

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 5 June 2013 at 17:00.

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 42/13/0023 - Erection of single storey extension and porch to the front, single storey extension to the side and carport at 13 Orchard Close, Trull.
- 5 41/13/0001 - Erection of 16,632 solar PV panels generating up to 4.16mw at Glebe Farm, Tolland (resubmission of 41/12/0005)
- 6 38/13/0105 - Change of use from a1 (retail) to a5 (hot food takeaway), alterations to the shop front, erection of two condenser units and installation of extraction flue at 40 Station Road, Taunton (as amended)
- 7 07/13/0010 - Erection of two storey extension to the rear of the Waggon House, Bradford on Tone.
- 8 05/13/0011 - Outline application for residential development at land adjoining Sherlands, Stonegallows, Bishops Hull.
- 9 Miscellaneous Report - Local Connection Clause. Report of the Development Management Lead and Housing Enabling Lead (attached).
Reporting Officers: Bryn Kitching
Jo Humble
- 10 Planning Appeals - The latest appeals received (attached).

17 July 2013

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

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

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

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

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

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

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

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



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

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Planning Committee Members:-

Councillor B Nottrodt (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor C Bishop
Councillor R Bowrah, BEM
Councillor B Denington
Councillor J Gaden
Councillor E Gaines
Councillor C Hill
Councillor M Hill
Councillor L James
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
- Employee of Somerset County Council – Councillor Mrs Hill
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

42/13/0023

MR R FLETCHER

**ERECTION OF SINGLE STOREY EXTENSION AND PORCH TO THE FRONT,
SINGLE STOREY EXTENSION TO THE SIDE AND CARPORT AT 13 ORCHARD
CLOSE, TRULL**

Grid Reference: 321453.122275

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development would not harm visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

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:

(A3) DrNo 4 Elevations
(A3) DrNo 3 Ground Floor Plan
(A3) DrNo 2 Elevations as Existing
(A3) DrNo 1 Ground Floor Plan as Existing
(A4) DrNo 5 Site Layout Plan
(A4) Location Plan

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

Notes to Applicant

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

PROPOSAL

Permission is sought to erect a gable fronted extension on the principal elevation of this detached bungalow. The proposed extension will project 3.2m from the front elevation and be 3.5m in width. A pitched roof porch measuring 2.1m x 1.8m is proposed alongside this extension to the south.

A further extension is proposed on the north elevation measuring 2m x 3.45m is proposed on the side (north) elevation - it is considered that this extension falls within the permitted development rights for the property. A small section of screen wall will be removed and a side gate erected, again this does not require planning permission.

A carport is proposed to be built in front of the existing garage. This will have wooden posts and open sides and roof. This is proposed to be built up to the boundary with the Neighbour's garage at no 14 - no encroachment will take place onto the adjoining driveway.

The materials to be used in the construction of the extension will match the existing dwelling.

SITE DESCRIPTION AND HISTORY

The existing dwelling is a part brick/part render detached bungalow with a gabled tiled roof. It has a flat roofed garage located to the south of the bungalow that is attached to the neighbours garage at no 14, these garages are accessed by a shared driveway and are set back approximately 5 metres from the front elevation. The garden to the front is open plan and has a 1.8m fence along the northern boundary - this fence will remain.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP -

TRULL PARISH COUNCIL - Objects -The front extension will break the building line. Moreover, the carport and division of the driveway will impede access for the neighbour

Representations

6 letters of OBJECTION have been received. The main objections are:

- That the extension under these proposals will extend beyond the existing building line.
- The moving of the building line would adversely affect the well established outlook visually and affect privacy.
- The alteration to the driveway and introduction of a carport could lead to a

- potential safety hazard.
- The neighbour suffers from Parkinson's disease and has great difficulty getting in and out of her car. Therefore, any additional structure would mean that she would be unable to have the use of the neighbour's driveway.
 - The alterations reduce the legitimate usage of the road to an unacceptable level that could lead to a vehicle overhanging the adopted highway to the detriment of other road users.
 - The proposed alterations would be out of keeping with the design and character of the existing dwelling and have an adverse impact on the area as a whole.
 - The proposal goes far beyond the building line and whilst it does not affect the angle of light or sight it directly affects the aspect, a view I have enjoyed for a number of years.
 - The side extension and gate will almost come up to no 12.
 - The screen wall is due for demolition.
 - A wood fence to the front of the property will be out of keeping with the rest of the properties.
 - The applicants should have spoken to neighbours before submitting the application.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
H17 - TDBCLP - Extensions to Dwellings,
NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

N/A

DETERMINING ISSUES AND CONSIDERATIONS

It is considered that the proposed extension is modest in design, the size is suitable and does not have any adverse impact on the character of the existing bungalow or affect the amenities on the adjacent dwellings. Whilst the proposal will create a gable extension to the front of the bungalow, other bungalows in Orchard Close already have gable fronts and it is considered that there is no uniform building line or specific house type. The neighbour has stated that it will affect the aspect of her view, however, the extension is on the front of bungalow furthest away from her property and the loss of a view cannot be considered to be a reason for refusal.

The extension shown on the north elevation falls within the permitted development criteria for the property and therefore, planning permission is not needed for this extension. Likewise, the removal of the screen wall and erection of the side gates does not require planning permission. Although the neighbour at 12 Orchard Close has raised concerns with regards to a new wooden fence being out of keeping with the area - the plans specify that the front fence will be a one metre high timber picket fence that, again, would not require planning permission.

The proposed car port is shown to be built wholly within the applicant's curtilage and

therefore, no encroachment will occur onto the shared driveway at no. 12 Orchard Close. Whilst some of the objections that have been received are raising concerns with regards to access issues should the car port be erected, this is not a planning consideration. The carport is shown to erected within the curtilage of no. 14 and it is not a given right that this area can be used by the neighbour at 14 Orchard Close to get in and out of her car. A solid 2 metre fence could be erected along the boundary line between the driveway without planning permission. The carport will cause no reduction in the current parking arrangements and two cars will be able to be parked on the driveway - this will cause no impact on highway safety. One letter states that the garage should not be brought into the dwelling and that which would then require a car port - this is not the case as the garage will still be available for the parking of cars, it is not shown to be converted to additional accommodation as part of this application

The proposed development is not considered to have an adverse impact on amenity or the street scene and is supported.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

41/13/0001

AEE RENEWABLES UK 21 LTD

ERECTION OF 16,632 SOLAR PV PANELS GENERATING UP TO 4.16MW AT GLEBE FARM, TOLLAND (RESUBMISSION OF 41/12/0005)

Grid Reference: 310157.131461

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed development by reason of its scale, form and siting would have a significant detrimental visual impact on the landscape character of the area. The installation would appear as a large stark industrial feature in an otherwise gently rolling landscape at odds with the scattered, small scale and highly dispersed rural development in the area. This incongruous proposal would be highly visible from a large number of sensitive receptors which combine to make the development a very dominant feature in the local landscape. As such, it is considered that the open landscape character of the area and natural environment would be harmed and the impact on the local community is not outweighed by the wider environmental benefits that may be realised by the proposal. The proposal is, therefore, contrary to Policies CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy.
- 2 The application has not satisfactorily demonstrated that the development can satisfactorily mitigate the risks of off site flooding. It is, therefore, contrary to Policy CP8 (Environment) of the Taunton Deane Core Strategy.

RECOMMENDED CONDITION(S) (if applicable)

Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has had detailed discussions and site meetings to consider points of concern. However in this case the applicant was unable to satisfy the Local Planning Authority that the development would not give rise to unacceptable impacts and as such the application has been refused.

PROPOSAL

This application seeks full planning permission for the construction of a solar park comprising around 16,632 solar PV panels generating up to 4.15MW of electricity.

The panels would be arranged on fixed south facing tables in rows with 3 inverters/transformers and a single substation. A new hedge would be positioned at the east extent of the panels and the existing hedge along the north site boundary would be supplemented and allowed to grow up.

Access for construction traffic would be via a temporary roadway from Chilcombe Bridge, a short distance off the western site boundary on the B3188. Construction traffic would be routed from Junction 27 of the M5, via Bampton and Wiveliscombe, arriving at the site from the south.

SITE DESCRIPTION AND HISTORY

The site is a broadly southwest facing hillside set in a natural bowl. The site is steeply sloping, gaining approximately 40m in height over the c.100m width of the site (from southwest to southeast). The main part of the village of Tolland lies over the hill to the north, whilst Brompton Ralph looks out towards the site from the opposite side of the valley to the west.

The West Deane Way long distance public footpath runs along the north eastern site boundary for a distance of about 280m, emerging from a wooded area downhill from to the east of the site, approximately 200m beyond the proposed new hedge at the eastern end of the panels and turning north towards Tolland broadly in the middle of the proposed installation. The northern boundary hedge is currently a relatively low scrappy hedge that does little more than define the edge of the track and field.

The upper reaches of Halse Water run along the south western site boundary and forms the bottom of the valley and Parish/District boundary. The river is lined with mature trees and parts, including that just off the southern corner of the site are identified as a Local Wildlife Site. There is a large number of fairly well connected public footpaths in the area, several of which afford panoramic views of the area and over the application site.

An application (41/12/0005) for around 20,000 solar PV panels was submitted in 2012 on this site, also extending further to the east, to the edge of the existing woodland. The application was withdrawn when your officers expressed concern over the visual impact of the proposal and there were still unresolved flood risk issues. It is no longer proposed to have panels installed on this eastern part of the site and consequently, the current application proposes a smaller installation.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LYDEARD ST LAWRENCE & TOLLAND PARISH COUNCIL – “Lydeard St Lawrence and Tolland Parish Council would like to strongly object to this planning application.

We do not agree with the scheme's plan to cover open countryside with PV panels. No landscaping could effectively shield the development from view. The site is in an area of mixed farming and woodland and the scheme would have a detrimental

impact on the character of the landscape. Screening would further negatively impact, rather than enhance, the area.

There are serious concerns regarding the access to the site, particularly in the light of damage to the access track during the construction of a similar scheme at nearby Halse. An additional road leading to the site to accommodate the construction traffic would be of further detriment to the nature of the local landscape. The parish council's planning sub-committee still has concerns regarding the water run-off and potential flood risks arising from this scheme. The local area has suffered from flooding and water run off onto local highways, and the parish council is keen to ensure that this is not exacerbated by any future planning developments. The proposed scheme was brought up for discussion at the Annual Parish Meeting on 22nd April, allowing comments from the local community to be shared with Parish Councillors.

In addition to local councillors there were eighteen members of the public present, and there is widespread concern relating to this application. It was stated that many felt that this application had not dealt with their concerns from the previous application (41/12/0005) and none at the meeting were prepared to offer any support for it. The parish council's planning sub-committee believes the negative impacts of the proposed development clearly outweigh the benefits, particularly for the people who live in the area close to the site. We would encourage this matter to be referred to the TDBC Planning Committee, and for the Planning Committee to listen to strong local opinion and reject this scheme. Should the scheme be approved, however, we would hope that a section 106 agreement could be put in place to ensure some benefits to be delivered back to the wider community who will have to live with the impact of any approved project.

BROMPTON RALPH PARISH COUNCIL - "The meeting was attended by approximately 20 people mainly from the parish of Brompton Ralph. The majority of the attendees wholly objected to the proposed application.

[The Chairman] declared to the public meeting that the Parish Council objected to the application on grounds of visual impact on the landscape and the fact that 30 acres of good useable agricultural land would be lost to farming for at least 25 years.

The proposed application would affect the people of Brompton Ralph, more than those situated within the parish of Tolland. [The Chairman] also recommended that all members of the public should write to their local MP to raise this issue with him. The two key grounds for objection would be that of matters of visual impact and use of agricultural land.

Discussions were made with the public about how controversial planning applications are usually dealt with at District Council planning committees. It was strongly recommended that Taunton Deane Planning committee should be asked to have a site meeting at agreed points within Brompton Ralph to consider the objections raised about the visual impact to such beautiful landscape located within the area of Brompton Ralph located in West Somerset District.

A member of public indicated that the Landscape Officer to Exmoor National Park was informed about the proposed application. It was suggested that the Parish

Council meet with AEE Renewables, to discuss what might be on offer as a potential community benefit if the planning application were to be approved. Many of the members of public objected to this suggestion, however a proposal was made ...which was seconded The proposal went to vote by the Parish Council. A majority vote was made, 3 to 2 in favour of meeting AEE Renewables. It was agreed that the clerk should make contact with the AEE Renewables project manager responsible for the proposal..."

