applicant is in place. There is a clause in the lease, between St Modwen and the applicant, to ensure the proposed use does not jeopardise the wider development should St Modwen be in a position to build out the residential development at an earlier stage. The temporary permission also provides the applicant an opportunity to source an alternative site within the

Borough.

Amenity

The applicant was informed, as part of pre-application discussions, that the fundamental consideration would be the potential for the use to give rise to noise disturbance to local residents. The applicant met the Council's Environmental Health officer on site and a noise assessment was commissioned. The report concludes that through the combined use of quieter exhausts and through the use of a wall lining on the northwest façade, it is possible to mitigate the impact of the use.

The Environmental Health Officer does not raise any objection to the proposal subject to the implementation of the mitigation to the building and the control of hours of use. In addition, to ensure the use does not have an unreasonable impact on the residential amenity of local residents a condition is imposed restricting noise levels from a specific point (the monitoring point is at the junction of Blackdown View and the B3227). The applicant has confirmed that the condition can be complied with.

The use is to be contained within the building and there would therefore be no adverse impact upon the visual amenities of the area.

Other matters

The size of the car parking is considered sufficient for the proposed parking levels and it is not therefore considered necessary to delineate the car parking spaces as suggested by the Highway Authority, in this context. The proposal is accessed via Silk Mills Lane only.

It is recommended for the reasons outlined within the report that the application be approved.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

PERSIMMON HOMES (SW) LTD/HERON LAND DEVELOPMENTS

DEVELOPMENT OF UP TO 300 DWELLINGS WITH A LOCAL CENTRE, PUBLIC OPEN SPACE LANDSCAPING, HIGHWAYS ACCESS AND ASSOCIATED INFRASTRUCTURE WORKS AT LAND AT CADES FARM, OFF TAUNTON ROAD, WELLINGTON, AS AMENDED

Grid Reference: 314587.121225

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Subject to the applicant entering into a Section 106 agreement to secure the following:

1. Transportation
 - a. Implementation and improvement works on the Taunton Road approach to the Chelston roundabout, or a contribution of £100,00 for Somerset County Council to implement these works;
 - b. £20,000 contribution towards the completion of a comprehensive study relating to the Chelston roundabout;
 - c. £200,000 towards comprehensive improvements to the Chelston roundabout resulting from the study;
 - d. The design, construction and funding of a pedestrian/cycle/emergency access to Gay Close;
 - e. Upgrading of the public footpath between Lillebonne Close/Gay Close and the Chelston business parks, together with the diversion of the eastern end to either Westpark 26, Taunton Road or both;
 - f. £300 per dwelling contribution for sustainable travel vouchers, linked to
 - g. An agreed travel plan based on the draft submitted in December 2010.

2. On site open Space
 - a. Provision of 4.32 ha. Of Public Open Space comprising
 - i. 1.33 ha of play and activity space (including 1 Neighbourhood/Local Equipped Area for Play and 4 Local Areas for Play);
 - ii. 2.99 ha. Of strategic hedgerow/wildlife corridors;
 - iii. Provision of a commuted sum for the future maintenance of these facilities, or to be maintained by a separate management company.

3. Active recreation
 - a. Provision of £1,100 per dwelling towards off-site provision.

4. Local Centre
 - a. Dedication of land to TDBC for the development of a community hall;
 - b. Provision of land for a local shop(s) (precise delivery mechanism to be agreed).

5. Education
 - a. A contribution of £735,420 (pro-rated to a per-dwelling figure) towards

- primary education;
 - b. A contribution of £443,256 (pro-rated to a per-dwelling figure) towards secondary education.
6. Affordable Housing
- a. 35% affordable housing, of which 50% Social Rented; 25% Intermediate; 25% Low Cost.
7. Surface water attenuation
- a. Provision of a commuted sum for the future maintenance of these facilities, or to be maintained by a separate management company.

Conditional Approval be granted for the following reason:

The proposed development will create a new residential neighbourhood that respects surrounding buildings, topography and landscape features. It would be reasonably well linked and integrated with the existing built form of Wellington and will encourage travel within the town by modes other than the private car. Any impact on wildlife will be adequately mitigated and the favourable conservation status of European Protected Species will be maintained. The impact upon local community facilities, education and highway infrastructure will be mitigated through the provision of land for new facilities and contributions to improve off site provision. Adequate public open space would be provided for the day to day needs of the new residents and there will be contributions towards off-site enhancement of sports pitches and active recreation facilities. Taking account of the above factors, the proposal is considered to result in a sustainable urban extension to Wellington, contributing to maintaining a five year supply of deliverable housing sites in accordance with the Council's policy to release interim sites ahead of adoption of the core strategy, including provision for affordable housing which taken together are sufficient material considerations to outweigh the conflict with the development plan which seeks to restrict new residential development in this area. The proposal, therefore, accords with Policies S1 (General Requirements), S2 (Design), H9 (Affordable Housing within General Market Housing), M5 (Cycling), C1 (Education Provision for New Housing), C4 (Standards of [open space] Provision), C6 (Public Rights of Way), EN3 (Local Wildlife and Geological Interests), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows) of the Taunton Deane Local Plan; Policies STR1 (Sustainable Development), STR2 (Towns), Policy 1 (Nature Conservation), Policy 42 (Walking), Policy 44 (Cycling), Policy 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), 9 (Biodiversity and Geological Interests), 25 (Development and Flood Risk).

In the event that the Section 106 agreement is not signed within 3 months, the Growth and Development Manager be authorised to refuse planning permission.

RECOMMENDED CONDITION(S) (if applicable)

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

Application for approval of the reserved matters for the first phase of development (as agreed by condition (3) below) shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

Application for approval of the reserved matters for the final phase of development (as agreed by condition (3) below) shall be made to the Local Planning Authority not later than the expiration of five years from the date of this permission.

The development of each phase hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters for the phase to which it relates or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004) and to ensure that development progresses in a timely manner as this permission is granted in contrary to the development plan in order to secure the delivery of housing.

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

(A3) DrNo 100-001 Rev A Red Line Plan
(A3) DrNo 300-001 Rev F Illustrative Masterplan
(A3) DrNo 400-001 Rev H Parameters Plan
(A3) DrNo 500-001 Strategic Play Travel Distances

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

3. Prior to the commencement of the development hereby permitted, a phasing program shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To allow efficient management of the development and a phased submission of reserved matters and discharge of conditions where appropriate.

4. Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the Local Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (prepared by Brookbanks Consulting and dated 16 February 2011) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

Reason: To prevent the increased risk of flooding as a result of the

development in accordance with PPS25.

5. Surface water shall not be allowed to discharge from any private drives onto the public highway and details of how such will be achieved shall be submitted to and approved with any reserved matters application made pursuant to condition (1). The agreed details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be retained as such.

Reason: In the interests of highway safety, in accordance with Policy S1 of the Taunton Deane Local Plan.

6. Before any phase (as agreed pursuant to condition 3) of the development commences (including site clearance and any other preparatory works) a scheme for the protection of trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works for that phase or until such time as may otherwise be agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8 and to safeguard wildlife habitats within the hedgerows in accordance with Policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9.

7. The development shall provide public open space in accordance with the details indicated on the parameters plan (Drawing 400-001 rev H) hereby permitted. Full details of the open space, including any required children's play equipment, benches, bins or any other required paraphernalia shall be submitted to and approved in writing by the Local Planning Authority as part of the details required pursuant to condition (1). The open space and any associated equipment shall be fully provided and operational prior to the occupation of 75% of the dwellings within the phase (as agreed pursuant to condition 3) to which it relates and shall thereafter be maintained as such.

Reason: To ensure that the required public open space is provided, to meet the needs of the residents of the new development, in accordance with Policy C4 of the Taunton Deane Local Plan.

8. Details of the proposed street (and other external) lighting for the development shall be submitted to and agreed by the Local Planning Authority as part of the details submitted pursuant to condition (1).

Reason: To ensure that the street lighting is designed in such a way that the favourable conservation status of dormice is maintained in accordance with Policy EN3 of the Taunton Deane Local Plan, Planning Policy Statement 9 and the Habitats Regulations 2010.

9. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to and approved in writing as part of the reserved matters submission pursuant to condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the environmental impact of the development and promote the use of renewable energy, in accordance with Planning Policy Statement 1 and Policy S1 of the Taunton Deane Local Plan.

10. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding as a result of the development in accordance with PPS25.

11. The eastern and western basins shall be constructed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development of the phase(s) to which they relate and shall thereafter be maintained as such.

Reason: To enhance the biodiversity value of the site in accordance with Planning Policy Statement 9.

12. The development hereby permitted shall not be commenced until details of a Landscape and Wildlife strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EDP's submitted ecology appraisal dated October 2010, EDP's letter dated 26th January 2011 (ref L/EDP1267/KH/av) and EDP's supplementary information relating to ecological mitigation and enhancement measures dated February 2011 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development (Ecological Construction Method Statement);
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance;

3. measures for the enhancement of places of rest for breeding birds, dormice and bats;
4. Details of a sensitive lighting strategy;
5. The submission of a Landscape and Ecological Management Plan (LEMP)
6. Ongoing ecological monitoring for a period to be agreed, which will inform the ongoing management of the site.

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. No phase (as agreed by pursuant to condition 3) of the development shall be occupied until the scheme for the maintenance and provision of the new bird, dormice and bat boxes and related accesses relevant to that phase have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To ensure that wildlife interests are properly protected on site and to ensure that the favourable conservation status of dormice and bats is maintained in accordance with Policy EN3 of the Taunton Deane Local Plan, Planning Policy Statement 9 and the Habitats Regulations 2010.

13. Prior to the commencement of the development hereby permitted, full details of a management strategy for the retained hedgerows shall be submitted to and agreed in writing by the Local Planning Authority. The agreed management strategy shall thereafter be strictly adhered to.

Reason: To ensure that the hedgerows are properly managed in perpetuity in order to maintain the Favourable Conservation Status of dormice, in accordance with Policy EN3 of the Taunton Deane Local Plan, Planning Policy Statement 9 and the Habitats Regulations 2010.

14. For any phase of the development (as agreed pursuant to condition 3) the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details that shall first have been approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the adequate facilities are available for the traffic likely to be attracted to the site, in accordance with policy S1 of the Taunton Deane Local Plan and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

15. (i) The landscaping/planting scheme shown on any plans submitted and agreed in respect of condition (1) shall be completely carried out within the first available planting season from the date of commencement of the development.

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

16. In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars as agreed in respect of condition (1); and paragraphs (a) and (b) below shall have effect until the expiration of [1 year] from the completion of the phase to which it relates.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place within 12 months of its destruction or death. The species and size of that replacement tree shall first have been agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

17. The hours of working on site during construction shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays and no working shall take place on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The term ‘working’ shall for the purposes of clarification of this condition include: the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site.

Reason: In the interests of protecting the amenities of nearby residents by reason of undue noise, in accordance with Policy S1 of the Taunton Deane Local Plan.

Notes for compliance

1. If any unexpected contamination is found during the development it should be assessed and, if necessary, remediated, in line with current best practice.

Under Planning Policy Statement 23, it is the developers responsibility for ensuring that the development is safe and suitable for use for the purpose for which it is intended.

2. Development, insofar as it affects a right of way should not be started, and the right of way should be 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.
3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
4. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed Ecological Construction Method statement clearly stating how wildlife will be protected through the development process, and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
5. The conditions relating to drainage have been recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated FRA / masterplan which shows discharge rates and SuDs control measures for each plot. Each reserved matters application will need to demonstrate a viable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals.

PROPOSAL

This application, seeks outline planning permission for the erection of 300 dwellings, associated roads, open space, landscaping, footpaths and a local centre.

As originally submitted, permission was sought for 350 dwellings utilising the field to the east of the current application site. Permission was also sought for an emergency access/bus link directly from Taunton Road across this eastern part of the site. These aspects have subsequently been withdrawn from the proposal.

As amended, the main vehicular access to the site would be via the existing Cades Farm development and this road would be continued through the new residential estate to the southern boundary. Other estate roads would be served from the main estate road. The residential blocks would be contained within the existing field boundaries with all hedges being retained within the development area, save for small areas where breaks are required for new roads or pedestrian/cycle links. Wide margins would be provided around these retained hedges with the intention of maintaining their biodiversity interest. The public footpath into Lillebonne Close to the east would be accommodated within the site, and a new link would be formed via

an existing field gate into Gay Close. This link would allow access for cyclists and pedestrians, with removable bollards to allow access for emergency vehicles should the main access be blocked.

Public open space would be provided in various locations across the site, with the main block, including the main Neighbourhood Equipped Area for Play (NEAP), being located adjoining the existing green space at Lillebonne Close to the east and playing field.

SITE DESCRIPTION

The site comprises a relatively flat area of agricultural land on the eastern side of Wellington. It is situated to the east of the residential areas of Priory, Gay Close, Lillebonne Close and Jurston Lane, Sylvan Road, Parker Close. It lies to the south of the existing Cades Farm development that is nearing completion following its allocation in the Taunton Deane Local Plan. Chelston Business Park and the Westpark 26 estates are situated further to the east, separated from the development site by a further agricultural field.

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

On the northern boundary of the site, a stream separates the site from the existing Cades Farm development. Over the stream, along the eastern part of this boundary the recent residential development generally backs onto the site. On the western end, the new dwellings face the site, although they are also separated by a balancing pond on the adjoining development, so they are some distance away.

