

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 25 September 2013 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 4 September 2013 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of Full Council are shown on the attachment.
- 5 42/13/0018 - Outline planning application for a residential development of up to 250 No. houses including highway access off Honiton Road and ancillary sports and recreation facilities on land north of Sweethay Lane on land known as Broadlands, Honiton Road, Staplehay (as amended).
- 6 43/13/0025 - Erection of a 14 No. bedroom nursing home for the elderly at The Wheelhouse, Linden Hill, Wellington (as amended).
- 7 38/13/0278 - Demolition of buildings and erection of 84 No. dwellings with associated highway infrastructure, public open space and landscaping on land at Creechbarrow Road, Taunton.
- 8 38/13/0307 - Demolition of buildings and erection of residential building comprising of 8 No. flats, ground floor Community Hub (B1/D1 use), and associated parking and landscaping, at 1 and 3 Moorland Road, Taunton.
- 9 E/0054/06/13 - Earth bund being constructed alongside Back Stream, Bishops Lydeard.
- 10 E/0171/06/13 - Formation of earth bund following refusal of planning permission at The Barton, Bishops Lydeard, Taunton.
- 11 E/0315/27/11 - Caravan outside of domestic curtilage at Knapp Farm, Hillfarrance Road, Hillfarrance, Taunton.

- 12 E/0163/30/10 - Land used for storage of builders materials, Minster Edge, Pitminster.
- 13 48/13/0050 - Change of use of land from agricultural to residential, creation of access and erection of garage at 2 Hill Farm Cottages, West Monkton (part retention of works already undertaken).

Tonya Meers
Legal and Democratic Services Manager

31 October 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.

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

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

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

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

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



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



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

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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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 E Gaines
Councillor C Hill
Councillor M Hill
Councillor L James
Councillor I Morrell
Councillor P Tooze
Councillor P Watson
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor G Wren

Planning Committee – 4 September 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Gaines, Mrs Hill, Horsley, Morrell, Mrs Reed, Tooze, Watson, A Wedderkopp, D Wedderkopp and Wren

Officers: - Bryn Kitching (Development Management Lead), John Burton (Major Applications Co-ordinator), Gareth Clifford (East Area Co-ordinator), Matthew Bale (West Area Co-ordinator), Tim Burton (Planning and Development Manager), Maria Casey (Planning and Litigation Solicitor), Roy Pinney (Legal Services Manager) and Tracey Meadows (Corporate Support Officer)

Also present: Councillors Gill Slattery and Stone in connection with application Nos 24/13/0032 and 24/13/0036 and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

102. Apologies/Substitutions

Apologies: Councillors Mrs Gaden and C Hill

Substitutions: Councillor Horsley for Councillor Mrs Gaden;
Councillor Mrs Reed for Councillor C Hill

103. Minutes

The minutes of the meeting of the Planning Committee held on the 14 August 2013, were taken and read and were signed subject to Councillor Wren's apologies being noted.

104. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared that he had spoken to Mr Windstone on application No 24/13/0036, but felt that he had not fettered his discretion. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Wren declared a personal interest as an employee of Natural England. All Councillors declared that they had received correspondence in respect of application Nos 24/13/0032 and 24/13/0036.

105. 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:-

26/13/0004

Variation of condition No. 2 (materials) to application No. 26/10/0001 at Grange Farm, Nynehead

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A3) DrNo 13/09/121 Elevations; and the following plans approved pursuant to application 26/10/0001:-
 - (A2) DrNo 13/09/20 Floor plans;
 - (A2) DrNo 13/09/22 Roof and site plan;
 - (A4) Location Plan;
- (b) (i) The landscaping scheme submitted to, and approved by, the Local Planning Authority pursuant to condition (3) of planning permission 26/10/0001 shall be implemented as part of this development. (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;
- (c) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants;
- (d) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture, horticulture or in forestry, or a widow or widower of such a person, and to any resident dependants;
- (e) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (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 extensions (including extensions to the roof) or other alterations shall be carried out to the dwelling other than that expressly authorised by this permission without the further grant of planning permission;

- (g) The garage hereby permitted shall be used only for the parking of motor vehicles in association with the development hereby permitted and shall not be used as any habitable living accommodation.

20/13/0024

Erection of timber forest classroom, formation of car park and an astro turf play area at The Grange, Kingston Road, Kingston St Mary

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 1801.001 Rev A Appraisal and Landscape Plan;
 - (A1) DrNo A-02Rev A Scheme Proposals;
 - (A3) DrNo A-03 Block Plan;
 - (A4) DrNo 3434 Location Plan;
- (c) Prior to the parking area hereby permitted being brought into use, the cycle rack facility capable of accommodating up to 14 cycles shall have been repositioned within the site, in accordance with details, which shall have been submitted to, and agreed in writing by, the Local Planning Authority. The cycle shelter shall thereafter remain available and not be used for any purpose, other than for the storage of cycles in connection with the development hereby permitted;
- (d) The area allocated for parking and turning on the submitted plan, drawing No A-02 rev A, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (e) The proposed protective fencing shall be erected prior to the commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be undertaken in accordance with the notes stipulated on Drawing No 1801.001 Rev A.

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

30/13/0030**Erection of glazed link structure, alterations to lean-to utility room and rear façade at Knights Farm, Blagdon Hill****Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 0112_LB_05 Rev A Existing and Proposed Elevations – Glazed Link;
 - (A1) DrNo 0112_LB_06 Rev A Existing and Proposed Plans – Glazed Link;
 - (A3) DrNo 0112_LB_08 Artist Impressions;
 - (A) DrNo 0112_LB_01 Site and Location Plans.

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

30/13/0029/LB**Erection of glazed link structure, alterations to lean-to utility room and rear façade at Knights Farm, Blagdon Hill****Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 0112_LB_01 Site and Location Plans;
 - (A3) DrNo 0112_LB_07 External Joinery Details;
 - (A3) DrNo 0112_LB_08 Artist Impressions;
 - (A1) DrNo 0112_LB_06 Rev A Existing and Proposed Plans – Glazed Link;
 - (A1) DrNo 0112_LB_05 Rev A Existing and Proposed Elevations – Glazed Link;
- (c) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the

approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority:- The colour of the aluminium frame.

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

24/13/0032

Outline application with all matters reserved for a residential development for 30 dwellings and associated public open space and allotments at land to the north-west of Overlands, North Curry

Reasons

(i) The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.

The Council is approaching publication of the Preferred Option of its Site Allocations and Development Management Plan. A number of sites had been promoted as being available for development and, as the overall rural housing target had been met there is no immediate need to bring sites forward in advance of the Plan led system. Rather, approving this application in advance of the plan process could result in development of a less sustainable site that would otherwise occur thus resulting in adverse impacts significantly outweighing the benefits, contrary to Policy SD1 of the Core Strategy.

(ii) The proposal does not provide a suitable means for securing the appropriate affordable housing and community and leisure facilities, maintenance of on site facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan or education contributions and therefore would be contrary to Policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained Policy C4 of the Taunton Deane Local Plan.

(Note to applicant: - Applicant was advised that although the reasons for refusal includes one relating to the lack of a Planning Obligation under S106 of the Town and Country Planning Act 1990, this had been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal).