SCC - TRANSPORT DEVELOPMENT GROUP – Awaited.

LANDSCAPE - My main concerns are the visual impacts of the proposal PV's which are an uncharacteristic feature in what would otherwise be a well managed landscape typical of the 'Wooded and Farmed Vale Fringes – West Deane' landscape character area.

I am generally happy with the photo viewpoints chosen but disagree with some of the sensitivity and significance classifications in Tables 4 and 6 of the Landscape Assessment. For example in Table 4 PV6, 7 and 9 are both public footpaths and should therefore have the same sensitivity i.e. medium. I agree the West Deane Way public footpath is high sensitivity. The churchyard as a semi public open space where visitors go to reflect on life should also be high sensitivity. The B3188 should be medium sensitivity given the route is an access route to Exmoor and the area generally which is popular in terms of tourism. The sensitivity of residents should be the same and not different as indicated in PV's 2 and 3. I would agree with residents being medium to high sensitivity.

In terms of significance of the visual impacts, Table 6, the magnitude from PV1 should be high, given the angle of view and distance, but given the potential for mitigation from the small number of viewpoints I agree the impact is low. Similarly in PV2 I consider the magnitude to be high but the impact with mitigation to be medium. I don't agree that any of the views from or near Brompton Ralph are 'long' distance, but consider them 'middle' distance. The only long distance view is PV4.

Given the above qualifications my summary assessment is the middle distance views from many of the properties, churchyard and local footpaths in and around Brompton Ralph will have a significant visual impact given the uncharacteristic features of the PV's which is otherwise a generally unspoilt area of countryside characteristic of the 'Wooded and Farmed Vale Fringes – West Deane' landscape character area.

Local views to the south of the PV's would be significant and those from the West Deane Way would be highly significant but reducing over time as the hedgerow planting establishes. The hedgerow planting could easily take 10 years to be fully effective.

There are several gateway sites where there are clear views to the PV site but generally they are glimpsed views that are going to have a less significant visual impact.

Overall, given the valley shape of this landscape and the west facing slope of the PV site, I consider there to be a significant number of views – public and private -

where the proposed development would be an uncharacteristic feature within the local landscape detrimental to its character and consider the proposals contrary to CP8.

ENVIRONMENT AGENCY - OBJECT to the application because the submitted Flood Risk Assessment (FRA - prepared by H2OK and dated March 2013) does not currently demonstrate that the risks of flooding from the development can be fully mitigated. In particular, the submitted FRA needs to address the following:

Confirm that all the proposed drainage mitigation works fall within the red line planning application boundary. In particular, the proposed swale/bund feature is shown outside the site red line boundary on H2OK drawing 3001B in Appendix B of the submitted FRA. We therefore question the applicant's ability to deliver the construction of this feature if it is not part of the planning application.

Notwithstanding point 1 above, the proposed swale/bund feature appears to terminate near the site's south western corner, parallel with the valley contour. In the absence of any bund feature being returned up the hillslope a short distance, any exceedance flows from the swale would simply enter the nearby watercourse in an uncontrolled manner, with possible implications for downstream flood risk.

Section 6.3 of the FRA states that no allowance for any potential runoff from the site access roads will be made in the swale/bund detention volume. It is not clear which roads will be new construction, or improvement to existing tracks, and the length of road to be retained post construction. We would ask that the FRA further addresses this point in light of the uncertainties over the proposed trackway permeability, should the running surface become bound with fines/mud off the construction vehicles.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – The report includes details of noise monitoring carried out at a solar farm at another site. This found that the transformers/inverters were the main source of noise. An assessment was carried out along the lines of British Standard 4142: 1997 which compares a rated level of noise from a proposed source and compares it to background levels. The report does note that BS4142 is not suitable for when background level and rating level are low, and that this is the case at this site.

The information from noise monitoring at the other solar farm was used to estimate noise levels at three properties close to the Glebe Farm site. The predicted noise levels at nearby properties are between 16 and 24 dB(LA eq) with a weighting of 5dB added as an “acoustic feature correction” (to take into account that intermittent noise can be more disturbing than a constant noise). No background levels have been measured at the site, however, the report notes that they are likely to be low (below 30dB). The predicted noise from the transformers similar or lower than the estimated background levels for the area. The report concludes that the proposal, with suitable mitigation measures, are considered acceptable.

The measured levels of noise from plant on a solar site seem to be along the lines of what would be expected. The estimate of noise levels at nearby premises is reasonable, although it does not mention the affect of topography. This could affect the predicted levels as the site is in a valley with receiver point 1 below it; also

receiver point 3 would be shielded by the hill. Although no background monitoring was carried out on site the report does take into account that the levels will be low. Based on the information in the report it is unlikely that the noise from the plant at the solar farm will be unreasonably loud at any nearby premises.

There is a solar farm in operation in the district which has inverters/transformers that are closer to residential premises than at this site, and Env Health has no record of any complaints about the noise from this operation.

If there are any problems with noise the Environmental Health Section has a duty to investigate complaints, and would contact the operator to try and resolve any problems. With fixed plant is it normally possible to reduce noise by providing additional shielding or an enclosure. The Council could require the operator to take further action if the noise is bad enough to be causing a statutory nuisance.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – Based on the Heritage Statement submitted by the applicant, I am happy that the archaeological issues associated with this application can be dealt with through a condition.

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

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

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.

WEST SOMERSET DISTRICT COUNCIL – The Council objects to the application due the adverse effect that the proposed development will have on the visual amenities of this attractive rolling countryside. The panels will adversely affect the enjoyment of users of the local area including walkers, equestrian users and properties within the immediate vicinity and are to be positioned in a location which is too heavily exposed.

It is clear that the proposed panels will be visible from several viewpoints within Brompton Ralph and from the network of footpaths, which are in relative close proximity to the site. The Council considers that due to the topology of the site screening would not be possible as a result no suitable mitigation for the visual impact can be secured.

EXMOOR NATIONAL PARK AUTHORITY – No comments received.

SCC - RIGHTS OF WAY – There is a PROW recorded on the Definitive Map that

runs within the site at the present time. Any proposed works, including the new hedge planting must not encroach on to the width of the right of way. The health and safety of walkers and horse riders must be taken into consideration during works to carry out the proposed development. SCC will not be responsible for putting right any damage occurring to the surface resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public bridleway unless the driver has lawful authority to do so.

Provides advice on when authorisation for works may be required from SCC.

NATURAL ENGLAND - Natural England has previously commented on this proposal under the consultation reference 41/12/0005 and made comments to the authority in our letter dated 04 September 2012. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application relate largely to size, and are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We have received notification from a member of the public regarding the abovementioned planning application, stating that otters are present in the vicinity. Where representations from other parties highlight the possible presence, or the Council is aware of a protected or Biodiversity Action Plan (BAP) species on the site, the Council should request survey information from the applicant before determining the application. Paragraph 98 and 99 of ODPM Circular 06/2005 provides information on BAP and protected species and their consideration in the planning system.

DRAINAGE ENGINEER – No comments received.

BIODIVERSITY - The application is for erection of 16,632 photovoltaic solar panels on land at Glebe farm Tolland. The application is a resubmission of the larger application 41/12/0005.

The site comprises of fields used for arable and pasture. Adjacent to the southern boundary is a stony based stream within a broadleaf woodland strip. SERC has recorded four legally protected flora on or adjacent to the site namely Long stalked crane's bill, Bluebell, Corn Spurrey and Small flowered buttercup.

Nicholas Pearson Associates were commissioned by AEE Renewables 21 UK Ltd to undertake an Ecological Impact assessment of the site in February 2012, which is not an ideal time to carry out surveys. The assessment included a desk study and Extended phase 1 habitat survey.

Findings of the report are as follows

Local wildlife sites(formerly known as County wildlife sites) – There are six LWS designated for their nature conservation value within 1km of the site, which illustrates the wildlife significance of the area. The four closest sites mainly contain herb rich grassland and marshy grassland whilst Cleeve Copse and Gaulden wood are designated as semi natural broadleaf woodland

Badgers – No badger setts were found within the survey area, although the surveyor noted that the hedgebanks provide future sett building opportunities as does the nearby woodland. I agree that a pre- construction check for signs of badger activity should take place prior to any works taking place.

Bats – The surveyor considered that occasional trees to the south and east, which are to be retained, would provide potential for roosting bats.

Dormice – The woodland edge and hedgerows within and immediately surrounding the site offer suitable habitat for dormice.

Reptiles – Field margins and woodland edges provided potential for reptiles.

Breeding birds – Habitat on site such as the woodland and hedgerow network provides nesting and foraging habitat for a number of birds. A local resident states that Barn owl and Red kite use the site. SERC records also indicate the presence of Hobby.

Otters – The surveyor does not mention otters but a local resident has provided evidence that otters use the watercourse.

The surveyor recognises that, there is potential for ecological impacts to arise during construction and operation of the solar farm (as listed in a table) and so has made recommendations for mitigation. I am particularly concerned about the site's proximity to a watercourse.

This is a large site in an area of wildlife value and so I would expect to see more biodiversity gain than suggested. The surveyor has recommended wildflower grass sowing (sometimes difficult to establish beneath the shade of panels), planting of hedges and the provision of bird and bat boxes but has given no detail.

Should permission be granted I would like to see wider buffers to the wildlife features surrounding the site and an area of landscape planting.

In accordance with NPPF I would expect to see wildlife protected and accommodated in this development both during and post construction and so suggest a condition if planning permission is granted.

POLICE ARCHITECTURAL LIAISON OFFICER - The potential for metal theft, vandalism etc. is a very real concern for solar farms, as copper and other valuable metals such as aluminium which form part of photo-voltaic panels and associated cabling transformers etc. are particularly attractive to metal thieves. Further to the above, recent expert advice to the police is that it is estimated that 4-5 tonnes of copper is needed for every Mega Watt of electricity generated at such site, so armed with a figure for the projected power generating capacity of a solar farm, a rough calculation can be made for the total amount of copper likely to be on site

Police advice is that such sites should be viewed no differently to any other energy installation of Substantial size, such as National Grid sites. Information regarding security is, therefore, provided for the applicant.

I note from the DAS that electronic monitoring measures are not being proposed at this stage. Should planning permission be granted, such measures may become essential.

Representations

County Councillor John Wilkins: _

"I object to this application on the following grounds. This is a large scale development of hard landscaping within open countryside and within the Brendon Fringes LCA and in view of Exmoor National Park. There will be an adverse affect on both adjacent and distant views. There will be an increased risk of localised flooding and the potential for a persistent noise intrusion in this quiet and peaceful area. All of these factors will detract from the amenity value and general enjoyment of this attractive rural location. There was strong and widespread local opposition to a similar previous plan and I understand this still prevails for this application and should be taken into account".

Brompton Ralph Parochial Church Council:

"The Parochial Church Council is strongly opposed to the above application on a site in clear view of this very beautiful listed building.

The visual and environmental impact caused by installation of a large array of unsightly alien panels would be very harmful. People coming to the Church for regular services, special occasions or visits would all be adversely affected. The visitors' book indicates that people regularly visit the Church, e.g. tracing family histories, and comments include "... lovely to find an open church in such peaceful surroundings" and "... a sanctuary in such a stunning spot". In the Church's Statement of Significance there is specific reference to the panoramic views from the churchyard, including that towards the Quantocks, as an important part of the character of our Church.

St Mary's has stood as the dominant building here for over 600 years. It would be tragic indeed for this historic building to be overshadowed as a landmark in our beautiful West Somerset countryside by a very ugly industrial complex. Our heritage would be seriously damaged".

West Somerset Group of Ramblers Association:

"The proposal will be obtrusive in the countryside and will be clearly visible from public footpaths in Taunton Deane and West Somerset. Unless screening can be provided, this group objects to the proposal".

Taunton Deane Ramblers

Object on the grounds that it would have a visual impact on walks in the area and

would significantly spoil the enjoyment of the public footpaths, especially the West Deane Way”.

