

## **Planning Committee**

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 1 December 2011 at 17:00.

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### **Agenda**

- 1 Apologies.
- 2 Public Question Time.
- 3 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 4 08/10/0024 – Erection of up to 580 residential dwellings, live-work units, retail space, other mixed use development and open space to include play areas and linear park and associated landscaping at land off Nerrols Drive, Taunton
- 5 08/11/0018 – Outline application for residential development on land to the east of Tudor Park, Maidenbrook Farm, Taunton
- 6 31/11/0026 – Erection of conference, events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse, extension of car park and temporary erection of two tents at Woodlands Castle, Ruishton
- 7 31/11/0027/LB – Erection of conference, events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse and temporary erection of two tents at Woodlands Castle, Ruishton

Tonya Meers  
Legal and Democratic Services Manager

12 January 2012

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.

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

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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	

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Govier and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren
- Daughter works as an administrator in Development Control – Councillor Mrs Reed

THE CROWN ESTATE

**ERECTION OF UP TO 580 RESIDENTIAL DWELLINGS, LIVE-WORK UNITS, RETAIL SPACE, OTHER MIXED USE DEVELOPMENT AND OPEN SPACE TO INCLUDE PLAY AREAS AND LINEAR PARK, AND ASSOCIATED LANDSCAPING AT LAND OFF NERROLS DRIVE, TAUNTON**

Grid Reference: 324205.126832

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

**Subject to the completion of a section 106 agreement to secure the following :-**

1. 25% affordable housing to be split in accordance with the core strategy.
2. Transport requirements as needed for access and offsite improvement works;
3. Travel Plan
4. Education contributions which must include a site for a new primary school plus contributions for secondary school places and preschool (based on the formula listed in the consultation response below)
5. Country Park - Offsite commitment for green wedge land beyond application.
6. Drainage- Maintenance of the surface water attenuation ponds

Recommended Decision: Conditional Approval

The proposal is considered as an interim proposal in order to maintain an acceptable supply of housing land. It is generally in keeping with the Regulation 30 published Core Strategy and would result in an acceptable mixed use development with acceptable highway access and good transport links to existing services in accordance with Taunton Deane Regulation 30 Core Strategy published plan policy SS2.

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

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

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

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).

2. 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.

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

(A3) DrNo 21262-L-229 Figure 3 Illustrative Masterplan  
(A3) DrNo 21262-L228 Figure 1 Site Location Plan  
(A1) DrNo 21262-L181b Figure 2 Planning Application Site Boundary  
(A3) DrNo 21262-L231 Figure 4 Land Use Budget  
(A3) DrNo 29392-L09 Revised Illustrative Masterplan (November 2011)  
(A3) DrNo 29392-L07 Preliminary highway design option1  
(A3) DrNo 29392-L08 Preliminary highway design option 2  
(A3) DrNo 29392-L88 Rev A Proposed site access/A3259  
(A3) DrNo 29392-L87 Rev A Proposed site access/ neighbourhood Centre  
(A3) DrNo 29392-L85 Rev A Proposed site access/Southern access, Nerrols Drive  
(A3) DrNo 29392-L189a Junction 2 Priorswood Roundabout mitigation.

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

5. The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

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.

6. No development shall take place on the site until there is submitted to and approved in writing by the Local Planning Authority, a design code for the site in its entirety (herein after called the design code). The Design Code shall be

approved prior to the approval of any reserved matters application submitted in association with this permission. The design code shall include detailed codings for :

Architectural and sustainable construction principles

Character Areas, street types and street materials

block types and block principles

renewable and energy efficiency measures;

Principles of internal highways, cycle-ways and footpaths;

car and cycle parking principles

building types, heights and materials;

boundary treatments and surface treatments.

Reason: To ensure high standards of urban design and a comprehensive approach to the physical form and development of the site as a whole to achieve a co-ordinated and well planned development in accordance with the requirements of the National Planning Policy Framework (Draft) Planning Policy Statements 1 and 3 and Somerset and Exmoor National Park Structure Plan policy STR1, Taunton Deane Local Plan policies S2,

7. Prior to the commencement of works on site details for the parking of motor vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved parking shall be provided on site prior to the occupation/commencement of use of the building to which it relates and shall thereafter be maintained.

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.

8. The development shall provide for covered and secure storage facilities, details of which shall be indicated on the plans submitted in accordance with condition above. 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.

9. The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted in accordance with condition above. 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 exist for the future residents of the site, in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

10. Prior to the commencement of the development a landscape strategy and management plan shall be submitted to and approved in writing by the Local Planning Authority, The landscaping strategy shall include details of the proposed structural and internal landscaping and the proposed phasing of any landscaping works. The landscape management plan shall include a maintenance plan specifying the extent and timing of grass cutting, shrub pruning and tree maintenance. The landscape strategy shall thereafter be implemented on site in accordance with the approved strategy and a management plan unless otherwise 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.

11. Prior to the commencement of works on site details of a Country Park, to the east of the site, and as illustrated on the submitted masterplan, a timetable for its provision on site and its future management regime shall be submitted to and approved in writing by the Local Planning Authority. The Country Park shall thereafter be provided in accordance with the approved detail unless a variation is first submitted to approved in writing by the Local Planning Authority. The submitted details shall be in general accordance with the design brief attached to the certificate.

Reason: In order to ensure the provision of a proportion of the Country Park required from this proposal and the Regulation 27 Core Strategy policy SS2.

12. Prior to the commencement of works on site details for the multi purpose green necklace around the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the provision of land for and outdoor recreation in addition to the buffer planting required for wildlife mitigation purposes.

Reason: In order to ensure an appropriate mix of uses within a multi-purpose open space area to include allotments; outdoor recreation and wildlife habitat in accordance with the requirements of Regulation 30 published Core Strategy policy SS2

13. Prior to the commencement of works on site full details of the public open space and childrens play areas, in accordance with Taunton Deane Local Plan policy C4 (to include 1 Local Equipped Area for Play(LEAP) and 1 Neighbourhood Equipped Area for Play(NEAP)) with details of their size; location; equipment and future management shall be submitted to and approved in writing by the Local Planning Authority. The public open space and play areas shall thereafter be provided in accordance and maintained in strict accordance with the approved details unless an alternative is first submitted to and approved in writing by the Local Planning Authority.

Reason : In order to ensure adequate provision for public open space and



children's play and its maintenance in the future to serve the needs of residents from the development site in accordance with Taunton Deane Local Plan policy C4.

14. Before any part of the development hereby permitted is commenced a plan showing:
- (a) the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2005); and
  - (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.

Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.

15. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. 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 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.

16. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

17. 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 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.

18. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy [11] [12] [13] of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy [EN21] [EN22] [EN23] of the Taunton Deane Local Plan (~~delete which ever is not relevant~~) and advice contained in Planning Policy Guidance note 16.

19. Prior to any reserved matters approval, a detailed surface water drainage strategy must be submitted to and approved in writing by the Local Planning Authority. The strategy shall be generally in accordance with section 4.6.2 and figure 4.1 of the approved FRA (prepared by Entec UK Ltd and dated December 2010) and include details of the phasing and timing of the surface water infrastructure as well as the maintenance regime and responsibilities. The scheme shall be subsequently implemented and maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improved habitat and amenity and to ensure future maintenance of the surface water drainage system in accordance with PPS 9, PPS23, PPS25 and the Draft National Planning Policy Framework.

20. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance. Where remediation is necessary a remediation scheme must be prepared in accordance with the above authoritative guidance and submitted to the Local Planning Authority for approval in writing by the Local Planning Authority and such scheme shall be implemented prior to the occupation of any units that would be affected by the contaminated area.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies S1 and EN32 of the Taunton Deane Local Plan.

21. Prior to the commencement of any development works on site the applicant shall submit details of a sound reduction scheme based on the noise assessment in the Environmental Statement, Entec UK Ltd, December 2010 (Ref 21262rr113). This shall include details of the glazing and ventilation to be used to achieve the “good” standard for internal noise levels as detailed in British Standard 8233, for residential premises on the development, and the calculations and reasoning upon which any such scheme is based. The report is to be accepted in writing by the Planning Authority prior to commencement of development works and the accepted works carried out in accordance with the approved sound reduction scheme prior to occupation and maintained as such thereafter unless an alternative is first agreed in writing by the Local Planning Authority.

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

22. Prior to the commencement of works on site details of a foul drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include arrangements for the points of connection and capacity improvements required to serve the development and the timing for the implementation of the strategy. Prior to the occupation of any of the dwellings hereby permitted the drainage scheme shall be fully implemented in accordance with the approved details unless a variation is first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure acceptable provision for foul and surface water discharge from the site prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan and PPS 25 Development and Flood Risk..

23. Prior to any reserved matters approval, a detailed surface water drainage strategy must be submitted to, and approved in writing, by the Local Planning Authority. The strategy shall be generally in accordance with section 4.6.2 and Figure 4.1 of the approved FRA (prepared by Entec UK Ltd and dated December 2010) and include details of the phasing and timing of the surface water infrastructure as well as maintenance regimes and responsibilities. The scheme shall be subsequently implemented in strict accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure future

maintenance of the surface water drainage system in accordance with PPS9, PPS23 and PPS25.

24. 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, has been submitted to and approved by the Local Planning Authority. Drainage designs shall ensure that surface water from each plot, phase or parcel of land is attenuated to the 1 in 2 year Greenfield Runoff rate (4.55 l/s/ha) for all storm events up to and including the 1 in 100 year plus climate change event. The scheme shall subsequently be implemented and completed in strict accordance with the approved details before any built development commences on site.

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

25. No development shall take place on land to which reserved matters relate until a scheme for finished floor levels for each plot, phase or parcel of land has been submitted to, and agreed in writing by, the Local Planning Authority. The finished floor levels of the built development shall be set no lower than 150mm above the existing ground level on site.

Reason: To reduce the impact of flooding on the development and its users in accordance with PPS25.

26. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife and their habitats has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Entec's Environmental Statement dated December 2010 and up to date surveys and include:.....

- Details of protective measures to include method statements to avoid impacts on protected species 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 retention and replacement and enhancement of places of rest for the species.

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

shall be permanently maintained in a useable condition.

Reason: To protect and enhance wildlife and their habitats in accordance with the requirements of PPG9 Biodiversity and Geological Conservation.

27. Prior to the commencement of development ,a scheme for the Ecological monitoring of the site by the applicant for a period of 10 years following completion of the first phase of development shall be submitted to and approved in writing by the Local Planning Authority. The ecological monitoring scheme shall include an assessment of the bat mitigation planting and be fully implemented following commencement of works on site and a report of the results shall be submitted in accordance with the scheme.

Reason: To monitor the impact of the development on Lesser Horseshoe and other bats on the site and to ensure that the long term management of the site is informed by the results, by modifying the maintenance regimes if necessary, and to determine if the buffer and off site planting areas are providing adequate mitigation for bats to ensure that the development does not have a detrimental impact on the Lesser Horseshoe Bat colony as required by Planning Policy Statement 9 and the Habitats Regulations Assessment for Hestercombe House Special Area of Conservation by Somerset County Council July 2009.

28. No development shall take place on site until a scheme for the mitigation of the impact on the Lesser Horseshoe Bat from the Hestercombe House SAC colony is submitted to and approved in writing by the local planning Authority. The scheme shall include the following:-

1. Details for the provision of a 20 metre buffer of woodland around the northern and eastern boundaries of the site, which will connect with the retained tree belt on the eastern side of the Maiden Brook. This must be designed to form a continuous unlit corridor around the perimeter of the site, to provide the opportunity for light sensitive bat species (including lesser horseshoe bats) to commute around the site, and to provide additional foraging habitat. The submitted details shall include a planting schedule and layout for the 20m buffer planting that must conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). The agreed on-site buffer planting shall be installed no later than year one of Phase 1a of the proposed development and advanced stock (Extra Heavy Standards) will be used, with the objective of ensuring that 40% of trees reach a height of 5.5m before commencement of Phase 2 of the development.
2. Details showing the retention and incorporation of the existing hedgerows on the boundaries of the development facing open countryside into the buffer planting.
3. Details for the retention of trees, hedgerows and scrub around Nerrols Farm.
4. Details of any proposed paths and cycleways through the buffer . These must be designed no wider than 3m and to go diagonally through the buffer

and will not be lit.

5. The scheme shall show that all buildings, gardens, roads and footpaths will be offset from the buffer planting and the Maiden Brook by a minimum of 5m.
6. Details for the retention of the trees and mature hedgerows surrounding Nerrols Farm and plans to ensure its connectivity to the farmland to the north of the farm buildings.
7. Details for the provision of a 20m woodland buffer between Nerrols Farm and its ancillary farm buildings and the development site as indicated on the illustrative masterplan, in order to retain the suitability of the farm for lesser horseshoe bats, both as a foraging area and a potential night roost.
8. Details for the creation of an area of 3.15 hectares for off-site woodland planting using the methodology described in the, based upon the current site boundary and habitat data provided in the baseline ecology report (Entec 2010b). The planting schedule and layout of the off-site planting will conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). To minimise the time taken to achieve functionality, the off-site planting will be installed no later than year one of the proposed development.
9. Details for the preparation and implementation of a habitat management plan to ensure that the buffer planting and off-site compensatory woodland planting is managed appropriately for lesser horseshoe bats. The management plan must cover management of the whole site, plus the off-site compensation areas for a period of 25 years from completion of the works and must include measures to promote the establishment of the buffer and off-site planting, such as thinning and the replacement of 'nurse crop' species (poplar and Norway spruce) with oak and ash to give a more diverse age range. It is proposed that the preparation and implementation of the management plan be secured a planning condition.
10. Details for the provision of a purpose-built bat house to provide roosting opportunities for a variety of bat species, including lesser horseshoe bats, in compensation for the loss of the barn to the west of Nerrols Farm. The bat house should be designed so that it does not induce a maternity colony to set up which might replace and undermine that of the Hestercombe House roosts.
11. Details of a lighting strategy to minimise the effects on lesser horseshoe bats (and other bat species), and must incorporate the following:
  - No night-time working during the construction stage of the development.
  - Street lighting that is no higher than 5 metres, directed away from the landscape buffers and hedgerows designed to avoid light spillage and pollution.
  - Lighting adjacent to features used by bats as flight corridors and foraging habitat (namely the woodland buffer strip, hedgerows, the Nerrols Farm access road and Maiden Brook) will be directed away from these features and lighting levels will be as low as legally permissible.
  - Lighting will not be of the white mercury vapour or high pressure sodium types. Where possible, LED, highly directional and/or 'light on demand' forms of lighting will be used.

Reason: To ensure that the proposed development does not have a significant impact on the conservation objectives, namely to maintain in favourable condition the habitats for the population of Lesser horseshoe bat, of the

Hestercombe House SAC in accordance with Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (known as the 'Habitats Directive') and to ensure that the impact of the development on other wildlife and habitats is adequately mitigated for in accordance with Taunton Deane Local Plan Policies EN4 in accordance with relevant guidance in PPS9.

29. Prior to the submission of a reserved matters application for phase 2 of the development site details showing the provision of a minimum of 660m<sup>2</sup> of employment land for class "B1" business uses as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) on the application site, or adjacent land known as Nerrols Farm, and the timing of its provision shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the provision of Town and Country Planning (Use Classes) Order 1987 (as amended) Class B1 employment land in accordance with the Taunton Deane Regulation 30 Core Strategy published plan policy SS2.

30. Reserved matters submissions for phase 2 of the development, as defined in the design and access statement shall include a highway, footpath and cycleway links up to the boundary of the site with the land to the north and north west.

Reason: In order to ensure that there is a comprehensive development of the site with permeability for all future residents between development areas in different ownership and in accordance with the Taunton Deane Regulation 30 Core Strategy published plan policy SS2

31. Prior to the submission of any reserved matters application in connection with this permission a detailed Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details an investigation into the feasibility and viability of providing a suitably located energy centre in order to provide locally generated electricity to serve the whole allocated site.

Reason : In order to provide for a sustainable development including the consideration of renewable and low carbon energy sources of energy in accordance with the requirements of the Regulation 30 published Core Strategy policy CP1, Planning and Climate Change, Supplement to Planning Policy Statement 1 and the National Planning Policy Framework.

#### Notes for compliance

1. In connection with conditions 10 the Local Planning Authority expect the landscape scheme to include the following :-
  - a) earth mounding in order to provide additional screening around the perimeter of the site

- b) a minimum distance of 25m between any trees and the listed buildings
- c) the planting scheme must be in keeping with the requirements of the HRA mitigation.
- d) footpath links throughout the site including footpath links and footbridges the green open space adjacent to Maiden Brook.

2. regarding condition 11 the provision of land for Allotments shall be based on the Council's allotment policy for 15.4m<sup>2</sup> per dwelling.
3. The above drainage conditions 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, storage volumes and SuDs control measures for each catchment and the subsequent phases of development.

The strategy will need to be supported by Micro-drainage calculations for all storm periods up to and including for the 1 in 100 year event plus climate change. Details of the existing and proposed surface water drainage system will need to be provided. It must be demonstrated that all surface water features are located in Flood Zone 1 and this should be supported by site levels compared against the predicted 1 in 100 year event.

The timing / phasing of surface water infrastructure is critical to ensure that all surface water is attenuated for as the development comes forward. The drainage infrastructure for each plot will need to be completed before any built development occurs on site to ensure that surface water flooding is not increased at any stage of development.

Any exceedance flows, routes and depths must be mapped and addressed to ensure that the development is safe from flooding.

The strategy must include details of the re-configuration of the two existing dry surface water attenuation basins on site. This must be undertaken in line with Section 4.7 of the FRA and Figure 4.1 of the FRA. Details must also be submitted to demonstrate that the capacity of the surface water drainage features are sufficient so that the attenuation features will not be exceeded. The risk of increased surface water flooding during all stages of development must be addressed.

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.

4. in regard to condition 25, in seeking to discharge the above condition, the applicant should supply a topographic survey of the existing site together with proposed floor levels that are set 150mm or more above the existing levels.
5. The applicant is advised that any works within the channel of the Maiden Brook (i.e. the surface water outfalls from the ponds) are likely to require Flood Defence Consent from the Environment Agency. The applicant should contact my colleague Sam Capel (01278 484 810) to discuss this matter. All



works in or near the channel should be undertaken in accordance with our Pollution Prevention Guidance Note 5 which is available on our website.

Any waste used on site or taken off site will be subject to the appropriate Licences and Exemptions required from the Environment Agency. Further details on this legislation are provided on our website.

6. The buffer planting around the Nerrols Farm, must ensure that an appropriate distance is provided between the planting and the listed building in order to protect the setting and structures of the listed complex.

## **PROPOSAL**

This is an outline planning application with all matters, except access, reserved for future determination.

The proposal is for a mixed use development comprising:-

- 27ha for residential use to provide up to 580 residential dwelling units of which up to 25% will be affordable;
- 0.6ha for a mixed use local centre to include: up to 600m<sup>2</sup> gross floor area for convenience shopping (A1); up to 440m<sup>2</sup> gross floor area for uses including financial and professional services, restaurants and cafes and drinking establishments (A2, A3 and A4); live work units; and residential (C3)
- 1.1ha land for the provision of a new primary school;
- New vehicular accesses to the site off Nerrols Drive and A3259.
- New internal access roads and associated walking/cycling networks and links to the existing public transport networks
- A new sustainable urban drainage system with increased treatment of water attenuation basins and roadside swales.
- New formal and informal open space, including a linear park along the Maidenbrook.
- Landscaping enhancement including new tree planting and landscaping within the site.
- Ecological mitigation including the provision of tree buffer planting along the north and east boundaries of the site and 4.2ha land for offset woodland planting to the north of the development site.
- potential B1 use of Nerrols farmhouse and ancillary buildings (0.8ha).
- marketing of the remaining plots at the Crown Industrial Site to provide approx 2,800m<sup>2</sup> employment.

## **SITE DESCRIPTION AND HISTORY**

The site is located to the north east of Taunton on the outside edge of the settlement limit approximately 2km from the town centre. The site comprises 31.2 hectares (ha) of agricultural land. Land immediately to the north and east of the site is agricultural land, identified in the Local Plan as a green wedge, which separates Taunton from Cheddon Fitzpaine (less than 1km to the north of the site) and Monkton Heathfield (1km to the east).

Nerrols Drive runs along the western boundary of the site beyond which lies the

existing residential development of Nerrols Farm. To the south of the site is the Maidenbrook roundabout junction that gives access to the A3259 Taunton to Monkton Heathfield road, the Maidenbrook residential estate and the Crown Industrial Estate. The site is currently accessed from the A3259 via an unclassified farm road serving Nerrols Farmhouse.

The site has good access to existing public transport services which use the A3259 and Nerrols Drive and link the site to the Railway Station and town centre. It is also in close proximity to the Crown Medical Centre to the south (140m) and local shopping centre of Priorswood approximately 1km to the north west.

Within the site boundary there was an application in 2007 (ref 08/07/0003) for the change of use of agricultural land to form a fun farm, a farm based tourist attraction including farm animals, Quad bikes, trampoline, bouncy castle and cafe at Nerrols Farm (Retention of unauthorized use). Permission granted 7th November 2007.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

SCC - TRANSPORT DEVELOPMENT GROUP - no objection in principle. Additional information is awaited regarding offsite improvement works and travel plan detailing. Views to be included on update sheet.