- 106. Erection of 2 No. single storey dwellings with demolition of existing structures at South View Court, Monkton Heathfield, West Monkton, as amended (48/13/0018)**

Reported this application.

Resolved that subject to the applicant serving the appropriate notice on the neighbour, the Growth and Development Manager be authorised to determine

the application in consultation with the Chairman or Vice-Chairman and if planning permission was refused the following reason be stated:-

The proposed development results in a contrived and cramped layout which is considered as overdevelopment of the site contrary to Policy DH1(d) of the Taunton Deane Core Strategy.

107. Erection of 5 dwellings with garaging, car parking and vehicular access at Land off White Street, North Curry (24/13/0036)

Reported this application.

Resolved that subject to the receipt of no additional letters raising new issues by 5 September 2013, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman of the Planning Committee and if planning permission was refused the following reasons be stated:-

Reasons for refusal:-

(i) The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.

The Council is approaching publication of the Preferred Option of its Site Allocations and Development Management Plan. A number of sites had been promoted as being available for development and, as the overall rural housing target had been met there is no immediate need to bring sites forward in advance of the Plan led system. Rather, approving this application in advance of the plan process could result in development of a less sustainable site than would otherwise occur thus resulting in adverse impacts significantly outweighing the benefits, contrary to Policy SD1 of the Core Strategy.

(ii) The proposed development would be detrimental to the setting of Longs House/Cottage (a Grade II listed building) and the North Curry Conservation Area, in particular, the proposed highway access and urban road frontage, the restricted dwelling and plot sizes, its regimented layout, the loss of the surrounding hedge and tree boundary with White Street, contrary to the requirements of the Taunton Deane Core Strategy Policies CP8, CP1 (h) and DM1(d).

(iii) The proposed development would have a detrimental impact on the semi-rural character of the area which forms the boundary between the built form of the development and open countryside beyond and is considered contrary to Taunton Deane Core Strategy Policies CP1(g), DM1(d) and CP8.

108. Appeals

Reported that three appeal decisions had been received since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 9.00 pm.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors Coles, A Wedderkopp 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

BROADLANDS TWENTY TWELVE

OUTLINE PLANNING APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 250 NO. HOUSES INCLUDING HIGHWAY ACCESS OFF HONITON ROAD AND ANCILLARY SPORTS AND RECREATION FACILITIES ON LAND NORTH OF SWEETHAY LANE ON LAND KNOWN AS BROADLANDS, HONITON ROAD, STAPLEHAY (AS AMENDED)

Grid Reference: 321143.121375

Outline Planning Permission

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RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed development lies outside settlement limits of Taunton in an unsustainable location remote from the town centre and local services, poorly served by public transport and would foster the growth in the need to travel by private car. The Travel Plan provisions are not considered to make the proposal sustainable and the development is considered to be contrary to policies SP1, CP8 and CP1a of the Taunton Deane Core Strategy 2011-2028.
- 2 The proposal does not provide a suitable means for securing the appropriate affordable housing and community and leisure facilities, maintenance of on site facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan or education contributions and therefore would be contrary to policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained policy C4 of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

Notes to Applicant

PROPOSAL

The proposal is an outline application for up to 250 dwellings on greenfield land between Staplehay and Canonsgrove with an intended access off Honiton Road and a link through to Sweethay Lane. Sports fields, play areas and open space are also included together with flood attenuation, wildlife mitigation planting and wildlife ponds. A section of Sweethay Lane would be closed as part of the scheme thereby limiting traffic using the existing poor junction at Sweethay Cross and sending traffic through the new development.

The application included an Environmental Statement and included a Flood Risk Assessment, Transport Assessment, Travel Plan, Archaeological Assessment, Noise Statement and Air Quality Assessment.

SITE DESCRIPTION AND HISTORY

The site consists of 4 agricultural fields to the west of Honiton Road and an additional field north of Sweethay Lane. A tree belt separates the site from the Canonsgrove Halls of Residence to the south. An established hedge runs along the eastern boundary with Honiton Road, while hedge boundaries also exist along the northern and western boundaries of the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TRULL PARISH COUNCIL - The Parish Council strongly opposes this development on land which it has recently indicated as unsuitable for development. Additionally the Parish Council feels that in making provision for a southern relief road in the future, this site would be an obvious part of its route.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal relates to an outline application for up to 250 dwellings with associated access and ancillary sports and recreation facilities.

Policy

The proposed development site lies outside any development boundary limits and is therefore distant from services and facilities, whilst public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on their private vehicles. Such fostering of growth in the need to travel would be contrary to government advice given in the National Planning Policy Framework (NPPF) and Policy SD1 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the merits of the planning proposal or any other overriding planning need, outweighs the policies that seek to reduce the reliance on the private car.

Traffic Impact

Part of the application saw the submission of a Transport Assessment. This was passed to Somerset County Council's Traffic Analyst for comment. These observations have now been completed and our set out below.

Regarding trip generation TRICS has been used to derive average residential trip rates in paragraph 5.6.3 of the Transport Assessment (TA). The rates that have been quoted are considered to be reasonable and would result in 144 AM peak movements

and 162 movements in the PM peak. It is noted that the TA does not provide any trip rates for the playing fields and the community building. Whilst it is accepted that this will be largely a local use some vehicle movements would seem likely especially in the PM peak.

An 85th percentile rate sensitivity test has been provided. Paragraph 5.6.2 argues that the rates are robust as a proportion of the development will be affordable homes, but it is noted that the TRICS definition of 'Houses Privately Owned' may include up to 25% of other types of dwelling more typical of affordable homes and so this is not considered particularly convincing.

Therefore to summarise the figures provided within the TA are considered acceptable averages without being particularly high. There is roughly a 50% chance that the flows will be higher than those suggested.

In terms of their distribution the method used to assign traffic has been amended from that which was discussed at the pre application stage. For AM departures and PM arrivals traffic is assigned using Census Travel to Work data. Whilst this is not considered to be an unreasonable starting point, however this does have limitations. The current distribution results in 64% of AM departing traffic continuing to the Galmington Road mini-roundabout the possibility of a higher figure cannot be ruled out.

The existing Sweethay Lane access traffic does not appear to be reassigned to the development access. This has been discussed further with the applicant and they have provided further details which show that they consider it likely that the majority of Sweethay Lane traffic is associated with houses adjacent to Honiton Road, and would not therefore be reassigned. As such it is unlikely that it would have an impact on the overall results.

Regarding the traffic impact the Highway Authority is of the opinion that the general assessment is considered to be reasonable. It is noted that Tables 5.16 and 5.17 are incorrect but this error has not been carried through to the rest of the detail. Tables 6.1 and 6.2 demonstrates that the site access would operate effectively even if a substantial amount of traffic from a future larger Comeytrove development were to use it. It is noted that this applies to junction capacity, and the TA does not discuss the impact on internal roads. However the TA does not consider the capacity of the existing Sweethay Lane junction should it remain open, although it is unlikely that capacity issues would result.