98 individual letters of OBJECTION from both local residents and those that frequently visit the area as tourists have been received, making the following points:

Visual impact

- The development will infringe on the outstanding landscape, upsetting the natural balance and unique beauty of the environment.
- The area is more open and hilly than most other parts of Taunton Deane, so features are evident from a greater distance. The topography means that the overall height would be 17.2m natural ground + 2.8m construction (20m) and would be particularly obtrusive when viewed from the north, west and south.
- The site is a natural bowl, like a public arena which makes it extremely prominent and clearly visible for miles around.
- The aluminium framing will cause an obvious reflection. It should be anodised or coloured a dark colour.
- The footpaths in the area are used regularly by local residents and visitors and the visual impact from many places will be highly significant, particularly from the Brompton Ralph side of the valley.
- All footpaths arising in Brompton Ralph and 2 footpaths in Tolland are spoiled by this development, one of which is the West Deane Way.
- The value of visitors to the area should not be dismissed lightly. There are several B&Bs and holiday cottage rentals in and around the village.
- The development will create an industrial blot on the landscape. It would be an unnatural feature that will not mellow with time.
- Smaller scale and less intrusive pheasant rearing pens a few hundred yards from the site were recently refused by West Somerset District Council on the grounds of visual impact and the incongruity of the semi-industrial aspect being at odds with the open rolling and uncluttered nature of the adjoining fields.
- The industrial character of the development will increase the perceived human influence on the landscape, thus eroding the intrinsically rural character of the countryside. They will appear out of place when viewed from the south and west against the backdrop of the Quantock Hills and Willet Hill. It could never be assimilated into this landscape because of its large industrial scale, in total contrast to the natural unspoilt landscape surrounding it.
- Mitigation is possible on a flat site but it doesn't work on the side of a valley which forms a natural bowl.
- From nearby the security fence will be out of character, so there will be a serious impact on the landscape.
- The development will be visible from the downstairs windows of properties in Brompton Ralph.
- There are fewer and fewer unspoiled areas such as this and the application should be resisted to preserve the beautiful landscape.
- The increasing number of solar parks in Taunton Deane and West Somerset will lead to the cumulative effect of multiple developments resulting in solar PV becoming the overwhelming influence on the landscape.
- The two most serious views from the West Deane Way have been removed from the LVIA. Whilst the reduced site area has less effect on the West Deane Way, the most affected parts with the greatest panoramas are still affected.

- Solar Parks are not objectionable in principle, but they must be appropriately sited. There are others which are hardly noticeable in the landscape and these serve to highlight the total unsuitability of the current site.
- The alterations and reduction in size from the previous panels has surprisingly little benefit: It does not alter the large west facing part of the site visible from Brompton Ralph and still leaves panels visible from footpaths to the north and east.
- The LVIA does not properly follow published guidelines and has recorded impacts less severe impacts than it should have done.
- It is wrong to say that views from public rights of way are transient. People do not want to hurry along PROWs, they linger at interesting views to take picture, gaze a beautiful viewpoints and sometimes stop for picnics.

Highways

- The B3188 is a busy road. The transport of equipment will damage the road and it will fall to SCC to repair at a time when budgets are tight.
- There are gaps in the hedgerows lining the B3188. Drivers heading north could be dazzled by glare from the morning sun through these gaps.
- Query the weight limit on the bridge at Ford and note that the CTMP conveniently omits consideration of the difficult section of road around Ford.
- Damage will undoubtedly occur to the highway and verges at the site access.
- The construction process will require the creation of a site road parallel to the stream in order to reach the site. This will require an amount of material and is not included within the red-line. The CTMP suggests that 8 lorry movements will be used for forming the tracks, but the amount of material suggests that this may be closer to 400.

Flood risk

- The unusually steep gradient will cause extensive run off from the panels resulting in flooding and threatening the rich wildlife in the area.
- Soil compaction will occur during construction, which will alter the way that the site drains.
- The FRA in no way addresses concerns raised and discussed at length for the previous submission. It fails in three significant areas – concerns with the basic hydrological model; there is no attempt to describe or measure the infiltration potential of the ground – a simple percolation test would be a start; experience at Halse suggests that significant soil degradation will occur during construction.
- The sloping tables would mean that standard run-off calculation methods would not apply.
- The proposed bund has been given as a goodwill gesture as AEE do not wish to accept that it is required. However, it has not been taken seriously and is open at the downhill end, rendering it pointless.

Pollution

- Evidence from the construction of the site at Halse indicates that mud will pour into the river and pollute it, destroying habitat and the species that depend on it – in particular otters, although dormice have also been documented in the valley.

Use of Agricultural Land

- The site is prime agricultural (grade 2) land and should be retained as such.
- Evidence from elsewhere suggests that sheep would not graze the land after the panels are erected. It would be more appropriate to consider the application as a change of use to industrial.
- Evidence from the site at Halse shows that post installation, the site is devoid of vegetation. Any attempt at agricultural use will require positive land management, but this will be hampered by the arrays covering 1/3 of the land.
- Evidence from other sites shows that grazing is unlikely to occur. A usable sward will not establish and periodic application of herbicides will be required to control weed growth.
- Farmers should not be allowed to profit from such installations when they should be using their land for agriculture.
- There is no indication about how the site would be restored to agricultural use at the end of the life of the development.
- The UK imports so much food that further land should not be taken out of production.

Ecology

- Wildlife will believe the panels to be water.
- The submitted habitat survey is full of errors and not fit for purpose. It was not conducted at an optimal time, yet there is still a conclusion that no notable species were present. This seems unlikely given that the site is immediately adjacent to a County Wildlife Site. The field margins will remain unimproved and must be relatively rich in species.
- The river adjacent to the site has been completely ignored and is not mentioned in the report. Small rivers are particularly at risk from silt pollution, which destroys the invertebrates and fish that are the basis of the food chain. The development will cause increased run-off and silt pollution which will harm the eco-system of the river.
- There is a nearby bat roost, it is wrong to say that the field margins offer low potential for roosting bats. The woods in the valley are inhabited by large numbers of Tawny Owls.
- The likely use of herbicides to manage weed growth on the site would lead to pollution of the watercourse.

Other matters

- The application site is the same as the previous application, query whether the panels could be extended into this area without the need for a further permission.
- Many of the documents submitted contain 'cut and paste' errors from other sites.
- The application is vague on the exact material for the construction of internal access roads, the exact layout of the site and the number of posts required for the panels.
- Errors, omissions and contradictions do not give confidence in the applicant's submissions.
- Brompton Ralph would not want to have its village green landscaped.
- Somerset should have restrictions on Solar Parks like Devon and Cornwall.
- The topography means that the tables would run downhill from east to west, reducing their efficiency, which would not be compensated in the evening, due to surrounding topography.

- The development conflicts with DECC policy which states “the Department has a strong preference to see large scale solar PV installations developed on brownfield sites and on large roofs. Where agricultural land is used for solar deployment it should only be lower grade land and, where possible, solar panels should be mounted so as to allow sheep and other animals to graze under the panels and between the rows”.
- Noise information has now been submitted, although there has been no assessment of background levels at nearby properties. The valley is likely to amplify noise, although given the distance of panels from site now, it is unlikely to have a significant health impact.
- The Prime Minister and other ministers have repeatedly stressed that brownfield land would be appropriate for further solar development, but green field sites would not.

PLANNING POLICIES

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the landscape impact, flood risk, ecology and the impact on the highway network.

Principle

The National Planning Policy Framework (NPPF) states that the purpose of planning is to contribute to the achievement of sustainable development. This should be with a social, economic and environmental role. In terms of its environmental role, planning should contribute “to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”. As part of the 12 principles of planning, the NPPF states that in moving to a low carbon economy, Local Planning Authorities should encourage the use of renewable resources (for example, by the development of renewable energy).

Paragraph 79 specifically states: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon

sources”, going on to add that local policies “should maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”.

At paragraph 93, the NPPF states that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”. It then states that “this is central to the economic, social and environmental dimensions of sustainable development”. The subsequent paragraphs refer to the need for a positive approach to renewables and the need to approve applications if its impacts are or can be made acceptable. It is true that much of this relates to the need for LPAs to plan positively and put strategies for renewable energy delivery in place, but the principles are still relevant to decision making. The Core Strategy does not include or propose such land allocations, rather it details a criteria based policy within which to assess such applications (Policy CP1). Therefore, each application must be considered on its own merits, largely with regard to its impacts and in accordance with Policy CP1.

In terms of local policy, the proposal is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purposes. Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy does not specifically permit renewable energy installations, although it does permit development for essential utilities infrastructure. This could be taken to include power generating infrastructure, especially in the context of the NPPF which, as in previous planning policy, indicates that the ‘need’ for the development should not be considered by the Local Planning Authority.

Strategic Objective 1 (Climate Change) of the Core Strategy states that “Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects”. Policy CP1 (Climate Change), referred to above, states that ‘proposals for the development of renewable and low carbon sources of energy, including large-scale freestanding installations will be favourably considered provided that...[they] can be satisfactorily assimilated into the landscape ... and would not harm the appearance of these areas; [and that their] impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal”.

Some concern has been raised about the loss of high quality agricultural land and reference has been made to various verbal ministerial statements suggesting that greenfield sites should not generally be considered for solar parks, although it should be noted that none of these have translated into planning policy statement or other formal guidance from the Government. No agricultural land classification survey has been carried out for the site, but the general agricultural land classification maps for the area indicate that the site is likely to be grade 2 or 3. Paragraph 112 indicates that the economic and other benefits of the best and most versatile agricultural land should be taken into account and that LPAs should “seek to use areas of poorer quality land in preference to that of a higher quality”. However, much of Taunton Deane is higher grade (1-3) agricultural land and in this context, if TDBC is to accept renewable energy in principle, it is likely to require the use of higher grade agricultural land. Whilst its removal from production is regrettable, the permission is sought for a 25 year period after which the land could be returned to agriculture. As such, it is not considered that this matter carries sufficient weight to warrant refusal

of the application.

With regard to the foregoing, it is considered that the proposal is acceptable in principle, provided that it has an acceptable impact on the landscape, ecology, highway network and other surrounding land uses.

Visual and landscape impact

The site is within the 'Wooded and Farmed Vale Fringes - West Deane' Landscape Character Area. The Landscape Character Assessment notes the following key features of the landscape:

- A varied landscape with an undulating terrain of narrow valleys, slopes and hillocks.
- Elevation ranging from approximately 75m and 170m AOD.
- Underlying geology defined by Permo-Triassic and Lower Sandstone, Lower Marl, sands and gravels (Pebble Beds (bunter) and Breccio-Conglomerate).
- Farmland interspersed with significant areas of woodland, including a number of ancient woodland sites.
- Forming part of the River Tone catchment – numerous springs issue within, and streams run through, the landscape.
- Some areas of marshy/wetland flush habitats in areas of high water table – Langford Heathfield, Holme Moor and Clean Moor SSSI.
- A settled landscape containing the ancient market town of Wiveliscombe and the predominantly Georgian-influenced village of Milverton.
- Red sandstone geology reflected in the buildings throughout the area with slate, thatch, painted stone and render also common.
- Agricultural land use predominantly defined by both pasture and arable.
- Small to medium sized fields of irregular shape - predominantly ancient (pre 17th century) enclosure with some later modifications.
- Strong native hedgerow network punctuated with hedgerow trees

Less formally, the site is within an undulating landscape of striking scenic beauty. The hills generally roll gently forming an ever changing set of views, vistas and open panoramas. The landscape is generally defined by open farmed fields, small settlements and dispersed farmsteads, with some areas of woodland. This ever changing, very rural landscape is apparent to anybody driving through or walking on the many paths in the vicinity of the site.

The closest impacts would be felt by users of the section of the West Deane Way designated and promoted long distance footpath that passes along the northern edge of the site. It is proposed to plant a new hedgerow to screen views from the east and this may be partly successful from around 200m away. However, the closer one gets to the site, the more apparent the installation is likely to become. The path would change from being one affording a wide open panorama of the surrounding landscape to one hemmed in between two hedgerows and would be a relatively uninteresting length of footpath to walk. It has been nicely encapsulated in one of the representations that people do not want to hurry along the enclosed footpaths and bridleways; "people want to enjoy these paths, pause, take pictures, gaze a beautiful viewpoints and sometimes even stop for a picnic". The development, with or without the proposed hedgerow would take views away a from significant length of path that offers impressive panoramas on this stretch of the

West Deane Way which follows on from a stretch that has been enclosed and wound through the wooded valley bottom, reducing the overall enjoyment of walking on the path.

Further to the east, views are available from a path dropping steeply down the side of the valley to Watersmeet Farm, before it climbs back up to the site. At this point, the walker is high up above the site and the development would appear highly intrusive in the landscape, in the foreground of the wider panorama. The proposed eastern boundary hedge would do nothing to mitigate the impact from this elevated position. This path is not part of the West Deane Way and as such, it is likely to carry fewer walkers than the promoted path. However, it does connect to the West Deane Way and could be linked into other circular walks in and around Tolland.