CHEDDON FITZPAINE PARISH COUNCIL - The following comments represent the views at the meeting:-

#### **1. Does this address the needs of the community?**

- The proposal for 1,000 new houses with associated employment, recreational and leisure facilities threatens to overwhelm the existing settlement and "urbanize" the rural nature of the village
- Siting such a development on prime agricultural land undermines the continuing profitability of the tenanted farms already struggling with the recession.
- The contours of the land involved mean that much of the proposed development would defy screening and be clearly visible from the conservation village and the special heritage site of Hestercombe Gardens
- However the limited proposals submitted by Crown Estates for their land have some merit
- Access to Taunton town centre - due to the restrictions on access routes created by the river and railway line, access from the north-east is very difficult at peak times with roads almost at capacity; this will be exacerbated by the addition of so many extra dwellings

#### **2. What other community needs should be included?**

- Need to safeguard the rural nature of the area
- Sufficient places at primary and secondary schools
- Sufficient capacity at doctors surgeries
- Local facilities for employment, retail and leisure activities
- Strong visual screening and enhanced landscaping to mitigate against light, noise and atmospheric pollution, potential for enhancing existing hedgerows as

- well as creating new woodland
- No building should exceed the height of those currently on Nerrols and Maidenbrook housing estates i.e. not above 2/3 storeys as this would be totally inappropriate in a rural setting
- Low density housing is essential to merge urban and rural setting.
- Sufficient infrastructure – roads, access to major transport links, consideration to reduce rat-running through local lanes.

### **3. What is positive about this?**

- The proposals for an additional 600 houses Crown Estate land seem to have more merit if it is essential that further development will have to take place on the north-eastern side of Taunton.
- Potential for strengthening the green wedge between Cheddon Fitzpaine and West Monkton
- Enhanced local facilities
- Access to green space and community woodland

### **4. What is negative about this?**

- Building on prime agricultural land
- Effect on local wildlife
- Urbanization of rural area
- Dramatic effect on views from the conservation village and surrounding areas if the full development was to proceed, less so, if development was restricted to Crown land only.
- The extra 400 homes proposed to the west of the Crown land
- The creation of a “country park” if this means putting prime agricultural land out of production at a time when farmers are struggling and “food miles” becomes an important issue

WEST MONKTON PARISH COUNCIL - The Parish Council notes that although Nerrols Drive is not within the Parish boundary, the traffic will have an impact on the Parish. The Parish Council could not support another concrete jungle and would expect the build would be with integrity. Any increase in run off water will have an impact on Allens Brook and flooding. It is essential that suitable employment land is provided on site.

BRITISH WATERWAYS - Whilst the site is some distance from the Canal it is adjacent to the Maiden Brook. Officers may remember the issues a few years ago with the culvert and overtopping of the canal as a result of developers lowering the canal bank. In order to prevent further issues with SWD we would request that the applicants discuss the proposal in detail with our Senior Water Engineer prior to commencement to ensure that the existing issue has been properly resolved and that the proposal will not have an adverse impact on water levels in the Bridgwater & Taunton Canal.

SOMERSET WATERWAYS ADVISORY COMMITTEE - no response

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - The evaluation of heritage assets which will be impacted by this proposal indicates that the archaeological

assets are not of designatable quality. A full, staged archaeological evaluation has been submitted indicates archaeology of local significance representing prehistoric and Medieval occupation. In this case the Archaeology should be recorded prior to development and I have no objection subject to an appropriate condition.

ENVIRONMENT AGENCY - Generally pleased with the proposed drainage strategy which will attenuate both surface water run-off rates and volumes and the additional details

SCC - CHIEF EDUCATION OFFICER - A development of 630 dwellings would generate the need for 126 primary school places. The existing local primary schools would not have the capacity to take these additional pupils. Whilst a contribution towards new primary school facilities would be required, it is also extremely important that the Nerrols Farm development makes provision for a new school site relatively early in the phasing. The DfE Basic Need Cost Multiplier per primary school place is £12,257, so the total contribution required would amount to £1,544,382, in addition to the new school site.

At the secondary tier, there is less pressure on the schools across the town as a whole, but as the attached tables show, there will be pressure on capacity in the longer term. Furthermore, the school most likely to attract parents living in Nerrols Farm is Heathfield, but this is also already over-capacity. The development would be expected to require 90 additional places; and as the DfE estimate of cost per place is £18,469, the contribution would total £1,662,210.

Apart from primary and secondary school places, there is also a statutory requirement for the County Council to ensure sufficiency of pre-school places for three-four year-olds; and to provide these itself if demand is not met from the independent sector. The Childcare Act 2006 (Section 6 and 7) places duties on the Local Authority to ensure that sufficient childcare places are available to meet the needs of working parents and those parents in training to get work, and to ensure that there are sufficient places for all children to access their free early years provision. Under the provisions of Circular 05/2005 therefore, contributions should be sought for pre-school places if the developers are not able to ensure the provision of these themselves.

Three places are required for each 100 dwellings (assuming each child attends either a morning or afternoon session). If the Basic Need Cost of £12,257 per place is applied, the contribution in the case of Nerrols Farm would be calculated as follows:

$630/100 \text{ dwellings} \times \text{three places} \times £12,257 = £231,657$

Views on amended proposals awaited.

SCC - RIGHTS OF WAY - The site is crossed by footpaths T 5/11,12&14. There is an aspiration for a Quantocks to Taunton multi-user link with a wider desire to link beyond to the Blackdowns, which we are supportive in principle. The preferred route for this multi-user path largely aligns with the current public footpath T 5/14. The applicant should dedicate higher rights over this footpath (public bridleway) in order

to allow for cycle and equine use and provides a suitable shared surface. We also request a commuted sum to cover costs for any off-site associated works that would be required to deliver this route, eg: road crossing of A3259 and possible missing link to Maidenbrook Lane to the north.

It is not clear at this stage whether footpath T 5/12 (west side of the site) would require a diversion. Footpath T 5/14 may benefit from a diversion to take it slightly further west where it passes in the vicinity of Nerrols Farm at present.

#### WESSEX WATER - comment

Foul Water - A high level desktop appraisal has identified that the existing 225mm local sewer will not have the capacity to serve the development. Initial desktop appraisal has identified that a length of sewer from the site periphery to manhole 5201 will need up sizing. The extent of off site reinforcement including the capability of the receiving pumping station (Maidenbrook site id 14632) will have to be confirmed by sewage network modelling. The developer will be expected to contribute to the cost of modelling, which will be offset against any subsequent scheme and also contribute to the cost of off site reinforcement.

Surface Water- Surface water should be limited to greenfield runoff rates before discharging to the land drainage system either directly, or via our surface water sewers. The Masterplan, indicates that the local centre is situated on top of the existing balancing ponds. The use and operation of the balance ponds must remain unhindered, to reduce the risk of flooding or an alternative proposed.

Water Supply- There is adequate capacity within the existing local water supply network to serve the proposed development. Buildings over two storeys will require pumped storage.

Flood and Water Management Act 2010 - The Flood and Water Management Bill became an act of parliament during April 2010 and central government intend to issue and implement detailed regulations and Codes of Practice some time after April 2011. This will follow consultation upon the new national build standard which will be implemented at the same time.

The developer should note that the provisions contained in the new Flood and Water Management Act 2010 will require that;

- a) sewers and off site lateral connections are subject to a compulsory signed adoption agreement before connecting into the public sewerage system
- b) new sewers and lateral connections are built in accordance with the proposed Government Mandatory Build Standard.

CONSERVATION OFFICERS - Whilst noting what is submitted about the curtilage for Nerrols Farm, I am concerned that we secure the long term existence and appropriate maintenance of the tree belts, such that the buffers suggested are in practice there ad infinitum and giving the farm complex the setting it deserves. In this respect, the houses to the east must not be too close, and any longer term issues with falling distances for mature trees/ loss of light etc must be avoided.

**NATURE CONSERVATION & RESERVES OFFICERS** - A number of protected species are known to be present on the site including the Lesser Horseshoe Bats from the Hestercombe House site which is designated a Special Area for Conservation. In order to assess the impact of the development on the species an Appropriate Assessment (Habitat Regulations Assessment) has been undertaken on behalf of Taunton Deane Borough Council by the County Ecologist and this identifies the potential threat to the species and what measures are considered appropriate to mitigate the effects of the development on the species.

In terms of this proposal, survey work for wildlife on the site has been undertaken and the results submitted in support of the application. The report proposes the loss of 2.7 ha of young plantation adjacent to Nerrols Drive and the loss of some hedgerow and trees. A mitigation scheme has been proposed that includes a 20m landscape buffer around the north and east boundaries of the site; 4.2ha of off-set woodland planting and the provision of a linear park converting arable fields to meadow. The planting must be deemed as functional before phase 2 of the development can take place. The mitigation works recommended in the submitted report are considered to be in accordance with the requirements of the Appropriate Assessment and other wildlife concerns on site.

**DIVERSIONS ORDER OFFICER** - 3 Public rights of ways (T5/11, T5/12 and T/14) will be affected and appropriate protection measures must be taken early discussions should take place regarding any proposals to re-align the paths.

**DRAINAGE ENGINEER** - The requirement for site attenuation will need to be limited to that for a 1 in 1 year greenfield event. I believe the EA have requested a run off for all the Taunton area of 2l/s/ha but these details will need to be agreed.

**LEISURE DEVELOPMENT MANAGER** - equipped play areas should be provided in accordance with TDLP policy C4 with details in line with TDBC Play Policy. A Country Park could be accepted in lieu of outdoor recreation and the park's Department should be asked to comment. 15.4m<sup>2</sup> of allotment land should be provided per dwelling and should be located within 1km of the site. £885 per dwelling is required towards community hall provision; public art should be included (1% development costs) either by commissioning and integrating a piece of art into the design of the buildings and public realm

**LANDSCAPE LEAD** - Generally the environmental study is robust and to the point but I am concerned that it makes no reference to the Council's landscape Character Assessment of Taunton's Rural-Urban Fringe' or the Council's Green Infrastructure Strategy. These are important documents, which are particularly relevant to this development and should be fully considered.

Although 'Green Wedges' are a planning rather than landscape issue their context in this area is such importance more weight should be given to importance of the Landscape in this key area where the Green Wedge functions to avoid coalescence, acts as a rural buffer and provides a strong link between the town and the countryside the foothills of the Quantock Hills.

These two issues make it difficult to fully review the application and therefore I would request that the applicants carry out a review of their submitted materials as a matter of urgency. I have seen no details of how the areas of bat mitigation are to be planted within the areas to the north and how they relate to green infrastructure requirements. I was also expecting to see the area of higher ground to the east of Maidenbrook Lane to be shown as additional country park but could see no reference to it.

Otherwise the development has respected existing hedgerows and the landscape context of the site but it will require the felling of trees within the two woodland blocks on the north western side of the application site. The retention of the buffer planting on the western boundary of the site is important are the proposed green links running east west across the site.

The bat mitigation works provide opportunities for green infrastructure features but there are no details within the landscape section as to the proposed planting or scope for green infrastructure.

Given that some of the housing is on higher ground visible in the short term from the north I consider it important that roofs are either slate or grey in colour as this will have less of a visual impact than the alternative of tiles.

HOUSING ENABLING LEAD - The affordable 25% is considered acceptable and the split between affordable housing tenures should conform to the Core Strategy document.

NATURAL ENGLAND - support the comments of the Borough's Biodiversity Officer and agree that no development should take place until a strategy is agreed that will protect and enhance the development for wildlife, based on the Entec Environmental Statement dated December 2010.

STRATEGY UNIT - The site is included within the Core Strategy as a strategic site for a range of uses including residential, employment (1 ha), retail, new primary school and open space. The Core Strategy site extends however extends to the north –northwest of the current application which thus appears to show the first two phases of development. However, until adopted this would presumably remain a departure which would require to be advertised accordingly.

Whilst supportive of the principle of development on these lands I have the following concerns.

- A minimum 1 ha employment area (Class B) was envisioned for this site but is not included in this application so that it can contribute towards the short term employment deficiency in Taunton. Live -work units have been shown but live work units form a very minor element of the mixed use local centre land take.
- The application excludes the triangular paddock fronting A3259 Yallands Hill which is included within the Core Strategy allocation. This site shouldn't be dealt with in isolation. It could sterilise its future potential.

- I believe that County have required a primary school but this is not shown on the illustrative masterplan.
- The last phase of the proposed allocation is to the north of the application site but there is no obvious route to this area on the layout.
- As a phased development, many of the proposed houses will be required to meet higher levels of energy saving elements of the C for SH. Their design and access statement makes no reference to energy saving solutions which, if planned comprehensively, may require a site for an energy generation plant.
- Although only outline it indicates 4 storey but I consider that 3 storey for the local centre and 2.5 storey for the residential would be more appropriate given the sub urban location.

WASTE SERVICES OFFICER - no comments received

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - no objection subject to conditions.

Air Quality - The main source of pollutants would be from road traffic and this is considered to be insignificant.

Noise - The submitted noise report concludes that there will be no significant effects from noise on existing residential premises. For the application site, the estimated noise levels indicate that most of the site would be affected by road noise and residential properties will require an adequate level of protection to be provided. The report suggests that a scheme of soundproofing, using a suitable standard of glazing and ventilation, can be used on properties that are close to the boundary of the site and are affected by higher noise levels and this should be a condition of any permission.

Therefore, I would recommend that a condition is used to ensure that the required details are submitted, accepted and implemented.

Contaminated land - A contaminated land report has been submitted which concludes that the majority of the site is greenfield and unlikely to be significantly affected by contamination. There are a number of potential sources of contamination near the farm buildings at Nerrols Farm but that the area of the farm buildings is not covered by this planning application.

I consider that the Entec report is acceptable as a desk study and risk assessment for the site. A condition is advised to ensure that the developer deals with any unexpected contamination that may be found on the site during construction.

SCC - ECOLOGY - The 'test of likely significance' assessment for Nerrols is based on surveys submitted with the application, hence the updated calculation of the amount of offset required.

The amount of survey at Nerrols is within the Bat Conservation Trust Guidelines (2007) for bat surveys but considering the situation at Maidenbrook that at Nerrols



may now not be considered adequate. Natural England may have a comment on the amount of bat survey effort on this site. Yes I would consider that lesser horseshoe bats are present as evidenced by survey work but would also consider requesting that further bat surveys, including use of additional static detectors, be carried out to see if the zoning has changed through increased use of the site. However, I would not consider a reduction in the current combined area based on previous survey data.

## **Representations**

612 letters have been received raising objections to the loss of the Fun Farm, situated at Nerrols farm, for the following reasons:- The development will result in a loss of green space and leisure facility for young children and families “a little bit of countryside in Taunton’s growing urban sprawl”; the fun farm offers an opportunity for indoor play, climbing, and handling / education about animals and there is no other such opportunity in the area; the development will result in the loss of green space with important bats, barn owls and badgers setts in Nerrols Farm; the Barrel train ride, which the children enjoy would be lost.

In addition a petition of approx 800 signatures has been received to save the Fun Farm.

(Since the submission of these letters the fun farm facilities have been damaged by fire and the tenant is looking for alternative premises)

16 letters of representation has been received raising the following objections to the proposal:-

- The westward intrusion of the development is onto greenwedge where such development is currently resisted by Local Plan policy. We can find no justification for this either in the application or in the documentation for the emerging core strategy;
- The area may form part of the feeding range for bats for which no mitigation is proposed;
- This application is only for a portion of the proposed land for development as outlined in the core strategy but the proposal fails to plan for the development site as a whole area and may give rise to difficulties in delivering the remaining land shown in the core strategy ie the land to the north and west;
- The site would erode the strategic gap between Taunton and Monkton Heathfield and does not support the Core Strategy plan for the retention and enhancement of the greenwedge;
- The site covers high quality agricultural land where development should be avoided
- The site has flood risk implications and should be avoided;
- up to date ecological survey work should be undertaken to inform the decision as there may have been changes in bat feeding ranges resulting in a greater concern for the Hestercombe Bats;
- other more sustainable sites are available and this site should be refused;
- The extra traffic will result in a grid lock, it is already difficult for pedestrians and cyclists to cross the roundabout;
- This area of Taunton has numerous proposals without the necessary

infrastructure to cope (schools, roads etc) and the new relief road will not solve these problems;

- This part of town is already overdeveloped with too many new houses in a small area. Smaller developments with larger green areas would be more in keeping with the surrounding area;
- To develop one side of town on an important green belt seems ill thought out;
- The proposal is contrary to the adopted Local Plan policy;
- Properties facing existing development should be two storey only to prevent overlooking;
- It would result in the loss of prime farming land that will be needed in the future to provide food; the development will effect the wildlife that is present on the site;
- Taunton is already overdeveloped without enough parking spaces or local facilities for the existing residents without an additional 600 on this site;
- Nerrols farm will become unsafe with an additional volume of traffic;
- The development will result in unacceptable levels of noise and disturbance for existing residents;
- Greater green space should be provided between the development and the adjacent housing for amenity of the existing residents and to use for recreation as the existing areas are vandalised with anti-social behaviour;
- Local schools do not have the necessary capacity for more homes – a new school is essential;
- New local facilities should be provided with a new shop and pub;
- The houses seem close to the existing dwellings;
- The entrance to the development is shown on a dangerous bend on the Monkton Heathfield Road and should be relocated to a safer position
- The Monkton Heathfield Road is very busy and the density will increase as a result of these proposals
- The new entry to the development should be aligned with Summerleaze Crescent, Warren's Road and Stoney Furlong with roundabouts at the junctions with Nerrols Drive Thereby providing safe access and traffic claiming and important if is to be part of a northern distributor road in the future;
- The entrance to the estate should be altered so that waiting traffic does not impede traffic moving along the A3259;
- The development will erode the distinction between Taunton and Cheddon Fitzpaine, removing the local character;
- The new bus lane will change the character of the area;
- The proposal does not make adequate provision for the on site parking of cars;
- The local health surgery will be unable to cope with the volume of new residents;
- The green areas should provide allotment space.

1 letter has been received in support of the proposal :- more houses are needed in this area and this site would be perfect.

## PLANNING POLICIES

CP8 - TD CORE STRATEGY - ENVIRONMENT,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
C1 - TDBCLP - Education Provision for New Housing,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,  
M4 - TDBCLP - Residential Parking Provision,  
EN2 - TDBCLP - Sites of Special Scientific Interest,

EN3 - TDBCLP - Local Wildlife and Geological Interests,  
EN8 - TDBCLP - Trees in and around Settlements,  
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,  
EN12 - TDBCLP - Landscape Character Areas,  
EN13 - TDBCLP - Green Wedges,  
EN21 - TDBCLP - Nationally Important Archaeological Remains,  
EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,  
EN28 - TDBCLP - Development and Flood Risk,  
ROW - Rights of Way,  
EN31 - Pipelines identified by HSE,  
STR2 - Towns,  
STR4 - Development in Towns,

## DETERMINING ISSUES AND CONSIDERATIONS

### Policy

The planning application is for the development of land outside of the existing settlement limit of Taunton and is therefore a departure from the Taunton Deane Local Plan.

The application was submitted as an early release “ interim” site to ensure that a continuous supply of housing land would be available and a 5 year supply could be maintained thereby enabling a planned comprehensive development. Since the submission of the application the Reg 30 Core Strategy has been published and the site is identified as part of an allocated site for the provision of mixed use development of 900 houses. The Core Strategy includes a policy including all of the requirements for development of the site. This is a material consideration although it does not have full weight as the examination into the Core Strategy has not yet taken place.

Policy SS2 refers to the development of this site and states:-

### Policy SS 2 - PRIORSWOOD / NERROLS

Within the area identified at Nerrols / Priorswood a new sustainable neighbourhood will be delivered including:

- Phased delivery of around 900 new homes at an average of 40 dwellings per hectare;
- 25% of new homes to be affordable homes in line with Policy CP4: Housing;
- A new mixed-use local centre comprising 600 m2 (gross) retail (A1), 440 m2 (gross) financial and professional services (A2), restaurants and cafes (A3) and drinking establishments (A4), 10 live-work units and 30 new homes, and community facilities;
- 1 hectare (gross) of additional employment land for research and development (B1 (b)), light industrial (B1 (c)), general industrial (B2) and storage and distribution (B8);
- 1 new primary school;
- A country park within the green wedge between Priorswood and Monkton Heathfield, including part of the green link between Halcon and the Quantocks;
- Infrastructure for bus rapid transit;
- A new highway link between Bossington Drive and Lyngford Lane/Cheddon

- Road;
- New homes will be energy efficient and will be built to government guidelines;
- A suitably located energy centre to provide locally generated electricity to the new development;
- Strategic SUDS infrastructure;
- A multi-purpose 'green necklace' surrounding the settlement providing allotments, outdoor recreation and wildlife habitat. This will also include:-
  - A 20m wide buffer of woodland planting around the boundaries facing bat activity from Hestercombe House SAC; and
  - Off-site offset habitat in accordance with the recommendations of Hestercombe House SAC Appropriate Assessment to compensate for the loss of habitat of lesser horseshoe bats. The off-site offset habitat should be functional prior to the commencement of any development.

The development form and layout for Nerrols / Priorswood should provide:

- A neighbourhood that attracts a wide range of people by providing a range of housing types, including family homes, market and affordable housing, shared ownership and key worker housing;
- An accessible, compact local centre with a mix of uses and facilities that can be accessed easily and safely on foot;
- A positive relationship between the local centre, Priorswood roundabout and the Crown Medical Centre to create an attractive gateway to the neighbourhood;
- A permeable street network which accommodates pedestrians, cyclists and vehicles, provides good access to Yallands Hill / Priorswood Road and the public transport corridor and integrates with the existing street network in Priorswood;
- Well designed public open spaces (including semi-natural spaces) which are enclosed and overlooked by new development;
- A positive relationship between new housing and existing communities;
- A well defined green edge to the urban area that protects views from Hestercombe House and the Quantock Hills.