The calibration of the Galmington Road/Trull Road has been reviewed and is now considered acceptable. Modelling shows that the busiest approaches in both peaks increase from ratios of flow to capacity of 80% to 88%. Delay increases substantially, from 18-19 seconds per vehicle to 29-30 seconds. It is noted that the review of the distribution will increase flows slightly in the PM peak, albeit not on the busiest arm. There is also a level of uncertainty with regards to the modelling since this junction has proved somewhat difficult to assess. It would appear that the impact is also slightly higher with maximum RFCs of 90-91%.

The TA puts forward the argument that future traffic growth may be lower than forecast. Whilst this is possible, growth is inevitable over the long term and any assessment must be based on the best evidence that is available, which in this instance is the DfT's traffic forecasts. Nonetheless it would be difficult for the Highway Authority to

characterise the impact on this junction in isolation as 'severe'. Section 6.5 of the TA considers the impact on the Trull Road/Compass Hill junctions in particular queue length surveys has been obtained. These show substantial queuing of up to 32 vehicles in the AM peak.

The TA argues that whilst these queues were recorded, vehicles were static for short periods, continuing to move northwards throughout the peak. These comments are noted but it is clear that the data shows a clear increase trend between around 08:10 and 08:45, which demonstrating that demand exceeds capacity. It shows that even by the end of the hour queuing has not cleared. It is likely that additional development traffic (52 vehicles from Trull Road) would only exacerbate this problem. Therefore it could be considered that the combined impact of the development on two junctions will cause additional congestion, which could be considered to be borderline 'severe' under the National Planning Policy Framework. Given these concerns the applicant should note that the acceptability of the proposal would need to be linked to the sustainability of the site and require a robust Travel Plan.

Paragraph 3.1.1 of the TA discusses accessibility and with the exception of Staplehay Auto Services, all open facilities are at least 900m from the application site. These are beyond ideal walking distances. Whilst Manual for Streets does note that 800m is not an upper limit, it does identify typical 'walking neighbourhoods' as having a "range" of facilities within that distance. The absence of any of these types of facilities within that distance does indicate that the walking mode share would likely be limited at this site. Section 3.3 does identify that most of Taunton is within 5km cycling distance. Cycling would be a realistic option for occupiers of the site. Although the Highway Authority does not agree with the TA conclusion that Trull Road is considered to be safe and convenient for cyclists.

It is noted that paragraph 7.2.7 does indicate that some local improvement could be provided as such the Highway Authority may seek contributions to other off-site cycling improvements.

There are limited bus services operating in the vicinity of the application site. It is understood that the applicant have suggested contributions to increase the frequency. The applicant should note any contribution would have to be secured via a legal agreement.

The exact provision of parking for the site would be determined at the Reserved Matters stage in line with SCC Parking Strategy. There is a broad commitment to this in para 4.7.1 although there is a lack of reference to electric charging points. The Highway Authority does have some concerns over the TA's lack of discussion on parking standards for the leisure facilities. The concept plan indicates 50 spaces, which would have the potential to generate a substantial amount of traffic. Whilst this is unlikely to be at peak hours it is unclear why a pavilion and football pitches might not be used during the period.

Travel Plan

A Travel Plan was provided as part of the submission. This has been passed to the Travel Plan Co-ordinator for comment. A full audit report has now been completed and a copy of which has been attached. A general overview is set out below as part of this response.

The structure of the Travel Plan (TP) is considered to be good, however all the key areas of the Travel Plan would need to be improved before the Travel Plan can be agreed. These amendments would be required before the TP is suitable to achieve an acceptable reduction in SOV for this site. This is considered especially important in this instance due to the location of the application site. Some of the key challenges are:

- Virtually all local facilities are over 900m away limiting the scope for walk;
- The town centre is over 4km away, also limiting the scope for walking and impacting on the potential to increase cycling significantly;
- The cycle route to Taunton is on-carriageway and cannot be considered very cycle friendly, also limiting the potential to increase cycling; and
- Current bus provision along Honiton Road is poor. However, the TP contains proposals to increase the frequency along the corridor to every 30 minutes.

Based on the TP that is currently been submitted it is difficult to envisage that walking or cycling will be increased from the baseline levels. It is understood that the applicant has proposed a financial contribution to improve the cycle route. This would need to be agreed before the TP is completed. The projected bus travel increase appears to be a realistic target however the improvements to the bus frequencies would need to be matched with improvements to bus stops. The increase in working from home appears reasonable but greater commitment to car-sharing measures still needs to be realised.

Therefore to conclude the applicant would need to take into account of the elements set out above for them to achieve the 7% decrease in SOV (Singular Occupancy Vehicle).

Layout - Regarding the internal layout, it is noted that at this outline stage the detailed layout has not been designed yet. However if the Local Planning Authority were to grant permission the Highway Authority would urge the applicant to take account of the following comments prior to any reserved matters application.

Access to the site will be via a standard 'T' junction onto Honiton Road. The applicant has stated in the Transport Assessment that this proposed access arrangement would have the necessary capacity to accommodate the level of vehicle movements that would be associated with the proposal. The design and layout of this access has been provided on Drawing No. BHT08128/D05 Rev C. This has been submitted for a Safety and Technical Audit. The conclusions of which are included within the attached report. Although the Highway Authority accepts the applicant's argument that a standard 'T' junction would be acceptable to serve this proposal it does however need to take into account any potential future development. As a consequence it may be considered appropriate to provide a ghost island right-hand turn lane or at the very least make sure that sufficient land is within their or the Highway Authority's control to provide one in the future.

The applicant has identified the need to not prejudice the future long term development of the Comeytrove Area. This is a statement that the Highway Authority agrees with. Therefore in light of this the Highway Authority would require the main internal link road to serve as a strategic distributor route. Therefore whilst the Highway Authority would not expect to see a width of 7.3m, it is felt that 6m is not sufficient width to cater for potential movement and access to serve such a development. The internal link road would also need to be connected, or constructed as close as possible, to the western

boundary.

The Highway Authority recognises the current desires to integrate such routes with in the development, giving a more informal 'street feeling' which is recognised in Manual for Streets 2, as well as encouraging activity along the 'street' and are pleased to see the parking bays along the route. Whilst the Highway Authority agrees with the concept of slowing vehicles through the development it still needs to cater for the potential increase in traffic that would be associated with further development.

Having considered the design coding, in terms of legibility the Highway Authority would agree that this can be created by changes treatments and materials, building massing, design and landscaping and change in road width. However some of these measures are not necessarily effective in isolation. It is felt that the standard of the cross sections will not give the legibility suggested in the code, whilst there is a 1m difference in the carriageway width between the Boulevard and The Avenue, the visual impression created by the distance between the buildings for the street 'envelope' is of a similar range and will not give the clear legibility through the site. This is especially given the need to form a principle route to the larger Comeytrove development.

In terms of the Mews Close information, the applicant has indicated that these will be shared surfaces, however no indication has been provided on what the surface will be. The applicant should be made aware that this should be different from a standard tarmac finish i.e. block pavements. This would be to indicate to pedestrians and vehicles that there are other users in the carriageway. The submitted documentation indicates that there will be no street lighting around the ponds. The Highway Authority would require that lighting would need to be provided throughout the whole site.