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

PLANNING HISTORY

There is no history to the application site in terms of previous allocations or planning applications. However, the site has been consulted on as part of the emerging Core Strategy and in June 2010 the Executive resolved to allow the early release of the site, ahead of the Core Strategy, in order to maintain a 5 year supply of deliverable housing land.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

As noted above, the proposals were significantly amended during the consideration of the application. Where it was deemed appropriate, further consultation was undertaken on the amended plans. The comments below represent consultation responses relevant to the amended application – i.e. the proposal as it is before members at this committee. However, some of the consultation responses were not updated and where this is the case, it is specifically noted below.

SCC - TRANSPORT DEVELOPMENT GROUP – Comments as follows:

A detailed Transport Assessment has been submitted with the Planning Application and this has been carefully considered. It is clear that the local highway network is congested at peak times and that additional traffic from this development must be wherever possible mitigated. It is clear to me that this must be by a mixture of obligations that include Physical Works, Travel Planning and Contributions for Public Transport and Future Road Building.

As the application is in outline very little detail regarding the internal layout has been submitted. There is an Illustrative Master Plan, the principles of which are suitable to result in an appropriate layout at the Reserved Matters Stage. Discussions have taken place regarding the formation of a 'Gateway' at the point where the main access road enters the development. No details have been submitted and as it is the means of access it must be dealt with now. A detail is therefore required if this is to be pursued.

It is clear that if this development is to work sustainably then connection between this development and the surrounding developments must be incorporated. There is clearly potential for connection to West Park 26, Cades Farm Phase 1 and the Eastern Side of Wellington. This must be delivered through this Application and the following Reserved Matters Applications.

A Draft Travel Plan has been submitted. It is currently deficient. It lacks detail regarding Cycle and Motor Cycle Parking and needs further work on other issues prior to its attachment to a Section 106 Agreement. An agreed Travel Plan based on the December 2010 Draft must include Residential Cycling, Cycle and Motor Cycle Parking, Site Specific Travel Information Leaflets, Modal Share Targets and Provision for the Installation of Automatic Traffic Controllers together with a Monitoring Regime.

In addition Green Travel vouchers to the value of between £100 and £250 shall be made available to each set of occupants, repeated for a maximum of three tenures per unit, offered at the first occupation of each tenure and continually for 5 years following the first occupation of each unit.

I have considered how to mitigate the increase in traffic generated by the development. The applicants have put forward an improvement to the Wellington Approach to the Chelston Roundabout and this is welcomed. However, this does not deal with the other arms of the Roundabout. It is my view that a study and design of potential improvements to the Chelston Roundabout needs to be carried out. I propose that the sum of £50K be required to enable the Highway Authority to carry out such a study and identify likely improvements. A contribution to the improvements resulting from this work will also be required.

Public Transport Contributions have also been considered. It is considered however that there is sufficient capacity in the existing services travelling along the B3187 and the A38 to cope with the potential additional demand.

In conclusion I raise no objections subject to the applicants entering into a Section 106 Agreement to include the following:

1. The Design, Construction and Funding of the improvements to the B3187 Taunton Road approach to Chelston Roundabout and set out in Drawing

- 2371.03. (A more detailed plan will be required for the Section 106 Agreement which should accord with advice given in TD16/07 of DMRB).
2. The Design, Construction and Funding of a Pedestrian/Cycle/Emergency Access to Gay Close generally as shown on Drawing 2371.05.
 3. A contribution of £50K to fund a study of Chelston Roundabout to identify works to improve capacity.
 4. A contribution of £200K towards works identified by 3 above.
 5. An agreed Travel Plan based on the Draft submitted in December 2010.
 6. A Sustainable Transport Contribution of between £100 and £250 per unit dependant on size of unit for a maximum of three tenures over a 5 year period following the first occupation of each unit.
 7. The formation of a 'Gateway' feature on the main access road from the Development to the North.

Also recommends conditions that the estate roads and technical details are agreed prior to construction, that each dwelling is served by a properly constructed access road and footpath, none of the gradients exceed 1 in 10, that a network of cycleways and footpaths is constructed within the development, that surface water is disposed of such that it does not discharge onto the highway, that area of hardstanding of at least 6m in length is provided between the highway and any garage doors.

WELLINGTON TOWN COUNCIL – Initially recommend that permission is refused on the grounds that the proposal was inappropriately located and represented overdevelopment of the site and failed to be integrated with and contribute to the well being of the adjacent settlement. In terms of the amended application, the Town Council maintained their objection on the following grounds:

1. The loss of open space as proposed would establish the principle of a possible development in the Jurston farm area.
2. The emergency access is located through an adjoining residential development.
3. The concerns of the environmental officer regarding flooding were supported.

FORWARD PLAN & REGENERATION UNIT – Comment as follows:

“Executive on 16 June 2010 agreed that Interim Sites for 300 dwellings each be released at Nerrols, Taunton and Cades, Wellington to contribute towards the shortfall in the 5 years supply of housing land in Taunton Deane.

At our meeting on 29th November 2010 with Turley Associates we objected to the inclusion of the eastern field for development and the access proposed across it to Taunton Road for emergency services and buses, because this area was part of a proposed green wedge to separate the residential area of Wellington from the employment area at Chelston. Also the eastern field had not been included in proposed Cades site in the Core Strategy and Small Sites public consultation in January and February 2010. The green wedge also provides opportunities for several other functions: replacement habitat for protected species such as dormice that live in hedgerows within the proposed development area; strategic SUDS and surface water attenuation which can help reduce flood risk rather than piecemeal solutions within the housing area; enhancement of the landscape and wildlife in

existing stream corridor; and informal recreation to address the deficit identified in the Taunton Deane Green Infrastructure Strategy in this sector of the town. I therefore support the amended plan which excludes these proposals from the application and propose a condition to provide substantial tree and shrub planting together with pedestrian and cycle links to Westpark within the eastern field to support the functions of the proposed green wedge.

We also raised the importance of providing the north/south link road through Cades and the adjoining Jurston development area to the south to provide a connection between Taunton Road and A38 Wellington Relief Road. The design layout for development proposals will need to ensure that delivery of future phases of this road on land beyond the developer's control is not prejudiced. The boundary area of Cades/Jurston is a central location for the proposed local centre on Cades and adjoining new primary school on Jurston, sharing the non-residential uses between the two developments. The local centre should provide a community hall, place of worship, sheltered housing and local convenience shopping. I support the amendment of the plan to provide these elements.

There should be developer contributions towards a feasibility study to establish the engineering, operational and commercial feasibility of reopening Wellington railway station and a local bus loop to provide a public transport link between the residential areas, the town centre, the railway station and inter-urban bus services between Wellington and Taunton. I support the amended plan to provide a new access for emergency vehicles, pedestrians and cycles to Gay Close.

COMMUNITY DEVELOPMENT, TAUNTON DEANE BOROUGH COUNCIL – In accordance with Local Plan Policy C4, provision for play and active recreation should be made for these dwellings.

The Council's Parks Department should be asked to comment on the layout of the site. The LEAP should be for young children and be within a 5 minute walk of every home. The NEAP should cater for older children and include wheeled activities and ball games. It should be designed with local young people to ensure that it is according to their needs and be a minimum of 30 metres from the dwellings. The local plan requirement is for 20 square metres of play space per family dwelling.

A contribution of £1,100 for each dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution towards improving indoor sports facilities would also be required and should be calculated using Sport England's Facilities Calculator, to provide for the demand generated by the development proposal.

A community facilities contribution of £885.00 per dwelling should also be made to provide for a community building to cater for the needs of new residents.

A public art contribution is required in accordance with the Taunton Deane Public Art Code either through commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of one percent of the total development costs.

TDBC PARKS DEPARTMENT (DLO) – No comments received.

HOUSING ENABLING LEAD – The Housing Enabling Lead's comments on this application are based on affordable housing need and does not reflect the suitability of the site in relation to planning.

The affordable housing requirement is 35% with a tenure mix of 50% social rented housing, 25% discounted market housing, and 25% intermediate housing.

The affordable housing units should be predominantly 2 and 3 bedroom houses with a few 4 bedroom houses. 2 bedroom bungalows would also be desirable.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – A contaminated land report has been submitted with the application. The report provides details of the history of the site and surrounding area and includes a risk assessment for the likelihood of any potential for contamination on the site to affect people or the environment. The report concludes that no potential contaminative risks have been identified from the desk based inspection, that are likely to be prohibitive on the development.

Based on the information that has been provided a condition regarding contaminated land would not be required. However, if any unexpected contamination is found during the development it should be assessed and, if necessary, remediated in line with current best practice.

HERITAGE AND LANDSCAPE OFFICER – Following an objection to the original proposal, considers that the current proposal is a better scheme. Subject to details of how the development can meet the aspirations of the emerging Core Strategy and Green Wedge and Green Infrastructure requirements, it should be possible to mitigate any wider landscape impacts. Conditions for tree and hedgerow protection, landscape and open space and maintenance of open spaces will be required.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – The application contains an assessment of the archaeological significance of any heritage assets on the site. This includes a desk-based assessment, a geophysical survey and trial trenching investigations in line with PPS5 and saved Local Plan Policies. This assessment indicates that the development will not impact on any heritage assets and I concur. Therefore, there is no requirement to carry out any further archaeological work on this site and I have no objections to this proposal in terms of any impacts on archaeological remains.

SCC - CHIEF EDUCATION OFFICER - Work that has been carried out in connection with the Borough Council's Infrastructure Delivery Plan (IDP) and which is based on the current housing trajectory suggests that capacity at the primary school tier in the town will be exceeded from about 2014. The earlier strategy of the County Council had been to secure a new primary school within the Longforth Farm site, to serve all the new development in the town. However, Cades Farm has been designated as an 'Interim Early Release' site and this is now likely to now

progress much more quickly than the former. The eventual scale of the longer term residential development to the south has also become clearer.

Additional occupations in the short- to mid-term will require additional school accommodation and there is very limited site availability to even locate temporary buildings.

Initially, the Education Officer felt that it should therefore now be a requirement that the Cades Farm development provides a new seven-class school site and a further seven class school is secured within the Longforth Farm scheme. Because the new Cades Farm school would be required in less than four years, it would not be practical to wait for the next phase to the south to provide it; and any land here is outside the current application site boundary, so the school could not be secured in the context of the current application. Subsequent to these comments, the Education Officer has agreed that Cades Farm development is of a scale that need not accommodate a new primary school and that contributions towards increased off-site provision would be acceptable.

The IDP work also demonstrates that, in the longer term, the capacity of Court Fields Secondary School will be significantly exceeded, although this is unlikely to become an issue until about 2016. Notwithstanding this, it is appropriate and necessary that all new development contributes to meeting the eventual total need, rather than simply taking the view that earlier development 'gets off free', leaving the later phases unfairly needing to fund all the necessary works. The IDP will therefore need to identify what additional capacity will need to be provided at the secondary tier.

The County Council forecasts that 30 secondary places will be required in connection with each 210 new dwellings. This development of up to 350 dwellings could therefore create demand for up to 50 school places. The DfE Basic need Cost Multiplier per place is £18,469, so a contribution of £923,450 should be sought through a Section 106 agreement.

Subsequent to these comments, it has now been agreed that it would be reasonable for the current surplus of secondary school places to be shared across the strategic development sites.

ENVIRONMENT AGENCY – Following an initial objection to the development, additional information was submitted by the developer. The Agency has now agreed to withdraw its objection and written confirmation of this has been agreed.

The Agency recommends that conditions are attached to any grant of planning permission ensuring that a detailed drainage strategy is in place prior to the submission of any reserved matters and that detailed drainage arrangements are in place for each phase of development.

TDBC DRAINAGE OFFICER – Initially objected to the scheme, but is now content to agree with the Environment Agency that the development is acceptable in terms of flood risk. Notes that future maintenance of the surface water drainage features should be agreed and ideally this should be adopted by TDBC as part of the open space. The Parks department should be consulted to ensure that they are content

with the location of the attenuation ponds in terms of their relationship with the open space.

NATURAL ENGLAND – Initially objected to the development on the basis that there was an inadequate survey effort for protected species and that the favourable conservation status of dormice and bats would not be maintained.

Following receipt of amended details and further information, comment as follows:

Support the comments made by the Nature Conservation and Reserves Officer, Barbara Collier, dated 7 Feb on your website and agree with the conditions outlined following our joint meeting with EDP on 11 Jan. We also support the requirement of a landscape and wildlife strategy to have been approved in writing by the LPA before development is permitted.

HIGHWAYS AGENCY SOUTH WEST – No objection (following the receipt of additional information).