The current application generally complies with the policy requirements.

### Housing

The application is for approximately two thirds of the allocated site. The initial proposal was for 620 dwellings to be developed on 16.9 hectares at a density of just under 37 per hectare. The proposal has now been amended to include a primary school site and this has resulted in a development of 540-580 dwellings on a reduced site area of 15.9 Hectares with a density of 34 - 37 per hectare.

The policy, which requires a density of around 40 per hectare, was written prior to the downturn in the housing market. This downturn has significantly reduced the demand for flats within the area and as a result it is anticipated that, should this lack of demand continue, the lower density of 34 represents a realistic target for this site.

The proposal will provide 25% affordable housing as required by the Core Strategy. Currently the tenure split is under discussion in order to comply with the Core Strategy in the Section 106 agreement.

## Employment

The Core Strategy has used an employment led approach for the identification of housing sites in Taunton Deane. In this case the application proposes a 600 sq m local centre, to include live work units and 440 sq m (gross) financial and professional services (A2), restaurants and cafes (A3) and drinking establishments (A4). The Local Centre would be sited to the south of the site, in close proximity to the Priorswood roundabout and main road network. This is considered to be the best location for the centre. The current proposal indicates an 'iconic' feature building occupying the visually prominent corner site and the proposed uses in that area are in accordance with the Core Strategy.

The proposal does not include the provision of an additional 1ha of employment land for research and development uses (B1(b)), light industry (B1(c)); general industrial (B2) and storage and distribution (B8) as required by the core strategy. The applicant has argued that the character and dimensions of the application site would not be suitable for B2 and B8 uses given its residential character; the potential landscape and ecological impacts on the area and the impact of such uses in regard to the listed buildings at Nerrols farmhouse. This has been accepted by the Strategy Lead who has confirmed that B1 uses would be more appropriate for this site.

In understanding the Council's desire for employment associated with the development the applicant indicates that a similar number of jobs (as those associated with a 1ha site for B1, B2 and B8 uses) could be provided if the wider Crown Industrial Estate land holding is included (as currently suggested) for example:-

- 40+ jobs at the local centre
- 15+ jobs at the primary school
- 10+ jobs as part of the live work units
- 70+ jobs on the 0.78ha land at Nerrols farm complex
- 50+ jobs at the Crown Industrial Estate - secured by the release of the remaining plots at the Crown Estate (2,800m<sup>2</sup> ).

This would result in a total of 185+ estimated jobs. In addition to that figure there would still be a requirement for additional employment land to be provided with the later phases of the allocation which would include the triangle of land to the southeast of the site and the Shapland Trust land to the north.

This proposal has been considered by the Strategy Lead who considers that the above figures are misleading as the employment land is required in addition to the local centre and primary school. In policy terms the principle of using the Nerrols farm complex for class B1 or smaller B8 uses seems acceptable but without any specific details it is not possible to assess any impact on the Listed complex which could make such a use unacceptable. It might be possible to consider the provision of the adjoining triangle of land for employment use but as this land is in a separate ownership it would require the input of that owner who is not currently involved in this application.

As this is an outline application I suggest that the additional employment land is required by planning condition. In this way the suitability of the Nerrols Farm Complex can be properly assessed as can the potential provision of addition live work units or the use of the adjoining triangle of land (not part of this application and

not in the same ownership) for employment. The Local Centre is to be provided in a phased manner to suit demand from the development. If this is completed during phase 1 then the remaining employment land can be provided within phase 2 when additional need for employment is generated.

### Education

The initial application, for 620 dwellings generated the need for 18.9 pre-school places; 90 secondary school places and 126 primary school places. Usually developers offer contributions to pay for the cost of providing for those additional spaces at existing schools and that is the case here for pre-school and secondary school places. However, the local primary schools are all full and there is no capacity to provide temporary classrooms for the additional children likely to result from this proposal. As a result a site for a new primary school is required to be provided during the first phase of the development.

The current application now proposes a primary school site adjacent to the local centre at the southern end of the site. The advantages of placing the primary school site at the south of the allocation is that it would provide some distance from the existing primary school to the north and west of this site and would allow the school to be constructed as soon as possible in order to provide for the educational needs of future occupants. The footpath and cycle way link to the east of the school boundary would encourage access to the site by sustainable means. In my view the location also has several disadvantages. Firstly due to the limited dimensions of the school site there is no room for an internal vehicular access from within the development to the local centre and this would result in traffic associated with residents from the north of this site having to use the main Nerrols Drive link increasing the likelihood of congestion during dropping off and collection times and secondly, the site would separate the local centre from the housing areas to the north, again forcing traffic from the development to use Nerrols Drive and reducing the effectiveness of the local centre to act as a community hub. However, on balance the provision of the primary school site is considered to be of paramount importance and subject to appropriate Section 106 details the proposal is acceptable in this respect.

### Highways

The site lies to the east of Nerrols Drive which would be used for access. Whilst the proposal is an outline application the main accesses into the site are submitted for detailed approval. The proposal would create three access points off Nerrols Drive, two at the more southern end of the site and one in the northern area. The most southern access would provide a pedestrian and vehicular access to the Local Centre. It is located approximately 50m north of the Priorswood roundabout and a right hand turn lane would be provided in Nerrols Drive to enable safe access. In the original application there was to be a highway access from the local centre to the residential areas to the north. The amended application, siting the Primary School immediately to the north of the local centre, would only provide a pedestrian and cycle link between the local centre and the residential. The remaining two access points off Nerrols Drive would also each be served with its own right hand turn lane in Nerrols Drive and both would provide access into the residential areas. Finally, the proposal also includes a fourth access into the site, turning north off the A3529. This would provide access to the residential area lying to the west of the Maiden Brook. As with the other site accesses a right hand turn lane would be situated within the

carriageway (this time on the A3259) to provide for safe turning movements.

The amended masterplan submitted in support of the application indicates that the two residential accesses would be linked by an internal highway network to provide easy and direct access throughout. The internal access arrangements would be the subject of a subsequent reserved matters application as the detail of the scheme is formulated. It is anticipated that there will be a highway hierarchy within the site, from footpath and cycleway links to main roads for a mix of traffic. In that respect the size, role and design of internal linkages will support their function to provide safe and easy access and also a sense of a place within varying character areas. The main internal road link would need to be designed to enable bus usage, details being submitted as part of the reserved matters. There is an argument that the retention and improvement of bus services along Nerrols Drive may be more appropriate as any improvements would benefit the existing community as well and may encourage a mixing of communities that is unlikely if a separate transport system is provided. This matter will need to be fully explored in connection with the reserved matters submission.

The development of the site will inevitably have an impact on the surrounding highway network and the applicants have proposed a package of offsite transport measures to ease any additional congestion by increasing the capacity of junctions where problems might otherwise occur. I am currently awaiting the SCC Highway Authority confirmation that these are now acceptable.

The applicant also proposes a travel plan to be included in the Section 106 requirements, which would include a package of measures to reduce car usage and improve public transport, cycle and walking both within the site and to facilities located elsewhere in Taunton.

The submitted Design and Access Statement indicates that car parking of a average of 1.5 spaces per car will be provided in association with the development. A range of car parking, including off site parking, courtyard parking, parking square and on street parking is envisaged within a car parking strategy but the final details would be submitted and assessed within reserved matters applications for the site.

Somerset County Highway Authority comments on the detail of the amended proposal are awaited and will be included in the update sheet for the Planning Committee.

### Drainage

A strategic flood risk assessment has been completed for all core strategy sites including this site and the current proposal is in line with that assessment.

The site currently drains via the Maiden Brook drainage basin which runs to the west of the site. The draft drainage strategy would attenuate increased surface water run off rates and volumes resulting from the development of the site allowing for the 100 year rainfall event plus 30% for climate change. Run-off rates will be managed through source control measures such as permeable paving and through swales and attenuation basins prior to their discharge to the Maiden Brook. The site would be split north and south. The northern area will drain into a new attenuation pond located off the development area on adjacent Crown Land adjacent to the existing pond and the southern area would use swales to convey surface water to a series of

ponds situated alongside the Maiden Brook, which would be maintained as an open stream within a green landscape buffer area. The two existing attenuation basins will be redesigned and incorporated into the drainage strategy for the area.

The Environment Agency and Taunton Deane Drainage Officer both consider that the draft strategy is acceptable and conditions are recommended for the submission of details based on the submitted strategy, its management and maintenance thereafter.

### Landscaping

The landscape impact of the proposal can be divided into two distinct topics. Firstly the impact of the development on the existing landscape character and secondly the proposed landscape character that would be associated with the development in order to enhance street scenes, public open space and the environment within the development itself.

Whilst the application is in outline only details of the landscape impact on the character of the existing area have been assessed in the Environmental Statement and a strategic landscape approach has been identified to mitigate the impact and help to assimilate it into the existing landscape. The proportions of the site and its location mean that the site cannot easily be seen in total from any one place. The northern part of the site is more elevated than areas to the south and east and can be seen from the west, north, north east and east. The southern and eastern parts of the site are generally low lying and can only be seen from the immediate locality from the west, south west, south and south east. In addition the eastern part of the site can be seen from the fringes of the Quantock Hills. In this respect the proposal would retain and enhance, where necessary, as much of the existing tree and hedgerows that lie around and within the site, including retention of the tree belt that forms the boundary of Nerrols Drive; the retention of the west-east hedges to be linked with the linear open space; the retention of the hedge bounded sunken lane that provides access to Nerrols Farmhouse. In addition there would be a 20m wide woodland buffer around the north and east boundaries of the site and an area of woodland planting to the north of the site (associated with the required bat mitigation). Both of these areas of new planting will reduce the visual impact on views from Cheddon Fitzpaine and Sidbrook. Development at the north of the site where it would be more prominent would be of a lower density incorporating additional open space and planting within the scheme.

The landscape approach to the development site has sought to retain as much existing hedging and trees as possible in addition to using new planting to help create a variety of character areas within the development. It is also envisaged that the proposed open spaces, sustainable urban drainage features and country park will be designed to reinforce the semi rural location and minimise the impact of the development from beyond the site.

The Council's Landscape Lead would have preferred to see more detailed landscape proposals including the exact planting for the off site buffer planting areas and the buffer planting but as the application is in outline these details cannot be reasonable required at this stage. I recommend that the landscape strategy is requested prior to the approval of any of the reserved matters and that the detailed landscape proposals (including their ownership and management) for each reserved matters application can be conditioned.



## Country Park.

Core Strategy policy SS2 requires the provision of a Country Park on green wedge land to the east of the new development. The current proposal includes the provision of a 100+m wide section of the required country park, covering the Maiden Brook floodplain. This area of Country Park would seek to include a range of recreational activities for public use. This is less than the policy requires and both the Landscape Lead and Strategy Lead are concerned that this is not part of the current proposal.

At present the detail of the future country park, occupying the whole width of the green wedge are not defined and there are a number of important questions outstanding for example, will the land remain owned and farmed as at present with additional levels of public access and use? if so who will be responsible for insuring against any accidents that might occur? would additional facilities be required in association with the use such as an on site toilet, education facilities?

The applicant considers that in these circumstances the provision of all of the green wedge land between the site and Monkton Heathfield as Country Park is premature and needs to be considered further, as part of the allocation of the whole site rather than just in connection with this application and that its function, funding and management need to be defined. As a result the applicant is prepared to enter into a memorandum of understanding with the council regarding the approach to, funding and future management of the wider country park proposed for the green wedge located between the site and Monkton Heathfield. In my view this should be incorporated into the requirements of the section 106 agreement.

## Ecology

The site is located on the urban fringe of Taunton in an area of pasture and arable fields, surrounding but not including Nerrols Farm. Field boundaries are mainly hedgerows, some of which are species rich, associated with periodically wet drainage ditches. Along the western boundary is a strip of semi improved grassland with newly planted trees. In addition, numerous trees are scattered throughout the site. There are no ponds on site but several nearby which will be separated from the development by the proposed buffer planting. The A3259 runs along part of the southern boundary. The Maiden brook runs north to south through the eastern section of the site.

Entec produced an Environmental statement for the site in December 2010 which contained a section on Biodiversity. The report provides a summary of wildlife surveys (addressing habitats, hedgerows, birds, great crested newts, bats, water voles otters, dormice and badgers), carried out in support of the assessment carried out in 2008 and 2009.

The ecological assessment work indicates that the site is used by a variety of protected wildlife including 7 species of bats including Lesser Horseshoe bats known to roost at Hestercombe House Special Area of Conservation ( this will be referred to separately), 5 priority bird species, slow worms and badgers.

General protected species - Given that the development will have an impact on the wildlife it is important that appropriate mitigation works are proposed so that the

development does not have a detrimental impact on the species. The applicants have suggested a number of measures including the retention of a significant amount of improvement of species poor hedgerows and the provision of additional hedgerows; a 20m woodland buffer to be planted along the north and eastern boundaries of the site, looping around Nerrols farmhouse and ancillary buildings; the improvement of two arable fields adjacent to Maiden Brook and to the north of Nerrols Farm; a new pond ( associated with the SuDs for the site) and the separation of other ponds by the woodland buffer; the erection of a bat house to compensate for the loss of a outlying barn to the west of the main farm complex; the erection of bat boxes where a tree is to be lost and the provision of 2 artificial badger setts. I am advised by the biodiversity Officer, who is supported by Natural England that the proposed mitigation measures would be acceptable subject to the submission of a strategy for the protection and enhancement of wildlife on the site in line with the Entec Environmental statement suggestions.

Lesser Horseshoe Bats (LHB) - The application site is a Special Area of Conservation and such is a Natura 200 site and the impacts of the development on the LHB has to be assessed. Taunton Deane Borough Council have already undertaken a Habitat Regulation assessment for the allocation of sites within the Core Strategy but the current outline proposals also need to be assessed. The Hestercombe SAC covers the Lesser Horseshoe bat colony on the site. The protection covers not just the colony but also the habitat that supports the colony. Surveys have established that Nerrols farm and the application site form part of the habitat that supports the bats and an appropriate assessment has been undertaken by experts, on behalf of Taunton Deane Borough Council to assess the likely impacts and appropriate mitigation ( based on the precautionary principal) in order to ensure the conservation of the colony.

The appropriate Assessment requires the following mitigation measures :-

1. Provision of a 20 metre buffer of woodland around the northern and eastern boundaries of the site, which will connect with the retained tree belt on the eastern side of the Maiden Brook. When functional, this will form a continuous unlit corridor around the perimeter of the site, which will provide the opportunity for light sensitive bat species (including lesser horseshoe bats) to commute around the site, in addition to providing additional foraging habitat. The planting schedule and layout of the 20m buffer planting will conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). To minimise the time taken to achieve functionality, on-site buffer planting will be installed in year one of Phase 1a of the proposed development (earlier if possible) [see Figure 4]. Advanced stock (Extra Heavy Standards) will be used, with the objective of ensuring that 40% of trees reach a height of 5.5m before commencement of Phase 2 of the development, as recommended in the Appropriate Assessment (Somerset County Council, 2009)8.
2. Retention of the existing hedgerows on the boundaries of the development facing open countryside. These will be incorporated into the buffer planting.
3. Retention of trees, hedgerows and scrub around Nerrols Farm.
4. Paths and cycleways through the buffer will be constructed diagonally rather than at right angles through the buffer and will not be lit. These paths/cycleways will not exceed 3m in width.
5. Buildings, gardens, roads and footpaths will be offset from the buffer planting and the Maiden Brook by a minimum of 5m.
6. Exclusion from within the site boundary of Nerrols Farm (the only location within

the site where a lesser horseshoe bat has been recorded). The trees and mature hedgerows surrounding Nerrols Farm will be retained, as will connectivity to the farmland to the north of the farm buildings. The farm buildings will be further buffered from the proposed development by the 20m woodland buffer. These measures will retain the suitability of the farm for lesser horseshoe bats, both as a foraging area and a potential night roost.

7. Creation of 3.15 hectares (re-calculated in Chapter 5 based on a revised site area and surveys carried out by since 2009) of off-site woodland planting using the methodology described in the, based upon the current site boundary and habitat data provided in the baseline ecology report (Entec 2010b). The planting schedule and layout of the off-site planting will conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). To minimise the time taken to achieve functionality, the off-site planting will be installed no later than year one of the proposed development.
8. Preparation and implementation of a habitat management plan to ensure that the buffer planting and off-site compensatory woodland planting is managed appropriately for lesser horseshoe bats. The management plan will cover management of the whole site, plus the off-site compensation areas for a period of 25 years from completion of the works. This will include measures to promote the establishment of the buffer and off-site planting, such as thinning and the replacement of 'nurse crop' species (poplar and Norway spruce) with oak and ash to give a more diverse age range. It is proposed that the preparation and implementation of the management plan be secured a planning condition.
9. Provision of a purpose-built bat house providing roosting opportunities for a variety of bat species, including lesser horseshoe bats, in compensation for the loss of the barn to the west of Nerrols Farm, which provides potential night roosts/ feeding perches for various bat species. However, the bat house should not be designed as to induce a maternity colony to set up and replace that of the Hestercombe House roosts, which would be seen as contrary to the conservation objectives of the SAC. To minimise the effects on lesser horseshoe bats (and other bat species), a lighting strategy (to be produced at the reserved matters stage) will incorporate the following measures:
  - There will be no routine night-time working during the construction stage of the development.
  - Street lighting will be set at 5 metres (the minimum height permissible in Somerset) and will be directed to where it is needed to avoid light spillage and pollution.
  - Lighting adjacent to features used by bats as flight corridors and foraging habitat (namely the woodland buffer strip, hedgerows, the Nerrols Farm access road and Maiden Brook) will be directed away from these features and lighting levels will be as low as legally permissible.
  - Lighting will not be of the white mercury vapour or high pressure sodium types. Where possible, LED, highly directional and/or 'light on demand' forms of lighting will be used.

The Environmental Impact Assessment submitted with the application identifies mitigation measures that are in line with the above requirements and it is recommended that the proposals are accepted subject to a condition requiring the submission, provision and retention of a scheme of mitigation works in accordance with the Entec Environmental report and TDBC Habitat Regulations Assessment.

## Leisure

The application is an outline proposal for the erection of 580 dwellings. The Core Strategy retains Taunton Deane Local Plan policy C4 for the provision of recreational open space to include Children's Play Space (20m<sup>2</sup> per family dwelling); playing field (45m<sup>2</sup> per dwelling) and other formal parks, gardens and linear open spaces as required by specific policies. The Design and Access Statement and illustrative masterplan indicates 1.6 ha of formal open space would be provided. It is envisaged that LEAP (Locally equipped areas for play) and NEAP (Neighbourhood equipped areas for play) facilities would be provided on site within the formal open space land in accordance with the policy. The land adjacent to the Maiden Brook is being provided as Country Park in lieu of playing field provision for this site. Policy C4 requires 45m of playing field space per dwelling which results in an area of 2.6ha being required as usable Country Park. The proposal is for the provision of 5ha around the Maiden Brook to be designated as Country Park. Whilst this is above the quantity required in lieu of playing fields, the land will have a multi functional use including north south green links, SUDS and wildlife mitigation. In the circumstances it is considered to be adequate. The details of the country park would need to be submitted as part of any reserved matters applications and it will be essential to ensure that usable open space does not fall below the 2.6ha. The leisure provision on site will need to be conditioned and its provision would need to be phased to mirror the phasing of the housing development on the site.

## Noise and Contaminated Land

The submitted Environmental Statement looked in detail at the issues of air quality, noise and land contamination associated with the development of the application site.

The report concludes that the development would not be a significant impact on the air quality of the area. The information has been considered by the Environmental Health Officer (EHO) who agrees with that conclusion.

The main source of noise for the site is from the adjacent highway network. The report considers that again there would be no significant effect from the development to existing residential properties. The development proposals also have to ensure that there is an acceptable maximum level of noise for new residents. The submitted report considers that there are some areas close to the boundary of the site where, if unattenuated, noise could pose a problem. As a result it is recommended that dwellings in those areas have suitable double glazing and ventilation to ensure that acceptable levels of noise are achieved. This report has been considered by the EHO who considers that, subject to an appropriate sound reduction scheme the proposal is acceptable.

The site has a history of agricultural usage and a desk top study looking at the likely risk of contaminated land was undertaken and concludes that the land is unlikely to be effected by contamination. The site surrounds the main agricultural buildings where contaminants may have been stored and may effect areas of the application site therefore a condition is recommended for any unexpected contamination uncovered during the development to be submitted to the LPA with a risk assessment and adequate remediation.

### Impact upon listed buildings/heritage assets

Nerrols Farmhouse is a grade 2 listed building dating back to the 17th Century. There are agricultural barns located in a courtyard to the rear with an outlying barn to the west all of which are considered to be listed, curtilage buildings. The buildings have some value in terms of method of construction and the historical development of the farmstead and the farmhouse is of most interest dating back to the 17th Century.

The central farm complex has been excluded from the current application site area but as the development would have an impact on the setting of the listed building, an assessment of the impact of the development on that heritage asset has been included in the submitted Environmental Statement. The ES considers that the proposed development would result in the loss of the outlying farm barn to the west of the farmhouse. The barn in question has very little heritage interest in its own right and provided an accurate record is taken before its demolition it would not have a significant impact on the listing. Although a proportion of the agricultural land has already been separated from the farm, the development of agricultural fields changes the rural setting to an urban one and would have an impact on the setting of the listed building. The application proposes a 20m wide landscape buffer around the west, north and eastern boundaries of the farmhouse complex and the applicant considers that it will provide separation to the urban form and will reduce the negative impact on the farm complex to an acceptable level.