To the west, the prominence of the site in the landscape becomes even more apparent. The site faces broadly southwest, and from a field gate opposite Courtlands Farm/Gandstone House, the full extent of the site is clearly visible as a very dominant feature in the landscape. Whilst one has to leave the public highway and stand in the access to see the full impact, the installation may be glimpsed from this location when passing and the full effect of these views would be a constant feature for the occupiers of Gandstone House whose outlook would become dominated by the development.

Further to the northwest are a number of public footpaths originating in Brompton Ralph village. From various points on these paths, the application site is once again clearly visible and the installation would appear totally at odds with the rural farmed character of the landscape. It would add a very large alien feature that would be incongruous with the otherwise open and undeveloped appearance of the area. In particular, the site is highly visible from a lengthy stretch of the footpath running from the village alongside Rock Cottage and out to the southeast. It is also visible from the footpaths adjacent to Cridlands Barn and Town House and from the footpaths running out of the village, up the hill past the church to the west. Other more distant views are available from roads and footpaths further away. It has been commented in the representations that two paths in Tolland parish would be severely affected, together with at least 6 in Brompton Ralph. From your officer's own observations and extensive site visits, there seems to be no reason to disagree with this assessment. These footpaths, being so close to the village are likely to be regularly used by walkers and local residents.

In addition to views from the footpaths, the site is also visible, albeit not so easily as from the footpaths, from Brompton Ralph Churchyard and from the area of land outside the church, which is understood to be occasionally used as a village green for community activities. The site is also visible from a number of residential properties within the village and it is considered that this is a further demonstration of the prominence of the site from Brompton Ralph. In considering all of these matters, it is considered that the development would have a significant adverse visual impact on the landscape character of the area and would come to be a dominant and ever present feature of life in Brompton Ralph for the next generation.

Flood Risk

There has been much said in the representations about the inadequacies of the flood risk assessment, including representations from specialists in the field. At the time of

writing this report, the Environment Agency (EA) have objected to the proposal. Whilst they believe that flood risks have been correctly assessed, they are not yet convinced that the development has adequately demonstrated that the flood risk impacts can be mitigated. Those making representations have commented that the FRA does not adequately assess the site characteristics and makes false assumptions about the likely permeability of the access roads and the behaviour of water as it runs off the panels. The EA objection does not go so far, taking more issue with the impact of the access roads than run-off from the panels. However, at the present time, it cannot be considered to have been adequately demonstrated that the development will not lead to an increased flood risk downstream.

The applicant has confirmed an intention to submit further information to address the EA concerns and, therefore, this matter may be resolved ahead of the committee meeting. Members will be updated accordingly.

Ecology

The site is currently managed agricultural land which, in the main has limited capacity to support wildlife. There is, however, wildlife interest in the hedgerows and the adjoining watercourse downhill of the proposed panels. Your Biodiversity Officer has noted shortcomings in the submitted ecological assessment, but is satisfied that conditions can be imposed to prevent any unacceptable harm to ecological interests on the site.

Local residents have objected on the grounds that the development during construction and ongoing management is likely to lead to pollution of the water environment. In this regard, the EA have also mentioned that they would want to comment further on potential measures to ensure that this did not occur. In this context, your officers are satisfied that it would be possible to adequately control pollution through the imposition of conditions in this regard in the event that planning permission was granted.

Highways

Concern has been raised about the potential impact on the highway network from the construction of the development. In this instance, the site would be accessed directly from a B road that has no weight restriction. Whilst there are difficult sections of the highway – such as through Ford, to the south – the Local Highway Authority do not doubt its ability to accommodate the construction traffic, regardless of whether additional vehicles are needed to transport stone for the temporary access road. Your officers consider that inconvenience that may be caused during construction should carry little weight in the determination of the application, especially given that post construction traffic generation would be very low. In this context, the impact on the highway network is considered to be acceptable.

Other matters

The development would be visible from Brompton Ralph churchyard and immediately around the church, which is a listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to

the desirability of preserving the setting of a listed building when considering whether to grant planning permission. The church has a prominent position in the landscape and this represents its historic position at the centre of the local community. It also enjoys expansive views out around the surrounding countryside. Taken generally, views towards the church would not be significantly affected by the development. There would be an intrusion in terms of outlook from the church, but it is difficult to argue that this has a particular impact on the setting of the listed building, it merely contributes to the severity of the landscape impact: The church would maintain its connection with the landscape, albeit a landscape that had been harmed as a consequence of development.

Great play is made in the representations about the contribution that tourism makes to the local economy. Indeed, many representations have been received from regular visitors to the area. The precise contribution is difficult to quantify in the absence of detailed information, but from casual observation, there appears to be little else (other than agriculture) in the way of local industry.

It is then suggested that tourism would be adversely affected by the proposals. Again, in the absence of a detailed analysis of why people visit the area, it is difficult to quantify what any impact might be. However, again, there is little by way of formal 'visitor attractions' in the area, so it seems probable that a good many people may visit the area in order to enjoy the peace, tranquillity and attractive scenery, mainly by walking in the area on both local footpaths and the West Deane Way. It has been shown above that most of the local footpaths would be affected to some extent or another by the development and, accordingly, it would seem entirely possible that there would be a reduction in visitors that come to the area specifically for walking. Others staying nearby may also be deterred from visiting the area for a one-off day's walking with the consequent benefit that that may bring to local pubs and tea rooms. All of this is very difficult to quantify in the absence of a detailed analysis, so refusal is not recommended on these grounds, but on balance, it does seem unlikely that the development would bring any benefit to the local economy and it may well have an adverse impact.

Conclusions

National and local planning policy presents a presumption in favour of renewable energy development where it has an acceptable impact on the local landscape and local communities. Policy CP1 of the Taunton Deane Core Strategy states that renewable energy installations will only be permissible where they can be satisfactorily assimilated into the landscape, would not harm the character of the area and where any adverse impacts on the local community and economy are outweighed by the wider economic and environmental benefits of the proposal.

The foregoing report has found that the development cannot be satisfactorily assimilated into the landscape and would have significant adverse visual impacts on the landscape character of the area by introducing an incongruous structure into a prominent location. The significant number of places that the installation can be seen from means that the local community, particularly those living in and around Brompton Ralph would be detrimentally affected by the proposal on a daily basis as a result of a reduction in the quality of their local environment. Objectors have commented that the development would bring nothing to the local economy, even during the short construction phase due to the specialist construction involved.

There seems little to contradict this opinion and it is entirely possible that the local economy may be harmed. The overall national benefits of increasing the supply of electricity from renewable sources clearly weighs in favour of the application, but in this case your officers do not believe that this is outweighed by the substantial and demonstrable local harm. It is, therefore, recommended that planning permission is refused.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

CAPITAL RANGE LTD

**CHANGE OF USE FROM A1 (RETAIL) TO A5 (HOT FOOD TAKEAWAY),
ALTERATIONS TO THE SHOP FRONT, ERECTION OF TWO CONDENSER
UNITS AND INSTALLATION OF EXTRACTION FLUE AT 40 STATION ROAD,
TAUNTON AS AMENDED**

Grid Reference: 322591.125108

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed change of use would bring the empty shop back into use, to the benefit of the vitality and viability of the town centre. Any impacts on neighbouring properties would be acceptable given the town centre location. It is, therefore, in accordance with Retained Policy T21 (Secondary Shopping Areas) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.

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:

(A3) DrNo A139013/01 Rev E Existing & Proposed Floor Plans
(A3) DrNo A139013/02 Rev A Existing & Proposed Elevations
(A3) DrNo A139013/03 Signage Details
(A3) DrNo A139013/04 Rev B Existing and Proposed Rear Elevation
(A3) DrNo A139013/05 Existing Side Elevation
(A3) DrNo A139013/06 Rev B Proposed Side Elevation
(A3) DrNo 2030-01 Location Plan and Block Plan

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

Notes to Applicant

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

PROPOSAL

The proposal comprises the change of use of the ground floor of the building from a retail use (A1) to an A5 use (hot food takeaway). The proposed end user is a pizza company.

The application has also included details of a new shopfront, an external flue at the rear of the building and two condenser units at ground floor level, also on the rear of the building.

SITE DESCRIPTION AND HISTORY

The mid terraced building is located close to the town centre within the Secondary Shopping Area. The ground floor of the building is currently empty and prior to this the building had a retail use. The front of the building has a modern shopfront and the rear of the building faces onto a service road and supermarket car park.

Advertisement consent has recently been granted for an internally illuminated fascia and projecting sign for the new business.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection: -

The proposal is located inside Development Limits and within close proximity to the town centre, therefore the principle of this development is not in question.

The site is situated along Bridge Street a Class 1 highway to which a 30mph speed limit applies. Whilst carrying out a site visit I noted that Station Road is a well utilised town centre route.

With regards to the A5 use of the proposal I would like to make the applicant aware that the Highway Authority would not wish to see any vehicles parking directly outside of the development given the close proximity to the traffic light junction with Bridge Street, pedestrian crossing, bus stop and refuge along Station Road, which would lead to the disruption of the highway network.

The site seeks a change of use of A1 (Retail) to A5 (Hot Food/Takeaway), having carried out a site visit and studied the information supporting the application the Highway Authority have no objection to the principle of the development given that 40 Station Road is located within walking distance to the town centre and there is ample provision of public car parks in close proximity to the site.

Furthermore, the development will see the installation of a new shop front fascia.

The Highway Authority seeks that any signage shall have a minimum clearance of 2.4 metres above the level of the adjoining footway and shall not project closer than 450 millimetres to the carriageway edge. Having studied drawing No. A139013/02 and noted dimensions and levels of luminance, the proposed signage will not become a distraction to highway users and is therefore adequate. As a result, the Highway Authority raises no objection to the proposal.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Initial comments: -

Even with a system installed using best practice, it is likely that noise and odours will be noticeable at the flat above the premises.

There are no details of the potential noise levels from the system, the location of the extraction fan or any noise attenuation that may be provided. It is also not clear what the use is of the rooms on the first floor flat that are closest to the flue; it is more likely to cause a problem if they are bedroom or living room windows.

On some applications a condition can be used to ensure that noise levels from the extraction system are not excessive enough to disturb nearby residents. This would require the noise from the flue not exceeding background levels by a certain amount when measured at the façade of any nearby residential premises. However, in this case the flue runs up the façade of the flat upstairs so it would not be possible to meet this condition as the noise from the flue will be audible at this location.

If permission is granted the flue should be installed using best practice to minimise any disturbance. The applicant should consider ensuring that the fan motor is inside the building and separated from the system with flexible ductwork; anti-vibration mounts and suitable silencers/baffles are used (including a silencer where the flue terminates outside). The flue must not be fitted with any cowl that restricts the upward flow of air.

I also note that the application form does not include details of the hours of opening. Any noise is more likely to cause a disturbance at night, therefore, I would recommend that the premises does not open after 23:00 unless the applicant can provide evidence to ensure that the noise will not disturb neighbours. (NB if the operators propose to provide late night refreshment after 23:00 hours they will need to apply for a Premises Licence from TDBC Licensing Team).

Note that if there are any problems the Environmental Health Section has a duty to investigate complaints and can require the operators to take further action if there is a nuisance from noise or odours.

Comments on amended plans/additional information: -

Further to my memo dated 29th April 2013 some additional information has been submitted by the applicant - letter from Greenslade Taylor Hunt to Taunton Deane Development Management, dated 13th May 2013.

This letter refers to the amended plans that have been submitted showing the extraction flue terminating at a higher level, above the roof eaves, which should help to disperse odours.

The letter from Greenslade Taylor Hunt states that noise will be contained by selection of low noise plant, mounting the plant, use of flexible elements between the ducts and the fans, the attenuated motor to be located inside the building and mounted on anti-vibration brackets and lagging of ducts and motors. Also, silencers and baffles will be fitted where appropriate (including a silencer where the flue terminates) and the flue will not be fitted with a cowl that restricts the upward flow of air.

The letter also says that it is not possible to provide an accurate measure of the projected noise levels within the first floor flat. However, they are confident that the noise will be controlled at an acceptable level.

It is good that the applicant will be considering noise when installing the extraction system. There is the possibility that the noise will be audible inside the first floor flat, but how this will affect the occupiers is hard to predict without knowing the layout of the rooms and the details of the noise levels from the fan.

My comments from the previous memo still apply regarding the problem with using a noise condition. Note that if there are any problems the Environmental Health Section has a duty to investigate complaints and can require the operators to take further action if there is a nuisance from noise or odours.