POLICE ARCHITECTURAL LIAISON OFFICER – Makes the following comments:

- PPS1 promotes communities which, amongst other things, are safe and crime free. The Design & Access Statement submitted with this application, whilst referring to documents such as 'Safer Places', 'Manual for Streets' and 'Secured by Design' and stating that, the proposals include measures to reduce crime, in my view, does not really address how potential crime problems have been considered in the design of this development and of any measures proposed to mitigate any identified crime risks, which it should do.
- Judging by the Masterplan, the proposed layout is in the form of perimeter blocks with dwellings generally speaking facing one another. This is the preferred orientation as it allows neighbours to watch over one another and create conditions where the potential criminal feels vulnerable to detection. The ideal situation is where rear gardens also back onto one another, so restricting unauthorised access to the rear of dwellings, which is where the majority of burglaries occur. It would appear that this may also be the case in respect of a number of the residential blocks.
- The layout of roads and footpaths appear direct and well overlooked and, if possible, segregated footpaths should be avoided.
- Defensible space should be delineated by the use of physical and psychological features such as walls, fences, planting, change of surface colour/texture and similar features to emphasise the private nature of the dwellings in the residential blocks. Rear access paths should be avoided where possible.
- Dwelling frontages should be kept open to view and planting/landscaping maintained below 1m in height in order to assist resident surveillance. Where visibility is important, mature trees should have a clear trunk height of 2m from ground level.
- Communal areas have the potential to generate crime and ASB and it is

important that such spaces are located in areas with good supervision from surrounding dwellings. This would appear to be the case with respect to the five communal areas proposed (2 LAP, 2LEAP and NEAP). With regard to these areas, it is important that boundaries between the public and private areas are clearly delineated and that features are incorporated to prevent unauthorised vehicle access. Appropriate future management and maintenance procedures should also be put into place.

- Parking would appear to be a mixture of garages, on plot, on street and parking courtyards. Garages or on-plot are the preferred options, parking courts are discouraged, as they allow unauthorised persons access to the rear of dwellings. Where such parking courts are unavoidable, individual parking spaces should be within view from routinely occupied rooms in owners' premises and the courts should be gated.
- All street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS5489.
- The applicant is advised to formulate all physical security measures of the dwellings i.e. doorsets, windows, security lighting etc in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website - www.securedbydesign.com

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE – Make the following comments:

Means of Escape – these should comply with Approved Document B1 of the Building Regulations. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

Access for Appliances – should comply with Approved Document B5 of the Building regulations.

Water Supplies – All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

TDBC BIODIVERSITY OFFICER – Initially objected to the development. However, in light of additional information, now raises no objection and makes the following comments:

I am pleased that the eastern field has now been removed from the application as has the eastern emergency access road.

Lighting Strategy – I support the principles of the proposed lighting strategy.

Narrowing of roads at road/hedge junctions – Proposed roadways will pass through four hedgerows on site. I support proposals made to ensure minimal hedgerow and connectivity loss but consider that this can only be achieved with a robust landscape scheme.

Hedgerow management – I support the hedgerow management proposals. I would prefer garden boundaries adjacent to the hedgerows to be stone or brick walls to ensure that they are less likely to be removed at a later date by future householders.

Construction method statement – it is essential to ensure that wildlife is protected throughout all phases of the development. The statement should include the employment of an ecological clerk of works, by the applicant, to monitor the site to ensure that wildlife is not harmed during all stages of works.

Landscape and ecology management plan (LEMP) – I agree that a LEMP is essential to provide a management framework for the conservation and enhancement of the site's ecology and landscape.

Given that the most valuable ecological resource on site (hedgerows) are to be retained and enhanced, that the eastern field will not be developed and that the applicant proposes a measure of critical mitigation measures, I consider that favourable conservation status for dormice and bats can be maintained in principle. It is crucial that the ecological value of the site is monitored and that all the proposed mitigation measures are implemented strictly in accordance with approved details.

Conditions are recommended to ensure that hedgerows are properly managed, a strategy for the protection of species is submitted and agreed, and that ecological monitoring is undertaken for 5 years from the commencement of the development.

ECONOMIC DEVELOPMENT MANAGER – No comments received.

WESSEX WATER – No comments received.

WESTERN POWER DISTRIBUTION – There is a 33,000 Volt overhead line crossing the site which will require deviation and placing underground before the development could proceed. The works would be at the developers cost.

SOMERSET WILDLIFE TRUST – [It should be noted that this summary of comments pre-date the submission of additional wildlife information. The comments are included as no formal updated response has been received].

Somerset Wildlife Trust objects to the proposal. The survey work for bats and dormice do not appear to have followed best practice advice from Natural England and further work must be undertaken. Taunton Deane Borough Council needs to be satisfied that the favourable conservation status of bats and dormice is not affected locally and without a sound evidence base, this is not possible. The trust queries the justification for omitting great crested newts from the scope of the survey work as they are known to have been present across the wider site a few years ago.

In terms of dormice, there is significant concern that the local population is becoming increasingly isolated from the surrounding landscape. This is of particular concern as a large part of the functional green wedge which facilitates movement for this and other species throughout the immediate landscape is earmarked for

development. The Trust does not see how a viable population of dormice can be maintained, even with mitigation, if the development goes ahead across all of the area shown in the phase 2 masterplan.

The proposed mitigation proposals are unsound. The report supposes habitat connectivity can be maintained where hedgerows are breached by roads, but this seems utterly unfeasible on several counts. There is further concern that the hedgerows could form property boundaries. There would need to be sizeable habitat buffer between hedgerows and property curtilage to ensure residents do not interfere with the hedgerows. There seems a high likelihood of the on-site population becoming extinct.

In terms of bats, the Trust is concerned that the low level of bat activity surveys undertaken may mask the importance of the site for bats. Barbastelle bats from a known roost at Longforth Farm are known to forage in the vicinity of this site. Maintaining sufficient foraging area, flight corridor connectivity and darkness are critical factors in maintaining habitat suitability for bats on-site, and reducing the risk of impacting on the favourable conservation status of local populations.

In terms of breeding birds, the report fails to point out the responsibility that local authorities have for species of conservation concern under the NERC Act 2006. This makes certain species a material consideration in the determination of planning applications. On this site it seems reasonable to expect a good diversity of bird species given both the retention of hedgerows would not necessarily safeguard breeding birds on site as a large tract of open foraging habitat will be destroyed by the proposed development. There is also the issue of increased predation by domestic cats.

The Trust cannot be confident that the proposed development will have anything other than a negative effect upon biodiversity. The efficacy of mitigation outlined in the report is unknown: until a comprehensive ecological baseline for the site has been established it is not possible to know the scope and level of mitigation required. It is even possible that some of the proposed mitigation might actually negatively impact on key species.

SCC - PLANNING POLICY, COUNTY HALL – comment as follows:

Spatial Planning _

The Planning Supporting Statement states that the site has been identified in TDBC's emerging Core Strategy as a strategic allocation for Wellington. It appears also that TDBC have agreed this site for interim release in order to address housing supply concerns. The principle of the site is therefore well established and results from a plan-led approach and there are no comments from a strategic planning point of view.

That being said, TDBC should be advised that the applicant's Planning Supporting Statement is weak in its policy review, in that it fails to acknowledge that the development plan includes saved policies from the Joint Structure Plan Review. TDBC will no doubt be aware of the more recent reinstatement of the Regional Strategy (formerly RPG10). It is disappointing also that the statement fails to refer to the Draft Revised RSS incorporating the Secretary of State's Proposed Changes

(July 2008) as a material consideration.

Ecology (summarised comments of the County Ecology Officer)

[It should be noted that these comments pre-date the submission of additional wildlife information and subsequent verbal agreement with the County Ecology Officer that the survey effort was acceptable. The comments are included as no formal updated response has been received].

Dormice – “With regard to the mitigation proposed for common dormouse (*Muscardinus avellanarius*) the overhanging trees are unlikely to reconnect habitat where severed by access road and paths, considering that there is a minimum height permitted above the highway and a gap between trees of over 13 metres. In addition, there would also be an allowance for tree roots to not disturb paved surfaces. Any new hedgerows/ trees will need to be functional before the development commences. Opposing tree branches will need to be touching and well connected as the species is arboreal. The unlikelihood of the mitigation succeeding could have permanent implications for the dormouse population by severing connecting hedgerow habitat and thereby isolating elements of the population, which would increase the risk of local extinction significantly. The masterplan is also illustrative only and it cannot be assumed that the layout of the site will be as shown. Therefore, it is considered that these measures put forward are unacceptable as mitigation.

Other mitigation includes directional street lighting, protective fencing and some limited planting to offset the risk of increased predation by introduced domestic cats. With this latter impact it is also considered that the proposed is inadequate given the foraging range of cats. Dormice hibernate at ground level through the winter.

No consideration is given in the application to the dormouse population in the context of the wider landscape and the potential for habitat squeeze. Phase 1 of Cades Farm development required dormouse mitigation which included making hedgerows sub optimal so as to displace individuals, hedgerow translocation, hedgerow planting and trees planted at strategic locations to maintain linkages. There is no information given on how successful this mitigation strategy was for the northern part of the same dormouse population affected by the application. Phase 2 could additionally isolate this potentially stressed population from the wider countryside and although it is assumed that it would be joined by linked hedgerows in the illustrative masterplan, although this may not be the final site layout. Dispersal of this northern part of the dormouse population would also be affected by issues raised in Phase 2...

It is considered that there is doubt that the proposed mitigation in the application would deliver FCS and therefore it is recommended that Taunton Deane should consider that there could be an effect on the dormouse population, a European Protected Species, and refuse the application”

There is also concern that inadequate survey work (due to limited surveys undertaken) has been carried out. The following surveys are still required in order that ecology can be given full consideration with regard to this application: common dormouse survey, bat surveys, breeding bird surveys, reptile surveys, invertebrate surveys, information on other ‘section 41’ species (e.g. brown hare, hedgehog and/or harvest mice).

The planning support statement fails to mention the presence of European protected species in the description. It also omits the inclusion of PPS9 (Biodiversity and Geological Conservation) which is highly relevant given that common dormouse, various bat species and potentially great crested newts, all of which are afforded protection at a European level, are present.

Masterplanning principles in the design and access statement are inadequate considering the presence of dormice and bat species and the legal requirements for Favourable Conservation Status under the Habitats Regulations 2010.

NATIONAL GRID PLANT PROTECTION TEAM – No comments received.

SCC - RIGHTS OF WAY – There is a public right of way recorded on the Definitive Map which crosses the site. It appears that the footpaths will require a diversion order. This may also present an opportunity to divert the eastern end of the path which currently falls outside the development area to facilitate a convenient route to access the Chelston Business Park.

It would also be advantageous to residents and local employers/employees if the public footpath were upgraded to an adoptable standard as a footway/cycle way and/or cycle track providing direct access between the Business Park and the Town Centre/residential areas. This could be achieved through a Section 38 agreement within the development, but would require a Cycle Tracks Act Order outside of the development on the western and eastern extremities of the site. Where possible the footpath should not be diverted onto footways beside the road network and where any structures (gates, etc) are considered to be required, they should be as accessible as possible.

Development, insofar as it affects a right of way should not be started, and the right of way should be 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.

Representations

The following details representations received in respect of the proposal as originally submitted:

5 Letters of OBJECTION/CONCERN have been received raising the following issues:

- The view from Parker Close will be obscured.
- There is no information on how wide the screen from the front of Gay Close and Parker Close will be.
- If there was a need for private and social housing in this area it would be understandable, but the Planning Committee do not care.
- There is a lack of useable public open space and play areas – phase 1 areas are nice, but too small and open onto busy roads, such that children cannot

play safely and dogs cannot be let off leads. The proposed sports field is already in place and is not an addition for the 600-700 new homes in phases 1 & 2.

- There should be a new primary school – it would not seem that St Johns Primary will be able to cope with additional children from phase 1, never mind phase 2.
- The application documentation is poor and it is difficult to substantiate statistical data. No evidence of a comprehensive social impact survey was available.
- The pre-application public consultation exercise was poor, and the conclusions drawn are incoherent.
- No information is provided regarding the percentage of social housing to be provided. Housing needs are high in Taunton Deane, but the application appears to regard this with low importance.
- The provision of integrated cycling and footways is welcomed as the existing site is poorly accessed by these modes. However, the statistics relating to this in the application documentation are suspect.
- A proposed cycle path to the rear of Lillebonne Close needlessly bisects an existing recreational area, duplicates an existing route and renders the open space unusable as a natural green play area.
- The landscaping and greening of the site appears to constitute little more than simply adopting existing peripheral green areas, streams, hedges and trees. This includes a small sports field that is used by a school and as such cannot be classified as a truly public area. Substantial additional green areas must be provided within the development.
- There seems to be little provision for enhancing wildlife habitat, despite the site being on the edge of the floodplain.
- Additional light pollution could have an impact on the Blackdown Hills AONB. Sustainable solutions to street lighting should be actively explored.
- The Chelston Brook is at full potential during heavy rainfall periods, and flow is limited by a private drive bridge downstream from the site. Increased surface water up-stream may lead to increased flooding of this private property.
- The submitted Flood Risk Assessment indicates that soakaways are not suitable in this area, so all of the surface water from the entire site will need to be attenuated.
- There are known to be Dormice within the hedgerows in the proposed development area, and Great Crested Newts in the locality as well as spotted orchid and other fauna. As noted by the ecological consultation responses, the survey effort was not carried out over a long enough period.

It should be noted that whilst raising 'objections' one of these letters states that it does not object to the development in principle, rather the current form of the development.

1 letter of COMMENT has been received raising the following issues:

- Most impressed with the Cades Farm development, especially landscaping at the Chelston Roundabout.
- Would like to see more facilities and shops at the edge of town to avoid having to go to Taunton.

1 letter raising NO comment has been received.