The Heritage Lead has considered the proposal and does not raise an objection provided that the woodland planting is not sited too close to the buildings and there is sufficient land linked to the buildings to enable it to have a curtilage of sufficient size to ensure its retention in the longer term.

### Archaeology.

Geophysical surveys were undertaken over the whole site. Results identified isolated anomalies of possible archaeological origin. Areas of interest were evaluated with trial trenches where archaeological remains were found. The areas of significance would be lost during the development of the site. They constitute a valuable local heritage asset. Their loss during construction would reveal their significance in terms of existing archaeological information for the area and it is recommended that a model 22 condition "watching condition" is applied so that any remains can be monitored and recorded to add to the local record. The area to the north of the site may contain further archaeological remains that could be damaged by tree roots. Further trial trenches are proposed to evaluate the area and record any evidence that may be uncovered. The County Archaeologist is in agreement with the above measures.

### Fun Farm

The listed farmhouse and associated agricultural field and buildings to the west have, in recent years, been used as a fun farm by the tenant of Nerrols Farmhouse. The fun farm was open to the public and offered the opportunity to encounter and "pet" a range of animals and make use of an inside children's play area and tea room. Approximately 600 letters and a petition of 800+ signatures have been received supporting the role of the fun farm and objecting against the loss of the facility at Nerrols. Since the receipt of the letters of objection there was a fire and the

business has closed. The tenant has not chosen to re-establish the fun farm on the site in the knowledge that it has been proposed for development in the published Core Strategy for the area. The objections in this respect are therefore no longer relevant as the fun farm has already ceased and this is primarily an issue between the landlords and the tenant rather than a planning issue.

### Conclusion

The site forms part of the Core Strategy allocation and has been proposed as an interim site to be brought forward ahead of the final Core Strategy in order to ensure sufficient developable land is available as soon as possible. The overall allocation is affected by the presence of Lesser Horseshoe bats from the Hestercombe House SAC. This requires mitigation, in the form of buffer planting and an offset planting area. These have to be planted alongside the development of the southern portion of the site (phase 1) so that if the areas are established and functional, ie providing adequate foraging for the bats to replace that lost by the development, before phase 2 can commence. The applicant suggests that the time delay of around 10 years has an impact on the amount of contributions that can be provided in association with the development, especially during phase 1 although a viability report has not been submitted to prove this point. In addition when originally discussed with the Strategy Team the need for a primary school site was not fully understood by the agent and this therefore has an additional impact on the viability of the site, in particular phase 1.

Since its submission the Core Strategy has now been published and the detailed policies for the site are listed. This proposal, for the southern part of the allocated site, is generally in compliance with those requirements with outstanding issues such as the provision of the Country Park; employment land; highway link to Bossington Drive/Cheddon Road and a possible energy centre, being resolved either in the section 106, conditions or in association with future applications for the remainder of the allocation. Overall, the proposal is considered to be acceptable and it is recommended that outline planning permission be granted.

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

**CONTACT OFFICER: Mrs J Moore Tel: 01823 356467**

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND TO THE EAST OF TUDOR PARK, MAIDENBROOK FARM, TAUNTON**

Grid Reference: 324815.126409

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

**Planning permission be refused for 6 reasons listed below.**

**In the event that a section 106 is submitted which provides acceptable provisions for affordable housing, highways; education; leisure and recreation refusal reasons 3, 4, 5 and 6 to be withdrawn.**

Recommended Decision: Refusal

- 1 The proposal will have a significant detrimental impact on the open character of the Taunton-Monkton Heathfield green wedge and would reduce the effectiveness of the area in its role in separating the settlements of Taunton and Monkton Heathfield and would represent an undesirable contribution towards the coalescence of the two settlements and is considered to be contrary to Somerset and Exmoor National Plan policy STR1 and Taunton Deane Local Plan policies EN13 and regulation 30 Published core strategy policy CP8 furthermore it is considered that the additional 125 dwellings that could be provided as a result of these proposals is not of sufficient weight to outweigh the detrimental impact of the proposals on the above policies.
- 2 The proposed development of this open greenfield site, characterised by hedge enclosed farmland, would be out of character with and detrimental to the landscape character of the area contrary to the requirements of Taunton Deane Local Plan policy EN12 furthermore its development would have a detrimental impact on the character of the Taunton and Bridgwater Canal and approach route into Taunton contrary to the requirements of Taunton Deane Local Plan policies EN25 and T34 and Regulation 30 Published Core Strategy policy CP8.
- 3 Taunton Deane Local Plan policy H9 requires the provision of affordable housing to be provided on sites of over 1ha or 10 dwellings Affordable Housing. The current proposal does not provide for any affordable housing and is considered to be contrary to Somerset and Exmoor National Park policy 35, Taunton Deane Local Plan policy H9 and Planning Policy Statement 3 (paragraphs 27 – 30) and Published Core Strategy policy CP4
- 4 The development is expected to result in a need for an additional primary and secondary school places. The existing primary school and secondary schools have no spare capacity to cater for the additional demand and the developer is not proposing any contributions in order for those facilities to be

provided. As a result the proposal is considered to be contrary to Taunton Deane Local Plan policy C1 and Regulation 30 Published Core Strategy policy CP7

- 5 The proposal does not include the provision of contributions towards adequate recreation space, playing field provision or community hall requirements and does not comply with the requirements of Taunton Deane Local Plan policy C4 and Regulation 30 Published Core Strategy SP2
- 6 The proposal does not include the required package of off site highway work or travel plan contributions as listed in the report and as such does not comply with Taunton Deane Local Plan policy S1, Somerset and Exmoor National Park Structure Plan policy 49 and Core Strategy policy SP2 and SP6

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

Notes for compliance

### **PROPOSAL**

This is an outline proposal for residential development of land to the east of Maidenbrook Farmhouse. This proposal differs from the previous proposal (dismissed on appeal in May this year) as the illustrative sketch indicates that the developed area would be restricted to the western corner of the site, approximately 3.43 ha (5.75 ha previously). This would result in the provision of approximately 125 dwellings (233 proposed in the dismissed application) with an anticipated 40 dwellings to the hectare.

The proposed dwellings and access would be located in the north western area of the application site, adjacent to Maidenbrook Farmhouse, the existing playing field and the eastern part of the Waterleaze development. The proposal indicates that the access into the site would be formed to the east of the existing Tudor Park access road redirecting the junction of the Tudor Park road onto the new combined access road. This is 40m to the west of the appeal application which proposed an access located at the mid point of the site adjacent to the A3259. The applicant proposes the use of SUDS to transfer the surface water discharge into the groundwater. It is anticipated that this would involve the use of attenuation ponds, probably located within the green fields to the east and south of the developed area

### **SITE DESCRIPTION AND HISTORY**

The red line site area is the same as that previously dismissed on appeal, once in February 2000 and again on 13 May 2011 (details below).

The site comprises approximately 11 ha of agricultural land which currently forms an undeveloped break between Taunton and Monkton Heathfield. It is located to the north east of the market town of Taunton. It lies to the south of the A3259 which links



Taunton to Monkton Heathfield and Bridgwater. To the south of the site is the Taunton and Bridgwater Canal and to the east of the site is the Allen's Brook and a public footpath, which partially runs along the access track to Aginghills Farm. The land forms part of a gap between the built development of Taunton and Monkton Heathfield and is allocated in the Local Plan as Green Wedge and recreational open space. The site slopes gently down from the A3259 south to the Taunton and Bridgwater canal. It consists of agricultural grassland with hedges forming the field boundaries. Adjacent to the A3259 there is a footpath and cycle way which provides a partial off site route between Maidenbrook Farmhouse and Monkton Heathfield.

### Relevant Site History

48/09/0054 - Development of 11ha of land to provide in the region of 233 dwellings, recreation and Play areas, a public house restaurant and car parking on land at Maidenbrook Farm, West Monkton. Appeal against non-determination dismissed on 13 May 2011.

08/99/0006 - Planning permission was refused in April 1999 and a subsequent appeal dismissed in February 2000 for residential development of land and conversion of Maidenbrook Farmhouse and outbuildings to A3, B1, C1 and C3 uses together with associated works and landscaping at site from Maidenbrook Farm eastward to Allen's Brook, Monkton Heathfield.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WEST MONKTON PARISH COUNCIL* - object

The harm to the character and the appearance of the area would be very severe, and would compromise the Green Wedge between Taunton and Monkton Heathfield.

Given the extreme importance of the Monkton Heathfield development of 5000 houses to deliver the Core Strategy, (quote Ralph Willoughby Foster in May 2011, 'there is no plan B') the green necklace designed to encircle the 5000 house development, in order to satisfy Open Space requirements, must be protected in its entirety.

Policy EN13 of the adopted Local Plan states 'Development which would harm the open character of Green Wedges will not be permitted'. The new proposal submitted as application 08/11/0018 will use 3.43 hectares of the hectare site (31%). However, the zoneplan is disingenuous as the widest part of the land remaining is a narrow strip running alongside the A3259, thus seemingly protecting the open space required to separate the two settlements, but in fact narrowing as the land runs down to the canal.

Given the narrowness of the Green Wedge in any event, the Parish Council is of the opinion that any development of the site will be incompatible with its Green Wedge designation.

In terms of community consultation, West Monkton Parish Clerk received a copy of the Planning Consultant's letter dated September 2011, but no supporting maps or

documentation of any kind. So there was no consultation.

The footpath running on the western side of Allen's Brook on the boundary of the site must be protected along its length and retained.

*CHEDDON FITZPAINE PARISH COUNCIL* - raise objection due to the size of the development and its proximity to Taunton/Monkton Heathfield; The proposal will exacerbate the existing parking issues through Waterleaze. More details should be provided.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The application is in Outline for the development of approximately 125 dwellings on land to the east of Tudor Park. Access is not however a Reserved Matter.

I'm, aware that the site lies outside the development boundary of Taunton however bearing in mind other permitted developments close by, comments made in respect of previous applications on this site and the benefits that would accrue from the provision of infrastructure, I do not propose to object to the principle of development in this location from a Highway and Transport perspective.

The application has been supported by a Transport Assessment which has been carefully scrutinised and it is concluded that whilst it is inevitable that additional development will result in more traffic, the mitigation in terms of sustainable travel initiatives and offsite works proposed will as far as possible dilute the effect.

The current access proposal shown on Drg No P9320/H113/B shows that a right turning lane into the site access which incorporates access to the existing Tudor Park development. That access is closed. Bus Stops are indicated on both sides of the road. Modifications to the existing Footway/Cycleway are also shown.

A plan, Drg No P9320/H114/C, has been submitted which shows land required for future road improvements and the construction of part of the Monkton Heathfield Western Relief Road. This land is required to be dedicated to the Highway Authority as part of a Section 106 Agreement for this development. The application is in Outline but an illustrative layout has been submitted. The plan included is generally acceptable in principle from a layout point of view but I would suggest that the carriageway width should be a minimum of 5 metres serving the furthest housing areas and 5.5 metres going into the site.

In respect of the Drainage Strategy the applicant should be aware that the attenuation of water should not take place within the carriageway or pedestrian areas and any soakaways should be at least 5 metres clear of the carriageway.

The developer has submitted a Travel Plan with the application. The Travel Plan must include appropriate measures and outcomes and include proposals for green travel vouchers to enable the purchase of sustainable travel incentives for 3 tenures over a 5 year period from the first occupation of each dwelling. The Travel Plan must be agreed prior to its inclusion in the Section 106 Agreement.

In consequence I do not propose to object subject to the applicants entering into a Section 106 Agreement to secure the following:

- 1 The access and highway works shown on Drg No P9320/H113/B or any subsequently approved revision.
- 2 The dedication of that area of land required to construct the proposed road linking the land to the east all generally shown on Drg No P9320/H114/C.
- 3 A Travel Plan including appropriate measures and outcomes including green travel vouchers.
- 4 A contribution of £125K towards sustainable travel initiatives in the area.

*SOMERSET WATERWAYS ADVISORY COMMITTEE* - object to the proposal. In the event that permission is granted we would wish to see improved canal facilities including mooring.

*SCC - RIGHTS OF WAY* - No recorded rights of way cross the application site. An aspiration of the Draft Core Strategy and Green Infrastructure Strategy is for a Quantocks to Taunton multi-user link with a wider desire to link to the Blackdowns and part of the route crosses this site. The developer is requested to provide pedestrian, cycle and equine use across the land and provides a suitable shared surface. In connection with this the developer should provide for any road crossings required to make a safe crossing of A3259 and bridleway status down to and along the canal to Swingbridge. The walking and cycling link to the existing cycle path at the south of the site is welcomed.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - I refer to the previous response from the Archaeologist :The EIA contains information concerning the potential for significant archaeological remains relating to prehistoric and Roman activity. Therefore this site is a Heritage Asset as defined by PPS 5. However, the EIA contains insufficient information about the significance of these archaeological remains, or the impact of the development on them. The idea put forward within the EIA that evaluation will take place as mitigation is unacceptable and contrary to both local and national policy. PPS 5 is clear in stating that a field evaluation should take place when a desk-based assessment is insufficient to properly assess the archaeological interest. The applicant's archaeological consultant did contact this office and were advised of the requirement to carry out all evaluation phases so that the results could be included within the ES. This requirement is acknowledge (in part) within the ES in statement 9.6.2 which makes it clear that the archaeological consultant agreed that archaeological value of the site can only be assessed through trial trenching . At present it is not possible to assess the impact on the significance of the asset nor is it possible to detail a mitigation.

Therefore, this application does not accord with the requirements of PPS5 or the Local Development Scheme May 2009 Saved Policy of the adopted Local Plan EN 23, Areas of High Archaeological Potential, which states:

"Where a proposal affects a site of archaeological interest or Area of High Archaeological Potential, or it is suspected the development could affect archaeological remains, developers must provide for satisfactory evaluation of the archaeological value of the site, and the likely effects on it, before planning applications are determined."

For this reason I recommend that the this application be refused on the grounds that insufficient information has been submitted to assess the significance of the heritage asset or the impact of the development on the asset as required by PPS5 and saved Local Plan Policies.

*ENVIRONMENT AGENCY* - No objection subject to conditions

SCC - CHIEF EDUCATION OFFICER - A Section 106 agreement was completed in February 2011, in respect of the previous planning application for the development of this site. Heads of Terms relating to education matters had been agreed with the applicants some months beforehand in June 2010; and these did not at that time require the payment of financial contributions towards additional secondary school accommodation. This is because during the process of negotiation, there was considerable uncertainty over the future the new Taunton Academy and the existing sites of the former Ladymead School and St Augustine's School, the combined capacity of which allowed for sufficient capacity to accommodate new students living in the proposed development. A preceding Government announcement had resulted in the funding stream for the Taunton Academy's new building works on the Ladymead site being withdrawn, but in January 2011; and shortly before the finalised S106 agreement emerged, the Secretary of State confirmed that a limited number of capital projects, including Taunton Academy's, could proceed after all. The Taunton Academy formally opened in September 2010, operating primarily from the former Ladymead site, with ancillary activities on the St Augustine's site; but the Secretary of State's approval of capital funding is dependent on the latter being disposed of and the receipt being spent towards new buildings on the former; the net capacity of the Academy has been confirmed as 1050 places.

The education statistics indicates the anticipated number of additional secondary school students across the four schools in Taunton, based on the Deane's own housing trajectory and the County Council's forecasts of numbers based on demographic factors. It clearly shows that, by 2015, the number of students across the town is expected to exceed the total number of places available. In accordance with the advice in Circular 05/2005, which advocates a pro-rata approach to seeking contributions from a number of developments which collectively require the provision of new infrastructure, it would now be appropriate to seek financial contributions towards new secondary school capacity required as a result of this development proceeding.

The proposed development of 125 dwellings would be expected to generate the need for about 18 secondary school places. The DfE estimate of the capital cost per place is £18,469, so a total contribution of £332,442 should be sought in the event that planning permission is granted, in addition to that already agreed in principle in relation to the earlier application, for primary education facilities.

*WESSEX WATER* - There is an available foul sewage connection situated to the west of the site and capacity for treatment is available at the Sewage treatment works. A surface water sewer is available to the west for the part of the site that would naturally drain that way by gravity, the main part of the site will drain to the east where new sewers will be required to link to existing watercourses. Surface water disposal shall comply with PPS25 (Development and Flood Risk) subject to

flood risk assessment and any agreed attenuation (soak away to be used where possible). Water supply will require appropriate connections and pipes through the site to the existing trunk main.

**NATURE CONSERVATION & RESERVES OFFICERS** - No new wildlife surveys have been submitted to support this application. The Environmental Statement dated December 2009 was partly updated in October 2010 by further bat and great crested newt surveys. My earlier comments made in connection with species, with the exception of bats, remain unchanged.

**Bats** - Additional bat surveys were undertaken in 2010 mainly with the aim of quantifying the use of the site by lesser horseshoe bats.

The County Council on behalf of the District Council carried a Test of likely significant effect on a European Site which concluded that if the lesser horseshoe bat came from the Hestercombe house then the development could have an effect on the SAC. The Inspector at the appeal did not support this statement. This application now includes landscaping to the north of the proposed new housing, a new orchard and a 20m wide woodland belt. I concede that this planting would mitigate any effect the development would have on bats.

I am not convinced that, as suggested earlier by the surveyor, if the proposal did not take place the ecological value of the site would deteriorate. I am of the opinion that the development would harm the open character of the Green Wedge that should be retained as green space for wildlife and landscape reasons. For these reasons I support earlier comments made by the Somerset Wildlife Trust.

*"The appraisal made in the report that in the absence of the scheme the site's biodiversity value would decline is highly dubious. It is made with the assumption that one scenario will prevail – that of increased fertiliser application to the grassland with an annual hay cut, and no management to the other habitats – and draws an unsafe conclusion. In fact, there are a number of alternative scenarios that might suggest a more positive outcome for biodiversity: designation and management of the site as a Local Wildlife Site, or entry of the site into a stewardship scheme, for example.*

*The context of the site in the wider landscape has not been described sufficiently to determine its value for wildlife. Small sites with connecting linear features such as this one often contribute more to the biodiversity of the local landscape than their intrinsic value suggests, and thus their loss can have wider implications. Therefore, the site should be considered in light of surrounding land use and local ecological receptors."*

**DIVERSIONS ORDER OFFICER** - A public footpath T5/17 runs along the western boundary of Allens Brook and must not be interfered with at any time without having gone through the appropriate legal process.

**DRAINAGE ENGINEER** - Note should be taken of public footpath T5/17, which runs within the eastern boundary of the application site. This public footpath runs from its junction with the highway (A3259) at Yallands Hill in a generally southern direction to Avinghills Farmhouse. The footpath must not be interfered with other than

through the legal process.

*LEISURE DEVELOPMENT MANAGER* - detailed views awaited.

*LANDSCAPE LEAD* – Given the recent appeal decision, where the Inspector had major concerns regarding the impact of housing on the Green Wedge and its functions, I am concerned that the new proposals have done little to address the issue, especially as seen from the A3259, and therefore my assessment is that the proposals are contrary to EN13. In addition the Landscape Lead has concerns relating to the detrimental impact and on (EN6) hedgerows; (EN12) landscape character and that the proposal makes no contribution to the Councils Green Infrastructure strategy

*HOUSING ENABLING LEAD* - There is an affordable housing requirement of 35% of the total number of units to be split 50% social rent 25% shared ownership and 25% low cost open market (discounted at 70%). The requirement is for houses, predominantly 2, 3, and 4 bed roomed. The houses should be built to code for sustainable homes level 4 and HCA design and quality standards or meet the equivalent standard applicable at the time of development.

*NATURAL ENGLAND* –

Bats - The proposal will mean the loss of 3.54 ha of foraging territory and hedgerows for bat species including lesser horseshoe bats (LHBs) which have been recorded foraging on the proposed development site. Hestercombe House SAC is within 2.3 km of the proposal. European sites fall within the scope of the Conservation of Habitats and Species Regulations 2010. Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Consequently Taunton Deane Borough Council as the relevant competent authority, will be required to carry out a Habitats Regulation Assessment comprising

- (i) an initial assessment of whether the proposal either alone or in combination with other \*plans or projects is likely to have a significant effect on the Hestercombe House Special Area SAC; and,
- (ii) If a likely significant effect cannot be ruled out, an appropriate assessment to determine whether the proposal will adversely affect the integrity of the European site.

To be helpful we suggest that the Habitat Regulation Assessment for the previous application 48/09/0054, prepared by SCC on behalf of Taunton Deane BC, should be revisited and adapted to the new proposal. Natural England is happy to comment on the assessment in due course.

Protected Landscape - Natural England is satisfied that the proposal is unlikely to

have a significant impact on the Quantock Hills Area of Outstanding Natural Beauty (AONB).

Green Infrastructure/Green Wedge - Natural England has been a partner on the steering group for the preparation of Taunton Deane's Green Infrastructure Strategy which has aims to create and enhance the green infrastructure in the District. Within the document we note and fully support the proposal to enhance existing Green Wedges including the one impacted upon by this proposal which is identified as a strategic link from Taunton to Quantock Hills AONB. To date the Green Wedge has been safeguarded by your council and Natural England fully supports this action, if the area remains a Green Wedge this could be of great benefit to the local community, and be the best outcome for Biodiversity.