ECONOMIC DEVELOPMENT MANAGER - supports

I am fully in support of the application to change the use of 40 Station Road, Taunton to enable the opening of a Food Takeaway business. The proposal would enable the attraction of a national retailer to a part of the town with an established range of A5 uses, and will add to Taunton's attractiveness as an investment location. It will also bring a currently redundant retail premises back into use, and will directly create jobs in the town for local people.

It is important that Taunton is able to grasp the opportunities like this one when they come along. Food outlets and restaurants should be located in and around the town centre, where people live, work and visit. This application is an opportunity to welcome a nationally renowned operator to the town and reassert the town centre as the location for eating and leisure.

Representations

Two Ward Cllrs raise concerns over number of A5 uses in the area, fumes and pollutants that will be extracted and impact on local residents.

14 letters of OBJECTION on grounds of:

- too many take-aways in the area,
- they should move to an empty A5 unit,
- Station Road is over populated with licenced premises,
- it will affect existing businesses and many hot food outlets are closing,
- increase in traffic as largely a delivery service,

- increase noise and pollution,
- capacity of drainage system,
- parking problems with no space for customers or delivery vehicles leading to disruption of traffic on the highway,
- speeding delivery drivers,
- litter problems in the area,
- it is contrary to policy as it does not respect local context, would lead to an over-concentration of uses and would result in noise and disturbance to residents,
- it will create minimum wage low skilled jobs,
- waste storage may attract vermin,
- the type of business should not be opened near a school due to the food they sell and hazard of delivery bikes

A PETITION of 20 signatures against the A5 use on basis of too many food outlets in Station Road and competition

1 letter of SUPPORT on basis the use is in the right location and it is a multi national brand that will bring money and jobs to the town and will secure the re-occupation of an empty shop.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
T21 - TDBCLP - Secondary Shopping Areas,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are impact on residential amenity and the Secondary Shopping Area.

Secondary Shopping Area

The Secondary Shopping Area adjoins the Primary Shopping Area and offers a mix of buildings that complement the town centre. These uses, as well as retail, include cafes, takeaways, A2 uses (financial and professional) and leisure. Retained Policy T21 (Secondary Shopping Area) identifies that such uses appropriate to the area include A2 and A3 (now A3, A4 and A5) uses. The proposal would provide employment and aid the economy of the town to what is otherwise an empty unit.

Residential amenity

The building is located within a town centre where a mix of uses, including residential, are encouraged. Waste storage bins are being provided on site. The agent has submitted additional details; raising the height of the flue above eaves level to disperse any odour; installing silencers and baffles (including a silencer where the flue terminates); flue will not be fitted with a cowl that restricts the upward flow of air; low noise plant equipment; anti-vibration brackets, and installing motor inside of the building.

Based on all of the additional information and amended plans, the Environmental Health Officer does not object, though acknowledges that there is still a possibility that noise could still be audible to residents above the proposed use.

Given all of the additional works proposed to minimise any impact on the amenity of residential properties, and that there are existing restaurants, public house and takeaways within the immediate vicinity, it is considered that a further unit will not cause any further detrimental harm to residential amenity; and given the number of other unrestricted similar uses within the area no opening hours condition will be imposed, this will be decided by Licensing.

Highways

The building is sited close to the town centre with a public car park sited close to the building off Belvedere Road, and a supermarket car park to the rear of the building. As such, the building is accessible by foot and car users to the building have off road parking options within the immediate vicinity. The agent has confirmed the site will be serviced from the rear and in light of the submitted details the Highway Authority has raised no objection.

Conclusion

The proposed uses are appropriate to the Secondary Shopping Area and accord with Local Plan Policy T21 and provide benefit to the economy and vitality and viability of the town centre. The nature of the jobs created or the food sold does not carry significant weight in the determination of this application. Objections on the basis of competition are not a planning matter. Given other take-away uses in the area it would be unreasonable to object on traffic and parking grounds. The use is not considered to cause any detrimental harm to residential amenity beyond any existing uses within the vicinity. Permission 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 D Addicott Tel: 01823 356463

07/13/0010

MR D TAYLOR

ERECTION OF TWO STOREY EXTENSION TO THE REAR OF THE WAGGON HOUSE, BRADFORD ON TONE

Grid Reference: 316990.122126

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

The proposed extension by reason of its scale and design details fails to respect the character of the existing dwelling. As such the development would be contrary to Policy DM1 of the adopted Core Strategy and the retained Policy H17 of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

Notes to Applicant

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

PROPOSAL

Permission is sought for the erection of a two storey extension with a projection of 8.2m to the side

SITE DESCRIPTION AND HISTORY

the dwelling has been converted from a former barn which was granted permission in May 1986. It is of stone and brick construction with both sides predominately wood 'cladding' with a slate roof and timber windows. This is a detached dwelling in a loose cluster of other similar dwellings. There is a porch to the front. The front and one side of the site are open plan and the rear of the site is enclosed by bushes and a wooden railing.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations to make

BRADFORD ON TONE PARISH COUNCIL - No objection

Representations

4 letters of SUPPORT received (which all quote a previous application number)

- The extension will have no impact on the locality.
- It will enhance the appearance of the property.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,

LOCAL FINANCE CONSIDERATIONS

N/A

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations in the assessment of this application is the impact of the proposed two storey extension to the rear on this barn conversion.

The proposed two storey rear extension is of a design that does not enhance the existing dwelling nor does it reflect it as a barn conversion.

The size of the proposed two storey rear extension is of a size that appears a prominent and incongruous structure that dwarfs the existing dwelling and is therefore considered to be inappropriate.

The primary concern to the development relates to the scale and design of the proposed two storey extension which would span more than half the width of the property and would be detrimental to the character of the main barn conversion.

It is therefore considered unacceptable in accordance with Policy DM1 of the adopted Core Strategy and the retained Policy H17 of the Taunton Deane Local Plan.

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

CONTACT OFFICER: Mrs P Hogg Tel: 01823 356371

WEST OF ENGLAND DEVELOPMENTS LTD

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT LAND ADJOINING SHERLANDS, STONEGALLOWS, BISHOPS HULL

Grid Reference: 319753.123681

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the applicant entering into a S106 agreement to secure the following:

- a. Affordable Housing – 2 discount market dwelling to be provided at Creech St. Michael or a contribution of £189,000 in lieu of such provision.
- b. Highways – Alterations to highway to provide suitable access to the site; alterations to junction with A38.
- c. Children's Play – contribution of £2,688 per dwelling
- d. Active Outdoor Recreation – contribution of £1,454 per dwelling
- e. Allotment provision – contribution of £194 per dwelling
- f. Community Halls – contribution of £1,118 per dwelling

The site is located at the edge of the existing Taunton urban area and has good public transport links. It would provide improvements to an existing poorly aligned junction to the A38, to the benefit of all users of this part of the highway network. The development would not cause significant adverse impact on the local highway network, amenity of neighbouring residents or ecological impacts. The setting of Rumwell Park to the west would be preserved. Given that the development plan is silent on where future housing allocations in Taunton will be, it is considered that the appropriate test is the presumption in favour of sustainable development outlined in Policy SD1 (Presumption in Favour of Sustainable Development) of the Taunton Deane Core Strategy and the National Planning Policy Framework. It is considered that the test is passed and the development is acceptable in accordance with Policy CP1 (Climate Change), CP6 (Transport and Accessibility), CP8 (Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy, the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

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

Application for approval of the reserved matters 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. (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. Notwithstanding that layout and landscaping are a reserved matters, the landscaping scheme that shall be submitted to and approved as part of the reserved matters shall show tree planting within the areas coloured pale green on drawing number 4166/11 hereby permitted.

(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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

3. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such.

Reason: To ensure that the development does not give rise to off site flooding, in accordance with Policy CP8 of the Taunton Deane Local Plan.

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

strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's Updated Ecological Impact Assessment report, dated March 2013 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.
- Arrangements to secure the presence of an ecological clerk of works on site.
- A Landscape and Ecological management plan.

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

Reason: To protect and accommodate wildlife and their habitats in the development, in accordance with Policy CP8 of the Taunton Deane Core Strategy.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no buildings or other ancillary structure, no gates, walls, fences or other means of enclosure other than those that may be expressly authorised by this permission and any subsequent reserved matters approval shall be carried out within the areas coloured pale green on drawing number 4166/11 hereby permitted without the further grant of planning permission.

Reason: The protection of these areas for tree planting is crucial to satisfactorily integrating the development into the surrounding landscape and additional building in these areas may detract from its required function, in accordance with Policies CP8 and DM1 of the Taunton Deane Core Strategy.

6. No more than 8 dwellings shall be constructed on the site.

Reason: It has been demonstrated that the submitted indicative layout is appropriate in terms of the landscape impact of the proposed development and additional dwellings may create a need for further highway improvements, in accordance with Policies CP6 and CP8 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. The condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats, badgers, reptiles, amphibians and nesting birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal.

PROPOSAL

This application seeks outline planning permission for residential development on land at Sherlands, Stonegallows. The application is made in outline with all matters reserved for subsequent consideration. However, an indicative plan is submitted that indicates that the site could be developed for 8 large dwellings in a very low density layout, such that a shared surface access road would provide access to 8 dwellings in very spacious plots.

A landscape analysis has led to the submission of an indicative layout that includes large areas of tree planting and suggests areas that should be free from development – including that which would be permitted development in the event that the houses were permitted and built.

In addition to the indicative landscape details, a transport statement has been submitted and this suggests that various highway improvements could be made, including the provision of a new length of footway along Stonegallows Lane, between the site and the A38 and new cycle lanes along the A38 between Stonegallows and the Silk Mills Lane roundabout.

At the site entrance, the existing lane would be realigned to enter the site, with the onward traffic using a new T junction off the realigned road.

SITE DESCRIPTION AND HISTORY

The site is a large open site in an elevated location. It commands long views to the north and south through breaks in the trees. It currently has a stable block sited towards the north and a large central pony paddock enclosed by two post and rail fences running east-west across the site. Part of the northern section also appears to be in an informal residential use as part of an extended garden to Sherlands, which sits of the northeast corner of the site.

The east boundary of the site borders existing dwellings on Stonegallows, and the site appears slightly higher than these dwellings. There are numerous trees in the rear gardens. Boundaries are mainly edges, but there is also some post and wire and timber fencing.

The site drops down to the southwest corner, where there is substantial tree planting – including some new trees – along this southern boundary. Off the site boundary, the site drops away steeply to the rear to a neighbouring dwelling ‘The Lodge’. A first floor window in this dwelling is just visible facing east, approximately level with the ground level on the site.

Rumwell park sits of the west site boundary, screened from the site in part by dense vegetation and trees.

There have been several attempts to secure permission for the development of this land. Permission was sought for a single dwelling in 1992, but permission was refused and dismissed at appeal. In 1995, permission was sought for 13 dwellings. The application was withdrawn and a subsequent 1996 application was refused. In 2000 an application for 11 dwellings was refused, an appeal was lodged but withdrawn. Reasons for refusal surrounded the fact that the site was outside the designated settlement limit and would prejudice the preparation of the Taunton Deane Local Plan and that the local plan process was considering the landscape impact of development on the fringes of Taunton, including whether to designate the area within which the site sits as a special landscape feature. A subsequent 2001 application was also withdrawn, presumably because the site was due to be considered through the impending Local Plan inquiry.

The Council considered allocating the site for development in the Taunton Deane Local Plan. However, the local plan inspector found the site unsuitable for allocation on the grounds that a low density development would present a serious conflict with national policy in PPG3, and concerns that the development would appear very prominent in the landscape, particularly when viewed from nearby public footpaths.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The site is on the western side of Taunton approximately 3km from the town centre, off Rumwell Park Lane. The site lies outside the development limits of the local plan and it is considered that whether or not there is a need for development at this location should be a matter for the Local Planning Authority to determine.

Improvements to transport mode links with the A38 and Taunton are required. It is proposed to modify the junction of Stonegallows Lane with the A38 as it is currently unsatisfactory and does not adequately accommodate a full range of traffic movements. A footway along Stonegallows Lane is proposed for pedestrians where currently there is none, and it is proposed to improve facilities for cyclists. There are no traffic impact grounds for a recommendation of refusal, provided that the proposed junction improvements, footway improvements and proposed cycle facilities are acceptable from an engineering perspective.

Considerations of Detail

The developer proposes to improve Stonegallows Lane/ Rumwell Park Lane to provide better access to the site. It is anticipated that most movements would be to

and from the nearby A38 and Taunton itself to the east of the site; hence it is considered that it will be acceptable to improve the highway, footway and cycling provision in this direction. Farther west, beyond the proposed development, the lane is, and is proposed to be left, quite narrow with typical quiet lane rural characteristics.