In respect of the amended plans, 7 additional letters have been received making the following additional comments:

- The proposals will also make a good emergency access for dwellings in the existing priory estate in the event of a closure.
- An access to Parker Close would be better than Gay Close as Parker Close/Sylvan Road are not so busy.
- Residents of the existing Cades Farm estate were told that there would be no further housing on adjoining land.
- The bends on the Phase 1 estate are too tight and no swings have been provided for the children.
- The applicant seems to have paid little attention to correctly finishing the phase 1 estate and a number of matters (landscaping, street lighting, play areas etc.).
- Adding more houses to the Cades Farm development will put ore strain on the community and further exacerbate traffic congestion.
- Public footpaths across the field will be destroyed.
- Query whether there will still be an access road from the bypass.
- Now that the eastern part of the development has been removed, this area should be a nature area with a footpath around it, allotments or an informal play area. There is a lack of a large play area/playing field on the estate.
- Views from Gay Close properties towards the Blackdown Hills will be lost.
- There will be increased traffic, unsustainable pressure on services, over-crowding in schools and ultimately the development will adversely affect the quality of life in Wellington and the surrounding area.

One letter has been received raising no further comment.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
ROW - Rights of Way,
W1 - TDBCLP - Extent of Wellington,
STR2 - Towns,
STR4 - Development in Towns,
M5 - TDBCLP - Cycling,
EN8 - TDBCLP - Trees in and around Settlements,
H9 - TDBCLP - Affordable Housing within General Market Housing,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M5 - TDBCLP - Cycling,
C1 - TDBCLP - Education Provision for New Housing,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
STR1 - Sustainable Development,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP42 - S&ENP - Walking,
S&ENPP44 - S&ENP - Cycling,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
PPS1 - Delivering Sustainable Development,
PPS3 - Housing,

DETERMINING ISSUES AND CONSIDERATIONS

Main issues .

The main issues in the determination of this application are:

4. The principle of the development;
5. The provision of affordable housing;
6. The impact on the highway network and sustainable transport proposals;
7. The impact on wildlife, with particular regard to protected species;
8. The landscape impact;
9. The proposed (indicative) site layout and development concept;
10. The links to surrounding existing development and the impact on existing public rights of way;
11. The impacts on existing neighbouring residents;
12. Drainage and flood risk;
13. The provision of open space;
14. The impact on local community infrastructure (education, playing fields, community facilities etc.);
15. Conclusions and whether, taken in the round, the proposal will likely lead to sustainable development.

Principle of development .

The site currently lies outside the settlement limit for Wellington as defined by the Taunton Deane Local Plan. As such, the proposal currently conflicts with adopted planning policy and it must be assessed whether there are material considerations that indicate that planning permission should be granted in the face of this adopted position.

The draft Core Strategy proposed further housing at Wellington on the Cades Farm site (that of this application), Jurston Farm adjoining Cades to the south and Longforth Farm to the north of Taunton Road. This strategy was formally consulted on in early 2010. Paragraph 57 of Planning Policy Statement 3 indicates that Local Authorities should be able to demonstrate a five year supply of deliverable housing land and in preparing the Core Strategy the Council's strategy team has identified a shortfall in available housing land such that this requirement cannot be met. PPS3 goes on to indicate that where a 5 year supply of housing land cannot be demonstrated, the Council should look favourably upon proposals for housing development.

Following the public consultation on the draft Core Strategy, the Executive, on 16th June 2010, agreed an interim release of sites ahead of formal publication of the Core Strategy, comprising 300 dwellings at Nerrols Farm in Taunton and 300 dwellings at Cades Farm in Wellington. As a result of this, the Council's Executive has stated that the housing proposed in this application is acceptable in principle.

Affordable housing

In line with the Taunton Deane Local Plan, the Housing Enabling Lead has requested that 35% of the development is provided as affordable housing. This would be a mix of 50% social rented, 25% intermediate, and 25% low cost. The developer has agreed to provide this level of affordable housing, which would be secured through a Section 106 agreement attached to any planning permission.

Highways and transport

In assessing the transport implications of any major development, it is essential to ensure that the proposals would not have a detrimental impact upon the highway network and that the development itself would encourage travel by alternative modes to the private car.

The Highways Agency has considered the impact of the development on the strategic road network, namely Junction 26 of the M5. Having received additional information from the applicant, they are satisfied that the proposed development is acceptable in this regard.

In terms of the local highway network, SCC (Highways) are extremely concerned about the impact of the proposed development on the Chelston Roundabout, which already has to accommodate greater traffic flows than its design capacity at peak times. As a solution to this, the developer has proposed to make improvements to the roundabout by widening to form two approach lanes on the Taunton Road (Wellington) arm. The Local Highway Authority wish to see these improvements implemented, but they do not consider that this resolves the problem at the roundabout. They are particularly concerned that, taking account of the entire planned development of Wellington (Cades, Jurston and Longforth) cumulatively over the forthcoming plan period, major works will be required to improve the capacity of the roundabout. Taking a long term strategic view towards the development of the town, it is only fair and reasonable that all developments make contributions towards this fundamental piece of infrastructure in the local highway network. The developer is in agreement with this approach and as such has agreed to part fund (to the value of £20,000) a study into future improvements of the roundabout. They have also agreed to contribute (£200,000) towards any works recommended as a result of this study and SCC officers are content with this.

Once completed, the Cades Farm development (including that already under construction) would total nearly 600 dwellings, accessed via a single vehicular access from the new roundabout on Taunton Road. It is the view of the Local Highway Authority that such a scale of development makes the provision of a secondary access for emergency vehicles essential. The application, as initially submitted, included the provision of an eastern access point through the adjoining field to the east. Your officers were very concerned that this access, even if restricted solely to emergency vehicles and busses, gave the impression that the development was conceived as facing Taunton and the M5, rather than being a sustainable, well planned extension to Wellington. Subsequently, this emergency access has been deleted from the proposal and an emergency access is now planned via an existing field gate into Gay Close. This has the additional benefit of improving cycle and pedestrian links into the rest of Wellington. A removable barrier feature would be provided between the site and Gay Close so that it would not be open to general vehicular traffic and would not, therefore, have an unacceptable impact on the existing highway network around Gay Close and Priory. One of the representations received has suggested that an access onto Parker Close would provide easier

access to the site from the town, as Sylvan Road is more lightly trafficked and less congested than Gay Close. However, this must be balanced against comments made in respect of the proposal that the proposal would also benefit parts of the Priory estate by providing a second access in the event that Priory, itself, became blocked. In any case, it is the submitted proposal that must be determined and the Local Highway Authority is content that the proposed solution is acceptable in highways terms. The provision of the link should be secured through a Section 106 agreement.

As well as ensuring that the development will not impact unreasonably upon the local highway network, it must also seek to encourage travel by more sustainable modes than the private car. This is achieved through a combination of travel planning and ensuring that high quality pedestrian and cycle links are provided to surrounding development, particularly the Town Centre and key employment land at Chelston and Westpark 26 to the east. The off-site improvements to provide a direct cycle route from the existing residential area to the Chelston roundabout can be secured via a Section 106 agreement – the precise mechanics are discussed further below. The developer has also proposed to provide green travel vouchers to the value of £300 per dwelling to encourage new residents to adopt more sustainable modes of transport both around Wellington and on to Taunton.

The Council's strategy team have requested that contributions are made towards funding a feasibility study into the re-opening of Wellington railway station. However, this development does not rely upon the presence (or not) of the railway in order to achieve sustainable transport objectives. It is a requirement that all planning obligations are fair and reasonable, and necessary to make the development acceptable in planning terms. As the development does not require the presence of a railway station, it is not considered reasonable to ask for such a contribution.

A draft Travel Plan has been submitted with the application, but at the present time, the Local Highway Authority are not in a position to agree its detailed content, as they consider it deficient in terms of cycle and motor cycle parking, amongst other issues. However, they are content with the principles and final details can be agreed whilst the detail of a Section 106 agreement is finalised.

The Local Highway Authority has recommended that a number of conditions are attached to any planning permission. Whilst a lot of the details requested can be dealt with by any subsequent reserved matters application (driveway lengths and gradients, provision of cycleways through the estate) other details such as full details of the road construction and street furniture, provision of access roads prior to occupation and the disposal of surface water could be regarded as matters of principle and are best dealt with through conditions on an outline application.

Giving due consideration to the above arguments, it is considered that the impact on the existing highway network and approach to sustainable transport is acceptable.

Wildlife

An ecological survey has indicated that the proposed development will impact upon wildlife. Importantly, the European Protected Species of the dormouse will be directly impacted upon by the proposal, and as such requires specific consideration.

The ecological survey indicated that dormice currently live in the hedges on the application site. The works involved in the development will see new breaks formed in the hedgerows in order to accommodate new roads and footpaths. In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of this protected habitat, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority is a 'competent authority' must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need for additional housing is in the public interest and it is clearly in the public interest to deliver this housing in the most sustainable way, at the most sustainable and well planned sites. The considerations and conclusions to the other main issues of this report will show that the proposal is considered to be sustainable development and as such, it is considered to be in the public interest to release the site for development.

(ii) That there is no satisfactory alternative

The emerging Core Strategy identifies a need for Wellington to accommodate a substantial number of new dwellings that will involve the residential development of this site, Jurston Farm to the south and Longforth Farm to the north. The emerging Core Strategy considers these to be the most sustainable locations for development and accordingly other alternatives would result in less sustainable development, which is clearly not satisfactory. Furthermore, other sites (including those also proposed for further development) are also known to accommodate European Protected Species, including dormice, and as such, the development of these sites would similarly impact upon the proposals.

(iii) That the Favourable Conservation Status FCS can be maintained

When the application was first submitted, the Council's Biodiversity Officer, Natural England, SCC's Ecology Officer, and Somerset Wildlife Trust all objected to the proposal on the basis that they did not consider the FCS to be maintained. This was due in part to a perceived lack of survey work to establish baseline information and in part to the inclusion of the eastern field, which was perceived as necessary to accommodate a replacement habitat for dormice displaced from the hedgerows within the development area. There was also concern that the existing habitat in the

form of the hedgerows retained on site would be significantly eroded once they were surrounded by residential development, by physical destruction and interference of the hedgerows initially to construct estate roads, then subsequently on a piecemeal basis by residents and by predation of dormice by increased numbers of domestic cats.

However, following a detailed meeting between the developers and the consultees, it was agreed that sufficient survey work had been undertaken. Subsequently, further detail on the proposed mitigation strategy has been submitted, including substantial enhancement (additional planting) of the existing hedgerows, allowing them to significantly widen, the use of 'prickly planting' along the hedgerows to reduce the likelihood of penetration by domestic cats and the reduction in width of site roads to a single carriageway where they cross hedge lines in order to minimise breaks in the hedge cover. In light of these proposals, Natural England and the Biodiversity Officer are now content that FCS for dormice can be maintained, provided that street lighting is appropriate and the hedgerows are properly managed. It is now considered that these outstanding matters can be dealt with by conditions. There are outstanding objections from the County Ecologist and Somerset Wildlife Trust, but it is considered that these should carry little weight as they pre-date significant additional information.

There is potential for other wildlife to be affected by the proposals. This includes bats, reptiles and nesting birds, together with non-protected species such as hedgehogs and hares. Although bats are also a European protected species, the proposals will not result in a direct 'deliberate interference' with their habitat and, as such, a licence will not be required from Natural England. The stringent 'derogation tests' of the Habitats Regulations do not, therefore, fall to be considered, although in line with Policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9, the impact on these species must also be considered.

It is considered that bats are likely to use the hedgerows within the site for foraging and commuting. Natural England and the Biodiversity Officer have generally accepted the applicant's argument that the retention of the hedgerows to a sufficient standard to maintain the FCS of dormice will ensure that their integrity is sufficient to support bat activity in the area. Accordingly, the proposed development is not considered to have an adverse impact upon bat activity within the area. This also applies to the non-protected species, which are likely to thrive if the hedgerows are of sufficient quality for dormice.

The site is generally considered to have a poor habitat for nesting birds although all major trees will be retained on site (indeed, most significant trees are now the subject of a Tree Preservation Order). As such, it is not considered that there would be an unacceptable impact on nesting birds. It is also considered that the site is unlikely to be suitable for reptiles.

In summary, it is considered that the impact on wildlife can be adequately mitigated and that the draft principles of an ecological management plan that have been submitted are acceptable for this purpose. Subject to the imposition of conditions, the impact on wildlife is considered to be acceptable.

Landscape impact

The site is well related to the existing urban form of Wellington, adjoining the recent

(ongoing) housing development of Cades Farm to the north and the Priory estate to the east. The large employment area of Chelston and Westpark 26 lies to the east and as such, the site is relatively well related to existing development. The field to the east of the site has been deleted from the proposal and this retains a green buffer between the employment land and residential areas, which accords with the emerging vision for Wellington, to provide a new Green Wedge on the eastern side of the town. The follows identification in the adopted Green Infrastructure Strategy of a deficit in accessible informal open space in the eastern part of the town.

Given the proposals to retain all hedgerows in the interests of maintaining the favourable conservation status of dormice, key landscape features will be retained within the development. Generally, these will be adjacent to public footpaths and will be within the public realm, so that management and future maintenance will be possible. There is some concern that the illustrative masterplan for the area around the southern boundary of the site shows a narrow buffer zone against the hedge and suggests that the hedge may be included as a rear boundary to residential curtilages in this area. This is seldom a satisfactory approach as residents remove or substantially reduce the hedgerow to increase garden space, leading to a 'raw' edge to the development. However, the latest version of the masterplan shows the incidence of rear gardens against this southern boundary to be significantly reduced.