**STRATEGY** - The application site was subject to a planning application recently dismissed at appeal by the Planning Inspectorate (appeal reference APP/D3315/A/10/2140103). This follows an earlier appeal also dismissed in 1999. In this latest decision, the Inspector's conclusion noted:

*"Whilst there is a marginal shortfall in housing land provision at present, the harm to the character and appearance of the area would be so severe that the proposal should not proceed and for that reason the appeal must fail."*

This new proposal would appear to run counter to both the adopted and emerging planning policy framework established by the Taunton Deane Local Plan and Published Plan Core Strategy and specifically policy EN13 of the Local Plan and Core Policy CP8 in the emerging Core Strategy.

The applicant's Planning Statement makes reference to a number of changes to national planning policy direction which it is contended, are strong material considerations in support of the proposal. It should be noted however, that the Appeal decision at Maidenbrook was 13 May 2011, as such post-dating both the Government's Plan for Growth (March 2011) and the letter of the Chief Planner DCLG entitled Planning for Growth.

The Government have published the National Planning Policy Framework for consultation which includes in its current drafting at paragraph 109 an apparent additional allowance of at least 20% on LPAs five year deliverable supply of housing land. This document is in consultation form and has been subject to a significant level of representation (particularly regarding para 109) and therefore despite two iterations of advice note from the Planning Inspectorate, it is considered that this particular potential change to national planning policy should not be afforded significant weight in the determination of this planning application.

With the above in mind, it would appear that the principal issue for consideration in the determination of this planning application would be whether the revised proposed scheme could be accommodated without compromising the Green Wedge between Taunton and Monkton Heathfield.

In all other respects, it is not considered that in planning policy terms, circumstances have changed materially in a way which would make the principle of development on this site more acceptable.

The Core Strategy has now been published for formal representations. Policy CP8 did not attract a significant level of objection and as such can be afforded more weight than would have been the case if there were a large number of outstanding or substantive objections.

The Council is now in the process of updating its Strategic Housing Land Availability Assessment in collaboration with representatives of the house building industry. Whilst the Council did not necessarily fully accept the Maidenbrook Inspectors conclusions on housing land supply, it is important to note that even in anticipating a likely shortfall, he still felt the development of this site unacceptable.

In terms of impact on the Green Wedge, clearly this issue will be considered in greater detail by the Council's Landscape Lead but it seems unlikely that development on the scale promoted by this latest application could be consistent with adopted or emerging policy.

Policy EN13 of the Adopted Local Plan states:

*"Development which would harm the open character of Green Wedges will not be permitted."*

The housing element of the proposal would still result in significant encroachment into the Green Wedge which will take on increased importance over the Core Strategy Plan Period in view of the scale of development planned for the Monkton Heathfield and Priorswood and Nerrols areas. The open character of the site is likely to be diminished as a consequence of the existing gap between the curtilage of the closest existing residential property to the south-westernmost extreme of Yallands Hill and the existing extent of Tudor Park.

It is also noted that during the recent appeal, when questioned by the Planning Inspectorate to what extent the application site could be developed without compromising the Green Wedge function, the Council's Landscape Lead responded that given the narrowness of the Wedge in this location, no development of the site was likely to be compatible with its Green Wedge designation.

For the reasons outlined above and in view of the Landscape Lead's detailed consultation response it is considered that the planning application should be refused.

**WASTE SERVICES OFFICER** - no response

**ENVIRONMENTAL HEALTH - NOISE & POLLUTION** - An Environmental Statement has been submitted with this application.

**Noise** - The assessment concludes that there will be one area of the site that may be affected by noise from traffic. The report does make some recommendations for noise mitigation of traffic on the proposed dwellings (Sec 5.11). This refers to screening to the north of the site, as outlined in Figure 5.2. Fig 5.2 shows a 1.8m close boarded fence to the north west of the site, however, it is not clear whether the green area shown is also part of the proposed screening.



Re Construction noise. - Environmental Health would recommend that any noisy work is limited to 8.00-18.00 Monday to Friday, 8.00-13.00 Saturday and no noisy working on Sundays or Bank Holidays.

Air Quality - The Statement included an assessment of the potential impact of the proposed development on air quality in and around the application site. It identified that the main impact will be from increased road traffic and models air quality for different scenarios. The 2011 report notes that the new application is for fewer dwellings and concludes that the air quality impact is of negligible significance.

Based on the information that has been provided the development should not have a significant impact on noise or air quality. The noise mitigation measures (5.11 and Fig 5.2) would screen some of the proposed dwellings from traffic noise. During construction work the hours of noisy work should be limited and best practice used to minimise disturbance to residents.

*SCC - ENVIRONMENT & PROPERTY DEPARTMENT* - no response

*SOMERSET DRAINAGE BOARDS CONSORTIUM* - The Board objects to the proposals. The site is located outside of the Parrett Internal Drainage Board Area however resultant surface water run-off will discharge into the Board's area, within which it has jurisdiction and powers over Ordinary Watercourses. The Boards responsibilities require it to ensure flood risk and surface water drainage are managed effectively. The Board has not been party to or agreed the surface water drainage strategy to serve the development. Within the submitted details the information does not indicate how the water will enter the Board's operational area. The proposals will increase the overall volume of surface water run-off into the Board's area and until such time as an agreed and approved surface water drainage strategy for development has been determined the Board would consider the proposal premature. The details will need to consider the effect of the development onto the receiving land drainage network together with the long term maintenance of the infrastructure to serve the proposals.

Bylaw 3 of the Parrett Internal Drainage Board's Bylaws prohibits the introduction of any water or increase in rate into the Board's area without the consent of the Board. The developer must appreciate all the potential flood risks from the proposals on site receiving courses as well as considering the opportunities for improvements of flood risk downstream. When these details are agreed the drainage plan must be set out, and it is essential that this must be considered as part of an overall drainage and flood risk strategy. The work is not complete until further issues of the future operation, management and ownership of the revised surface water strategy have been agreed. The package of measures will need to be set down in the form of a legal agreement to safeguard the future of the long term drainage operation of the area. All parties who are responsible for the various parts of the surface water drainage system must be in agreement and sign up to the proposed details.

*SCC - ECOLOGY* - views awaited.

*BRITISH WATERWAYS* - Objects to the proposal.

## Additional usage of the Bridgwater & Taunton Towpath

Our concerns relate to the use of the Bridgwater & Taunton Canal towpath, which runs near the site. The towpath runs from Bridgwater to Taunton which is 2.6 Kilometres to the west of the site.

Use of the towpath - The towpath is already a well-used transport and recreational route. The Sustrans Cycle network Route 3 follows the towpath and many people use it as a direct route all the way into the town centre. Whilst there are no figures to prove the number of users on a day to day basis it is clear that the route is well used for commuter journeys, and for recreational purposes.

We believe that recreational cyclists, dog walkers and families going for a stroll will prefer to not follow an attractive the traffic free towpath rather than use the existing road network, even if enhanced with cycleways and new crossing points.

The towpath serves many leisure activities such as jogging, angling, dog walking, and family outings. It provides a safe and tranquil environment to experience nature. It links the Monkton Heathfield area to the wider countryside. The Swing Bridge at Bathpool provides a quick link to the towpath for all of the above uses as well as an easy route into Taunton Town Centre, the local doctor's surgery and other facilities. on site.

Access is easily available to the towpath from the site and the applicants themselves mention the canal as a green transport route which will be promoted to widen the travel choice of future occupiers of the development.

Our concern - The proposal, due to its scale, will result in an increase in usage of the towpath by the residents of the new houses for both commuting and recreational purposes, with the attendant increase in the need for maintenance and improvements.

British Waterways has a limited budget to carry out maintenance as most of its annual income is needed to maintain the waterway itself and ensure safety of all users. Any additional costs as a result of this development will need to be met from a static budget, thus potentially taking up funding needed for other projects. It is however likely that no additional funding can be made available. The additional usage will therefore reduce the quality of towpath to the detriment of all users over time.

We feel that it is unreasonable for British Waterways to incur additional costs as a result of the development and object in order to protect our land ownership from undue degradation. As mentioned above however we will be willing to remove this objection if we are able to ensure that suitable mitigation measures are put in place to help prevent such degradation.

We note that the accompanying traffic assessment mentions usage of the canal towpath as a sustainable transport route, but does not consider the likely volume of additional usage or the resultant implications. The towpath is approximately 300m from the site.

Mitigating the Impact of the Development - Circular 05/2005, Annex B sets out the circumstances when a proposed development should require a planning obligation. Annex B states that planning obligations might be used, when appropriate, to

compensate for loss or damage caused by a development. It encourages obligations to help offset through regeneration the loss of, or damage to, a feature or resource present or nearby, for example, a landscape feature of biodiversity value, open space or right of way, in other words a feature such as a stretch of canal towpath.

#### Policy Support for the request - Taunton Deane Local Plan

The following policies are taken from the adopted Taunton Deane Local Plan which forms the detailed part of the Development Plan for Taunton Deane.

##### *Cycling – Policy M5*

*A comprehensive, convenient and safe cycle network is proposed through a combination of measures and works, including the following main elements:*

- (A) on- and off-road cycleways as shown on the Proposals Map;*
- (B) traffic calming, traffic management and junction redesign; and*
- (C) convenient and secure cycle parking facilities.*

Cycling is one of the most sustainable forms of transport and has a major role to play in reducing car dependency. However, cycling is currently not regarded as an attractive option by many people, because of the perceived and real dangers of cycling on roads.

The organisation Sustrans is preparing (has prepared) a national cycle network with money from the National Lottery. Part of this route runs through Taunton Deane. The route connects with the cycle networks proposed in Taunton and Wellington, and will be particularly helpful for commuting and other trips between the two towns. Developers of sites within about 1 kilometre of the route, such as Firepool in Taunton, are to be encouraged to provide safe and convenient links to it. Taunton Deane has a significant network of public rights of way, including footpaths, Bridleways (used by pedestrians, horse riders and cyclists), and byways open to all traffic (but used mainly by walkers and horse riders). The Taunton Deane Strategy for Leisure promotes use of footpaths for recreational walking by people of all abilities and interests, and encourages access to bridleways.

We note that cycling in the district is much higher than the national average as a means journeying to work and feel that as many of the residents in the Monkton Heathfield area will work in Taunton it is reasonable to expect a significant proportion of these journeys to use the Canal towpath as direct route into the Town centre.

The impact of development on public rights of way is a material consideration in determining planning applications, and policy C6 reflects this importance. Where permission affecting a public right of way is granted the development, in so far as it affects the right of way, should not be started unless and until the necessary closure or diversion order has been made.

The above paragraphs indicate that the Council should be supportive of increased usage of an existing walking and cycling route, particularly when a development is located close to it. Policy C6 states that the impact of a proposal on a public right of way is a material consideration and therefore we believe that in order to encourage the use of the towpath for the benefit of future residents the Council should consider the need for mitigation to ensure that the right of way is not adversely affected.

Core Strategy - Whilst not yet adopted for Development Management purposes the emerging Core Strategy is also supportive and Policy CP6 states that Development should contribute to Improving accessibility to jobs, services and community facilities, and address climate change. This will be achieved: Improving accessibility by public transport, cycling and walking to key destinations such as Taunton.

Green Infrastructure Strategy - The Canal is shown as a Green Infrastructure Route on Taunton Deane Green Infrastructure Strategy and therefore we feel that the council should seek to support and improve the route by ensuring that the increased wear and tear as a result of the increased usage is mitigated against. British Waterways is actively engaging with the Taunton Deane Council and Somerset County Council to ensure that the canal towpath is properly valued and protected whilst seeking to increase its usage for the benefit of existing and future residents.

The proposed project - We have carried out a detailed survey of the condition of the towpath between Firepool Lock and Bathpool, (approximately 2.6 km). The condition of the towpath varies considerably over this length. The wearing surface has degraded in some locations and requires replacement to remove wet spots, remove trip hazards and allow safer cycling and improved accessibility for all users. There are few dog or litter bins along this stretch and we would suggest that these basic facilities are provided to meet the needs of not only the additional users but existing users as well. We would also suggest a finger post sign or other interpretive panel to advise distance, routes etc. These should be of Sustrans standard.

Due to the large number of dwellings proposed in the area we feel that the development should only be required to fund a proportion of the total cost of the towpath improvements for this stretch. We would therefore request that this development funds a proportion of the cost and we will continue to request that the Council seek contributions from other developments in the area. If necessary the funding could be put into a pot until further monies are available to complete the project.

As part of our response to other applications recently BW made a calculation based on the number of houses planned in the Monkton Heathfield area. The figure did not include this site which is not a strategic site allocation. It would however seem reasonable to base our request for a mitigation figure on the same calculation. This equates to approximately £220 per dwelling to meet the total cost of the towpath refurbishment project.

We are also aware that the County Council Local Sustainable Transport Fund is looking for improvements to the towpath in this area as part of its revised bid and we believe this adds weight not only to our request but highlights the importance of insuring the additional housing does not worsen the situation but in fact supports the bid

The final figure per dwelling is based upon the overall cost of the project and equates to approximately £220 and we believe this should be achieved within travel plan contributions.

We are not requesting that a maintenance charge is incorporated into this figure to help maintain the towpath at this standard once the development is constructed. Annex B of circular 05/2005 states that as a general rule, where an asset is

intended for wider public use, the costs of subsequent maintenance and other recurrent expenditure associated with the developer's contributions should normally be borne by the body or authority in which the asset is to be vested.

In order to ensure that work is carried out in accordance with British Waterways 'Code of Practice for works adjacent to waterways' we would recommend that our own approved contractors carry out the necessary works. This will ensure that administration costs are kept to a minimum thus maximizing the physical benefits available from any contribution.

*SOMERSET WILDLIFE TRUST* - no response

## **Representations**

17 letters of objection have been received raising the following points:

- The land is allocated in the Taunton Local Plan as Green Wedge and the local plan states that development should avoid important open spaces and Green Wedges between settlements such as Cheddon Fitzpaine;
- Although reduced in size the proposed development would result in a clear demarcation between Taunton and Monkton Heathfield;
- It is important to retain the green gap especially given the proposed development allocated elsewhere in the immediate area;
- The Green Wedge should remain undeveloped to preserve visual amenity and habitat for protected species
- A similar proposal has recently been turned down and dismissed on appeal and although a smaller proposal the issues remain the same;
- There are enough houses planned to be built in the area and it is important to retain the important open spaces;
- David Cameron has recently vowed to protect green belt and this area is similar as it comprises natural habitats, protected species and biodiversity, including Lesser Horseshoe bats;
- It is un-necessary to use up this relatively small piece of land, disturb nature and join Maidenbrook to Monkton Heathfield;
- The culture and landscape of the area would be completely ruined;
- The land is in close proximity to the Taunton Bridgwater canal and marina and houses would ruin that environment;
- The area acts as a pathway for bats and should not be disturbed
- The likely environmental impact outweighs any benefits that might be derived from additional housing in the area;
- The retention of the land, has been reassessed in the Council's new core strategy work and has been identified as land to be retained as undeveloped and to be come part of a country park with community woodland.
- The proposal would result in more traffic using a very busy and congested road;
- The proposal would result in increased traffic and with two schools in close proximity this would result in an increased danger for pupils and members of the public;
- The proposal would be on floodplain and these should not be built on;
- Urbanisation of areas such as this puts the area at risk of flooding;
- The proposed development would result in a loss of amenity and wildlife areas;
- The proposed development would have a detrimental impact on the protected species that use the land for habitat;

- Movement of the Tudor Park access further east would mean residents having to cross the cycle and walking routes twice which would be dangerous and is obviously badly thought out;
- Moving the road away from the blind bend is positive but the new location relocates it closer to the blind brow of Yallands ill thereby replacing one problem with another;
- The proposal would have a detrimental impact on the stature of Maidenbrook Farmhouse, a listed building where strict control has been exercised in the past over development that may have a detrimental impact;
- Residents has installed solar panels on the understanding that there would be no development of the Green Wedge area adjacent;
- In the current economic climate the council and appeal system should not have to look at the same proposal yet again and should be refused once and for all to prevent companies from profiteering against the wishes of the council and residents making a mockery of their costly, existing and approved plans governing development of Taunton;
- If local wishes are taken into account then this application would be refused the area is already looking to an additional 4000 homes which will have a detrimental impact on the status of Monkton Heathfield as a village more development would be intolerable;
- There is a lack of parking in Waterleaze which causes extreme problems if larger lorries and emergency vehicles need access and this should be taken into account if planning permission is granted here

## **PLANNING POLICIES**

EN24 - TDBCLP - Urban Open Space,  
 T1 - TDBCLP - Extent of Taunton,  
 STR2 - Towns,  
 STR4 - Development in Towns,  
 T38 - TDBCLP - Maidenbrook Playing Field Allocation,  
 T8 - TDBCLP - Monkton Heathfield Major Development Site,  
 M5 - TDBCLP - Cycling,  
 T10 - TDBCLP - Housing Allocation (Aginghill's Farm, M Heathfield),  
 H9 - TDBCLP - Affordable Housing within General Market Housing,  
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
 EN14 - TDBCLP - Conservation Areas,  
 F1 - TTCAAP - Developments within the Floodplain,  
 BWC - BritWater Consult Zone,  
 EN21 - TDBCLP - Nationally Important Archaeological Remains,  
 EN12 - TDBCLP - Landscape Character Areas,  
 ROW - Rights of Way,  
 EN13 - TDBCLP - Green Wedges,  
 EN28 - TDBCLP - Development and Flood Risk,  
 EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importce,

## **DETERMINING ISSUES AND CONSIDERATIONS**

A planning application was submitted in 2009 for the development of 11ha of land to provide in the region of 233 dwellings, recreation and play areas, a public house restaurant and car parking. A non-determination appeal was subsequently dismissed due to the impact on the Green Wedge. The current application covers a reduced

site area 3.43ha and limits the proposal to a residential development for 125 dwellings, children's play areas and associated works. This assessment will briefly review the acceptable technical elements of the proposal, reiterate the Inspector's reason for dismissing the appeal and assess the reduced proposal in terms of its proposed housing numbers against the detrimental impact on the Green Wedge's function in separating the settlements off Taunton and Monkton Heathfield.

### Green Wedge and Landscape

The function of the Maidenbrook Green Wedge is primarily for the avoidance of coalescence between settlements and to extend the countryside into the town. It avoids coalescence by providing a significant countryside gap along the northern boundary of the site between Maidenbrook, as a suburb of Taunton, and Monkton Heathfield. The gap of approx 300m is relatively narrow for a Green Wedge but is considered to be a critical distance in order to link the countryside to the north of the A3259 to the deprived area of Halcon to the south of the River Tone in Taunton via the Priorswood landfill site to the south of the canal. The impact of the loss of approx 125m at the south of the site and approx 300m to the north on the Green Wedge, EN13, would be unacceptable and result in the gap between the proposed new housing and Monkton Heathfield being dramatically reduced from 340m, as existing, to 140m to the north and, at its narrowest point from the existing 260m adjacent to Avinghill's Farmhouse to 136m.

In 2005 the Borough undertook a 'Landscape Character Assessment of Taunton's Urban Fringe' which clearly sets out the constraints regarding the proposed site and it is considered that development in these areas should not threaten the open, undeveloped land that ascends from the Bridgwater to Taunton Canal. These fields provide an attractive, open backdrop to the much used recreational resource of the canal and towpath." It is considered that the proposed development has a detrimental impact on the area and is not considered acceptable.

The applicant has undertaken a landscape appraisal that concludes that significant effects would be experienced by viewers of the landscape, through a change in perception, to a distance of up to 300m from the proposed development and for visual receptors up to a distance of 500m and that the threshold of significance has consistently been moderate to substantial.

Given the landscape assessment and the recent appeal decision, where the Inspector had major concerns regarding the impact of housing on the Green Wedge and its functions, I am concerned that the new proposals have done little to address the issue, especially as seen from the A3259, and therefore my assessment is that the proposals are contrary to EN13, (EN6) hedgerows and (EN12) landscape character and that the proposal makes no contribution to the Council's Green Infrastructure strategy.

### Ecology

The application site is currently open pasture agricultural land. Wildlife surveys were undertaken from 2005 with an update survey looking solely at Lesser Horseshoe Bats (LHB) in 2010 and informed the Planning Inspector in his consideration of the recent appeal. Following detailed examination of the evidence in relation to LHB and other protected species on the site the Inspector concluded that the proposal would not have a significant effect on the Hestercombe SAC and that habitat protection,

protected species and biodiversity would not be endangered. The current proposal includes the same survey information as that considered by the Inspector and this establishes that protected species are known to be on the site. As a result of both a wildlife strategy and management plan, based on up to date surveys would be essential if permission was granted contrary to the recommendation.

### Highways

Whilst this is an outline application the access into the site from the A3259 is not a reserved matter but is a full proposal. As the application covers a reduced area of land an alternative access has been proposed. This is in the form of a T-junction located to the east of the existing access into Tudor Park (Maidenbrook farmhouse development). The proposal would close the existing access and link it into the new highway junction. The proposed details are acceptable. In addition the application proposes two new bus shelters on the A3259 in the vicinity of the site entrance, new foot and cycleway links to the Waterleaze development (via Tudor Park) and a proposed travel plan to improve the accessibility of the site by public transport. The County Highway Authority raise no objection to the proposals subject to a section 106 agreement to secure:

1. The access and highway works shown on drawing number P9320/H113/B or any subsequent approved revision;
2. The dedication of that area of land required to construct the proposed road linking the land to the east all generally shown on Drawing number P9320/H114C;
3. A travel Plan including appropriate measures and outcomes including "green" travel vouchers;
4. A contribution of £125K towards sustainable travel initiatives in the area.