Off-site Highway Works

Part of the proposal includes a number of transport mitigation measures. These include offsite improvements that include the provision of a continuous 1.8m wide footway along the frontage of the site plus the provision of an uncontrolled pedestrian crossing to the north of the proposed access. In addition to this it is proposed to extend the existing 30mph limit passed the site and provide additional highway lighting. These improvement works would need to be secured via a legal agreement either as part of a S106 or a S278 with the Highway Authority.

As previously mentioned in the Traffic Impact section the proposal would also see the removal of vehicle traffic along Sweethay Lane. The applicant has proposed that this would be for pedestrians and cyclists with only emergency access for vehicles. It is noted from the Transport Assessment that the applicant has proposed that Sweethay Lane will be restricted once the new development's road system is in place or the amenity/recreation land is fully brought into use. The Highway Authority would only wish to see Sweethay Lane stopped up to vehicles once the new road network is in place. Similarly this will need to be secured via legal agreement or a Traffic Regulation Order.

Conclusion

To summarise the Transport Assessment's methodology is considered to be acceptable, however it is likely that there will be some additional, moderate, peak hour congestion at Galmington Road/Trull Road mini roundabout. Additional queuing and delay would also be expected at the Trull Road/Compass Hill junction. Both are

considered to be borderline in what is considered 'severe'. In terms of the sustainability of the site all services are over 900m from the site therefore there is limited scope for walking but some cycling could be expected. Subsidies for increasing bus frequency and a school bus provision have been suggested whilst the Highway Authority would also require a contribution to cycle improvements.

In regards to the Travel Plan the structure is considered to be good but there are a number of key areas that need to be improved before it can be agreed. These areas are set out in the attached report and will need to be adhered to considering the distance of the site from local goods and services. The Travel Plan would need to be secured via a S106 agreement.

In regards to the internal site arrangements it is appreciated that this is an outline application, however the Highway Authority would require that any site layout would need to be 'future proofed' against any potential future development.

Recommendation

Taking into account the above information it is appreciated that the proposal will see an increase in vehicle movements. However it is considered that a strong Travel Plan and improvements in bus frequencies and cycle infrastructure will mitigate against this increase in vehicle movements. As such on balance the Highway Authority raises no objection to this proposal and if the Local Planning Authority were to grant planning permission I would require the following:

- S106 agreement to include a Travel Plan, off site highway works/measures, bus and cycle enhancements and the removal of vehicle traffic from Sweethay Lane.

The County Highway Authority also recommend conditions

PLANNING POLICY - comment

Compliance with current development plan

The application site lies beyond existing settlement limits in open countryside and as such is contrary to Local Plan policies (Local Plan policy S7, Core Strategy policies CP8, SP1, DM2).

However, the wider area to the south-west of the Taunton urban area has been identified within the Core Strategy as a broad location for up to 2,000 net additional dwellings, in the period up to 2028. Policy SS7 states that:

'Comeytrove/Trull is a broad location for a mixed use strategic urban extension for development after 2015 for between 1,000 and 2,000 dwellings up to 2028. A masterplan will be prepared to identify the full long term potential for comprehensive development in this south west sector of Taunton and the infrastructure required to provide a sustainable new community. The masterplan will phase and co-ordinate development to provide the necessary physical, social and green infrastructure. A piecemeal approach to development in this area before a comprehensive masterplan has been

agreed will not be permitted.'

The Broadlands site is located within the Comeytrove/Trull broad location for growth identified in the Core Strategy for a sustainable urban extension. The Comeytrove/Trull area is considered the second most sustainable location for a strategic urban extension after Monkton Heathfield. The area of potential outlined in the Core Strategy extends from the A38 Wellington Road in the north to Honiton Road at Staplehay in the south. However the scale and complexity of transport, foul and surface water drainage and green infrastructure provision for a strategic mixed use urban extension necessitates a comprehensive masterplan to identify the full long term potential for sustainable development in this area.

The Core Strategy states that:

'It would be premature to permit piecemeal development in this area before the masterplan for the strategic urban extension has been prepared, because ad hoc stand alone development could limit the delivery of the optimum solutions and prejudice the delivery of the strategic infrastructure required for a sustainable new community. For these reasons planning permission will not be granted for piecemeal development in the short term.'

Given the Core Strategy requirement for a masterplan to be prepared for this area, it could be argued that this application is premature and therefore this application is contrary to Policy SS7. However prematurity is not generally a basis for resisting planning proposals and needs to be considered in the context of national planning policy and in particular, the presumption in favour of sustainable development.

Emerging Site allocations and Development Management Plan

The Council is in the process of preparing the Site Allocations and Development Management Plan (SADMP). The first stage of the SADMP Issues and Options consultation closed on 7th March 2013. It is anticipated that the Preferred Options consultation will be published in September/October 2013 and the Plan will be adopted in late 2014/early 2015. Trull Parish Council is also in the early stages of producing a Neighbourhood Plan.

The application site would appropriately be considered through the SADMP, since the plan-led system remains central to the planning system. The Broadlands site was included as one of a number of potential development options in the Site Allocations and Development Management Plan Issues and Option Consultation. For the purposes of analysing responses to the consultation, the Broadlands site was considered as part of the wider area of search for the Comeytrove/Trull urban extension. Specific comments relating to the Broadlands site, raised concerns about the future development of the site presenting a barrier to the delivery of a southern relief road for the Taunton urban area in the future and being premature to the Neighbourhood Plan process which is currently underway in Trull Parish. However there is no specific commitment to the delivery of a southern relief road in the Bridgwater, Taunton and Wellington Future Transport Strategy 2011-2026 and the Trull Neighbourhood Plan is at an early preparation stage and is not currently at a stage to inform the consideration of this application.

National Planning Policy

Since the SADMP is still at a very early stage in production only very limited weight can be applied to it and the process. The SADMP is therefore absent in the context of the Framework. However it could be considered that where a five year deliverable supply of housing can be demonstrated, the relevance of the Plan's absence is perhaps lessened. The 2012 SHLAA identifies sufficient land to meet the 5 year land supply requirements and satisfies the NPPF requirements for a 5% buffer, but not a 20% buffer (required if there has been persistent under delivery of housing). Nonetheless, in such circumstances, paragraph 14 of the NPPF emphasises the presumption in favour of sustainable development and indicates planning permission should be granted unless:

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.”

In assessing the suitability of any location for housing development the NPPF requires planning authorities to

‘actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.’

In sustainability terms this site location has a very limited bus service to Taunton town centre with only one bus departing from the Crown Inn bus stop and arriving at Taunton Castle Way before 9am and the last bus departing Taunton Castle Way at 17.25 therefore limiting alternative means of transport than the car to access the town centre for employment purposes. The current bus service is hourly and given the limited service for the Trull area, the Broadlands site is not considered a particularly sustainable location for further housing development. Furthermore the cycle route from the site to Taunton is on-carriageway and therefore does not provide the opportunity to increase cycling from the site.

The site also scores poorly in terms of accessibility to facilities and services. In all aspects the Broadlands site is beyond the recommended walking distance for access to GP surgeries, the local primary and secondary school and local shops and therefore it would not be considered a sustainable location for the proposed housing development.