Since the submission of the application, key trees on the site have been surveyed and Tree Preservation Orders placed on the best specimens. In general, the illustrative masterplan indicates that these trees will be retained within the development, usually within areas of proposed public open space.

With regard to these matters, the landscape impact of the proposal is considered to be acceptable.

Site layout and development concept

This application is in outline and, therefore, the precise details of the site layout are unknown. From the Design and Access statement and indicative masterplan, it is clear that the development has been planned around the desire to keep all hedgerows. Indeed, the applicant's strategy for mitigating the impact on dormice is to retain all hedgerows and this has therefore become a necessity.

Whilst the retention of hedges appears laudable at face value, it has significant disadvantages in terms of urban design, as it reduces the area of land available for development and, therefore, reduces potential housing densities. It also greatly restricts the connectivity of the development and has the potential to create 'pockets' of development, served from cul-de-sacs with poor linkages. Combined, these factors can significantly reduce the attractiveness of walking and cycling within the area. That said, the proposals do include footpath linkages through the hedgerows in order to facilitate walking on shorter roads between the vehicular cul-de-sacs. This should overcome the concern about linkage, but it is seldom so satisfactory in urban design terms as a series of properly connected streets – skilful design would be required at reserved matters stage to ensure that the routes are properly overlooked whilst still achieving a cohesive built form. It is not considered at this stage that it has been clearly demonstrated that this can be achieved, although final consideration would occur at reserved matters stage.

The development also proposes a local centre and this would accommodate one or more community facilities – most likely a shop and community hall (see below). It is acknowledged that Development could come forwards at the Jurston farm site in the future and should this occur the most logical location for the local centre is on the main estate road at the boundary with Jurston Farm. The applicant has agreed to site it in this location. If a new primary school is provided at Jurston Farm and is located on the northern boundary of that site, then it can sit adjacent to the local centre, providing a hub for the new community. Given the proposed pedestrian/cycle link through from Gay Close, this would place the new local centre within easy reach of all of the existing and proposed developments on this side of Wellington

Links to surrounding development and public rights of way

There is an existing public right of way which crosses the site from Lillebonne Close in the west towards Chelston House Farm/Westpark 26 in the east. This provides a logical link to upgrade to a cycle route linking the development to the town centre and the Chelston area, whilst also providing a high quality link from the town centre to the business park for existing residents. The upgrading of this link can be secured through a Section 106 agreement. At the present time the footpath is blocked at the Chelston House Farm end, although in any case it arrives at this point at a rather illogical location for onward access to the business parks. Ideally, linkage would be provided to both Westpark 26 and Taunton Road and it may be that this can be achieved by diverting the eastern end of the path. Negotiation on the final route of this path has yet to conclude, however, but could be dealt with through a Section 106 agreement.

One of the acknowledged shortcomings of the Cades Farm site is the relatively poor opportunities for linkage into the existing built fabric due the nature of surrounding development, which largely fronts or backs onto the site. This prevents easy links being formed and is no fault of the applicant. As noted above the existing footpath from Lillebonne Close will be upgraded and a further pedestrian/cycle link will be provided via the emergency access point onto Gay Close. From here, access is available through Gay Close to Bakers Lane and onto the town centre, in a relatively straight line, so it is considered that the proposed linkages are acceptable.

As noted above, it is proposed that Jurston Farm to the south could form a further phase of development at a later date. The proposed development includes a main access road that passes through the site. This extends to the Jurston Farm site boundary at a convenient point to allow further development in a cohesive manner should the need arise.

With regard to the above, the proposed links to surrounding development (existing and proposed) are considered to be acceptable.

Neighbouring residents

There are neighbours in close proximity to the development at the existing Cades Farm development to the north; Lillebonne Close, Gay Close and Parker Close to the west. It is considered that other nearby property is sufficiently distanced not to suffer any significant impact.

Cades Farm

Properties along the northernmost boundary back onto the site behind a zone of buffer landscaping on the southern boundary of the adjoining estate. Properties on the northwestern extent of the site boundary generally face the site across an attenuation pond on that estate. Further strategic landscaping, including the formation of a wildlife corridor and footpath is proposed along with enhanced stream landscaping on this northern boundary of the proposed development and combined, it is considered that there will be a significant buffer zone between those existing and proposed developments. From the information provided, there is likely to be in excess of 30m between residential properties and, as such, it is not considered that significant harm would arise to the amenities of these properties.

Additional traffic would use the main estate road through the existing Cades development and this could lead to additional disturbance to those properties that directly front it. However, it is not considered that this would be to such a degree that would be harmful to their amenities.

Lillebonne Close

It is considered that the dwellings themselves are sufficiently distanced not to be affected by the physical presence of new dwellings on this site. There would likely be increased footfall along the public right of way, as more pedestrians could use this route, however, it is not considered that this potential disturbance would cause undue harm to the properties in this area.

Gay Close and Parker Close

Numbers 13-37 (odd) Gay Close front the application site as they are accessed via a footpath just off the site boundary. It is proposed to provide a landscaped area of public open space in this location and, accordingly the new dwellings should be around 30m from these existing properties. The presence of shared open space between the existing and proposed dwellings should also help to integrate the two communities.

The side of 36 Parker Close faces the site, so the impact on this property will be significantly less than other nearby neighbours. 26-30 (even) Parker Close back onto the site, but have long rear gardens such that the dwellings themselves are around 30m from the site boundary. The closest dwellings are 22 and 24 Parker Close, around 6m from the site boundary and 12m from the proposed development area. As such, they have the potential to be overlooked by the proposed development. This illustrative masterplan indicates that new dwellings could be 'side on' to these existing dwellings and as such it is unlikely that unacceptable overlooking would occur. This is a matter that would be further assessed in consideration of any reserved matters.

As with Lillebonne Close, it is not considered that increased footfall from pedestrians/cyclists using the new link to Gay Close would be so significant as to be detrimental to their amenities. The frequency of use of the emergency access by vehicular traffic is likely to be so low that it causes no material disturbance.

With regard to the above, the impact on existing neighbouring properties is considered to be acceptable.

Drainage and flood risk

There has been considerable debate between the developer and the Environment Agency regarding the proposals for surface water disposal. This follows the Environment Agency's earlier objection on the basis that the scheme should attenuate volumes as well as just run-off rates – the applicant's earlier contention.

Recently, however, the applicant has provided additional information showing that surface water volumes and rates can be attenuated on site so as to achieve greenfield conditions. This has allowed the Agency to withdraw their objection. They recommend that conditions are attached to any grant of permission requiring a detailed surface water drainage masterplan to be agreed prior to the approval of any reserved matters application and that prior to any development, a detailed drainage design should be submitted for each plot. Details for each of the drainage basins should also be submitted for prior approval.

The Drainage officer is content to agree with the Environment Agency in terms of flood risk, recommending that details of future maintenance should be agreed, and that ideally the attenuation ponds should be adopted by TDBC with the public open space.

The highway authority has also recommended a condition that surface water is not discharged to the public highway. It is considered that such would appropriately be dealt with concurrently with any reserved matters approval and required as a condition of outline permission.

Open space provision and recreation

This application proposes that public open space is provided within the development as both informal spaces and equipped children's play areas. Policy C4 of the Taunton Deane Local Plan requires that 20 square metres of play space are required per family dwelling. If all dwellings on this site were provided as family dwellings, this would equate to a need for 6,000 square metres (0.6 hectares). The development proposes that 1.33 hectares of public open space would be provided, including an indicative proposal for 1 Neighbourhood Equipped Area for Play (NEAP)/Local Equipped Area for Play (LEAP) and 4 Local Areas for Play (LAP). The precise details of such can be agreed through the reserved matters process, although a clause in a Section 106 agreement would be required to secure ongoing maintenance of the spaces.

In addition to the usable open space, there will be surface water attenuation features which should provide an attractive addition to the development and break up the urban area. There will also be a substantial 'greening' of the site resulting from the enhancement of the existing hedgerows, and increase in their width, together with buffer zones. New footpaths will be provided around the development in the buffer zones and open space corridors.

The development will make a contribution of £1,100 towards active recreation and sports pitches off-site.

The Council's Green Infrastructure Strategy identifies a deficit of accessible informal green space in the eastern side of Wellington. The most recent work by Urban Initiatives, urban design consultants working with the Strategy team on the masterplanning of Wellington (and Taunton) have identified that land to the east of

the site (now deleted from this application) should be a formal green wedge which, amongst other things, promotes access to the open countryside. It has been suggested by the Council's Strategy team and the Landscape Officer that there should be substantial tree and shrub planting in this area together with pedestrian and cycle links to Westpark 26. As noted above, contributions will be sought to upgrade the footpath to a cycle link across this land, however, it is not considered necessary to insist upon any formal landscaping here, the absence of which would not make the present development unacceptable, or undermine the Council's long term green infrastructure proposals for Wellington.

Local community infrastructure

It is taken as read that new development will put increased demands on local infrastructure, in particular local schools and community facilities. Local and national planning policy, together with the Community Infrastructure Levy Regulations 2010 and associated guidance expect development to mitigate against any increased demand that they place on local infrastructure, and this is commonly achieved through the making of payments towards increased provision.

Education

Work recently carried out in connection with the Council's Infrastructure Delivery Plan has identified that the new development proposed for Wellington will create a shortfall in primary school places across the town by 2014. By Somerset County Council's forecasts, the proposal has the potential to generate 60 primary school places, which cannot currently be accommodated by the existing infrastructure. In light of this, the developer has agreed to make a contribution towards the cost of these required additional spaces.

The development is also likely to generate 43 secondary school places. The catchment school is Courtfields Secondary and current population trends indicate that by 2014 (the last date for which forecasts are available) there would be capacity for the additional demand placed by this development. However, although it has been released ahead of the core strategy, this site is a strategic site in the development of Wellington and the cumulative impact of all proposed development must be assessed. Your officers have agreed with the developer that it is reasonable for some of the spare places to be taken by new development and an agreement has been reached on the percentage of that capacity that this development should be entitled to – it is not considered reasonable, or in line with circular guidance for this development to use all capacity simply because it came to application first. On the basis of this, the developer has agreed to pay towards funding an additional 24 secondary school places, which is considered a fair and reasonable contribution and has been sanctioned by the Education Officer at SCC.

Community facilities

As noted above, the development would contribute to the off site provision of sports pitches or active recreation infrastructure. The main other requirement for community facilities takes the form of community halls and the Community Development Team have recommended that a contribution of £885 per dwelling towards the provision of such facilities. However, there is currently no available site for a new hall in this sector of the town and instead of making a financial contribution, it is considered more appropriate if this development provides a site, in the same

location as the proposed local centre. The Community Development Team manage the development of new community halls and have confirmed that funding from the existing development at Cades Farm, together with funding from other future development should mean that a hall can be provided on this site in the future.

With regard to these matters, it is considered that the development satisfactorily mitigates against the impact on local community infrastructure.

Conclusions and Sustainability

The foregoing considers the main issues in the consideration of this application. It is considered that the proposed development, whilst not being ideal in terms of the likely urban design, would provide an acceptable development that takes good account of the key local landscape features. As such, the wildlife habitats within the site will be retained and enhanced, which will secure the continuing conservation of wildlife, including protected species. Open space will be provided in such a way that provides a network of connected spaces, exploiting key existing landscape features, meeting the needs of new residents whilst respecting the amenities of those existing neighbours.

The impact on the highway network can be mitigated through physical works, travel planning and the funding of further studies and work to the Chelston roundabout. Similarly, the impact on community facilities and education infrastructure can be mitigated by the provision of a community hall site and off-site contributions towards improving capacity within the town's schools. The existing public right of way can be maintained within the site and upgraded to provide a high quality cycle and pedestrian link from the town to the key employment areas at Chelston.

In conclusion, it is considered that the development will integrate in the best possible way with the surrounding existing development of Wellington. It provides key infrastructure in the best place to ensure a coherent and sustainable long term development of southeast Wellington, providing enhanced sustainable transport routes between the town and key employment areas. Given the contributions proposed to mitigate against off-site impacts, it is considered that the development can be regarded as a sustainable one.

Taking the above arguments, together with the need to provide additional housing land ahead of the formal publication of the Core Strategy in order to maintain a five year supply of deliverable sites, it is considered that these matters combine to carry sufficient weight to outweigh the conflict with the development plan that seeks to prevent development in this location. Accordingly, the proposal is considered to be acceptable and it is, therefore, recommended that outline planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

43/10/0129

MR P MASON

**ERECTION OF DWELLING AND GARAGE AT LAND ADJACENT TO OAK VILLA,
1 NORTHSIDE, ROCKWELL GREEN, WELLINGTON AS AMENDED**

Grid Reference: 312458.120354

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable and the development would not have a detrimental impact upon visual or residential amenity or, on balance, have an adverse impact on highway safety, and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A4) Location Plan

(A4) Revised Site Plan - received 23 January 2011

(A4) Revised Elevation Plans - received 23 January 2011

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

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy S2 of the Taunton Deane Local Plan.