### Drainage

The site is within a flood zone 1 area which does not prohibit new development from a flood risk perspective. The proposed drainage scheme would aim to use sustainable urban drainage methods to

- control surface water run-off to avoid localised surface pounding and water logging;
- utilise permeable surfacing to assist in creating infiltration systems where possible;
- provide a pond to provide a restriction of surface water discharges and volumes to an agreed rate to protect the site and downstream areas from any increased flood risk due to development now or from climate change in the future.
- include water quality protection through the uses of a treatment storage volume within the proposed attenuation pond;
- enable the maintenance or provision of flood escape routes for excess surface water run-off in residual risk conditions at locations which mimic or improve existing conditions, having regard to potential offsite impacts and consequences; and the provision of safe access and escape routes for persons during extreme surface water run-off events.

The Environment Agency are in agreement with the principle of this approach and do not raise an objection to the proposal subject to conditions for the detailed drainage to be provided and agreed at reserved matters stage.

### Affordable housing .



The proposal is for the erection of 125 houses on the site. A section 106 unilateral undertaking was submitted with the previous appeal offering the provision of to be split 50% social rented, 25 % discounted open market housing (Discounted by 80%) or intermediate (depending on the applicants offer at the time) and 25% intermediate affordable housing all to comprise two, three and possibly four-bedroom dwellings. The applicants propose to submit similar undertakings in association with this development .

The Housing Enabling Lead considers that the provision of 35% affordable housing is appropriate for this development to be split 50% social rented, 25% discounted open market (at 70% value not 80% as previously proposed by the developer) and 25% intermediate. All affordable housing should be built to Code level 4 and HCA design and quality standards (or equivalent). These requirements are not the same as offered in the previous Unilateral Undertaking which did not specify the overall percentage of dwellings on the site to be affordable and specified 80% discounted market value rather than 70% .

In the absence of the submission of any Section 106 undertakings regarding affordable housing the proposal is considered to be unacceptable. In the event that a suitable S106 undertaking/agreement is submitted then this matter would be agreed.

#### Leisure and recreation.

Leisure and recreation requirements of development are outlined in Taunton Deane Local Plan policy C4 which is being retained for the purposes of the Core Strategy . With a development of this size there is likely to be a requirement for adequate on site Children's play areas (LEAP and NEAP) public open space and public art; with playing field; and community hall contributions in accordance with the policy. Whilst this application is in outline only the illustrative masterplan proposes two LEAPS but no other open space provision is shown or referred to in the design and access statement and clarification of this matter is being sought from the applicant. Whilst it would be possible to condition the requirement of some of these facilities on site require off site contributions which can only be achieved by a Section 106 Unilateral undertaking or agreement. As no such agreement has been submitted I consider that the proposal does not make adequate provision for leisure and recreation provision.

#### Archaeology/Heritage assets

An assessment of the impact of the proposal on archaeological and cultural heritage has been submitted with this application. It establishes that the application site is of significance from an archaeological point of view. In order to mitigate for these impacts the developer has agreed with the County Archaeologist that the area would be excavated prior to any development of the site and any findings duly reported.

#### Noise and air quality

A noise assessment was submitted with the planning application which identifies that the levels of existing traffic noise on the proposed homes may reach unacceptable levels in certain places without adequate mitigation measures. It is suggested that acoustic fencing could be erected at the north west corner of the site to overcome these concerns. These details have not been shown on the masterplan and details would need to be submitted and agreed as part of reserved matters if permission was granted. In addition it is anticipated that levels of noise from on site

traffic would also have an impact on dwellings. It is suggested that the use of standard double glazed units would be achieve acceptable levels of noise. These would need to be secured by use of a planning condition in the event that planning permission is granted contrary to recommendation.

#### Air Quality.

The submitted statement included an assessment of the potential impact of the proposed development on air quality in and around the application site. It identified that the main impact will be from increased road traffic and models air quality for different scenarios. The 2011 report notes that the new application is for fewer dwellings and concludes that the air quality impact is of negligible significance.

#### Education

This proposal will be likely to create a demand for primary and secondary school places. At present the applicants have suggested that such monies can be secured through a section 106 agreement but no such agreement has been supplied at the current time and therefore the proposal is contrary to Taunton Deane Local Plan policy C1.

#### Policy Considerations

The application site lies to the east of the settlement limit of Taunton in open countryside where it is the policy of the Local Planning Authority to resist any new development unless it maintains or enhances the environmental quality and landscape character of the area and

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific Development Plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

The proposed development does not comply with any of the required criteria and would not maintain or enhance the environmental quality or landscape character of the area and is therefore considered contrary to that policy.

In addition the site is located within a well established allocated "Green Wedge". That area separates the market town of Taunton from the neighbouring village of Monkton Heathfield. Taunton Deane Local Plan states that Green Wedges are important to avoid the coalescence of settlements in order to preserve their identity; to act as air conduits, flushing pollutants from the urban system; act as valuable wildlife corridors; allow views of the countryside beyond and provide an opportunity for playing fields in a good position for the growing town. In this case Policy EN13 does not permit development that would harm the open character of the Green Wedge area.

The proposed development would introduce an urban form, comprising mainly residential development and associated infrastructure, onto a 250m - 660m wide part of the Green Wedge. It also proposes the provision of a new road "T" junction onto the A3259 and bus stops which would serve that development. It is considered that

the proposal would result in the reduction of the ability of the remaining Green Wedge to act as a separation between the settlements of Taunton and Monkton Heathfield, resulting in a loss of the open character of the Green Wedge and is clearly contrary to the development plan for the area.

There have been two previous applications, for a larger area on this site which have been dismissed on appeal the latest being on 13<sup>th</sup> May this year. In his appeal decision the Inspector assessed the impact of the larger proposal on the Green Wedge as follows:

*"Character and Appearance*

*17. The site is designated as part of a Green Wedge in Policy EN13 of the Taunton Deane Local Plan. It occupies the whole of the area between Tudor Park and the recent housing development accessed by Waterleaze and the western limit of the ribbon development along the A3259 in West Monkton. The illustrative plan shows built development occupying something over half of the area, leaving a narrower open strip on the eastern side. Whilst the exact boundaries of the housing element are not before me, the scale of the proposal envisaged in the description of the scheme ('in the region of 233 dwellings') would clearly require a substantial proportion of the appellants' land to be developed.*

*18. In terms of the formal analysis of the landscape impact of the scheme, there was a measure of agreement between the evidence presented by the principal parties, the key difference being the width of open area which would be sufficient to comprise an effective Green Wedge. The Council felt that it could not be reduced significantly below the present distance, about 340m along the northern edge, whilst the appellants argued that a properly landscaped area along the eastern side would still serve the purpose envisaged in the development plan in a much narrower area. In practice, a judgement has to be made about the perception of the area of those travelling past it, whether in vehicles, on cycles or on foot.*

*19. The principal viewpoints are obtained along the northern edge of the site where the A3259 forms a well defined boundary. At present there is a clear transition at Allen's Brook where the ribbon development in West Monkton ends abruptly and the road is then flanked by hedgerows. There is a cycleway on the south side of the A3259 but this is relatively inconspicuous and its lighting columns, which are only about 5m high, do not to my mind intrude unduly into the landscape. Even to the west of Tudor Park the group of buildings around the former farmstead at Maidenbrook appears distinctly rural and the trees and fields on the north of the road help retain that appearance well to the west of the appeal site. The development would result in an access point being formed about mid-way between Tudor Park and West Monkton and, whilst I acknowledge that this boundary of the site could be landscaped, it is unlikely that the present open feel would be retained. Walkers, cyclists and motorists would all experience a much reduced open gap between the settlements. In coming to this view I am conscious that the proposed western bypass for West Monkton would affect the eastern part of the Green Wedge to a degree, including the removal of the existing hedgerow, but there is no reason why replacement landscaping could not be effective. Indeed, the present hedgerow itself was planted relatively recently and is now an effective landscape feature.*

*20. To the south of the site there are hard-surfaced routes on either side of the canal, lit by street lamps and evidently well used by cyclists and pedestrians. The path on the northern side runs round a small boatyard with moorings and some*

modest buildings and then passes between the canal and a large electricity pylon. Nevertheless, the view into the site from this path is of large open field and I was not convinced that the reduction of the open length of the field by some 50% would result in an effective gap. Looking north from the path the gap would be further narrowed to only 70m or so in the vicinity of Avinghills Farm and it is hard to conceive of landscaping or other measures which would give the perception of a substantial gap between the settlements.

21. On the west side public access to the boundaries of the site is limited save for the large playing field to the north-east of Waterleaze. This area is bounded by a comparatively narrow hedge and to my mind contributes significantly to the openness of the Green Wedge. From the A3259 and the land further to the north the upper parts of the houses at the southern end of Waterleaze can be seen above the hedgerows, but the proposal would surround the playing field with built development and I consider that this would emphasise the urbanising effect of the scheme.

22. There is a largely unsurfaced public footpath along the Allens Brook and views into the site are available from this, particularly from its northern end. As the area immediately to the west of this would remain undeveloped, the impact of the proposal on this side of the Green Wedge would not be so pronounced, but at present relatively little of the edge of Taunton can be seen from this direction so there would still be an appreciable change to the largely rural view which presents itself currently.

23. The proposal would also have an impact in views from areas beyond the immediate vicinity of the site, notably from the north and south. The Quantock Hills rise gently to the north and the site can be seen from the vicinity of Volis Farm, although only at a considerable distance, and I judge that the proposal would not significantly alter this view as the present houses at the southern end of Waterleaze already appear close to the dwellings beyond the canal around Acacia Avenue and the industrial buildings of the Crown Estate are quite prominent. I also looked northwards from Creech Barrow Hill but from publicly accessible viewpoints the site is largely obscured by trees and the Green Wedge is not especially prominent. However, there is a large open area to the south of the canal on the former Priorswood landfill site much of which is intended to be laid out as a country park and which forms a southerly extension of the Green Wedge. Although the southern part of Waterleaze is also a significant feature in the view from this area, the openness of the undeveloped area is an attractive feature of the landscape and forms a foreground to more distant views of the Quantocks. The scheme would appreciably close the present open gap and I give this viewpoint significant weight as it will have public access close to the town and is likely to be well used.

24. Although no detailed proposals have been put forward, the Council's intention for the appeal site is for playing field and other open uses and I acknowledge that these in themselves would have some impact on the Green Wedge. However, there was no evidence that significant built development, such as grandstands or enclosed sports facilities, is being promoted by the Council. I also acknowledge that the management of the undeveloped land which would remain on the east side of the site could be carried out in such a way as to achieve improvements to the existing footpath route and aid the implementation of the Council's Green Infrastructure Strategy and I have weighed these factors in the balance.

25. The depiction of land as a Green Wedge in the development plan is not intended

*to prevent development being carried out on any part of the designated land and the Council acknowledges that some areas within the existing Green Wedges will need to be developed to meet housing and other needs. Indeed, the development now being considered by the Council at Nerrols Farm to the north of the appeal site is a case in point. However, the purpose of the designation is essentially to prevent the coalescence of settlements which it is desirable to keep separate for townscape and landscape reasons. Extensive areas of land around West Monkton are allocated for development in the Local Plan; it is a village which has grown considerably in recent years and will continue to do so. At the same time Taunton has expanded eastwards so that there is a comparatively narrow gap in the Maidenbrook Area. The appeal scheme would fill more than half of the width of the present gap and, for the reasons set out above, I conclude that it would reduce the Green Wedge to an unacceptable degree. The proposal would thus harm the character and appearance of the area and run contrary to Local Plan Policy EN13."*

The inspector balanced this impact against the housing land supply and in dismissing the appeal he concluded :

*"34. Since an up-to-date five year supply of housing land has not been demonstrated, the provisions of paragraph 71 of Planning Policy Statement 3 – Housing (PPS3) apply so that favourable consideration should be given to the proposal having regard to advice in the PPS as a whole and, in particular, to the considerations in paragraph 69. As the application was in outline, I have no reason to doubt that high quality housing with a good mix of types could be designed in such a way as to use the land effectively and efficiently, so most of the criteria in paragraph 69 would be met.*

*35. However, the advice also requires the site to be environmentally sustainable. Although I have found that the interests of habitat protection, protected species and biodiversity would not be endangered, I have also come to the view that the Green Wedge between Taunton and West Monkton would be so eroded by the proposal as to render it ineffective in separating the settlements. Whilst there is a marginal shortfall in housing land provision at present, the harm to the character and appearance of the area would be so severe that the proposal should not proceed and for that reason the appeal must fail. I have taken into account all other matters raised in the representations but I have not found any evidence to outweigh the main considerations which have led to my decision."*

In the current submission the applicant

- has reduced the size of the development and altered the access arrangements and considers that this enables the retention of an effective width of Green Wedge to maintain a separation between the settlements of Taunton and Monkton Heathfield .
- considers that the Council does not have a sufficient 5 supply of housing land and that the benefits of granting permission for an additional 125 dwellings would outweigh the loss of Green Wedge and the moderate to significant landscape impact.

I disagree with the applicant. The two previous appeal decisions have given considerable weight to the retention of sufficient gap between Taunton and Monkton Heathfield to enable a separation to be maintained between the two and the impact on the character of the area.

Currently, the Taunton Deane Local Plan is the approved document for the area and its policies including EN6, EN12 and EN13 are used to guide new development. In addition the Regulation 30 published Core Strategy for Taunton Deane has now been published and contains the strategic policies to guide development up to 2028. Whilst it has not been approved it is a material consideration in the determination of planning applications. In the Core Strategy, Green Wedge and Landscape Character area policies EN13 and EN12 would be replaced with CP8. This maintains the need for Green Wedges and green infrastructure in protecting the open character of areas and open breaks between settlements.

I consider that the proposal is contrary to the development plan for the area and that the harm to the Green Wedge and landscape character of the area outweighs the additional housing that could be provided on the site.

### Conclusion.

Development on the Taunton and Monkton Heathfield Green Wedge was dismissed on appeal in May 2011 and it is considered that the reduced size of the site and the alterations to the access are not sufficient to overcome those objections. In addition the proposal does not currently provide for the required education contributions, highway contributions or leisure and recreation contributions that are considered to be necessary.

Therefore the proposal is considered unacceptable.

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

**CONTACT OFFICER: Mrs J Moore Tel: 01823 356467**

PYMEN BELL HOLDINGS

**ERECTION OF CONFERENCE EVENTS AND WEDDING SUITE, CONVERSION OF OUTBUILDING TO TOILETS, REINSTATEMENT OF GLASSHOUSE, EXTENSION OF CAR PARK AND TEMPORARY ERECTION OF TWO TENTS AT WOODLANDS CASTLE, RUISHTON**

Grid Reference: 326049.124795

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to provision of a revised landscaping plan.

The principle of expanding an existing business use outside defined settlement limits is considered acceptable and the proposal is considered not to harm visual or residential amenity or the character and setting of the listed building and is therefore considered in accordance with Section 66 of the Planning (Listed Buildings and Conservaion Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, and accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Development Outside Settlements), EC2 (Expansion of Existing Firms on Land Subject to Restrictive Policies), EC6 (Conversion of Rural Buildings) and EC7 (Rural Employment).

**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:

(A1) DrNo 22912/001/100 Rev B General Arrangement  
(A4) DrNo 694B/01 Location Plan  
(A1) DrNo 694B/02B Existing Site Plan  
(A1) DrNo 694B/04 Existing Lower Ground Floor Plans  
(A1) DrNo 694B/05 Existing Ground Floor Plans  
(A1) DrNo 694B/06 Existing First Floor Plans  
(A1) DrNo 694B/07 Existing Elevations 1/2  
(A1) DrNo 694B/08 Existing Elevations 2/2

(A1) DrNo 694B/09 Existing Sections  
(A1) DrNo 694B/10 Proposed Lower Ground Floor Plans  
(A1) DrNo 694B/11 Proposed Ground Floor Plans  
(A1) DrNo 694N/12 Proposed First Floor Plans  
(A1) DrNo 694B/13 Proposed Elevations 1/2  
(A1) DrNo 694B/14 Proposed Elevations 2/2  
(A1) DrNo 694B/15 Proposed Sections  
(A1) DrNo 694B/19 Proposed Temporary Marquee

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. (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.

5. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of a Bat emergence survey to be carried out, and Michael Woods Associates Ecological Survey dated July 2011, and include:



1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when bats and nesting birds could be harmed by disturbance.
3. Measures for the enhancement of places of rest for nesting birds and possibly bats.

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 a new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect bats and nesting birds from damage bearing in mind the law protects these species and in accordance with PPS9.

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

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

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

7. The Green Travel Plan submitted with the application shall be implemented in accordance with the action plan specified unless otherwise agreed in writing by the Local Planning Authority. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan and the Travel Plan shall be carried out as approved.

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of the character of the listed building in accordance with PPS5.

10. The two temporary tents hereby permitted shall be removed from the site on or before 31st May 2016.

Reason: To preserve the character and setting of the listed building in accordance with PPS5.

#### Notes for compliance

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

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

## **PROPOSAL**

The proposal forms a comprehensive scheme to develop the existing business for conferences and weddings at the site of Woodlands Castle. The works involve providing two temporary tents/marquees for a limited period to allow for sufficient funding to replace them with a permanent building and a business plan has been submitted to justify this. This temporary period of four and a half years would also be used to fund the other works of completing the car park, access and landscaping, restoration works to the listed building including roof repairs, conversion of the outbuildings to toilets and storage and provision of a glazed link to the house with provision of a lift and access to a disabled toilet. The larger of the two temporary structures would be 20m x 16m and 5.8m to the ridge, while the intended permanent building would be 28.5m x 14.5m and 5.8m to the ridge.

## **SITE DESCRIPTION AND HISTORY**

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

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

Permission for change of use to function facilities together with a new access and

car park was submitted in November 2008 and granted in January 2009 (31/08/0027).

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - no objection in principle:

The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the development is likely to be dependant upon private vehicles for most of the staff and delivery needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000), and Policy ST3 of the District Local Plan. However, it must be a matter for the Local Planning Authority to decide whether the proposed development would warrant an exception.

In terms of the detail, the Highway Authority has no objection in principle to the proposed development due to the recent alterations made to the A358/Rushton Lane junction and the improved access to the site from Ruishton Lane. You may be aware that as part of the East of Taunton Park and Ride Scheme, works have been undertaken which means that the existing access to Woodlands Castle now functions as a left in and a left out.

A new access has been provided from Ruishton Lane, which has good visibility and is adequately surfaced, etc. Provision should be made to ensure that there shall be no obstruction to visibility within these splay areas in excess of 300mm above joining carriage way level. However, it is understood that previous discussions / applications have outlined that the existing vehicular access to the A358 should be closed (or converted to a non-vehicular access), and that all vehicular access should be from Ruishton Lane for reasons of highway safety.

Taking into account the above information, I raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

That the existing vehicular access, onto the A358 be closed to motorised vehicles within three months of permission being granted for reasons of highway safety.

Existing visibility splays from the access onto Ruishton Lane are maintained to ensure that there shall be no obstruction to visibility within these splay areas in excess of 300mm above joining carriage way level.

### ***RUISHTON & THORNFALCON PARISH COUNCIL*** -

The Parish Council have the following concerns:

- noise nuisance to near neighbours;

- the impact of the 'tents' on the listed building preferring to see a properly built extension to the property;
- not enough parking spaces to accommodate 300 people plus staff and exhibitors;
- volume of traffic having to use Ruishton Lane.

It is noted that they are already advertising the use of the conference/exhibition suite before planning permission is granted.

*HERITAGE LEAD* - Submission accords with pre-application discussions.

Submitted Planning Statement - Section 7 - Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 cited, which is relevant to the con-current planning application, with Section 16 (which is not cited), being relevant to the LB application. Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review not cited but relevant.

Proposals supported on the basis that the tents will only be in place for the period stated.

*BIODIVERSITY* - comment

Michael Woods Associates carried out an Ecological Survey of the site in July 2011. Findings were as follows

Grassland - The proposed extension of the car park will encroach on species poor semi improved grassland and so will have minimum ecological impact.

Bats - The surveyor inspected all the buildings (except building 7) for bats. No signs of bats were observed within the buildings but I agree with the surveyor that the presence of small numbers of bats using the buildings on an occasional basis cannot be ruled out. As a previous inspection in 2007 found bat feeding remains in building 7 (the building that was not accessed) I agree with the surveyor that a bat emergence survey be carried out at the appropriate time of year prior to any works taking place. This survey should be conditioned.

Birds - Several swallow and house martin nests were observed in the buildings. I agree that works should take place outside of the bird nesting season. I also support enhancement proposals for birds.

Reptiles - The grassland and a shaded rock pile were considered unsuitable for reptiles or amphibians. The woodland to the east which is to be left undisturbed may contain reptiles.

Badgers, dormice, otters, water voles - No evidence of the above species were noted by the surveyor.

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

*ECONOMIC DEVELOPMENT* - no comments received

*LANDSCAPE* - My main concerns are the proposed car parking is extensive and pays little regard to the existing tree root protection and offers no landscaping to the eastern boundary. The materplan for the parkland is very poor and does little to integrate the proposals into the historic setting or the new approach route to the house. The roadside frontage planting is incomplete.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Thank you for consulting on the above application. The application includes a noise report.

- Environmental Noise Assessment for Marquee Wedding Functions at Woodlands Castle. JPS Consultants, 15 October 2008.