Local facilities and services	Approximate distance from centre of Broadlands site to facility/service		Sustainability appraisal measure	
Local primary school	1220m	R	400m	G
Bus Stop	260m	A	200m	G
Local shop	1060m	R	400m	G
Health centre	2660m	R	800m	G
Secondary School	3940m	R	1000m	G

(For black and white copies R= Red, A = Amber, G=Green)

Furthermore the Broadlands proposals do not offer sufficient critical mass to significantly improve the sustainability of this site through either the provision of on-site services and facilities or significant viable long-term transport improvements. This highlights the necessity for a more comprehensive masterplan to understand the needs of the wider development area and to ensure the provision of improved services and facilities to provide a sustainable community in this area.

Policy conclusions

TDBC is doing further work to inform the urban extension allocations in Comeytrove/Trull and Staplegrove for the SADMP. TDBC are due to publish the preferred option consultation in September/October 2013.

In the absence of an agreed masterplan for the south-western sector of Taunton, the applicant needs to clearly demonstrate that the proposed development does not jeopardise the long term delivery of the urban extension and/or any supporting critical infrastructure required in this area. The applicants have not provided a comprehensive masterplan considering the wider area. Therefore TDBC cannot be certain that the proposals submitted by the applicant will not jeopardise the delivery of the wider development area and therefore the application proposals are contrary to Policy SS7.

Clearly it will be for the case officer and ultimately the planning committee to determine whether or not individual or cumulative adverse impacts outweigh any benefits of granting planning permission on this site. However the current proposals do not offer sufficient critical mass to significantly improve the sustainability of this site through the provision of on-site services and facilities or significant transport improvements that are viable in the long-term. This highlights the necessity for a more comprehensive masterplan to understand the needs of the wider development area and to ensure the provision of improved services and facilities to provide a sustainable community in this location.

DIVERSIONS ORDER OFFICER - Mr Edwards –

Please note that the public footpaths T21/34, T21/35 will be affected by this proposal. Should outline planning consent be granted then it is recommended strongly that contact be made immediately with the Diversions Order Office to discuss matters relating to the above public footpaths.

SCC - RIGHTS OF WAY – No comments

LANDSCAPE –

My main concerns and initial comments are: the site is exposed to views from the west and east from public roads and the SE and SW from the M5 motorway. The site is on higher ground as seen from the south east and west and therefore any houses will be locally prominent. The landscape masterplan does not address these fundamental viewpoints. The existing hedgerows are largely retained but within back garden areas and therefore of limited landscape or wildlife value. The proposals offer no links in terms of green infrastructure to Taunton or the wider countryside.

4/9/13 Revised comment

I still have significant landscape concerns regarding visual impact and lack of wider green infrastructure links. The additional landscape buffer planting to the south is welcomed.

BIODIVERSITY –

The site comprises of mainly arable fields with hedges that connect into a larger well vegetated hedge network. The proposal involves the widening of an existing hedgerow break and the creation of five new breaks in the hedgerows on site. Loss of and fragmentation of hedgerows is likely to have a negative impact on wildlife on site.

Recommendations are made for ecological mitigation and enhancement, including retention of hedges and pond habitats as well as the creation of additional habitats. There seems to be discrepancies on the extent of this enhancement between the Landscape Strategy and the Ecological Mitigation plans

An Ecological Assessment of the site was carried out in December 2009 by Cornwall Environmental Consultants Ltd. An Ecological assessment Addendum was carried out by Richard Green Ecology Ltd in November 2012. Findings of the reports are as follows

Bats- There are no buildings on site; however there are several trees on the SE boundary of the site that could support bat roosts. The surveyor considered nearby Canonsgrove and Furzebrook House to have potential to support bats.

Bat surveys recorded seven species of bat foraging in the area, including barbastelle.

Bat activity was observed along the majority of the hedges but was greatest along the higher hedges and trees including the hedge that runs east –west through the centre of the site. There was no activity along the boundary to the south, probably due to lighting in association with the college.

It is possible that, potentially the effect of this development on barbastelle bats is larger on the FCS of the colony than suggested by the EcIA report, especially if the development severs access to areas beyond due to street lighting. There is also a change of habitat alongside the remaining hedgerows which may reduce prey type and abundance. This impact can be calculated by Larry Burrows using his biodiversity offsetting calculations.

Badgers - No setts were found but evidence of badgers, in the form of latrines was found on site. I agree with the surveyor that the site is likely to be used by foraging badgers.

Dormice - Survey confirmed that dormice are nesting within the hedgerows and the area of trees to the south on site.

The site has not been considered in the context of the landscape. It is known that dormice are present on the adjoining land to the west and also the

Vivary Park wedge to the east. This suggests that this site may be important in connecting these two areas.

The proposal involves the breaching of hedgerows for roads which would also be street lit. This would result in considerable fragmentation of habitat with possible reduction in individual territory sizes and quality. An EPS licence will be required to remove sections of hedgerow

Mitigation is proposed for dormice but area sizes are not given and so I am unable to make an assessment if Favourable conservation Status can be achieved for this species. My initial thoughts are that the proposed mitigation is too small. Larry Burrows should be approached to make a calculation. Off site habitat creation may be required.

Amphibian - A low population of Great crested newts was found in one of the three ponds on site. Smooth newts were also present.

The application will result in loss of terrestrial foraging habitat and the isolation of a breeding pond, so I agree that an EPS licence will be required to develop the site
The pond with the newts is highly silted and shaded and so that I agree that it can be improved for GCN. I also support the creation of new ponds on site.

Reptiles - A reptile survey was not carried out but the surveyor confirmed that hedges have potential for slow worms whilst the ponds have potential for grass snakes

Birds - No breeding bird surveys have been carried out or mitigation put forward for priority species if present.

To conclude, I support the proposed mitigation and enhancement but am concerned that the future habitat creation is insufficient.

At present, I am not confident that Favourable Conservation Status can be achieved for dormice and great crested newts.

I suggest that Larry Burrows of the County Council is approached to undertake a calculation of the amount of habitat creation (either on or off site) required as part of Biodiversity offsetting .

11/9/13 Revised comment

Initially I considered the amount of landscaping proposed for this site to be insufficient. I was not assured that FCS could be achieved for the protected species likely to be impacted on by the development. (Dormice, bats and great crested newts)

The revised landscaping / ecological mitigation which offers 1.48 hectares of woodland planting and rough meadow, three new ponds, bat, bird and dormice boxes, amphibian underpasses and hibernaculam, is a real improvement.

However I still have concerns on the short term benefits of the immature planting for dormice.(Hazel does not fruit for 7 years and it will be some time before the new planting will achieve good structure to support hibernating dormice)This landscaping should ideally be planted up in advance of the development.. I note that the cycle path

has also been re routed- another improvement. I support the use of amphibian underpasses at locations where there are breaches in the hedge.

However I do not support the removal of a section of hedge to accommodate the attenuation pond and would prefer not to see any breaches in the southern hedgerow to gain access to the Canonsgrove site.

Following a meeting with the developer a wildlife condition was drafted which covers the mitigation in greater detail.