The A38 near the site is a strategically significant route and carries extremely high volumes of traffic subject to a 40mph speed limit. It connects Taunton to Wellington and the M5 southwards. The A38 frequently carries diverted motorway traffic when incidents on the M5 result in its closure. Highway records indicate that there have been a relatively high number of personal injury incidents either side of and near the junctions of Rumwell Park Lane and Stonegallows Lane. Therefore any proposals to improve the junction with the A38 must be subject to a rigorous design and safety audit process. To this end considerable work will be required on the detailed design of improvements before the Highway Authority could accept the detail of the proposed planning obligations and be content to sign a Section 106 Agreement.

The proposed re-alignment of Stonegallows Lane where it meets the A38, currently at an oblique angle, will need to be tested carefully against the needs of the properties affected to include their vehicular access needs and such considerations as the operation of refuse and waste re-cycling vehicles. The designer will need to demonstrate that the properties which derive access to the east of the proposed re-alignment, numbers 28, 30, 32 and 34 are not unduly disadvantaged by the proposed new layout.

The Highway Authority must stress that because of the nature and volume of traffic that uses the A38 and the history of injury accidents, the proposed off-site improvements will be required to be completed in advance of any commencement of works on site to safeguard both existing users and development traffic. For the avoidance of doubt the Local Highway Authority considers that works on site includes site clearance or topsoil stripping.

Detailed Design and Estate Road Matters

The applicant should be aware that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. Detailed comments are provided on the illustrative estate road layout.

BISHOPS HULL PARISH COUNCIL – The PC have mixed views about the development as they have always tried to protect the Stonegallows ridge from development. However, given the Government being generally in favour of new development, they feel that if there has to be development of this site, the proposals contained in the application are the best option.

WESSEX WATER – New waste and supply connections will be required. Provides advice on connection procedure.

DRAINAGE ENGINEER – Notes that surface water is to be disposed of by means of a Sustainable Drainage System. However, apart from a brief reference made in the

design and access statement, no details of how this is to be achieved. It is suggested that details form part of a reserved matters submission. There is no indication on the layout plan etc. where a sustainable drainage system such as an attenuation pond is to be located. Any off site surface water sewer would have to discharge to a receiving watercourse and again no outfall is indicated. Therefore, until more information as to how surface water is to be disposed of, I object to this application.

Subsequent to these comments, additional information has been received concerning the use of soakaways on site, but the Drainage Engineer has not provided any further comments.

BIODIVERSITY – The site is currently used as intensively managed amenity lawn and grazed pasture of low ecological value. Adjacent woodland is of higher ecological value. The proposal involves the removal of a short section of the northern boundary hedge. An updated Ecological Impact Assessment of the site was carried out in March 2013, finding as follows:

Bats – The surveyor inspected the buildings on site for bats and carried out an assessment on the trees. There was no evidence of bat roosts in the buildings but several trees provided potential for roosting bats. The trees and hedgerows provide potential foraging and commuting habitat for bats. Any lighting should be sympathetic, designed to avoid light spill on hedges and trees on the site. A precautionary approach should be made to demolishing the buildings on site.

Reptiles and amphibians – The grassland margins and ruderal vegetation provide some potential foraging opportunities, whilst the hedgerows, stone walls, piles of logs, bricks and discarded items and cutting provide potential shelter and hibernation habitat. I agree that a precautionary approach is required for construction activities on site. I support the proposal to maintain a 3m buffer zone along hedge lines. I agree that vegetation rootstock and other refugia should be cleared by hand during the active reptile season. Supports the proposal to construct two hibernacula on site.

Birds – Nesting birds are likely to use the vegetation on site. 5 swallow nests were noted within the stable buildings as well as an old nest of an unidentified species. No evidence of barn owl was found. Clearance of the northern hedgerow section and demolition of the buildings should be undertaken outside the nesting season. I support the proposal to erect bird boxes, including swallow nest boxes on site.

Badgers – no badger setts were found on site although the hedgerows and woodland bordering the site provide potential sett building habitat. Mammal paths were noted on site.

Recommends a condition requiring a strategy to ensure that wildlife is protected on site.

ENVIRONMENT AGENCY – No comments received.

LANDSCAPE - I'm generally happy with the landscape assessment and proposed

mitigation subject to detailed landscape proposals. Management of the open space will be key to maintaining a good tree presence I therefore recommend that it be controlled by S106 if you were minded to approve it.

PLANNING POLICY - Comment

There would be strong policy concerns with this proposal. The site was dismissed on appeal for development in 1997 and again in the Local Plan Inspectors report in 2004 when promoted by this Council. The Local Plan Inspector determined that despite the potential for landscaping/hedgerow measures landscape impact would be so great as to warrant non allocation of the site for development.

The site therefore remains outside of the defined settlement limit as defined in the (Local Plan and) Core Strategy. The proposal is for 8 dwellings (on over 1ha which would generally be regarded as an inefficient use of land although no longer of such concern with the replacement of the then PPG3). I do not consider that 8 dwellings would make any worthwhile impact on residential land supply - which currently stands at 5 years +5%.

From a policy perspective I am of the opinion that the Council should retain credibility. We are operating a Plan led system. The site has been rejected twice by the Planning Inspectorate, including the grounds of landscape impact. The topography has not changed over the past 16 years and I see no 'sustainable development' benefit (in terms of NPPF) of overriding these independent assessments. The appropriate mechanism would be for it to be tested again through the Site Allocations Plan (it is in the SHLAA) where it can be independently assessed again.

HOUSING ENABLING - have reviewed the site and although the planning obligation triggers an affordable housing obligation for 2 affordable homes, I have concerns regarding the affordability of the location. These include transport links to areas of employment and distance from local services and schools which would all increase the cost of living for residents on this scheme. I have discussed my concerns with the applicant and planning officer and suggested the obligation of 2 affordable homes is met on an alternative site.

I have looked for an alternative site option both in the parish of Bishops Hull and at other schemes within the applicant's ownership option. Currently there are no suitable alternative sites within Bishops Hull, however the applicant has another site in his control at Creech St Michael (planning application 14/12/0043) which could accommodate an additional 2 affordable homes on top of the existing 25% affordable housing planning obligation. I would recommend 2 discounted open market (70% of the open market value) three bed houses are built at the Creech St Michael site in addition to the sites affordable housing planning obligation as this tenure is not currently offered in the mix and would provide a broader choice of housing.

The two affordable homes should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or meet any subsequent standard at the commencement of development.

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

At the time of writing, the Creech St Michael Site has not been granted planning, in the event that planning is not granted for this site or the site does not come forward for any other reason within 6 months of start on site at Sherlands an affordable housing contribution of £189,000 would be payable in lieu of the affordable housing provision.

Representations

17 letters of objection have been received.

- The site is outside the settlement limit, so there should be a presumption against development.
- The site is part of a special landscape feature and will break the ridge line, contrary to policy EN11 of the Taunton Deane Local Plan. The ridge is the natural limit of Taunton and breaking the ridge will set a precedent for development to the west. The site is higher than its surroundings. Two storey houses will be clearly visible from the popular footpath near Wheaton.
- The development would harm the landscape approach to Taunton, contrary to Policy T34 of the Taunton Deane Local Plan.
- There are plenty of brownfield sites that could be developed instead.
- The West of Taunton has insufficient school capacity and insufficient road infrastructure, which is the reason the site was not allocated in the local plan.

- The development will increase flood risk at Rumwell lane at the bottom of the hill.
- This is an active toad monitoring site and has great crested newt and smooth newt colonies. It is also an active area for grass snakes.
- The right turn towards Wellington is dangerous. The junction is poorly aligned and more traffic using the lane increases the risk to pedestrians. The alterations proposed will not improve visibility, they will just increase the number of cars trying to make the difficult right turn towards Wellington, increasing the risk of serious accident.
- The site was considered profitable for 13 dwellings 5 years ago, concerned that as this is only an outline application, the numbers will increase in the future when detailed approval is sought.
- The development will detract from the outlook from existing properties on Stonegallows. Existing owners will be put to additional expense in erecting fences for privacy.
- There will be noise pollution from construction and future residents.
- The vista for the listed Rumwell Park will be lost. The development is not in keeping with Rumwell Park.
- The transport assessment is based on 2011 data and does not adequately address the impact that the one way system in Bishops Hull has had on traffic.
- Trees have been planted to screen the site from the A38 but these will not mature for another 20 years.
- The trees on the western boundary must be preserved.

- The lodge will be overlooked because it is lower than the application site.
- Understand that permission has been previously refused and query what has changed to allow reconsideration of the application.
- The verge to the front of 50 Stonegallows is privately owned and could not accommodate additional highway improvements to those shown on the plans.

In addition to objections noted above, the following comments were made in the event that planning permission should be granted:

- The ridgeline should be protected as much as possible; dwellings should preferably be limited to single storey only; surface water must be adequately catered for; street lighting should be kept to a minimum, be directed down and not left on all night; alterations to the roads should be kept to a minimum and footways should not be provided in order to protect the visual amenities and character of the area.
- The quality and layout of the proposed houses looks sensible.

PLANNING POLICIES

EN11 - TDBCLP - Special Landscape Features,
 T34 - TDBCLP - Approach Routes to Taunton,
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,
 CP4 - TD CORE STRATEGY - HOUSING,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£8,663
Somerset County Council (Upper Tier Authority)	£2,158

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£51,795
Somerset County Council (Upper Tier Authority)	£12,949

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development; provision of affordable housing; the visual impact and impact on the landscape character of the area; the impact on the highway network; the impact on neighbouring property and the impact on wildlife interests.

Principle of development

The application site is outside any settlement limit. In this regard, the development is contrary to Policy CP8 of the Taunton Deane Core Strategy, which seeks to resist development outside identified settlement limits. However, the Core Strategy (Policy CP4) also provides for significant additional development in Taunton Deane, requiring the provision of an additional 17,000 homes (at least) over the plan period. Policy SP2 indicates that the majority of these (at least 13,000) should be in or as extensions to Taunton. The Core Strategy identifies certain strategic allocations at Monkton Heathfield, Nerrols, broad locations at Comeytrove and Staplegrove; which together with the Taunton Town Centre Area Action Plan (TTCAAP) sites and completions to date over the plan period are forecast to meet these requirements. There is no slack in these figures, which would not allow any 'non-delivery' of sites and require all to be built out to their maximum indicative levels and for current rates of windfall development to be maintained over 15 years. Of particular concern is the reliance within these figures of 2,100 dwellings within the TTCAAP, a large proportion of which are flats which are not, as a general rule, being developed at the present time. Your policy officers, therefore, consider that there is a need to find additional sites in Taunton on top of the strategic allocations in order to ensure that the plans targets are met and to maintain a 5 year supply of deliverable housing sites.

The Site Allocations and Development Management Policies Plan (SADMPP) will, in time allocated these additional smaller sites in and around Taunton. The SADMPP is currently at an early stage of preparation, with consultation on 'issues and options' having closed on 7th March. At the present time, until this plan has reached a more advanced stage, it is considered that the development plan is silent on the matter of where any further sites will be identified. What is certain is that there will need to be a review of Taunton's current settlement limits (as shown on the Core Strategy Proposals Map) to accommodate the required increase in dwellings and that this will be in addition to the strategic sites considered by the Core Strategy. Whilst the development is, therefore, in technical conflict with the development plan in that it proposes development outside the settlement limits, it cannot be accepted that further allocations in Taunton beyond settlement boundaries will not be required and this will be considered through the SADMPP. Paragraph 14 of the NPPF, state that where the development plan is absent or silent, or the relevant policies are out-of-date, then planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In terms of the principle of the development, therefore, it can be seen that there is a conflict with the development plan in that the site is outside the settlement limit. However, the weight of this technical conflict is reduced given the amount of development that the plan envisages for Taunton and that this will, undoubtedly, involve presently unallocated sites outside the plan. Precisely where this development will be accommodated is a job for the SADMPP and until this is in place, the development plan remains silent on this matter. The NPPF is a weighty material consideration and confirms that where relevant parts of the plan are silent,

planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This so-called 'presumption in favour of sustainable development' is echoed by Policy SD1 of the adopted core strategy and together with the NPPF carries such weight as to leave a presumption in favour of granting permission, in principle, provided that it can be shown to be sustainable development within the meaning of the NPPF. Such will be considered through an assessment of other material considerations, in the remainder of this report.