4. The dwelling shall not be occupied until the access track over the first 10m of its length when measured from the highway, known as Rockwell Green,

has been properly consolidated and surfaced. The access construction shall be type 1 sub base, 20mm base course and 20mm macadam wearing course. Development shall be carried out in accordance with the above details unless agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety in accordance with Somerset & Exmoor National Park Joint Structure Plan Policy 49.

5. The applicant shall undertake all the recommendations set out in the applicant's ecological report undertaken by Richard Green dated April 2010.

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

Reason - To protect reptiles and breeding birds in accordance with guidance contained within PPS9.

Notes for compliance

1. 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.
2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

PROPOSAL

Planning permission is sought for the erection of a detached single storey dwelling and associated garage. The siting of the proposal is to the south of the existing four dwellings which are currently being constructed and to the north of the existing terrace. The proposed materials are to match the approved dwellings i.e. red brick finish under a reconstituted slate roof.

The plans indicate the siting of the dwelling in close proximity to the boundary of the adjacent Victorian terrace. In order to reduce any potential impact to local residents amended plans have been submitted. The orientation of Plot 5 has now been revised to be at an oblique angle. The nearest built form would be an integral garage in order to reduce the height of the built form at the closest point with the rear gardens. The applicant has also confirmed that ground levels would be dropped, as shown on the revised block plan.

The applicant has stated that an access needs to be retained to access garaging at the rear of 1 Northside. The application therefore includes an indicative revised layout to Plot 4 for supporting information.

An ecological report accompanies the application.

SITE DESCRIPTION AND HISTORY

The proposed development would be served from the existing private access track that runs between No. 69 and 70 Rockwell Green. This access has historically served a number of lock up garages (11). It also provides vehicular access to No. 63 Rockwell Green and garages to several other properties. The surrounding area includes much variety in the pattern of building and the size of dwellings. Rockwell Green comprises a row of terraced properties featuring brick and slate materials.

Permission was granted for the approval of reserved matters following appeal for four dwellings (bungalows) at outline stage, reference 43/10/0062. A variation to the approved plans was approved, reference 43/10/0104, for the re-siting of garage to plot 1.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TOWN COUNCIL - Members were concerned that development of a further dwelling on this site would result in overdevelopment and would have an adverse effect on residential amenity in the area. There was also concern that access to the site would compromise highway safety. If planning permission were to be granted it was hoped that no condition requiring improved access visibility would result in the loss of any street parking. Recommends that permission be REFUSED due to overdevelopment of the area and the issues raised by the County Highway Authority.

Amended plans -Town Council retain an objection on the grounds the proposal will constitute overdevelopment and the proposed access is inappropriate.

HIGHWAY AUTHORITY – I would refer you to all of the Highway correspondence in connection with planning application no. 43/08/0098 and the appeal statement, and consider these comments apply equally to the present application. I would therefore recommend refusal of this application on highway safety grounds.

It must be a matter for the Local Planning Authority to decide if this objection and recommendation is reasonable given the opinion expressed by the Inspector and his subsequent decision in allowing the appeal and granting consent of the 4 dwellings.

It is noted that it has been stated in the Design and Access Statement, that:

‘Access to the site from the highway is via a private road which is under construction in conjunction with the 4 bungalows referred to previously. The whole of the site contained 11 lock garages. The 4 bungalows will account for 8 cars, the proposed additional bungalow will account for a further 2 cars therefore total car movements will be less than for the previous usage’.

As set out during the consultation process of the previous application, whilst the site previously may have had a previous traffic generation it wasn't based solely on the number of vehicles present; consideration has to be given with regard to the

nature/type of use and the associated movements that a particular use is likely to generate.

If the LPA are minded to grant consent, despite the HA's concerns, the HA would welcome the opportunity to recommend appropriate highway conditions.

Further comments 12/01/11 - It would appear that the access road, which will need to be utilised to gain access to the latest dwelling, has not been included within the red line. I am concerned that effectively there is no access from the public highway, and could effect the provision in perpetuity of parking and turning.

If LPA are minded to grant, recommend to impose a condition (a) restricting use of garage to parking only and (b) turning to be provided.

WESSEX WATER – The development is located within a sewerage area, with foul and surface water sewers. There is a public combined sewer crossing part of the site. Wessex Water normally requires a minimum, three metre, easement width of either side of its apparatus, for the purpose of maintenance and repair. Diversion of protection works may need to be agreed.

The integrity of Wessex Water's systems should be agreed prior to the commencement of works on site.

The developer has proposed to dispose of surface water to soakaway. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection can be agreed at the detailed design stage.

With respect to water supply, there are water mains within the vicinity of the proposal. Again connection can be agreed at the design stage.

The developer is advised of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site.

DRAINAGE OFFICER – I note that soakaways are to be used to dispose of surface water flows from this proposal. These should be constructed in accordance with BRD365 (Sep 91) and made a condition of any approval.

NATURE CONSERVATION & RESERVES OFFICER - Planning permission was granted, following appeal, in 2009 for four dwellings. A reptile and bird survey was then conditioned. This survey carried out by Richard Green in April 2010 is now used to support this application.

Birds - No nesting birds were observed during the survey but as birds can be found in any habitat clearing works should be undertaken outside of the bird nesting season March-August.

Reptiles and amphibians - The surveyor found eight slowworms on the whole of the site in April. I support the proposal that the individual slow worms be relocated possibly to the habitat at the northern end of the adjacent allotment. The five

recommendations to allow for successful translocation should be carried out in full. Condition recommended.

Representations

One letter of SUPPORT has been received. Summary of support: -

- support the application as the area needs more bungalows for the ageing community.

One letter of OBJECTION has been received. Summary of objection: -

- proposed development lies adjacent to properties in victorian terrace.
- The development land is raised compared to the rear gardens of the properties.
- Concern at lack of separation distances between the bungalow and adjacent terrace would cause an unreasonable loss of outlook to residents of No. 73/74/75.

6 letters of OBJECTION have been received since the date the revised plans were sent out for consultation. Summary of objections: -

- Access.
- Poor visibility at entrance point could lead to parking measures that reduce on street parking for residents.
- Additional dwelling will be imposing given the small gardens of residents.
- Sited on elevated land.
- Loss of outlook.
- Site plan does not identify newly built garage at land adjacent Oak Villa (this should be considered when discussing the issues with access as it is already over the 8 cars stated in the document).
- Siting close to boundary wall.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPG13 - Transport,
STR1 - Sustainable Development,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the determination of this application area are considered to be (a) whether the scheme is an over-development of the site resulting in harm to the character and appearance of the area'; (b) whether the scheme would harm the living conditions of nearby occupiers, in terms of any significant loss of privacy or any overbearing effect; and, (c) any effect on highway safety.

Character and appearance .

The site is located within the built-up area boundary where the principle of residential development is acceptable subject to normal planning considerations. The Authority, notwithstanding the issues previously expressed regarding the highway access, raised concern that the development would not comprise an efficient use of land. It is considered that the proposal for one further dwelling would provide a more efficient use of land without compromising an adequate layout and protecting amenity of existing and future residents.

Highway Safety

The views of the Highway Authority are noted. The proposed development would be served from the existing private track that runs between Nos. 69 and 70. The Highway Authority calculated that this track varies in width between 3.78m and 3.63m for the first 12m before widening out. The Highway Authority also calculated that visibility at the junction with the highway, when measured at a distance of 2.4m back from the carriageway edge, is 10m to the northwest and 5m to the south east. The access is not wide enough for two cars to pass at the entrance to the site and visibility along this section of the highway (that is subject to a 30mph speed restriction) falls below recognised national standards - Manual for Streets (MfS)

However, the Inspector, in allowing the appeal for four dwellings, noted that this access served a number of garages for many years. The Inspector continued, para 6 'it also provides vehicular access to 63 Rockwell Green and, from what I saw during my visit, garages to several other properties as well. There are no details before me of any recorded accidents involving the use of the junction with Rockwell Green and it appears to have a good safety record'.

The Inspector gave weight to the fallback position of the number of movements arising from the number of lock up garages. Paragraph 7.8.3 of MfS states that the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously. The Inspector concluded that given the fallback, the TA and his own observations the proposal would be unlikely to result in any harmful increase in traffic using the existing junction with Rockwell Green.

The Inspector considered that the proposal would generate limited pedestrian traffic along the access driveway and through the junction with Rockwell Green, taking the view that it would be unlikely to be materially greater than the pedestrian flows associated with the long-standing use of the site.

Whilst recognising that the access driveway is far from ideal, the Inspector considered that given the fallback (eleven vehicles parked on the site), the low traffic flows that could reasonably be expected with the appeal scheme and traffic flows/speeds along Rockwell Green, concluded that, on balance, the proposed development would not compromise highway safety interests or interrupt the free flow of traffic along Rockwell Green.

Taking into account the Inspector's reasoning it is not considered that one additional dwelling, taking into account the historic use of the site, would give rise to any material harm to highway safety.

Amenity

The concerns of local residents in respect of loss of outlook and siting of the dwelling is duly noted. In response the proposed siting has been revised to address those concerns. It is considered the revised siting of Plot 5 is now acceptable due to its single storey scale, siting and orientation. The nearest built form is the integral garage, and the built form of the development is sited at an oblique angle. The applicant also proposed to reduce the ground level to lessen the impact of the scheme.

It is therefore considered that, on balance having regard to highway issues, permission be granted subject to conditions detailed.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

48/10/0059

MR M BESLEY

APPLICATION FOR VARIATION OF CONDITION 2 OF APPLICATION 48/03/0073 TO INCORPORATE THE MONTHS OF FEBRUARY, MARCH AND NOVEMBER TO ALLOW CAR BOOT SALES TO TAKE PLACE AT PROCKTERS FARM, WEST MONKTON

Grid Reference: 325891.127441

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason

The proposal is considered not to have a detrimental impact upon visual or residential amenity or on highway safety and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) and policies 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

RECOMMENDED CONDITION(S) (if applicable)

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

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

2. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995, the site shall only be used for the purpose of car boot sales on Sundays and Public Holidays between February and November (inclusive) in any year.

Reason: In the interests of highway safety and to avoid conflict with other retail users in the area, in accordance with Somerset & Exmoor National Park Joint Structure Plan Review policy 49.

3. The applicant shall not cause or permit any noise or nuisance to affect the local amenity and the car boot sale shall be limited to the following hours: Sundays - 0800 to 1300, Public Holidays - 0800 - 1300. The site of the sale and all roads must be left in a clean and tidy condition and free from litter immediately after the close of the sale.

Reason: To ensure that the proposed area is laid out in a proper manner with adequate provision for various modes of transport and no disturbance

to locals in accordance with Somerset and Exmoor National Park Joint Structure Plan Review policy 49 and policy S1 of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

The proposal is to vary condition 2 of the 2003 permission to allow for the use of the site for car boot sales on Sundays and Bank Holidays in February, March and November.

SITE DESCRIPTION AND HISTORY

Previous permission 48/03/0073 for use of the site for car boot sales was granted in February 2004. The permission was for use of the site on Sundays and Bank Holidays from April through to October.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL - The Parish do not support the application for Saturday car boot sales as the traffic situation is already bad enough on a Saturday and the car boot sale would bring traffic to a standstill and obstruct residents' access. Parking for the car boot sales is already a problem and extra Sunday sales should be required to do something about keeping cars off the highway, parking off the road should be made available and cones and tape placed on the highways in the vicinity to stop cars parking on the highway.

SCC - TRANSPORT DEVELOPMENT GROUP - The principle of development has already been accepted in this location. In terms of vehicle movements it is unlikely that the inclusion of these additional months would see a significant increase in vehicle movement over the current operating period. It is noted the current access arrangements were approved under the previous permission. I am satisfied that this access is of sufficient standard to accommodate any additional movements associated with the extension to the car boot sale operation period. I therefore raise no objection to the proposal.

Representations 4 letters of concern over

- traffic disruption on main road with vehicles queueing,
- mud on road in winter,
- parking on road to avoid payment,
- traffic on dual carriageway can be dangerous,
- it should have an events licence.

PLANNING POLICIES

PPG13 - Transport,
S&ENPP48 - S&ENP - Access and Parking,

S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The application is to extend the period over when the car boot sales at the site can be held. The proposal would allow for the use in the months of February, March and November. The main issue here is one of highway safety.

There have been a number of concerns, including from the Parish Council over the level of traffic using the site. However the principle of the use here for Sundays and Bank Holidays has been accepted and the extended number of days of use for 3 additional months is not considered to create detrimental highway issues to warrant a refusal of the proposal. The use of the site in bad weather does not occur and in light of the view of the Highway Authority raising no objection the proposal is supported.

This application does not request any use on Saturdays and any permission should be conditioned for Sunday and Public Holidays

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

Planning Committee – 2 March 2011

Report of the Development Manager

Enforcement Item

1. File/Complainant Number E/0101/21/10

2. Location of Site

DUNNS FARM, RUNNINGTON

3. Names of Owners

MR D TOOGOOD
DUNNS FARM
RUNNINGTON LANE
RUNNINGTON
WELLINGTON
TA21 0QP

4. Names of Occupiers

MR D TOOGOOD

5. Nature of Contravention

ERECTION OF AGRICULTURAL STORAGE BUILDING AT DUNNS FARM, RUNNINGTON.

6. Planning History

An Agricultural Notification was submitted seeking a determination as to whether prior approval would be required from the Local Planning Authority for the erection of a steel portal frame agricultural storage building at Dunns Farm, Runnington.