This includes details of noise monitoring in the vicinity of the premises while music was being played in the temporary marquees that were on the site at the time. The Premises Licence issued to Woodlands Castle in March 2008 includes a noise condition. This requires noise from amplified music and speech at the premises to be inaudible at points adjacent to the nearby houses. The JPS Noise Assessment refers to this condition and makes recommendations for reducing the level of noise from music at Woodlands so that it meets this condition.

Therefore, I would recommend that if permission is given there is a condition relating to noise from events at the property.

## **Representations**

3 letters of support on basis of proposal supporting local businesses that would benefit other local business, create more jobs and it would preserve the house and grounds of the listed building.

1 letter advising that there have been no issues with licensed events between April to October and no trees have been removed.

1 letters of no comment

1 letter of concern over increase in noise and traffic

12 letters of objection on basis of

- Tents have been erected for several years and allowed to be used for music, late night noise affecting quality of life, previous breaches of Licence conditions, the proposal would increase this impact and the environmental impact of extending the car park.
- Noise should be limited and restricted to not beyond midnight.
- The floor area of the marquee is twice that of the house and the height is three-quarters that of the eaves and it will overwhelm the view of the house from the east, particularly when the trees are bare.

- The extended car park will be visible and will cause a disturbance to residents.
- Traffic along Bushy Cross would be increased where the lane is narrow and has limited paths, it would increase hazards for pedestrians and cyclists, particularly at night.
- 100 car parking spaces are insufficient.
- The park and ride will be no use for evening events.
- There is no need for additional conference facilities in Taunton bearing in mind those that already exist.
- Development in a semi-rural residential area and adjacent to a Grade II listed building is inappropriate.
- Tree loss and it could lead to approval being sought for residential development adjacent to the car park.
- Development would be outside development limits, reliant on private vehicles and contrary to advice in PPG13, RPG10 and STR1 and STR6 of the Joint Structure Plan and ST3 of the Local Plan.
- It would be contrary to EC6 and EC7 of the Local Plan as the temporary tents are not compatible with the rural character, parkland setting and landscape quality due to their design and the footprint of the proposal is twice the size of the existing building and is out of proportion with the existing listed building and out of place in the parkland setting.
- The proposals harm residential amenity due to increased traffic noise and disturbance at night, potential use of fireworks and concern over effective noise mitigation. There is also a need for bat mitigation. Allowing the development encourages future development along the A358.

## **PLANNING POLICIES**

PPS 1 SUPP - Planning and Climate Change,  
 PPS4 - Planning for Sustainable Economic Growth,  
 PPS 5 - PPS5 Planning for the Historic Environment,  
 PPS7 - Sustainable Development in Rural Areas,  
 STR1 - Sustainable Development,  
 STR6 - Development Outside Towns, Rural Centres and Villages,  
 S&ENPP9 - S&ENP - The Built Historic Environment,  
 S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,  
 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,  
 EC2 - TDBCLP - Expansion of Existing Firms on Land Subject to RP,  
 EC6 - TDBCLP - Conversion of Rural Buildings,  
 EC7 - TDBCLP - Rural Employment Proposals,  
 EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,  
 EN12 - TDBCLP - Landscape Character Areas,  
 M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,  
 M3 - TDBCLP - Non-residential Development & Transport Provision,  
 CP2 - TD CORE STRATEGY - ECONOMY,  
 CP8 - TD CORE STRATEGY - ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM2 - TD CORE STRATEGY - DEV,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues with the proposal are the impact of the proposed works in terms of business and policy, the setting of the listed building, amenity and noise, access, wildlife and landscaping.

### Policy

The site lies outside the defined settlement of Ruishton and consists of a listed property in business use. The proposal is to expand that business use and policy EC2 of the Local Plan allows for expansion of existing firms to expand on land subject to restrictive policies where relocation is unrealistic and economic benefit outweighs any harm. This would overcome the criterion for exceptions in policy S7. The current business is one that is successful and helps maintain the listed building. The proposal would further this latter objective. The relocation of the business by the applicant to another location is unrealistic as it would mean finding an alternative property that would be suitable and would bring into question the future use and maintenance of the listed building.

There is considered to be an economic benefit in terms of the current use both in terms of support for other local businesses as well as employment. It would potentially create further 7 full time or part-time jobs. The scheme would comply with policy EC6 in terms of the appropriate re-use of buildings for commercial purposes. It is not considered that allowing this scheme would set a precedent for future development in the area. The question has to be raised as to whether there are harmful impacts of the development which would outweigh the granting of the proposal.

### Setting of the Listed Building

The proposed development will result in a permanent building set within the walled garden area and 5.8m in height. This reflects the height of the existing outbuildings within the adjacent courtyard and this height is considered acceptable in terms of design and subservience of the building. The Conservation Officer supports the proposals on the basis of the tents being temporary. The building would have a standing seam zinc roof and the character and appearance of this modern addition is considered an acceptable one which does not harm the setting of the listed building. The footprint of the building is large at 413sqm, however this is sited discretely within the former walled garden, the side wall of which will be properly reinstated as part of the scheme. The works to convert the outbuildings retain their character and the link buildings proposed in glass are considered to maintain the character of the building and its relationship the courtyard which was lacking from the refused schemes of the past. The scheme is therefore considered to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of the Authority having special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The permanent building is not considered to harm any feature of the building or historic fabric and will retain and repair historic fabric. The scheme will impact on the setting but not to an unacceptable degree and it is considered the proposal will benefit the long term upkeep of the building.

The temporary tents are still of concern visually, however their layout in relation to the courtyard is improved and a justification for their temporary siting has been

submitted. Their siting will have a lesser impact on the setting of the listed building than previously, being smaller, and a condition to limit their presence is considered appropriate and ensure their removal at the earliest opportunity.

### Amenity and Noise

The main area of local concern with the proposal is the issue of noise disturbance from the site. A Noise Assessment was submitted with the application and the Environmental Health Officer has been consulted in light of previous complaints and local concerns. The recommendation is that a noise condition be imposed similar to one on a 2008 Premises Licence, which limited noise audible at the nearest residential properties. Such a condition is considered reasonable as this would relate to the conclusions on the Noise report in being able to mitigate levels of music from the site to satisfy the condition.

The car park area is over 60m from the nearest residential property and with the revised landscaping the impact of the area is not considered to impinge on residential amenity. A concern has been raised over the use of fireworks and the disturbance that this can cause. The use of fireworks is illegal between 11pm and 7am (except on certain occasions) and it is considered that an additional planning condition is not required.

### Access

The proposed access to the site is via the new drive previously approved off Ruishton Lane in 2009 (ref.31/08/0027). A Transport Assessment was submitted with the application and identifies the site as being on a bus route and close to the park and ride. While the site lies outside the settlement limit it is close to the boundaries of Ruishton and Taunton and it is considered that a refusal of a business expansion scheme here would be difficult to sustain on the grounds of sustainability given the location.

Local concern has been raised over access to the site, however the means of approaching the site can't be controlled. The Highway Authority has considered the means of access to and from the site given the changes to the local road network following the construction of the park and ride facility and no objection has been raised in principle. Conditions are suggested in terms of visibility and closure of the existing access to the A358. However these were conditions imposed on the previous permission for the access and it is considered unnecessary to reimpose these. The drive to the A358 has been blocked with bollards and the visibility of the new access as approved is considered appropriate. A condition to ensure retention of the bollards is however considered appropriate.

The proposed layout provides 103 parking spaces which are required for weekend use when the park and ride is not operating. The Highway Authority has raised no issue in connection with the nature of the access and the parking provision. A Travel Plan has been submitted with the application and it is considered appropriate that this is conditioned to try and limit the reliance on private vehicles access ing the site.

### Wildlife

An ecological survey of the site was carried out and while no bats were found the



recommendation is that a further emergence survey be carried out. The Nature Conservation Officer also recommends a condition to address bats and birds to ensure the habitat is maintained and such a condition is considered to be necessary and is recommended.

### Landscaping

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

Sadly a number of the trees that formed the original planting scheme have been lost. The current proposal, while indicating a number of new trees and hedging to screen the parking area is not considered by the Landscape Officer to be sufficient to help reinstate the parkland. A tree report was submitted with the application and one tree, a sycamore, is to be felled as this is adjacent to the rear wall of an outbuilding and is causing damage. This is accepted, however a revised planting scheme has been requested to address the concerns raised in terms of new planting.

### Conclusion

The proposed new building is considered an acceptable contemporary design that sits within the confines of the walled garden and does not detract from the setting of the listed building. The economic benefits of the scheme are considered to outweigh the issue of the site being outside of settlement limits and the concerns over noise, wildlife and landscaping can be addressed by conditions or an amended plan. There is no Highway objection to the access and parking provision and there is not considered to be a precedent set for future development. There is not considered to be substantial harm proven to occur to local amenity, wildlife, landscape or the listed building to outweigh the benefits of the scheme and compliance with policies of the development plan and the recommendation is therefore one of approval.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

PYMAN BELL HOLDINGS LTD

**ERECTION OF CONFERENCE EVENTS AND WEDDING SUITE, CONVERSION OF OUTBUILDING TO TOILETS, REINSTATEMENT OF GLASSHOUSE AND TEMPORARY ERECTION OF TWO TENTS AT WOODLANDS CASTLE, RUISHTON**

Grid Reference: 326049.124795

Listed Building Consent: Works

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

It is considered that the proposal is in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and line with PPS5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy CP8 of the Taunton Deane Core Strategy in respect of proposals relating to listed buildings.

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

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 22912/001/100 Rev B General Arrangement  
(A4) DrNo 694B/01 Location Plan  
(A1) DrNo 694B/02B Existing Site Plan  
(A1) DrNo 694B/03C Proposed Site Plan including Landscaping  
(A1) DrNo 694B/04 Existing Lower Ground Floor Plans  
(A1) DrNo 694B/05 Existing Ground Floor Plans  
(A1) DrNo 694B/06 Existing First Floor Plans  
(A1) DrNo 694B/07 Existing Elevations 1/2  
(A1) DrNo 694B/08 Existing Elevations 2/2  
(A1) DrNo 694B/09 Existing Sections  
(A1) DrNo 694B/10 Proposed Lower Ground Floor Plans  
(A1) DrNo 694B/11 Proposed Ground Floor Plans  
(A1) DrNo 694B/12 Proposed First Floor Plans  
(A1) DrNo 694B/13 Proposed Elevations 1/2  
(A1) DrNo 694B/14 Proposed Elevations 2/2  
(A1) DrNo 694B/15 Proposed Sections

(A1) DrNo 694B/19 Proposed Temporary Marquee

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

3. No boundary wall works to the walled garden 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: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Statement 5.

4. Before any works on the building are undertaken a precise schedule of the repairs shall be submitted to and approved in writing by the Local Planning Authority, with such approved schedule including timing being strictly adhered to in the implementation of the approved work, unless any variation thereto is first agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the listed building, and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Guidance note 15.

5. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: glass house; glazed link; covered walkway; staircase in estate equipment store; new window to male wc's; doors; architraves; glazing to function room; platform lift; finished treatment/s for all joinery/ timberwork.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Section 16 of the Planning (listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Guidance note 15.

Notes for compliance

**PROPOSAL**

The proposal forms a comprehensive scheme to develop the existing business for conferences and weddings at the site of Woodlands Castle. The works involve providing two temporary tents/marquees for a limited period to allow for sufficient funding to replace them with a permanent building. This temporary period of four and a half years would also be used to fund the other works to the listed building including restoration work, roof repairs, conversion of the outbuildings to toilets and storage and provision of a glazed link to the house with provision of a lift and access to a disabled toilet. The larger of the temporary structures would be 20m x 16m and 5.8m to the ridge, while the intended permanent building would be 28.5m x 14.5m and 5.8m to the ridge.

## **SITE DESCRIPTION AND HISTORY**

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

Originally a dwelling listed building consent for office conversion was granted in 1997 (31/97/015LB) and 2002 (31/02/019LB). Permission was refused for conversion of the building to close care retirement flats in 2005 (31/04/028LB). Permission for retention of two marquees for conference and functions use was refused in 2007 (31/07/0017) and a refusal for conversion to conference and function use and conversion of outbuildings to toilets was refused in 2008 (31/07/0030LB).

Permission for conversion to provide function facilities, disabled toilet and tanking of basement was submitted in November 2008 and granted in January 2009 (31/08/0028LB). A further application for internal alterations for changes to the toilets and installation of tanking system in the basement was granted consent earlier this year (31/11/0008LB).

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*RUISHTON & THORNFALCON PARISH COUNCIL* - The Parish Council have the following concerns:

- noise nuisance to near neighbours;
- the impact of the 'tents' on the listed building preferring to see a properly built extension to the property;
- not enough parking spaces to accommodate 300 people plus staff and exhibitors;
- volume of traffic having to use Ruishton Lane.
- It is noted that they are already advertising the use of the conference/exhibition suite before planning permission is granted.

*HERITAGE LEAD* - Submission accords with pre-application discussions.

Submitted Planning Statement - Section 7 - Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 cited, which is relevant to the

con-current planning application, with Section 16 (which is not cited), being relevant to the LB application. Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review not cited but relevant.

Proposals supported on the basis that the tents will only be in place for the period stated. If consent recommended, please include Conditions covering the following:

- Schedule of repairs.
- Sample brick panel for walled garden.
- HE16 - insert - glass house; glazed link; covered walkway; staircase in estate equipment store; new window to male wc's; doors; architraves; glazing to function room; platform lift; finished treatment/s for all joinery/ timberwork.

## **Representations**

2 objections on grounds of

- additional development outside settlement limits that would be reliant on private vehicles for its needs contrary to policy,
- the application contravenes EC6 and EC7 as the temporary tents are not compatible with the rural character of the area and the parkland setting, due to design and the footprint is twice the size of the existing building and is out of proportion with the LB,
- the proposal would harm residential amenity due to increased traffic,
- noise and disturbance at night.

## **PLANNING POLICIES**

PPS4 - Planning for Sustainable Economic Growth,  
PPS 5 - PPS5 Planning for the Historic Environment,  
PPS7 - Sustainable Development in Rural Areas,  
STR1 - Sustainable Development,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
CP8 - TD CORE STRATEGY - ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main consideration with the application is the impact on the character, appearance and fabric of the listed building and whether the works comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant listed building consent, the Local Planning Authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

The proposed works involve a permanent building set into the walled garden which would be 28.5m x 14.5m and 5.8m to the ridge. The contemporary design of the

function room building will involve a zinc roof and cedar boarded sides. This function room would be linked to the main house by two routes, a glazed link to the kitchen and secondly a means of disabled access with a glasshouse against the high wall replacing the existing pergola and providing covered access to a new lift down to courtyard level. The outbuildings at the rear would be converted to toilets and storage use and sections of damaged garden walls will be reinstated. The Conservation Officer supports the scheme subject to conditions of construction details and removal of the temporary tents as stated.

The temporary tents are required initially to secure adequate funding to support the proposed scheme. Not allowing the temporary tents would prevent the development from happening. Previous refusals for tents including a successful appeal and enforcement action has been taken at this site. The previous refusals however were not based purely on listed building grounds but also involved highway issues. Previous concern over the marquees related to their siting and appearance and stemmed from the effective permanence of the structures.

While the siting of the current tents would give a different appearance and thus impact than the permanent building, this impact is a temporary one in relation to the setting and does not impact on historic fabric of the building. Justification for these temporary structures has been submitted with the application and on the basis that they are temporary structures which will be removed the proposal is considered to have benefits for the long term maintenance of the listed building and it is therefore considered it can be supported.

## **Conclusion**

The proposed new building is considered an acceptable contemporary design that sits within the confines of the walled garden and is not considered to detract from the setting of the listed building. The long term benefits of the scheme to the listed building are considered to outweigh the short term visual issue of the temporary tents and the proposal is therefore recommended for approval.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

## Planning Committee – 1 December 2011

- Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Denington, C Hill, Mrs Hill, Miss James, Morrell, Tooze, Watson, Ms Webber, A Wedderkopp, D Wedderkopp and Wren
- Officers:- Mr T Burton (Growth and Development Manager), Mrs J Moore (Major Applications Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager and Mr R Bryant (Democratic Services Manager)

(The meeting commenced at 5.00 pm)

### 120. Apologies/Substitution

Apologies: Councillors A Govier, Mrs Messenger, Mrs Reed and Mrs Smith  
Substitution: Councillor Ms Webber for Councillor Mrs Reed

### 121. Declarations of Interest

Councillor D Wedderkopp declared personal interests as a Member of Somerset County Council and a member of the Somerset Waterways Trust. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared personal interests as an employee of Viridor and as a member of the Somerset Waterways Trust. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillors Mrs Allgrove and Bishop declared personal interests as members of the Somerset Waterways Trust. Councillor Ms Webber declared personal interests both as the Chairman of Cheddon Fitzpaine Parish Council and as a tenant of the Crown Estate.

### 122. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager concerning 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 developments:-

**31/11/0026**

**Erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse, extension of car park and temporary erection of two tents at Woodlands Castle, Ruishton**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the

date of this permission;

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

(A1) DrNo 22912/001/100 Rev B General Arrangement;  
(A4) DrNo 694B/01 Location Plan;  
(A1) DrNo 694B/02B Existing Site Plan;  
(A1) DrNo 694B/04 Existing Lower Ground Floor Plans;  
(A1) DrNo 694B/05 Existing Ground Floor Plans;  
(A1) DrNo 694B/06 Existing First Floor Plans;  
(A1) DrNo 694B/07 Existing Elevations 1/2;  
(A1) DrNo 694B/08 Existing Elevations 2/2;  
(A1) DrNo 694B/09 Existing Sections;  
(A1) DrNo 694B/10 Proposed Lower Ground Floor Plans;  
(A1) DrNo 694B/11 Proposed Ground Floor Plans;  
(A1) DrNo 694N/12 Proposed First Floor Plans;  
(A1) DrNo 694B/13 Proposed Elevations 1/2;  
(A1) DrNo 694B/14 Proposed Elevations 2/2;  
(A1) DrNo 694B/19 Proposed Temporary Marquee;  
(A1) DrNo 694B/15A Proposed Sections;

- (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) (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) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats and nesting birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of a Bat Emergence Survey to be carried out, and Michael Woods Associates Ecological Survey dated July 2011, and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when bats and nesting birds could be harmed by disturbance; and
  - Measures for the enhancement of places of rest for nesting birds and possibly bats.



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 a new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (f) Noise from amplified music or speech from the licensed premises shall not be audible at the points marked A, B and C on the attached plan at any times. This condition shall not apply to amplified broadcasts made in connection with evacuation of the premises in the event of fire or other emergency;
- (g) A Green Travel Plan shall be submitted prior to the new temporary or permanent facility being brought into use and subsequently shall be implemented in accordance with the action plan specified unless otherwise agreed in writing by the Local Planning Authority. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan and the Travel Plan shall be carried out as approved;
- (h) The bollards to close the old access drive shall be maintained at all times;
- (i) The reinstatement of the boundary wall of the walled garden shall be carried out prior to the new permanent conference building being brought into use;
- (j) The two temporary tents hereby permitted shall be removed from the site on or before 31 May 2016;
- (k) Prior to construction of the new pergola and paved terrace details of the existing and proposed ground levels shall be submitted to, and approved in writing by, the Local Planning Authority;
- (l) There shall be no fireworks or Chinese lanterns used at the site unless otherwise agreed in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.)

### **Reasons for granting planning permission:-**

The principle of expanding an existing business use outside defined settlement limits was considered acceptable and the proposal was considered not to harm visual or residential amenity or the character and setting of the listed building and was therefore considered to be in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, PPS5, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, and accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Development Outside Settlements), EC2 (Expansion of Existing Firms on Land Subject to Restrictive Policies), EC6 (Conversion of Rural Buildings) and EC7 (Rural Employment).

**Erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse and temporary erection of two tents at Woodlands Castle, Ruishton**

**Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A1) DrNo 22912/001/100 Rev B General Arrangement;
  - (A4) DrNo 694B/01 Location Plan;
  - (A1) DrNo 694B/02B Existing Site Plan;
  - (A1) DrNo 694B/03C Proposed Site Plan including Landscaping;
  - (A1) DrNo 694B/04 Existing Lower Ground Floor Plans;
  - (A1) DrNo 694B/05 Existing Ground Floor Plans;
  - (A1) DrNo 694B/06 Existing First Floor Plans;
  - (A1) DrNo 694B/07 Existing Elevations 1/2;
  - (A1) DrNo 694B/08 Existing Elevations 2/2
  - (A1) DrNo 694B/09 Existing Sections;
  - (A1) DrNo 694B/10 Proposed Lower Ground Floor Plans;
  - (A1) DrNo 694B/11 Proposed Ground Floor Plans;
  - (A1) DrNo 694N/12 Proposed First Floor Plans;
  - (A1) DrNo 694B/13 Proposed Elevations 1/2;
  - (A1) DrNo 694B/14 Proposed Elevations 2/2;
  - (A1) DrNo 694B/15 Proposed Sections;
  - (A1) DrNo 694B/19 Proposed Temporary Marquee;
- (c) No boundary wall works to the walled garden 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;
- (d) Before any works on the building are undertaken a precise schedule of the repairs shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved schedule including timing being strictly adhered to in the implementation of the approved work, unless any variation thereto is first agreed in writing by the Local Planning Authority;
- (e) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: glass house; glazed link; covered walkway; staircase in estate equipment store; new window to male WC's; doors; architraves; glazing to function room; platform lift; and finished treatment/s for all joinery/ timberwork.

**Reasons for granting listed building consent:-**

It was considered that the proposal was in accordance with Section 16 of the

Planning (Listed Buildings and Conservation Areas) Act 1990 and was in line with PPS5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy CP8 of the Taunton Deane Core Strategy in respect of proposals relating to listed buildings.