Provision of affordable housing

The site is of sufficient size to trigger a contribution towards affordable housing under Policy CP4 of the Taunton Deane Core Strategy. However, the Housing Enabling Lead is concerned about the suitability of the site for affordable housing, given the distance from facilities and the general affordability of the area: On small sites, discounted market housing is often considered appropriate due to the difficulties in managing sporadically placed social rent properties. However, the sale values in the area are likely to be particularly high and as such, discount market housing may still be unaffordable to those in housing need.

In this context, your Housing Enabling Lead, would usually suggest a commuted sum be paid. However, in this instance she is also content with the applicant's proposal to meet the affordable housing requirement on a different site within his control – in this instance in Creech St. Michael, which secured a resolution to grant permission on 21st May. The benefit of this approach is that it results in two units of affordable housing being physically provided on the ground. Whilst the approach is unusual, given the particular characteristics of this site and its location, it is considered the most appropriate route in this instance.

Visual impact

This site is in an elevated location and commands long views to the north and south. The landscape officer has studied the submitted landscape assessment and is content that with the amount of landscaping proposed, the development will not be overly visible in the landscape and would not form skyline development on the western edge of Taunton.

From the north, the site is visible from the footpath running from Wheaton Farm. The landscape officer is content, however, that the additional landscaping and low density of development will prevent the dwellings being a prominent feature in the landscape when viewed from this direction. The footpath climbs towards the site and, therefore does not look down upon the development, so the proposed additional landscaping should be effective. From higher ground to the south, again the dwellings would be integrated with the additional landscaping and would be seen against the backdrop of the existing dwellings at Stonegallows.

It has been suggested in the representations that the development conflicts with retained local plan policies EN11 and T34. Policy EN11 prevents development which would harm the appearance, character and contribution to landscape quality of Special Landscape Features (as shown on the Proposals Map), unless planning

conditions would prevent such harm and Policy T34 prevents development which would harm the landscape setting of approach routes into Taunton.

The Special Landscape Features themselves have not been retained on the core strategy proposals maps, but in any case, for the reasons given above, it is considered the conditions to secure the landscape planting can overcome the harm. In terms of the landscape setting of the approach routes to Taunton, when heading towards Taunton on the A38, the highway is well below the site as it passes its southern boundary and views will not be readily available of the new dwellings. From further west, the strong tree backdrop to Rumwell Park in the foreground, together with further proposed landscaping, will screen the site from view. It is not, therefore, considered that there would be a conflict with this policy.

It is perhaps regrettable that the applicant has chosen to submit in outline, reserving layout and landscaping for subsequent consideration. This reduces the reassurance that the site will be laid out in the manner indicated. However, the submitted illustrative layout plan does present a high level of detail and is clearly intended to guide the future layout of the site. Indeed, it goes to such detail as specifying areas where substantial tree planting is proposed and where permitted development rights should be removed from the dwellings in order to prevent outbuildings creeping into visually prominent locations. Your officers are, therefore content that using the illustrative plan as a base, suitable conditions can be imposed in order to ensure that the landscaping is provided in an appropriate location. Your Landscape Officer believes the appropriate course of action following any reserved matters approval would be to place Tree Preservation Orders on any proposed trees in order to safeguard their contribution to the landscape in perpetuity.

Impact on the highway network

The application suggests various potential highway improvements that could be made. These are a new junction into the site and highway reconfiguration at this point, revisions to the junction of Stonegallows Lane with the A38, footway provision along Stonegallows Lane and on carriageway cycle lanes along the A38. These will now be considered in turn.

The proposals for site access would realign the existing Rumwell Park Lane at the site access. The existing highway would be realigned such that traffic would automatically turn into the site, and through traffic from Taunton would have to make a right turn. This option places the junction on the outside of a bend and minimises the required hedgerow loss. It is considered that the proposal is sound in landscape terms and will provide an adequate and safe access to the site without detriment to the wider highway network.

The revised junction with the A38 is considered essential by the Local Highway Authority. Whilst their consultation response is somewhat vague, they have confirmed that they believe that the revised junction can be achieved, although considerably more detail is required before they can give a technical approval in principle. These works are off-site and would need to be secured through a Section 106 agreement. That agreement would be the appropriate method for negotiating the detailed highway requirements for the junction, prior to the formal grant of planning permission.

Concern has been raised in the representations about the impact that footway provision along Stonegallows Lane would have on the rural character of the area. At the present time, there are no footways and the highway has a semi-rural feel with grass verges of varying width. It is true that footways would create a much more formalised street and it would not be possible to create a uniform width. In addition, the footway would have to change sides in order to be accommodated in the highway limits and this would likely lead to highway requirements for numerous drop kerbs and tactile paving, further urbanising the character of the lane. Given that a pedestrian walking from the site would have to cross the road twice in the short length before arriving at the A38 junction and then would still be on the Wellington side of the road, the benefits to the pedestrian seem somewhat limited – one wonders, whether the average pedestrian walking towards Taunton would really make the final crossing, or whether they would continue to walk in the highway at this point. The Highway Authority have verbally confirmed that they do not believe that the absence of a footway would significantly change the highway considerations for the scheme and, therefore, your officers consider in this case that the balance falls in favour of not providing a footway in the interests of the visual amenities and character of the area.

The final highway improvements suggested is the provision of on-carriageway cycle lanes on both sides of the A38. This would clearly be of benefit to any cyclists in the area, but it is questionable whether it is really justified by the development of only 8 dwellings. Again, given the distance from the town centre, the steep uphill climb on the return journey back to the site and the fact that the application only proposes 8 dwellings, the Highway Authority do not believe that the cycle lanes are required to make the development acceptable in highway terms. It would, therefore, seem to be an unreasonable obligation to place on the development, and on balance, your officers recommend against its inclusion.

Impact on neighbouring property

The closest and most affected neighbours are those that back onto the site on Stonegallows to the east. These dwellings are two-storey, detached dwellings in large grounds and sit some distance from the site boundaries. The illustrative plans submitted indicate that the dwellings proposed on the application site could also sit a reasonable distance from the boundary such that they did not give rise to unacceptable overlooking. The precise location and design of the dwellings would be subject to a reserved matters application and at this stage, your officers consider that the impact on neighbouring amenity will be able to be protected to an acceptable degree. The dwellings backing onto the site will lose their uninterrupted views across the open countryside, but this in itself cannot warrant the refusal of planning permission.

Rumwell Park sits to the west of the site, it is a listed building and has some windows facing towards the development. A substantial tree screen prevents significant intervisibility between Rumwell Park and the site and whilst it would be wrong to rely on trees to prevent overlooking, as with the dwellings on the east side of the site, your officers are content that any dwellings would be able to be designed and sited so as not to provide unacceptable overlooking. It has been suggested in the representations that the woodland backdrop to Rumwell Park, which is frequently used for photography, would be undermined by the development, but given the extensive landscaping – existing and proposed – and low number of dwellings that

would be proposed on the western side of the site, your officers do not believe that this impact would be significant.

Impact on wildlife

The submitted ecological report indicates that the site boundaries has potential for wildlife habitat, particularly for birds, reptiles, foraging for badgers and foraging for bats. Your Biodiversity Officer is content that no protected species are likely to be harmed during construction and that protected habitats will not be needed to be removed. Accordingly, it is possible to mitigate any harm to wildlife through appropriate conditions to ensure that wildlife is not harmed during construction and that ecological interests will be enhanced on site as a consequence of development.

Other matters

Rumwell Park is a listed building sitting just of the west site boundary at a slightly lower level. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities should ensure that the setting of a listed building is preserved when considering whether to grant planning permission. Rumwell Park is currently visible in the landscape on approach to Taunton from Wellington and its setting is one of a large house sitting in extensive parkland against a heavy woodland backdrop (the application site boundary). For the reasons noted above in terms of the landscape setting of the site, it is not considered that the development would be overly apparent when viewed from the A38, so it is considered that the setting of the listed building would be preserved.

Concern has been raised by the Drainage Officer that insufficient information has been provided to show that the site is capable of accommodating a SUDS scheme. Subsequent to this, further percolation tests have been undertaken demonstrating the soakaways can be used to dispose of surface water. In this context, it is considered that the detailed design of any drainage system can be dealt with by condition so as to ensure that there will not be any increase in flood risk off site.

Conclusions – is the development ‘sustainable’ within the meaning of the NPPF? .

The foregoing report has established the principles for determining the application – that the presumption in favour of sustainable development applies and in accordance with Policy SD1 of the Taunton Deane Core Strategy and paragraph 14 of the NPPF, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In considering the this test and the ‘planning balance’, there is clearly considerably less benefit to be gained in terms of contributing to housing supply than would be realised from a higher density development. It would follow, therefore, even a small amount of harm could outweigh the relatively small benefits to be found in this regard. There are other benefits from this development, however, in the provision of a reconfigured junction with the A38. Whilst this may be required to make the development acceptable in highway safety terms, it goes beyond benefitting just the site and its residents, providing highway safety improvements for significantly more

people.

It is worth noting that part of the reason that the site was not allocated in the Taunton Deane Local Plan was due to the low density of housing proposed. At that time, such was in serious conflict with guidance in PPG3 which sought to impose higher density development on allocations. Such prescriptive density requirements have subsequently fallen away in national policy, in favour of an approach that should be based on an assessment of the character of the surrounding area. It is still possible that the site may not be considered for allocation on the basis of the low numbers that the site can yield – due to its landscape constraints – but this does not automatically stop it coming forward as a windfall site through the planning application process in the context of the presumption in favour of sustainable development and silence of the development plan on housing sites at the present time.

Against this, it has been shown that the development would not generate significantly harmful impacts on the highway network, visual amenities of the area, neighbouring property or ecological interests. It is considered, therefore, that the benefits would outweigh any small harm that may arise and the development is considered to be sustainable in the context of the presumption in favour of sustainable development in the NPPF and Policy SD1. It is, therefore, recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

MISCELLANEOUS REPORT OF THE DEVELOPMENT MANAGEMENT LEAD AND HOUSING ENABLING LEAD.

Background

At the Planning Committee of 22nd May, Members resolved that the following planning applications be reported back to committee with regard to the details of the Section 106 Agreement in relation to affordable housing:

14/12/0043 - OUTLINE APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF 44 NO DWELLING HOUSES, SCOUT HUT AND RECREATIONAL OPEN SPACE, DRAINAGE WORKS AND ASSOCIATED ACCESS AT LAND TO SOUTH OF HYDE LANE, CREECH ST MICHAEL AS AMENDED BY EMAILS DATED 28 FEBRUARY 2013 AND PLANS 100-B AND 101-B AND 3300A IN RESPECT OF THE ILLUSTRATION LAYOUT AS AMENDED

14/13/0006 - ERECTION OF 55 DWELLINGS, PROVISION OF SCHOOL CAR PARK, VEHICULAR ACCESS, PUBLIC OPEN SPACE AND ASSOCIATED WORKS ON LAND TO THE NORTH OF PRIMARY SCHOOL, HYDE LANE, CREECH ST MICHAEL

49/13/0015 - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 71 DWELLINGS WITH ASSOCIATED ACCESS AND INFRASTRUCTURE ON LAND OFF BURGESS LANE, WIVELISCOMBE

This was in response to the comments of the Housing Enabling Lead on these three applications where it was stated that “a local connection clause is to be included in the S106 agreement to prioritise the homes for local people”.

Further comments of the Housing Enabling Lead

A local connection clause ensures the parish that is having the impact of the development has the priority to access the affordable homes and contribute to absorbing their Parishes local housing need.

Including a local connection clause to the affordable homes helps sustain communities by offering local families, couples and single people the chance to stay living in the place where they have strong connections and contribute to the village but simply can not afford the local house prices.

The local people are probably already using the services. New homes for local people will often ensure that local services are maintained and a local work force retained.

This clause remains in perpetuity and therefore applies on first and subsequent relets ensuring local homes for local people.

To avoid empty properties in the event that no one with a local connection bids for the home the clause then cascades out to neighbouring parishes and then to the Homefinder Somerset / Homebuy list as appropriate. For each subsequent relet /sale the clause defaults back to the parish in the first instance.

Rented properties will be advertised through the choiced based lettings system 'Homefinder Somerset'. The system provides regular information to registered applicants on the available lettings in the area. It invites potential applicants to apply or 'bid' for properties for which they qualify.

The allocation is made using a point based system which will look at the housing needs of the local people who will apply. The order of priority would be Gold, Silver, Bronze applying the local connection. To exclude bronze band from within the local connection clause, could leave those in a recognised level of housing need with little or no housing option with in the community to which they have a local connection.