During the determination of the proposals it was considered that by virtue of the scale and location of the building, some landscape planting would be required in order to screen the building thereby reducing its landscape impact. As a result the application was 'called in' for further details to be agreed, however the applicant was on holiday at the time and therefore some confusion occurred as to the requirements placed upon the applicant. Subsequently work commenced to erect the storage building on site with the applicant being of the impression that permission was not required as the application had not been determined within the prescribed 28 day period. However further details re landscaping were requested within the period and therefore no express or default planning approval had been granted

Following a call to the Council regarding ongoing works, a site visit took place whereby the building was found to be partially completed, with cladding being added to the steel frame. The applicant was informed verbally that a full application would need to be made as the agricultural notification could not be approved in retrospect. A letter to this effect was then sent to the applicant advising of the actions required, no such application has since been forthcoming and no contact from the applicant received.

A further visit was made to the site where by the completed building was observed within the local landscape by a Planning Officer. A Planning Assessment was carried out and it concluded that no further action should be taken.

7. Reasons for NOT Taking Action

I am of the opinion that the building has only a limited landscape impact and sits well within the cluster of existing buildings at Dunns Farm. The unauthorised building is of a scale and appearance that is generally considered to be acceptable within agricultural holdings of this nature. The building does not form a dominating feature within the landscape given its surroundings and is largely screened by trees and hedgerows that line public vantage points along public footpaths within the area.

Having regard to the above, I am of the opinion that were an application to be made to the council seeking retrospective planning permission for the building, it is likely that permission would be granted without any further need for landscaping. It is not, therefore, seen as being necessary to take any further enforcement action.

8. Recommendation

That no further action be taken over the unauthorised structure.

Contact Officer: Mrs A Dunford

APPEAL DECISION FOR COMMITTEE AGENDA – 02 MARCH 2011

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/D/10/2142740	Erection of shed at 6 Mountway Road, Bishops Hull (retention of work already undertaken)	By virtue of length, height, massing, siting and proximity of the building to the boundary between 6 Mountway Road and 1 Mountway Lane, the proposal is considered to result in an undesirable, overbearing impact upon the amenity of the adjoining residential property and therefore fails to accord with Taunton Deane Local plan Policies S2 (F) (Design)	05/10/0006	The Inspector considered the appeal building creates a dominating visual impact and an unacceptable sense of enclosure for the occupiers of No 1, exacerbated by the difference in levels between the two properties. An alternative location for the building could well be acceptable. Taking into account these points, he concluded that the appeal should be DISMISSED.
APP/D3315/E/10/2138131/WF	Replacement of windows at Melbury, Bulford Lane, Wellington, as amplified by applicant's email dated 13 April 2010 and supplementary drawings dated 09 April 2010	The proposed replacement windows, by virtue of their design, operation arrangement and double glazing, are considered to harm the character, appearance and historic interest of the Grade II Listed Building and thereby fail to preserve the Listed Building, its setting and features of special architectural or historic interest. Therefore, the proposed works are considered to conflict with Somerset & Exmoor National Park Joint Structure Review	43/10/0017LB	The appeal scheme seeks to remove three modern UPVC windows inserted without consent by a previous owner; in terms of materials and design, these appear incongruous within the context of the historic building. Double glazed sash windows would be installed in their place. In the absence of substantive evidence to the contrary, the Inspector considered the works proposed would have a harmful effect upon the special architectural and historic interest of

		Plan Policy 9, Policies HE7 & HE9 of Planning Policy Statement 5 (Planning for the Historic Environment) and section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.		Melbury, a Grade II listed building. This would run contrary to the aims of PPS5 and the heritage objectives of the development plan as expressed by Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review. The appeal was DISMISSED.
APP/D3315/A/10/2142265	Formation of access and use of land for storage at Former Brick Yard, Higher Poole, Wellington	In the opinion of the Local Planning Authority insufficient information has been submitted in order to consider the impact of the proposed B8 use on the residential amenity of local residents, given the close proximity of the dwellings to the site, and the visual amenities of the area. The application does not provide any detail on the type, position or height of the proposed storage or provide information on anticipated traffic movements associated with the use. The site is elevated to the east and the proposed layout plan does not indicate any changes in proposed ground level changes. It is therefore considered that the provision of an unrestricted B8 use could significantly detrimentally affect the outlook of local residents and the visual amenities of the area. The application site lies outside of the defined settlement limits where development should be strictly controlled. No justification has been submitted with regards	46/10/0002	

		<p>to the 'need' for the development in respect of an existing business on site. As a consequence the Local Planning Authority considers that the proposal does not exhibit any special circumstances to warrant the grant of planning permission as an exception to Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC2 (Expansion of Existing Firms on Land Subject to Restrictive Policies), EC7 (Rural Employment Proposals) and EN12 (Landscape Character Areas) or guidance contained within Planning Policy Statement 4.</p>		
APP/D3315/H/10/2135622	<p>Display of pvc banner sign at 27 Bridge Street, Taunton (retention of works already undertaken)</p>	<p>The proposed banner advertisement by reason of its size and siting at first floor level will be an incongruous intrusion and would be unduly prominent in the street scene and when viewed with the existing signs would result in an excessive display of advertising matter, detracting from the visual amenities of the area. Therefore, the proposal is considered contrary to Taunton Deane Local Plan Policies S1, S2 and EC26 and advice contained in PPG19 - Planning & Outdoor Advertisement Control.</p>	38/10/0186A	<p>The inspector considered that, as the appeal building is on a road comprising predominantly shops and eating and drinking establishments, and, as the sign is relatively small and blends with the appeal building, it is not an incongruous intrusion in the street scene. The appeal was therefore ALLOWED.</p>

TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park

Planning Committee – 2 March 2011

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Coles, Denington, Gaines,
Mrs Floyd, C Hill, House, Miss James, Morrell, Mrs Smith, Watson,
A Wedderkopp and D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching
(Development Management Lead), Mr M Bale (West Area Co-
ordinator), (Mr G Clifford (East Area Co-ordinator), Mr A Pick (Major
Applications Co-ordinator), Mrs J Jackson (Legal Services Manager),
Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher
(Democratic Services Officer)

Also present: Councillor Beaven in connection with application No 06/10/0029;
Councillor Hayward in connection with application No 25/10/0032;
Councillor Thorne in connection with application No 10/10/0024 and
Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

14. Minutes

The minutes of the meeting of the Planning Committee held on 9 February 2011 were taken as read and were signed.

15. Public Question Time

Councillor Morrell said that he had been informed at an earlier meeting that for the last fourteen years the wording had been incorrect on Breach of Condition Notices. This had resulted in any prosecution, such as the one currently being undertaken in Bishop's Hull, being abandoned. Councillor Morrell asked who would be taking responsibility for this professional failing.

Mrs Jackson agreed that the wrong templates had been used for Breach of Condition Notices for a number of years. However, no prosecutions had been brought as, when served, the Notices had been complied with.

The Chairman (Councillor Bishop) said this was a regrettable situation and the Council would apologise in writing.

Councillor Hayward asked for clarification on the deciding factors that led to officers recommending legal action being taken against the developers at Bishop's Hull compared to the deciding factors that led to officers recommending that no legal action be taken against two developers at Norton Fitzwarren.

Councillor Hayward also said that at the meeting of the Planning Committee on 15 December 2010, it was resolved "that the Solicitor to the Council be authorised to seek an injunction preventing further occupation of residential

properties on the former Taunton Trading Estate site at Norton Fitzwarren until the transfer of the playing field land had been completed". However, building was continuing and houses were being occupied even though the transfer of the land had not yet taken place.

Mrs Jackson replied that she would provide a detailed response in writing to Councillor Hayward. The response would also be circulated to all Members of the Planning Committee.

16. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillor Mrs Hill and Councillor Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor and as a member of Somerset Wildlife Trust.

17. Applications for Planning Permission

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

That **planning permission be granted** for the under-mentioned developments:-

06/10/0029

Change of use of land to provide two residential gypsy pitches (consisting of one mobile home and one touring caravan per pitch) at Sunnysdene, Dene Road, Bishops Lydeard

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The site shall not be occupied by any persons other than gypsies and travellers as defined in Paragraph 15 of ODPM Circular 01/06 - Planning for Gypsy and Traveller Caravan Sites;
- (d) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time, of which two shall be static caravans or mobile homes and two shall be touring caravans which shall be capable of being towed on the public highway without division into separate parts, in accordance with the relevant Highway Act legislation;
- (e) Prior to the commencement of any works, details of the surfacing of the access track to serve the site shall be submitted to, and agreed in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;

- (f) No commercial activities shall take place on the land, including the storage of materials. Any machinery stored on the site shall not exceed 1.8m in height;
- (g) The mobile homes, touring caravans and parking shall be sited in accordance with the submitted block plan. There shall be no material change unless any variation is agreed in writing by the Local Planning Authority;
- (h) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected on site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (i) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (j) Prior to the commencement of development, a maintenance and management plan shall be submitted to, and approved in writing by, the Local Planning Authority for the retention of the hedgerow on the north boundary of the site, adjacent to the public highway. The hedgerow shall be retained at a minimum height of 2m from the adjoining ground level unless agreed otherwise. The management plan shall detail improvements required to the visibility splay to be submitted to, and agreed in writing by, the Local Planning Authority and carried out before the use is implemented. There shall be no obstruction above 900mm in height within the visibility splay. Development shall be carried out strictly in accordance with the approved details;
- (k) Prior to the commencement of the development, details of the foul water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the mobile homes are occupied.

(Note to applicant:- Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

Reason for granting planning permission:-

The proposed development would address an identified need as set out in the Gypsy and Traveller Accommodation Assessment (GTAA). The proposed siting of the development was considered to be acceptable and would have no significant adverse impact upon the rural character or appearance of the

area. The proposal therefore accorded with Taunton Deane Local Plan Policies S1, S2, S7 and H14 and guidance contained within Circular 01/06.

25/10/0032

Change of use to an indoor karting facility at Unit 13A, Taunton Trading Estate, Norton Fitzwarren

Conditions

- (a) This permission shall expire on 2 March 2016. On or before that date the use hereby permitted shall be discontinued;
- (b) Noise emissions, expressed in terms of an A-Weighted, 2 Min Leq, from any part of the premises or land to which this permission refers shall not be higher than a level that is 3dB below the background level when measured at the footpath on the south side of Blackdown View at the junction with the B3227 (grid ref ST 2009, 2600). For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (c) The business shall only operate within the hours of use specified within the application, Monday to Saturday 10:00 to 21:00 and Sunday and Bank Holidays 10:00 to 20:00;
- (d) The use shall not be implemented until a schedule of noise mitigation measures have been submitted to, and agreed in writing by, the Local Planning Authority. The approved mitigation shall be fully implemented in accordance with the approved details prior to the premises being used for go karting. The mitigation measures shall be retained thereafter in accordance with the approved details.

(Notes to applicant:- (1) Applicant was advised that oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area; (2) Applicant was advised that any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system).

Reason for granting planning permission:-

The proposed temporary use of the building as a karting venue was considered acceptable, subject to the proposed noise mitigation measures and the imposition of a noise restrictive condition. It was considered that as the existing unit was vacant and was earmarked for future development as part of the wider redevelopment of the Trading Estate, the proposal would not undermine the Council's aim of protecting employment land (Policy EC9). It was therefore considered that a temporary use of the building would be acceptable and would not result in any loss of long term employment for a B1/B2/B8 use given the re-development plans for the site.

43/10/0129

Erection of dwelling and garage at land adjacent to Oak Villa, 1 Northside, Rockwell Green, Wellington

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A4) Location Plan
 - (A4) Revised Site Plan - received 23 January 2011
 - (A4) Revised Elevation Plans - received 23 January 2011;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) The dwelling shall not be occupied until the access track over the first 10m of its length when measured from the highway, known as Rockwell Green, has been properly consolidated and surfaced. The access construction shall be type 1 sub base, 20mm base course and 20mm macadam wearing course. Development shall be carried out in accordance with the above details unless agreed in writing by the Local Planning Authority;
- (e) The applicant shall undertake all the recommendations set out in the ecological report undertaken by Richard Green dated April 2010. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) 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; (2) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable and the development would not have a detrimental impact upon visual or residential amenity or, on balance, have an adverse impact on highway safety, and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

48/10/0059

Application for variation of Condition 2 of application 48/03/0073 to incorporate the months of February, March and November to allow car boot sales to take place at Prockters Farm, West Monkton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, the site shall only be used for the purpose of car boot sales on Sundays and Public Holidays between February and November (inclusive) in any year;
- (c) The applicant shall not cause or permit any noise or nuisance to affect the local amenity and the car boot sale shall be limited to the following hours: Sundays 0800 -1300, Public Holidays 0800 -1300. The site of the sale and all roads must be left in a clean and tidy condition and free from litter immediately after the close of the sale.