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

**08/11/0018**

**Outline application for residential development on land to the east of Tudor Park, Maidenbrook Farm, Taunton**

### **Reasons**

- (a) The proposal will have a significant detrimental impact on the open character of the Taunton-Monkton Heathfield green wedge and would reduce the effectiveness of the area in its role in separating the settlements of Taunton and Monkton Heathfield and would represent an undesirable contribution towards the coalescence of the two settlements and is considered to be contrary to Somerset and Exmoor National Plan Policy STR1 and Taunton Deane Local Plan Policies EN13 and regulation 30 Published Core Strategy Policy CP8 furthermore it is considered that the additional 125 dwellings that could be provided as a result of these proposals is not of sufficient weight to outweigh the detrimental impact of the proposals on the above policies;
- (b) The proposed development of this open green field site, characterised by hedge enclosed farmland, would be out of character with and detrimental to the landscape character of the area contrary to the requirements of Taunton Deane Local Plan Policy EN12. Furthermore its development would have a detrimental impact on the character of the Taunton and Bridgwater Canal and approach route into Taunton contrary to the requirements of Taunton Deane Local Plan Policies EN25 and T34 and Regulation 30 Published Core Strategy Policy CP8;
- (c) Taunton Deane Local Plan Policy H9 requires the provision of affordable housing to be provided on sites of over 1ha or 10 dwellings. The current proposal does not provide for any affordable housing and is considered to be contrary to Somerset and Exmoor National Park Policy 35, Taunton Deane Local Plan Policy H9 and Planning Policy Statement 3 (paragraphs 27 – 30) and Published Core Strategy Policy CP4;
- (d) The development is expected to result in a need for an additional primary and secondary school places. The existing primary school and secondary schools have no spare capacity to cater for the additional demand and the developer is not proposing any contributions in order for those facilities to be provided. As a result the proposal is considered to be contrary to Taunton Deane Local Plan Policy C1 and Regulation 30 Published Core Strategy Policy CP7;
- (e) The proposal does not include the provision of contributions towards adequate recreation space, playing field provision or community hall requirements and does not comply with the requirements of Taunton Deane Local Plan Policy C4 and Regulation 30 and Published Core Strategy Policy SP2;
- (f) The proposal does not include the required package of off site highway work or travel plan contributions as listed in the report and as such does not comply with Taunton Deane Local Plan Policy S1, Somerset and Exmoor National Park Structure Plan Policy 49 and Core Strategy Policies SP2 and SP6.

Note - In the event that a Section 106 Agreement was submitted which provided acceptable provisions for affordable housing, highways, education, leisure and recreation, refusal reasons (c), (d), (e) and (f) would be withdrawn.

**123. Erection of up to 580 residential dwellings, live-work units, retail space, other mixed use development and open space to include play areas and linear park, and associated landscaping at land off Nerrols Drive, Taunton (08/11/0024)**

Reported this application.

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

- (1) 25% affordable housing to be split in accordance with the Core Strategy;
- (2) The following transport related requirements:-
  - Contributions to works to be carried out by Somerset County Council at Creech Castle Junction, Venture Way Roundabout, Priorswood Roundabout and the Wickes Roundabout. These contributions are yet to be agreed with the developer;
  - The design, construction and funding of four Right Turn Lane Access Junctions into the site, three from Nerrols Drive and one from the A3259;
  - The Protection of a route through the development from Nerrols Drive to land to the north;
  - Implementation of an approved Full Travel Plan for the development, such travel plan to have been agreed in full prior to the signing of the Section 106 Agreement (prior to reserved matters or commencement of the development), appended to the agreement and supported by a Full Travel Plan schedule which contains a range of measures including the funding of a travel plan co-ordinator, personal travel planning, a car club and scheme for residential cycle parking;
  - Highways works in support of the travel plan including:-
    - (i) land within the development and provision of land within the extended highway width on the A3259 for a cycle and walking link to along the southern edge of the site between the Crown Medical Centre Roundabout and the existing footway/cycleway on Yallands Hill;
    - (ii) footway improvements to along the eastern side of Nerrols Drive to connect the existing footway to the Crown Medical Centre Roundabout; and
    - (iii) safe controlled pedestrian and cycle crossing points across Nerrols Drive at two locations (north and south) and two locations across the A3259 at the Crown Medical Centre Roundabout and Yallands Hill;

- Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property for a period of five years from each occupation, to aid with uptake of smarter travel choices;
  - Travel information contribution of £35,000 to assist the Somerset County Council in providing smarter travel information material and resources in co-ordination with other neighbouring developments in north Taunton and Monkton Heathfield with relevant cycle leaflets and bus timetables as part of travel information packs and towards the County Council's costs in adapting its online bus journey planner for residents;
  - A contribution of £260,000 to cycleway connectivity and signage improvements between the site and neighbouring destinations;
  - A personal travel planning and travel plan co-ordinator contribution of £250,000 to assist in the implementation of the developer's travel plan and enable co-ordination with a strategic area-travel plan for other development in north Taunton and Monkton Heathfield;
  - A car club contribution of £50,000;
  - A smarter travel management fund of £25,000 to aid with the ongoing provision of matters such as on-site cycle servicing for residents and other events/one-off promotions to assist a travel plan co-ordinator promote sustainable travel during the life of the travel plan, and should targets not be met to provide further remedies.
  - Ten fully-equipped bus stops featuring hard standing, licensed shelters and cycle parking on each side of the A3259 (1 pair) and Nerrols Drive (4 pairs) on the stops adjacent to the development site with a commuted maintenance sum; and
  - A Travel Plan Fee of £4000 to assist Somerset County Council's role in supervising the implementation of the travel plan as a one-off payment;
- (3) Education contributions which must include a site for a new primary school plus contributions for secondary school places and pre-school (based on the formula listed in the consultation response contained in the Committee report);
- (4) Country Park - Offsite commitment for green wedge land beyond the application site; and
- (5) Drainage - Maintenance of the surface water attenuation ponds,

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

- (a) Approval of the details of the layout, scale, appearance, boundary treatments and internal access of the site (hereinafter called "the reserved matters") shall

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

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

- (A3) DrNo 21262-L-229 Figure 3 Illustrative Masterplan;
- (A3) DrNo 21262-L228 Figure 1 Site Location Plan;
- (A1) DrNo 21262-L181b Figure 2 Planning Application Site Boundary;
- (A3) DrNo 21262-L231 Figure 4 Land Use Budget;
- (A3) DrNo 29392-L09 Revised Illustrative Masterplan (November 2011);
- (A3) DrNo 29392-L07 Preliminary Highway Design Option1;
- (A3) DrNo 29392-L08 Preliminary Highway Design Option 2;
- (A3) DrNo 29392-L88 Rev A Proposed Site Access/A3259;
- (A3) DrNo 29392-L87 Rev A Proposed Site Access/ Neighbourhood Centre;
- (A3) DrNo 29392-L85 Rev A Proposed Site Access/Southern Access, Nerrols Drive;
- (A3) DrNo 29392-L189a Junction 2 Priorswood Roundabout Mitigation;

- (d) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting (taking account of the wildlife mitigation requirements), 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 to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (e) No development shall take place on the site until there is submitted to, and approved in writing by, the Local Planning Authority, a Design Code for the site in its entirety. The Design Code shall be approved prior to the approval of any reserved matters application submitted in association with this permission.

The Design Code shall include detailed codings for:-

- Architectural and sustainable construction principles;
- Character Areas, street types and street materials;
- Block types and block principles;
- Renewable and energy efficiency measures;
- Principles of internal highways, cycle-ways and footpaths;
- Car and cycle parking principles;
- Building types, heights and materials;
- Boundary treatments and surface treatments;

- (f) Prior to the commencement of works on site, details for the parking of motor vehicles shall be submitted to, and approved in writing by, the Local Planning Authority. The approved parking shall be provided on site prior to the occupation/commencement of use of the building to which it relates and shall thereafter be maintained;
- (g) The development shall provide for covered and secure cycle storage facilities, details of which shall be indicated on the plans submitted in accordance with the condition above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (h) The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted in accordance with condition above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (i) Prior to the commencement of the development a landscape strategy and management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping strategy shall include details of the proposed structural and internal landscaping and the proposed phasing of any landscaping works. The landscape management plan shall include a maintenance plan specifying the extent and timing of grass cutting, shrub pruning and tree maintenance. The landscape strategy shall thereafter be implemented on site in accordance with the approved strategy and a management plan unless otherwise agreed in writing by the Local Planning Authority;
- (j) Prior to the commencement of works on site, details of a Country Park to the east of the site, and as illustrated on the submitted masterplan, a timetable for its provision on site and its future management regime shall be submitted to, and approved in writing by, the Local Planning Authority. The Country Park shall thereafter be provided in accordance with the approved details unless a variation is first submitted to, approved in writing by, the Local Planning Authority. The submitted details shall be in general accordance with the design brief attached to the certificate;
- (k) Prior to the commencement of works on site, details for the multi purpose green necklace around the boundary of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall include the provision of land for outdoor recreation in addition to the buffer planting required for wildlife mitigation purposes;
- (l) Prior to the commencement of works on site, full details of the public open space and children's play areas in accordance with Taunton Deane Local Plan Policy C4 (to include one Local Equipped Area for Play (LEAP) and one Neighbourhood Equipped Area for Play (NEAP)) with details of their size, location, equipment and future management shall be submitted to, and approved in writing by, the Local Planning Authority. The public open space and play areas shall thereafter be provided and maintained in strict accordance with the approved details unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;
- (m) Before any part of the development hereby permitted is commenced a plan showing:-
  - (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed

- and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2005); and
- (ii) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site;
- (n) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. 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 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;
  - (o) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
  - (p) 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 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;
  - (q) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
  - (r) Prior to any reserved matters approval, a detailed surface water drainage strategy must be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be generally in accordance with section 4.6.2 and figure 4.1 of the approved Flood Risk Assessment (prepared by Entec UK Ltd and dated December 2010) and include details of the phasing and timing of the surface water infrastructure as well as the maintenance regime and responsibilities. The scheme shall be subsequently implemented and maintained in accordance with the approved details;
  - (s) In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance. Where remediation is necessary a remediation scheme must be prepared in accordance with the above authoritative guidance and submitted for approval in writing by the Local Planning Authority and such scheme shall be implemented prior to the occupation of any units that would be affected by the contaminated area;



- (t) Prior to the commencement of any development works on site, the applicant shall submit details of a sound reduction scheme based on the noise assessment in the Environmental Statement, Entec UK Ltd, December 2010 (Ref 21262rr113). This shall include details of the glazing and ventilation to be used to achieve the “good” standard for internal noise levels as detailed in British Standard 8233, for residential premises on the development, and the calculations and reasoning upon which any such scheme is based. The report is to be accepted in writing by the Local Planning Authority prior to commencement of development works and the accepted works carried out in accordance with the approved sound reduction scheme prior to occupation, and maintained as such thereafter, unless an alternative is first agreed in writing by the Local Planning Authority;
- (u) Prior to the commencement of works on site details of a foul drainage strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall include arrangements for the points of connection and capacity improvements required to serve the development and the timing for the implementation of the strategy. Prior to the occupation of any of the dwellings hereby permitted the drainage scheme shall be fully implemented in accordance with the approved details unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (v) 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 has been submitted to, and approved in writing by, the Local Planning Authority. Drainage designs shall ensure that surface water from each plot, phase or parcel of land is attenuated to the 1 in 2 year Greenfield Runoff rate (4.55 l/s/ha) for all storm events up to and including the 1 in 100 year plus climate change event. The scheme shall subsequently be implemented and completed in strict accordance with the approved details before any built development commences on site;
- (w) No development shall take place on land to which reserved matters relate until a scheme for finished floor levels for each plot, phase or parcel of land has been submitted to, and agreed in writing by, the Local Planning Authority. The finished floor levels of the built development shall be set no lower than 150mm above the existing ground level on site;
- (x) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife and their habitats has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Entec's Environmental Statement dated December 2010 and up to date surveys and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
  - Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes, bat

boxes and the bat house and related accesses have been fully implemented. Thereafter the bird boxes, bat boxes and the bat house and related accesses shall be permanently maintained in a useable condition;

- (y) Prior to the commencement of works on site, details of an annual monitoring scheme, to be undertaken by the applicant, for the woodland and buffer planting areas, as outlined on condition (z) below shall be submitted to, and approved in writing by, the Local planning Authority. The monitoring scheme must aim to ascertain the effectiveness of the planting to provide suitable replacement foraging habitat for the Lesser Horseshoe Bats from the Hestercombe Special Area of Conservation (SAC). Prior to the commencement of phase 2 of the development, as outlined in the design and access statement, full details of the findings of the monitoring scheme shall be submitted to the Local planning Authority. No works in association with phase 2 shall take place until it is agreed by the Local Planning Authority that the mitigation planting is functional, i.e. is providing adequate habitat mitigation for the loss of habitat for the Lesser Horseshoe Bats from the Hestercombe SAC resulting from the development. In the event that the planting does not provide adequate replacement habitat, the applicant shall submit a revised mitigation scheme designed to rectify any inadequacies that have been identified;
- (z) No development shall take place on site until a scheme for the mitigation of the impact on the Lesser Horseshoe Bat from the Hestercombe House SAC colony is submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the following:-

1. Details for the provision of a 20 m buffer of woodland around the northern and eastern boundaries of the site, which will connect with the retained tree belt on the eastern side of the Maiden Brook. This must be designed to form a continuous unlit corridor around the perimeter of the site, to provide the opportunity for light sensitive bat species (including Lesser Horseshoe Bats) to commute around the site, and to provide additional foraging habitat. The submitted details shall include a planting schedule and layout for the 20m buffer planting that must conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). The agreed on-site buffer planting shall be installed no later than year one of Phase 1a of the proposed development and advanced stock (Extra Heavy Standards) will be used, with the objective of ensuring that 40% of trees reach a height of 5.5m before commencement of Phase 2 of the development.
2. Details showing the retention and incorporation of the existing hedgerows on the boundaries of the development facing open countryside into the buffer planting.
3. Details for the retention of trees, hedgerows and scrub around Nerrols Farm.
4. Details of any proposed paths and cycleways through the buffer. These must be designed no wider than 3m and to go diagonally through the buffer and will not be lit.
5. The scheme shall show that all buildings, gardens, roads and footpaths will be offset from the buffer planting and the Maiden Brook by a minimum of 5m.
6. Details for the retention of the trees and mature hedgerows surrounding Nerrols Farm and plans to ensure its connectivity to the farmland to the north of the farm buildings.
7. Details for the provision of a 20m woodland buffer between Nerrols Farm and its ancillary farm buildings and the development site as indicated on the

illustrative masterplan, in order to retain the suitability of the farm for Lesser Horseshoe Bats, both as a foraging area and a potential night roost.

8. Details for the creation of an area of 3.15 hectares for off-site woodland planting using the methodology described in the, based upon the current site boundary and habitat data provided in the baseline ecology report (Entec 2010b). The planting schedule and layout of the off-site planting will conform to that set out in the Appropriate Assessment (Somerset County Council, 2009). To minimise the time taken to achieve functionality, the off-site planting will be installed no later than year one of the proposed development.

9. Details for the preparation and implementation of a habitat management plan to ensure that the buffer planting and off-site compensatory woodland planting is managed appropriately for Lesser Horseshoe Bats. The management plan must cover management of the whole site, plus the off-site compensation areas for a period of 25 years from completion of the works and must include measures to promote the establishment of the buffer and off-site planting, such as thinning and the replacement of 'nurse crop' species (Poplar and Norway Spruce) with Oak and Ash to give a more diverse age range. It is proposed that the preparation and implementation of the management plan be secured by a planning condition.

10. Details for the provision of a purpose-built bat house to provide roosting opportunities for a variety of bat species, including Lesser Horseshoe Bats, in compensation for the loss of the barn to the west of Nerrols Farm. The bat house should be designed so that it does not induce a maternity colony to set up which might replace and undermine that of the Hestercombe House roosts.

11. Details of a lighting strategy to minimise the effects on Lesser Horseshoe Bats (and other bat species), and must incorporate the following:-

- No night-time working during the construction stage of the development;
- Street lighting that is no higher than 5m, directed away from the landscape;
- Landscape buffers and hedgerows designed to avoid light spillage and pollution;
- Lighting adjacent to features used by bats as flight corridors and foraging habitat (namely the woodland buffer strip, hedgerows, the Nerrols Farm access road and Maiden Brook) will be directed away from these features and lighting levels will be as low as legally permissible;
- Lighting will not be of the white mercury vapour or high pressure sodium types. Where possible, LED, highly directional and/or 'light on demand' forms of lighting will be used.

Once approved the development shall proceed in accordance with the timings agreed in the above scheme and shall thereafter be maintained as such unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;

- (aa) Prior to the submission of a reserved matters application for phase 2 of the development site, details showing the provision of a minimum of 660m<sup>2</sup> of employment land for Class "B1" business uses as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) on the application site, or adjacent land known as Nerrols Farm, and the timing of its provision

- shall be submitted to, and approved in writing by, the Local Planning Authority;
- (bb) Reserved matters submissions for phase 2 of the development, as defined in the design and access statement shall include a highway, footpath and cycleway links up to the boundary of the site with the land to the north and north west;
  - (cc) Prior to the submission of any reserved matters application in connection with this permission a detailed Energy Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The statement shall include details an investigation into the feasibility and viability of providing a suitably located energy centre in order to provide locally generated electricity to serve the whole allocated site;
  - (dd) The proposed roads, 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 carriageway and footpath;
  - (ee) No development hereby permitted shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
  - (ff) No work shall commence on the development hereby permitted until detailed plans and specifications of the access junctions have been submitted to, and approved in writing by, the Local Planning Authority in conjunction with the Somerset County Council. Thereafter no part of the development shall be occupied until the relevant access junction serving that part of the development has been fully constructed in accordance with the approved details and opened for use by traffic unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
  - (gg) No development shall take place on Phase 2 of the land until details of a Link Road to the land to the north/north-west and its junction with Bossington Drive have been submitted to, and agreed in writing by, the Local Planning Authority in conjunction with the County Highway Authority;
  - (hh) No development shall commence until plans showing the land to be dedicated as Public Highway on the A3259 frontage have been submitted to, and approved in writing by, the Local Planning Authority;

(Notes to applicant:- (1) Applicant was advised that in connection with Condition (i) the Local Planning Authority expect the landscape scheme to include the following :-  
a) earth mounding in order to provide additional screening around the perimeter of the site; b) a minimum distance of 25m between any trees and the listed buildings;  
c) the planting scheme must be in keeping with the requirements of the Flood Risk Assessment (FRA) mitigation; d) footpath links throughout the site including footpath links and footbridges to the green open space adjacent to Maiden Brook;  
(2) Applicant was advised that regarding Condition (k) the provision of land for allotments shall be based on the Council's Allotment Policy for 15.4m<sup>2</sup> per dwelling;  
(3) Applicant was advised that the above drainage conditions 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, storage volumes and SuDs control measures for each catchment and the subsequent phases of development. The strategy will need to be supported by Micro-drainage calculations for all storm periods up to and including for the 1 in 100 year event plus climate change. Details of the existing and proposed surface water drainage system will

need to be provided. It must be demonstrated that all surface water features are located in Flood Zone 1 and this should be supported by site levels compared against the predicted 1 in 100 year event. The timing / phasing of surface water infrastructure is critical to ensure that all surface water is attenuated for as the development comes forward. The drainage infrastructure for each plot will need to be completed before any built development occurs on site to ensure that surface water flooding is not increased at any stage of development. Any exceedance flows, routes and depths must be mapped and addressed to ensure that the development is safe from flooding. The strategy must include details of the re-configuration of the two existing dry surface water attenuation basins on site. This must be undertaken in line with Section 4.7 of the FRA and Figure 4.1 of the FRA. Details must also be submitted to demonstrate that the capacity of the surface water drainage features are sufficient so that the attenuation features will not be exceeded. The risk of increased surface water flooding during all stages of development must be addressed. Each reserved matters application will need to demonstrate a viable drainage scheme in accordance with the approved masterplan to allow approval for any detailed layout proposals to be recommended; (4) Applicant was advised that in regard to Condition (w) a topographic survey of the existing site together with proposed floor levels that are set 150mm or more above the existing levels should be supplied; (5) Applicant was advised that any works within the channel of the Maiden Brook (i.e. the surface water outfalls from the ponds) are likely to require Flood Defence Consent from the Environment Agency. All works in or near the channel should be undertaken in accordance with our Pollution Prevention Guidance Note 5 which is available on the Agency's website. Any waste used on site or taken off site will be subject to the appropriate Licences and Exemptions required from the Environment Agency; (6) Applicant was advised that the buffer planting around Nerrols Farm, should ensure that an appropriate distance is provided between the planting and the listed building in order to protect the setting and structures of the listed complex.)

### **Reasons for planning permission, if granted:-**

The proposal was considered as an interim proposal in order to maintain an acceptable supply of housing land. It was generally in keeping with the Regulation 30 published Core Strategy and would result in an acceptable mixed use development with acceptable highway access and good transport links to existing services in accordance with Taunton Deane Regulation 30 Core Strategy published plan Policy SS2.

Also **resolved** that in the event that the Section 106 Agreement was not signed within three months from the date of the meeting, the Growth and Development Manager be authorised to refuse planning permission or agree an extension of time within which the agreement should be signed.

(The meeting ended at 6.43 p.m.)