Those interested in shared ownership or discounted open market properties will need to register on the 'Homebuy list' and in the case of shared ownership also register with the housing association. For these intermediate properties they will also need to have sufficient finances in order to meet the commitment of owning their own home and be able to secure a mortgage for their share of the property. There is no prioritisation in terms of banding for the intermediate housing.

Prior to letting or selling the housing association, or in the case of the discounted open market housing, TDBC Housing Enabler, will ask for written evidence to support the applicants claim to a local connection.

As a local authority we are responsible for making sure housing needs are met and by incorporating a local connection clause this ensure the affordable homes are local houses for local people and provide a broader choice of homes within those communities.

Recommendation

- 1 That the Section 106 Agreements for the following applications include a local connection clause:

14/12/0043 - OUTLINE APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF 44 NO DWELLING HOUSES, SCOUT HUT AND RECREATIONAL OPEN SPACE, DRAINAGE WORKS AND ASSOCIATED ACCESS AT LAND TO SOUTH OF HYDE LANE, CREECH ST MICHAEL AS AMENDED BY EMAILS DATED 28 FEBRUARY 2013 AND PLANS 100-B AND 101-B AND 3300A IN RESPECT OF THE ILLUSTRATION LAYOUT AS AMENDED

14/13/0006 - ERECTION OF 55 DWELLINGS, PROVISION OF SCHOOL CAR PARK, VEHICULAR ACCESS, PUBLIC OPEN SPACE AND ASSOCIATED WORKS ON LAND TO THE NORTH OF PRIMARY SCHOOL, HYDE LANE, CREECH ST MICHAEL

49/13/0015 - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 71 DWELLINGS WITH ASSOCIATED ACCESS AND INFRASTRUCTURE ON LAND OFF BURGES LANE, WIVELISCOMBE

- 2 That the affordable housing Local Connection Clause is incorporated into the Section 106 Agreements for any development proposal with affordable housing requirements other than in the Strategic Sites identified within the Core Strategy.

Jo Humble
Housing Enabling Lead

Bryn Kitching
Development Management Lead

The Local Connection Clause for Affordable Homes within Section 106 Agreements

The local connection clause incorporated within Section 106 agreements for rural schemes is as follows :-

Local Connection means in relation to a person in need of Affordable Housing in order of priority

- (i) immediately prior to the allocation of an Affordable Housing Unit are ordinarily resident within the Parish of **xxxx**;
- (ii) have strong local connections with the Parish of **xxxx** including having a family association in the said parish and/or any periods of ordinary residence in the said parish not immediately before the date upon which any Affordable Housing Unit becomes vacant and/or such persons who have permanent employment in the Parish of **xxxxx**
- (iii) immediately prior to the allocation of an Affordable Housing Unit have been ordinarily resident within the adjoining parishes of **xxxxxxxx**
- (iv) In the case of Social Rented Housing any person registered on the Homefinder Somerset Register and in the event of there being no one available on the Homefinder Somerset Register any person approved in writing by the Council (such approval not to be unreasonably withheld)
- (v) In the case of the Intermediate Affordable Housing any person registered on the Homebuy Agent List and in the event of there being no-one available on the Homebuy Agent List any person approved in writing by the Council (such approval not to be unreasonably withheld)

APPEALS RECEIVED FOR COMMITTEE AGENDA – 05 JUNE 2013

APPEAL NO	PROPOSAL	APPLICATION NUMBER
APP/D3315/C/13/2198247	CONVERSION OF STORE / GARAGE TO RESIDENTIAL ACCOMMODATION AT THE GLOBE INN, KITTISFORD ROAD, STAWLEY, WELLINGTON	E/0168/35/12

Planning Committee – 5 June 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, Mrs Gaden,
Gaines, C Hill, Mrs Hill, Miss James, Mrs Smith, Watson,
A Wedderkopp and Wren

Officers: - Bryn Kitching (Development Management Lead), Tim Burton (Growth and Development Manager), Matthew Bale (Area Co-ordinator West), Gareth Clifford (Area Co-ordinator East), Maria Casey (Planning and Litigation Solicitor), Jo Humble (Housing Enabling Lead) and Andrew Randell (Corporate Support Officer)

Also present: Tonya Meers (Legal and Democratic Services Manager), Roy Pinney (Legal Services Manager) and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

73. Apologies

Councillors Tooze and D Wedderkopp.

74. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared he had had a telephone conversation with a resident in connection with application No 41/13/0001. He felt that he had not 'fettered his discretion'. Councillor Bishop also declared that he had received telephone calls and emails regarding application No 41/13/0001. He also did not feel that he had 'fettered his discretion'. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Wren declared a personal interest as an employee of Natural England. Councillors Coles (Vice-Chairman) and A Wedderkopp declared personal interests as Members of Somerset County Council.

75. Applications for Planning Permission

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

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

42/13/0023

Erection of single storey extension and porch to the front, single storey extension to the side and carport at 13 Orchard Close, Trull

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:-
- (A3) DrNo 4 Elevations;
 - (A3) DrNo 3 Ground Floor Plan;
 - (A3) DrNo 2 Elevations as Existing;
 - (A3) DrNo 1 Ground Floor Plan as Existing;
 - (A4) DrNo 5 Site Layout Plan; and
 - (A4) Location Plan.

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

Reasons for granting planning permission:-

The proposed development would not harm visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

38/13/0105

Change of use from A1 (retail) to A5 (hot food takeaway), alterations to the shop front, erection of two condenser units and installation of extraction flue at 40 Station Road, Taunton (as amended)

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:-
- (A3) DrNo A139013/01 Rev E Existing and Proposed Floor Plans;
 - (A3) DrNo A139013/02 Rev A Existing and Proposed Elevations;
 - (A3) DrNo A139013/03 Signage Details;
 - (A3) DrNo A139013/04 Rev B Existing and Proposed Rear Elevation;
 - (A3) DrNo A139013/05 Existing Side Elevation;
 - (A3) DrNo A139013/06 Rev B Proposed Side Elevation;
 - (A3) DrNo 2030-01 Location Plan and Block Plan.

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

Reasons for granting planning permission:-

The proposed change of use would bring the empty shop back into use, to the benefit of the vitality and viability of the town centre. Any impacts on neighbouring properties would be acceptable given the town centre location. It was, therefore, in accordance with Retained Policy T21 (Secondary Shopping Areas) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.

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

41/13/0001

Erection of 16,632 solar PV panels generating up to 4.16mw at Glebe Farm, Tolland

Reasons

- (a) The proposed development by reason of its scale, form and siting would have a significant detrimental visual impact on the landscape character of the area. The installation would appear as a large stark industrial feature in an otherwise gently rolling landscape at odds with the scattered, small scale and highly dispersed rural development in the area. This incongruous proposal would be highly visible from a large number of sensitive receptors which combine to make the development a very dominant feature in the local landscape. As such, it is considered that the open landscape character of the area and natural environment would be harmed and the impact on the local community is not outweighed by the wider environmental benefits that may be realised by the proposal. The proposal is, therefore, contrary to Policies CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy;
- (b) The application has not satisfactorily demonstrated that the development can satisfactorily mitigate the risks of off site flooding. It is, therefore, contrary to Policy CP8 (Environment) of the Taunton Deane Core Strategy.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has had detailed discussions and site meetings to consider points of concern. However in this case the applicant was unable to satisfy the Local Planning Authority that the development would not give rise to unacceptable impacts and as such the application has been refused).

07/13/0010

Erection of two storey extension to the rear of The Waggon House, Bradford on Tone

Reason

The proposed extension by reason of its scale and design details fails to respect the character of the existing dwelling. As such the development would be contrary to Policy DM1 of the adopted Core Strategy and the retained Policy H17 of the Taunton Deane Local Plan.

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

76. Outline planning application for residential development at land adjoining Sherlands, Stonegallows, Bishop Hull (05/13/0011)

Reported this application.

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

- (i) Affordable Housing – two discount market dwellings to be provided at Creech St. Michael or a contribution of £189,000 in lieu of such provision;
- (ii) Highways – Alterations to highway to provide suitable access to the site; alterations to the junction with A38;
- (iii) Children’s Play – Contribution of £2,688, per dwelling;
- (iv) Active Outdoor Recreation – Contribution of £1,454 per dwelling;
- (v) Allotment provision – Contribution of £194 per dwelling; and
- (vi) Community Halls – Contribution of £1,118 per dwelling,

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

- (a) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters 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 including site clearance or topsoil stripping shall take place until alterations to the junction of Stonegallows with the A38 and the new site access have been completed in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
- (c) (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;
- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be fully implemented prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's Updated Ecological Impact Assessment report, dated March 2013 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.
 - Arrangements to secure the presence of an ecological clerk of works on site.
 - A Landscape and Ecological management plan.

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

(f) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any Order revoking and re-enacting the 1995 Order with or without modification), no buildings or other ancillary structure, no gates, walls, fences or other means of enclosure other than those that may be expressly authorised by this permission and any subsequent reserved matters approval shall be carried out within the areas coloured pale green on drawing number 4166/11 hereby permitted without the further grant of planning permission;

(g) No more than 8 dwellings shall be constructed on the site.

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that the condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats, badgers, reptiles, amphibians and nesting birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal).

Reasons for outline planning permission, if granted:-

The site was located at the edge of the existing Taunton Urban Area and had good public transport links. It would provide improvements to an existing poorly aligned junction to the A38, to the benefit of all users of this part of the highway network. The development would not cause significant adverse impact on the local highway network, amenity of neighbouring residents or ecological impacts. The setting of Rumwell Park to the west would be preserved. Given that the development plan was silent on where future housing allocations in Taunton would be, it was considered that the appropriate test was the presumption in favour of sustainable development outlined in Policy SD1 (Presumption in Favour of Sustainable Development) of the Taunton Deane Core Strategy and the National Planning Policy Framework. It was considered that the test was passed and the development was acceptable in accordance with Policy CP1 (Climate Change), CP6 (Transport and Accessibility), CP8 (Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy, the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1991.

77. Miscellaneous report – Local Connection Clauses

Reference Minute Nos 67, 68 and 69 Members had requested that the two applications relating to developments at Hyde Lane, Creech St Michael and Land off Burges Lane Wiveliscombe should be brought back to the Committee

with regard to the details of the Section 106 Agreement in relation to affordable housing.

This was in response to the comments of the Housing Enabling Lead on these three applications where it had been stated that a local connection clause was to be included in the S106 Agreement to prioritise the homes for local people.

A local connection clause ensured the parish that was having the impact of the development had the priority to access the affordable homes and contributed to absorbing their parishes' local housing need. The clause would remain in perpetuity and therefore applied on first and subsequent relets ensuring local homes for local people.

To avoid empty properties in the event that no one with a local connection submitted a bid for a home, the clause would then cascade out to neighbouring parishes' and then the Homefinder Somerset/Homebuy list as appropriate. For each subsequent relet/sale the clause would default back to the parish in the first instance.

Rented properties would be advertised through the choice based lettings system Homefinder Somerset. The system provided regular information to registered applicants on the available lettings in the area. It invited potential applicants to apply or 'bid' for properties for which they qualified.

Those interested in shared ownership or discounted open market properties would need to register on the 'Homebuy List' and in the case of shared ownership also register with the housing association. For those intermediate properties potential purchasers would also need to have sufficient finances in order to meet the commitment of owning their own home and be able to secure a mortgage for their share of the property.

As a local authority Taunton Deane was responsible for making sure housing needs were met and by incorporating a local connection clause this would ensure the affordable homes were local houses for local people and provided a broader choice of homes within those communities.

Resolved that:-

(1) The recommendation that the affordable housing local connection clause was incorporated into the Section 106 Agreements for any development proposal with affordable housing requirements other than in the Strategic Sites identified with the Core Strategy be referred to the Community Scrutiny Committee for further consideration; and

(2) That the Section 106 Agreements for the following applications should include a local connection clause:-

(i) 14/12/0043 – Outline application for the residential development of 44 No dwelling houses, Scout Hut and recreational open space, drainage works and associated access at land to south of Hyde Lane, Creech St Michael.

(ii) 14/13/0006 – Erection of 55 dwellings. Provision of school car park, vehicular access, public open space and associated works on land to the North of primary school, Hyde Lane, Creech St Michael; and

(iii) Outline application for the erection of up to 71 dwellings with associated access and infrastructure on land off Burges Lane, Wiveliscombe.

78. Appeals

Reported that one new appeal had been lodged since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 8.20 pm.)