Reason for granting planning permission:-

The proposal was not considered to have a detrimental impact upon visual or residential amenity or on highway safety and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) and Policies 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

18. **Erection of 22 dwellings (15 market dwellings and 7 affordable), a village shop and change of use from agriculture to community use of an adjoining field fronting Church Road at Newberry Farm, Taunton Road, Churchinford (10/10/0024)**

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement to secure a contribution for the improvements to the sewage treatment works, the future use of the adjacent field for recreation purposes, maintenance of the play area, provision of a community shop and affordable housing, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule by Peter Smith Design Service Ltd revised 17/2/11;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No development, excluding site works, shall begin until a panel of the proposed stone and brickwork measuring at least 1m x 1m has been

built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (e) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) The boundary treatment shown on drawing 1068/01G shall be completed before buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) Before development commences, including site clearance and any other preparatory works, a scheme for the protection of trees and hedges to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of construction works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;
- (h) Details of the materials of the windows and doors hereby permitted shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter maintained as such;
- (i) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Michael Woods Associates Ecological survey, dated October 2010 and further monitoring of the badger sett to be undertaken and include:- (i) Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the enhancement of places of rest for wildlife. Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be

occupied until the scheme for the maintenance and provision of the new bat and bird boxes with related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (j) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority;
- (k) Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:- (i) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site; (ii) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance, or guidance and procedures which may have superseded or replaced this. A report detailing the site investigation and risk assessment shall be submitted to, and approved in writing by, the Local Planning Authority; (iii) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;
- (l) There shall be no occupation of more than 8 dwellings on the site until the improvement works to the sewage treatment works have been agreed with South West Water and carried out in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- (m) A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation;
- (n) A schedule for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority indicating a renewable energy source for each property and the said source must be commissioned and installed prior to occupation;
- (o) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge, unless otherwise agreed with the Local Planning Authority, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the

existing soil levels around the base of the hedges so retained shall not be altered;

- (p) The boundary hedging to the roadside (east) and northern boundaries of the site shall be retained and not removed at any time;
- (q) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the near side carriageway edge 70m either side of the access. Such visibility shall be fully provided before any part of the development hereby permitted is occupied and shall thereafter be maintained at all times;
- (r) There shall be an area of hard standing at least 6m in length, as measured from the nearside edge of the highway to the face of the garage doors where the doors are of an up and over type;
- (s) No part of the access drive shall be laid out at a gradient steeper than 1 in 10;
- (t) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- (u) The proposed estate roads, footways, footpaths, tactile paving, street lighting, cycleways, lay bys, verges, junctions, sewers, drains, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, and car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before the 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;
- (v) No house construction work shall commence on the development hereby permitted until details of the footway shown on drawing no 3624-101A have been submitted to, and approved in writing by, the Local Planning Authority. Such footway shall be fully constructed in accordance with the agreed plan and specification before any part of the development is first occupied;
- (w) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge to the highway and details of which shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so provided;
- (x) Details of the surface finish to roads within the site, other than tarmac, shall be submitted to, and approved in writing by, the Local Planning Authority prior to their formation and thereafter carried out as agreed;
- (y) 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 during the construction period. In particular, but without prejudice to the foregoing, efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the

- commencement of development, and thereafter maintained until construction on the site has ceased;
- (z) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority;
 - (aa) The development shall provide for covered and secure cycle storage facilities, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
 - (bb) The windows hereby permitted shall be recessed in the wall to a minimum of 70mm unless otherwise agreed in writing by the Local Planning Authority;
 - (cc) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 2 Classes A and B of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
 - (dd) Development shall not commence until the means of the surface water run-off limitation scheme and disposal for the site has been submitted to, and agreed in writing by, the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The timing of the works shall also submitted to, and agreed in writing by, the Local Planning Authority and thereafter the approved scheme shall be implemented in accordance with the approved programme and details, prior to the occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority;
 - (ee) Notwithstanding the detail on drawing on 1068/01G the small section of hedge separating the play area and open space shall be removed prior to the area being brought into use.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions; (2) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that works to be undertaken on or adjoining the publicly maintainable highway require a licence under Section 171 of the Highways Act 1980 and must be obtained from the Highway Authority).

Reason for planning permission, if granted:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and would have limited visual impact within the wider landscape of the Area of Outstanding Natural Beauty and would not give rise to highway danger. In addition, there would be adequate drainage provided for the new development and the benefits of the development in terms of recreation, affordable housing and a community shop was therefore considered acceptable and sufficient to outweigh the location outside of the settlement limit and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Leisure and Recreation Provision), M4 (Residential Parking) and EN10 (Areas of Outstanding Natural Beauty).

19. Development of up to 300 dwellings with a local centre, public open space landscaping, highways access and associated infrastructure works at land at Cades Farm, off Taunton Road, Wellington (43/10/0127)

Reported this application.

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

(1) Transportation

- (a) Implementation and improvement works on the Taunton Road approach to the Chelston roundabout, or a contribution of £100,000 for Somerset County Council to implement these works;
- (b) £20,000 contribution towards the completion of a comprehensive study relating to the Chelston roundabout;
- (c) £200,000 towards comprehensive improvements to the Chelston roundabout resulting from the study;
- (d) The design, construction and funding of a pedestrian/cycle/emergency access to Gay Close;
- (e) Upgrading of the public footpath between Lillebonne Close and Gay Close and the Chelston business parks, together with the diversion of the eastern end to either Westpark 26, Taunton Road or both;
- (f) A travel voucher for the first occupation and on the second anniversary of occupation, based on costs of between £100 and £250 per dwelling (1 bed - £100, 2 bed - £150, 3 bed - £200, 4 bed - £250); and
- (g) An agreed travel plan based on the draft submitted in December 2010;

(2) On Site Open Space

Provision of 4.32 ha of public open space comprising:-

- (i) 1.33 ha of play and activity space (including 1 neighbourhood/ local equipped area for play and four local areas for play);
- (ii) 2.99 ha of strategic hedgerow/wildlife corridors; and
- (iii) Provision of a commuted sum for the future maintenance of these facilities, or to be maintained by a separate management company;

- (3) Active Recreation
 - Provision of £1,100 per dwelling towards off-site provision;
- (4) Local Centre
 - (a) Dedication of land to Taunton Deane Borough Council for the development of a community hall; and
 - (b) Provision of land for a local shop or shops (precise delivery mechanism to be agreed);
- (5) Education
 - (a) A contribution of £735,420 (pro-rated to a per-dwelling figure) towards primary education; and
 - (b) A contribution of £443,256 (pro-rated to a per-dwelling figure) towards secondary education;
- (6) Affordable Housing
 - 35% affordable housing of which 50% social rented; 25% intermediate and 25% low cost; and
- (7) Surface Water Attenuation
 - Provision of a commuted sum for the future maintenance of these facilities, or to be maintained by a separate management company,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

- (a) (i) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced;
- (ii) Application for approval of the reserved matters for the first phase of development (as agreed by condition (c) below) shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission;
- (iii) Application for approval of the reserved matters for the final phase of development (as agreed by condition (c) below) shall be made to the Local Planning Authority not later than the expiration of five years from the date of this permission.
- (iv) The development of each phase hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters for the phase to which it relates or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Prior to the commencement of the development hereby permitted, a phasing programme shall be submitted to, and agreed in writing by, the Local Planning Authority;
- (d) Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the Local

Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (prepared by Brookbanks Consulting and dated 16 February 2011) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme;

- (e) Surface water shall not be allowed to discharge from any private drives onto the public highway and details of how such will be achieved shall be submitted to and approved with any reserved matters application made pursuant to condition (a). The agreed details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be retained as such;
- (f) Prior to the commencement of any phase of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing, by the Local Planning Authority:-
 - (i) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;
 - (ii) A site investigation scheme based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - (iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - (v) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
- (g) Before any phase (as agreed pursuant to condition (c)) of the development commences, including site clearance and any other preparatory works and a scheme for the protection of trees and hedges to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works for that phase or until such time as may otherwise be agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;
- (h) The development shall provide public open space in accordance with the details indicated on the parameters plan (Drawing 400-001 rev H) hereby permitted. Full details of the open space, including any required children's

play equipment, benches, bins or any other required paraphernalia shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details required pursuant to condition (a). The open space and any associated equipment shall be fully provided and operational prior to the occupation of 75% of the dwellings within the phase, as agreed pursuant to condition (c), to which it relates and shall thereafter be maintained as such;

- (i) Details of the proposed street and other external lighting for the development shall be submitted to, and agreed in writing by, the Local Planning Authority as part of the details submitted pursuant to condition (a);
- (j) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to, and approved in writing by, the Local Planning Authority as part of the reserved matters submission pursuant to condition (a). The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority;
- (k) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- (l) The eastern and western basins shall be constructed in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development of the phases to which they relate and shall thereafter be maintained as such;
- (m) The development hereby permitted shall not be commenced until details of a Landscape and Wildlife strategy has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EDPs submitted ecology appraisal dated October 2010, EDPs letter dated 26 January 2011 (ref L/EDP1267/KH/av) and EDPs supplementary information relating to ecological mitigation and enhancement measures dated February 2011 and up to date surveys and include:-
 - (i) Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development (Ecological Construction Method Statement);
 - (ii) Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance;
 - (iii) measures for the enhancement of places of rest for breeding birds, dormice and bats;
 - (iv) Details of a sensitive lighting strategy;
 - (v) The submission of a Landscape and Ecological Management Plan (LEMP);
 - (vi) Ongoing ecological monitoring for a period to be agreed, which will inform the ongoing management of the site.

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. No phase, as agreed pursuant to condition (c), of the development shall be occupied until the scheme for the maintenance and provision of the new bird, dormice and bat boxes and related accesses relevant to that phase have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (n) Prior to the commencement of the development hereby permitted, full details of a management strategy for the retained hedgerows shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed management strategy shall thereafter be strictly adhered to;
- (o) For any phase of the development, as agreed pursuant to condition (c), the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details that shall first have been 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;
- (p) (i) The landscaping and planting schemes shown on any plans submitted and agreed in respect of condition (a) shall be completely carried out within the first available planting season from the date of commencement of the development;
(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (q) In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars as agreed in respect of condition (a); and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the completion of the phase to which it relates:-
 - (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)];
 - (ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place within 12 months of its destruction or death. The species and size of that replacement tree shall first have been agreed in writing by the Local Planning Authority;
- (r) The hours of working on site during construction shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays and no working shall take place on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The term ‘working’ shall

for the purposes of clarification of this condition include the use of any plant or machinery, the carrying out of any maintenance or cleaning work on any plant and machinery, deliveries to the site and movement of vehicles within the site.

(Notes to applicant:- (1) Applicant was advised that if any unexpected contamination is found during the development it should be assessed and, if necessary, remediated in line with current best practice. Under Planning Policy Statement 23, it is the responsibility of the developer to ensure that the development is safe and suitable for use for the purpose for which it is intended; (2) Applicant was advised that development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary stopping up or 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; (3) 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; (4) 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 Ecological Construction Method statement clearly stating how wildlife will be protected through the development process, and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; (5) Applicant was advised that the conditions relating to drainage have been recommended to ensure that the principles of the agreed flood risk assessment are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated flood risk assessment and masterplan which shows discharge rates and SuDs control measures for each plot. Each reserved matters application will need to demonstrate a viable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals).

Reason for planning permission, if granted:-

The proposed development would create a new residential neighbourhood that respected surrounding buildings, topography and landscape features. It would be reasonably well linked and integrated with the existing built form of Wellington and would encourage travel within the town by modes other than the private car. Any impact on wildlife would be adequately mitigated and the favourable conservation status of European Protected Species would be maintained. The impact upon local community facilities, education and highway infrastructure would be mitigated through the provision of land for new facilities and contributions to improve off site provision. Adequate public open space would be provided for the day to day needs of the new residents and there would be contributions towards off-site enhancement of sports pitches and active recreation facilities. Taking account of the above factors, the proposal was considered to result in a sustainable urban extension to Wellington, contributing to maintaining a five year supply of deliverable

housing sites in accordance with the Council's policy to release interim sites ahead of adoption of the Core Strategy, including provision for affordable housing which taken together were sufficient material considerations to outweigh the conflict with the development plan which seeks to restrict new residential development in this area. The proposal, therefore, accorded with Policies S1 (General Requirements), S2 (Design), H9 (Affordable Housing within General Market Housing), M5 (Cycling), C1 (Education Provision for New Housing), C4 (Standards of [open space] Provision), C6 (Public Rights of Way), EN3 (Local Wildlife and Geological Interests), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows) of the Taunton Deane Local Plan; Policies STR1 (Sustainable Development), STR2 (Towns), Policy 1 (Nature Conservation), Policy 42 (Walking), Policy 44 (Cycling), Policy 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), 9 (Biodiversity and Geological Interests), 25 (Development and Flood Risk).

Also **resolved** that in the event that the Section 106 Agreement was not signed within three months, the Growth and Development Manager be authorised to refuse planning permission.

20. Erection of agricultural storage building at Dunns Farm, Runnington, Wellington

Reported that a steel portal frame agricultural storage building had been erected at Dunns Farm, Runnington, Wellington without the necessary planning consent being granted.

The owners of the site had submitted an Agricultural Notification seeking a determination as to whether prior approval for the erection of the building would be required. However, there had been some confusion regarding the requirements for the application and the erection of the building had commenced. As an Agricultural Notification could not be approved in retrospect, an application for planning permission was required to regularise the situation.

Although no such application had been received to date, if one was to be submitted to retain the building, the Growth and Development Manager was of the view that permission was likely to be granted.

If was therefore considered unnecessary to take any further enforcement action.

Resolved that no further action be taken.

21. Appeals

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

(The meeting ended at 8.05 pm.)