I have added this detail to our usual wildlife condition, along with suggestions from Natural England

Suggests Condition for protected species:

SOMERSET WILDLIFE TRUST –

We have noted the Ecological Assessment carried out by Cornwall Environmental Consultants in 2009 and the follow -up survey carried out by Richard Green Ecology in 2012. We note that the survey confirmed the presence on site of a small number of Great Crested Newts as well as Smooth Newts. It also confirmed the presence of Dormice as well as use of the site by several different bat species. For these reasons it is essential that, if it is decided to grant planning permission, a condition should be included requiring the full implementation of the recommendations from both the original and subsequent update to the survey. In particular the existing pond on site should be retained as well as additional ponds in other parts of the site. Hedges should be retained and augmented so as to encourage and support dormice. All external lighting should be designed so as to minimise the light spillage and pollution and its consequent negative impact on wildlife and we would request the provision of significant numbers of bat and bird boxes across the development. We would also request that any planting schemes should only use native species of trees and shrubs and that where possible species providing food sources such as fruit, seeds and nectar should be included. We would also like to see the development designed so as to include "wildlife corridors" where-ever possible.

HOUSING ENABLING –

The housing enabling lead supports this application based on need and the comments do not reflect the suitability of the site in terms of planning.

25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing. The requirement is for house rather than flats. The unit mix should reflect the mix of the overall site. The mix should include as a minimum 2b4p, 3b5p and 3b6p houses.

The affordable housing 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. The affordable housing is to be evenly distributed across the site and in clusters of no more than 15 units. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

DRAINAGE ENGINEER -

WESSEX WATER –

The site will be served by separate systems of drainage constructed to current adoptable standards.

Foul and Surface Water Drainage - The foul and surface water drainage options explored in Hydrock's Report are noted and we welcome further discussions with the developer to agree a drainage strategy. There is limited capacity in the local sewerage network to accommodate the extra predicted flows generated by the proposal. There is also a sewer overflow on the downstream system which will require protection. In view of these uncertainties we request a planning condition requiring details of a foul and surface water drainage strategy.

We note the emerging surface water strategy which includes SUDs arrangements outfall to Sherford/Galmington Stream which will require approval by your Authority. The strategy also explores the adoption by Wessex Water of some existing highway drains under a Section 102 agreement which will then be utilised to convey a proportion of surface water from the site. This proposal will need to be explored once engineering details are available.

Water Supply - Network modelling will be required to determine a point of connection and the extent of any recommended off site network reinforcement. Works can be taken under a Section 41 agreement. Buildings above two storey will require boosted storage.

LEISURE DEVELOPMENT –

In accordance with Local Plan policy C4, provision for play and active recreation should be made for the residents of these dwellings. On site children's play provision in line with Local Plan policy should be made for each 2bed+ dwelling. The equipped children's play space should be centrally located, overlooked to promote natural surveillance and sited away from the main access road. The Parks Department should be asked to comment on the actual design and content of the play ground.

Unless the development proposed includes on-site equipped community sports provision a contribution currently £1454 for each dwelling should be made towards facilities for outdoor recreation.

A contribution of £194 per dwelling towards allotment provision should be sought.

Unless local community hall facilities, which are open to everyone and a focal point of communal activities for all age groups are to be provided on-site, an off-site

contribution of £1118 per dwelling should be sought to cope with the extra demand the development proposal will create.

All contributions should be index linked.

A public art contribution should be requested either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

SCC - CHIEF EDUCATION OFFICER –

We estimate 30 primary school places being required per 150 new dwellings, irrespective of size or tenure. The capital cost per place is set at £12,257.

Primary school contributions would therefore be calculated as follows:

- $250 / 150 \text{ dwellings} \times 30 = 50 \text{ places} \times 12257 = \text{£}612,850$

I can confirm that there is scope to expand the accommodation at the existing Trull primary school.

We expect 30 secondary school places to be required for each 210 dwellings, at a cost of £18,469 per place.

A similar calculation for secondary contributions would therefore be:

- $250 / 210 \times 30 = 36 \text{ places} \times 18469 = \text{£}664,884$

The County Council also has statutory responsibility to ensure adequacy of provision of pre-school places for 3-4 year-olds (and some two year-olds). The equivalent of three places are required for each 100 dwellings, again, at a cost of £12,257 per place

Six places would therefore mean an additional contribution of £73,542.

ENVIRONMENT AGENCY –

We have no objection the application as submitted subject to conditions requiring details of a surface water drainage masterplan to ensure that surface water is discharged from the site at a rate no greater than 7.0 litres per second. The masterplan shall also include details of the phasing of surface water drainage infrastructure including all off-site works and source control measures. Also require a condition for a detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development to be submitted and approved.

SCC - FLOOD RISK MANAGER -

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST –

The archaeological evaluation of this site has shown that there are relatively significant buried remains relating to Bronze Age ritual and Iron Age/Romano-British occupation. Therefore, this proposal will impact on a number of heritage assets. In this case the assets are of local/regional significance and therefore fall under para. 141 of NPPF that requires developers to record and publish information about the impacted assets.

For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide 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."

NATURAL ENGLAND -

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species: Dormice, Great Crested Newts and Bats _

Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development is likely to affect dormice, great crested newts and bats through disturbance of a European protected species and the damage or destruction of a breeding site or resting place. We are satisfied however that the proposed mitigation is broadly in accordance with the requirements of the Dormouse conservation handbook (second edition), great crested newt mitigation guidelines and the mitigation guidelines and should maintain the populations identified in the survey report.

We recommend that a condition to secure the following should be appended to any consent:

- Prior to the commencement of any works which may affect dormice, great crested newts and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

The dormouse, the great crested newt and all species of bats are European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their

resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

Natural England's view on this application relates to this application only and does not represent confirmation that a species licence (should one be sought) will be issued. It is for the developer to decide, in conjunction with their ecological consultant, whether a species licence is needed. It is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice we have provided on likely impacts on favourable conservation status and Natural England's guidance on how we apply the 3 tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) when considering licence applications.

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

We also recommend that you consult your in-house or retained ecologist on the implications of this application for protected species and other nature conservation interests.

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements .

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

POLICE CRIME PREVENTION DESIGN ADVISOR –

Design & Access Statement – the NPPF makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion. Design and Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in *‘Safer Places, The Planning System and Crime Prevention’*. The DAS submitted in support of this application does not do so.

Crime Statistics – reported crime and ASB for the Trull/Staplehay area for the past year is as follows:-

Burglary - 1 Offence (Domestic garage)
Criminal Damage – 6 Offences
Total – 7 Offences

Anti-Social Behaviour – 12 reports.

This area can currently be considered to be a very low crime area.

Layout of Roads & Footpaths – appear to be visually open and direct and should not undermine the defensible space of the blocks. Changes of road surface by colour and texture as indicated can also help define defensible space giving the impression that the areas are private. Routes for pedestrians, vehicles and cyclists should not be segregated and separate footpaths to isolated areas should be avoided.

Communal Areas – have the potential to generate crime, the fear of crime and anti-social behaviour. They should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Boundaries between public and private space should be clearly indicated and open spaces must have features which prevent unauthorised vehicular access. In this regard, the Public Square (C) on Concept Plan, Secondary Open Space (F), Village Green (H) and Communal Amenity Area (K) all appear to be subject to good all round natural surveillance from surrounding dwellings. However, I have some concerns about the location of the NEAP (P) which does not appear to be subject to any surveillance from surrounding dwellings. I recommend that the NEAP be relocated to one of the other more central locations

with good all round surveillance opportunities.

Layout & Orientation of Dwellings – dwellings should be positioned to face each other to allow neighbours to watch over each other and create conditions which will make the potential offender feel vulnerable to detection. Judging by the Concept Plan, generally speaking this would appear to be the case.

Rear Access Paths – research has shown that 85% of burglaries occur at the rear of dwellings and ,in view of this, it is preferable that footpaths are not placed to the rear of dwellings. If they are essential, they should be gated at the entrance.

Car Parking – at this outline stage, details of proposed resident parking arrangements have not been included. Police advice is that cars should be parked in garages or hard standings within dwelling curtilages. Where communal parking areas are essential, they should be in small groups, close and adjacent to homes and must be within view of active rooms within owners' homes. Car parking courtyards are discouraged as they introduce access to the vulnerable rear elevations of dwellings where the majority of burglaries occur. In addition, if un-gated and unlit, they can provide areas of concealment which encourage ASB and increase the fear of crime.

Planting – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places so, in areas where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres.

Street Lighting – all street lighting should comply with BS 5489.

Physical Security of Dwellings – if planning permission is granted, the applicant is advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm etc in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website – www.securedbydesign.com.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION –

There are a number of issues on which Environmental Health can comment.

Air Quality

The Environmental Statement includes an assessment of the potential for air quality to be affected by the development. It considers both the construction phase and the development phase and that traffic is likely to be the main source of any air pollutants and concludes that there will be a negligible effect on air quality.

Noise

The Statement considers the impact of noise from existing sources on the development site. An assessment, based on Planning Policy Guidance 24 (which is used as the National Planning Policy Framework does not define specific criteria for noise) indicates that most of the site will be in Noise Exposure Categories (NEC) A

and the part nearest the main road in NEC B. It concludes that standard thermal double glazing will be enough to achieve the internal noise standards given in the World Health Organisation guidance. The assessment also concludes that traffic forecast to be generated by the development will have a negligible noise impact on the occupiers of existing dwellings.

Comment

It is likely that some existing properties will be affected by noise from traffic and from the construction phase of the proposed development. However, based on the information submitted in the Environmental Statement I can accept that the development will not have a significant impact on existing properties from either noise or air quality.

Contaminated land

The information submitted with the application does not include any assessment of potential contamination. The site is currently agricultural land, however, there is no information on any previous uses of the land, or the current condition of the site. As the development is for a large number of residential premises and many could have gardens this is a sensitive land use. Therefore, I would recommend that an assessment of the risks from potential contamination is carried out prior to the development. This could be submitted with the application, or by condition (suggested condition attached).

Further comments

Further to my email of 8th April 2013 I have now reviewed the information that has been submitted regarding potential contamination - Desk Study. 12th March 2013, by Hydrock. The report includes details of the history and past land uses of the site and a walkover survey. It states that the site has been used as agricultural fields. There is a preliminary risk assessment for any potential risk to people or the environment and it concludes that any risks will be low or very low. Section 6.0 of the report recommends that an intrusive site investigation is carried out. This would mainly be a geotechnical investigation, however, it also recommends contamination analyses of soil and water and an interpretive report.

As further work is recommended I would suggest that this is covered by a planning condition. I attach a copy of the standard model condition. The desk study and preliminary risk assessment that has been carried out would be acceptable to meet the requirements of the first parts of part a) of the condition.

The developer should be aware that under the National Planning Policy Framework, where a site is affected by contamination responsibility for securing a safe development rest with the developer and/or landowner. Compliance with the planning condition does not rule out future action under Part IIA of the Environmental Protection Act 1990, for example, if additional information is found concerning the condition or history of the site.

Representations

Ward Councillor Edwards - There are a significant number of sites being considered across the Borough many of which will not be allocated but have to be considered as part of the SADMPP. The Council undertook the initial "issues and options" consultation earlier this year and has recently published for consideration the additional potential sites consultation and it is now for the Council to consider its "Preferred options" in the Autumn which will then need to be fully consulted on before being finalised in advance of being inspected and then finally adopted.

There have been a number of planning applications submitted recently, which I consider are premature to that process and I would strongly suggest that these applications are refused so that the engagement can take place with the community to therefore arrive at the most sustainable and appropriate plan which relates to the size and need of the community.

Wilton & Sherford Community Association - No provision is made for improving road infrastructure, in particular Honiton Road. At certain times this commuter route is exceptionally busy and the development would heighten the problem. Compass Hill is a bottleneck and rush hour commuter traffic can queue back to Trull Stores. There is no commuter car park south of the A38 between Junction 25 and Wellington. Use of residential streets for commuter parking to avoid centre car parking charges is an issue. TDBC and SCC should insist the developer provide a park and ride scheme perhaps via agreement with the owners of Canonsgrove site.

Trull School - The Head Teacher advises that the school has a capacity for 238 pupils and has 258 on role and no way to manage a sudden or gradual influx of around 60 pupils. The school has neither the funding for extra staff that would be required or the space in which to accommodate the pupils. In addition the school is a Voluntary Aided Church of England primary school. The responsibility for admissions and pupil numbers and capacity increase lies with the school's governing body as the appropriate authority. I am not aware of any way that the Local Authority can insist on the size of the school increasing. The school is not able to accommodate further pupil increases arising from a local development and nor will the governing body accept an increase being forced upon it by the local authority.

102 letters of OBJECTION on grounds of

Road and Traffic Issues

- increase in road traffic of up to 500 cars,
- Honiton Road is not 'A' or 'B' and is not suitable for extra traffic,
- at times traffic is jammed on the approach to and in the town centre,
- roads struggle to cope at peak times and would lead to rat run situation,
- the suggestion that "no highway safety problems exist within the immediate vicinity" is unjustified and based on personal injury data only,
- impact on congested roads not properly addressed,
- will lead to gridlock,
- surveys are inadequate and predictions underestimate the increase in traffic,
- Honiton Road is a link to the A303 for heavy goods vehicles,
- Honiton/Trull Road is not safe for cyclists,
- existing local residents are car dependent,

- extra car journeys generated but no road network improvements proposed,
- traffic will exacerbate already dangerous situation through Staplehay,
- lack of provision for pedestrians and difficulty for pedestrians crossing the main road,
- significant development on the south west side of town should only be undertaken with a strategic reappraisal of the road network,
- suggestions to minimise car use are unlikely to make much difference,
- additional cars are likely to be 350-400,
- urban extension traffic has not been agreed let alone traffic from 250 houses onto the road,
- closure of Sweethay Lane unacceptable, it will cut off properties from the village, is not justified and no local need for the sports facility is shown,
- problem of traffic on Sweethay Lane,
- it will impact on Dipford Road and increase access to the motorway,
- Honiton Road floods and the closure of Sweethay Lane would prevent it being a diversionary route,
- any access onto Sweethay Lane should be prohibited,
- Sweethay Lane is dangerous,
- existing bus service is not convenient,
- what happens to bus subsidy after 5 years,
- drivers do not adhere to 30mph limit so danger to highway safety,
- impact on infrastructure such as schools and buses,
- concern over parking, dropping of and drive used as turning,
- need for extent of parking to serve playing fields
- increased risk to cyclists, pedestrians and motorists,
- it will lead to further road deterioration,
- motorway access to the south of Taunton is required,
- disruption due to construction has not been addressed.

Policy, Sustainability and Facilities

- impact on countryside,
- site is green wedge agricultural land,
- site is green belt,
- geology is unsuitable,
- loss of valuable agricultural land,
- the site is unsustainable,
- 250 dwellings is disproportionate and inappropriate for the size of Trull,
- speculative and way above local need,
- lack of infrastructure,
- creates sprawl and erodes the character of the village,
- it would place unacceptable strain on traffic, education and other local facilities,
- Trull school is already full and no plans for enlargement,
- the school not taking pupils would make the development less sustainable,
- huge pressure on secondary schools as well,
- school development should come with development,
- no medical centre,
- nearest medical centre is two bus journeys away,
- the hospital is creaking at the seams,
- no employment provision,
- no need for a meeting room,
- Trull will be over-provided with recreational open space,
- it does not take into account the Trull neighbourhood plan or the Council's Core

Strategy,

- it is both premature and irrelevant,
- it circumvents the neighbourhood plan,
- it undermines the Core Strategy,
- it conflicts with the Core Strategy as it lies with the search area for the urban extension and does not respect the need for a masterplan and leaving preparation of such plans to developers is an abrogation of responsibility,
- an application before the masterplan is premature,
- it is piecemeal development prior to a masterplan and should be refused,
- it does not comply with Core Strategy policies CP1, CP3, CP5, CP6, CP7, DM1, SP1, SP2 and SS7,
- it pre-empts the conclusion of the Amberd Lane application and any redevelopment of Canonsgrove Halls,
- it does not recognise the need for infrastructure and information available is inadequate,
- it would pre-determine the Site Allocations and Development Management Policies Plan,
- it pre-empts the emerging Neighbourhood Development Plan,
- it would increase Trull's housing by 25%,
- it does not agree with the Strategic Housing Land Availability Assessment phasing which indicates development from 2018,
- it represents an approximate expansion of population by 40% and will change the character from a village to an out of town housing development,
- 250 houses is substantial and meets the test for prematurity in line with recent appeals,
- too many houses forming an estate that locals have chosen to avoid,
- future development at Comeytrove/Trull should be a stand alone scheme and not link to the proposal,
- prematurity as the proposal would miss the opportunity to contribute to the costs of infrastructure through CIL,
- the scope of the EIA is inadequate as it does not address the effects of the wider urban extension,
- no need for new houses,
- there is no air quality survey or noise survey,
- cumulative impacts have not been addressed,
- road traffic noise data are not provided,
- Levels of noise from the sports pitches are not addressed in the noise statement,
- Archaeological report indicates a resource of considerable importance and regional significance and site should have more detailed survey work and be opened to public and should not be lost and buried under concrete,
- archaeology survey results should be advertised as further information,
- a more modest development fronting Honiton Road should be considered,
- concern over overlooking and loss of privacy,
- impact on community with new facility provision making others less viable,
- cheap, cramped housing for commuters is not needed
- it is a money making exercise rather than fulfilling housing needs of the area,
- local residents are opposed to the development.

Wildlife Issues

- it will cut wildlife corridors and threaten protected species,
- the Authority has a responsibility for protected species,
- a licence should not be granted for protected species as there are no overriding

- interests of public safety and there are alternatives to the site,
- the assessment of impacts on protected species is inadequate with inadequate bat surveys, impacts on bats of phases of the development have not been fully considered,
- impact on Great Crested newts,
- survey of newts not fully assessed importance of the site,
- survey work has not adequately taken account the population of newts that use the area,
- the impacts of dormice on different phases of the development have not been fully considered,
- the survey of plants has not fully assessed the importance of the site,
- no survey on invertebrates has been undertaken,
- an independent survey by the Wildlife Trust should be commissioned,
- impact on pond and wildlife,
- Noise Statement fails to consider nuisance to humans and wildlife.

Drainage Issues

- drainage problems with water pouring off fields in heavy rain,
 - it will interfere with land drainage,
 - the Environmental Statement fails to provide enough information and the non-technical summary fails to include flood impacts,
 - run off will still impact on Sherford Stream,
 - the site is clay with poor infiltration capacity and any SUDs scheme is likely to require substantial revision to prevent increased flood risk elsewhere,
 - the footpath adjacent to Wildoak House has been a stream for much of the winter and using the pond as a basis for a soakaway system seems optimistic.
 - concern over increase of flooding with further run off from new development,
 - the foul and surface water drainage strategy and FRA are merely preliminary and there is no detail or calculations of effective SUDS.
- loss of house value

A further 23 letters of OBJECTION have been received on the revised illustrative plans reiterating points referred to above.

1 letter of SUPPORT on grounds of

- the area being suitable for residential development,
- the site is reasonably contained by existing development and is not green wedge or other designated landscape protection area,
- it would not prejudice the Core Strategy or future Site Allocations DPD providing suitable infrastructure contributions are secured,
- the site is a sustainable location and is self-contained and well related to the urban fabric of the town,
- it would provide additional housing to meet the need for a 5 year supply.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SS7 - TD CORE STRATEGY - COMEY TROWE/TRULL LOC GROWTH,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP5 - TD CORE STRATEGY INCLUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM4 - TD CORE STRATEGY - DESIGN,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,

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) £269,767

Somerset County Council (Upper Tier Authority) £67,442

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £1,618,602

Somerset County Council (Upper Tier Authority) £404,651

DETERMINING ISSUES AND CONSIDERATIONS

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

The main considerations with the proposal are the policy issues, sustainable location, landscape and wildlife impact, community issues, affordable housing, drainage, access and highway safety.

Policy and Sustainable Location

The site lies outside the existing settlement limits in the open countryside and as such is considered contrary to policies SP1, CP1 and CP8 of the Core Strategy. The context of the area and other policies of the Core Strategy also have to be considered.

The wider area to the south west of Taunton urban area has been identified in the Core

Strategy as a broad location for up to 2000 additional dwellings. Policy SS7 addresses the provision of an urban extension and in the last sentence of the policy states that "*A piecemeal approach to development in this area before a comprehensive masterplan has been agreed will not be allowed*". The reasoning behind this is to ensure that there is no development which would prejudice the wider development of an urban extension. Given that the Core Strategy requirement for a masterplan to be prepared for the area it could be argued that the application is premature and contrary to policy SS7. However prematurity in itself is not generally a reason for resisting planning proposals. The development would not prejudice the development of other sites around Taunton. The developer has borne the prejudicial issue in mind and has designed a scheme which is stand alone and would allow possible future linkages through the site, although the site is currently separated by over 400m from the likely potential urban extension site to the north in separate ownership. Work currently being carried out by consultants to inform the process would also seem to reflect the likely masterplan area to the north. If this area is proposed in the Site Allocations and Development Plan (SADMP) as the preferred option then it is not considered reasonable to resist the development here on prematurity grounds in respect of policy SS7.

The site would appropriately be considered through the Site Allocations and Development Management Plan since the plan led system remains central to planning. The Broadlands site was identified as a potential option for the SADMP. However each application has to be considered on its merits and there is no requirement to wait until a Local Plan or Neighbourhood Plan in the process of being developed is finalised to determine applications within such areas. Local Plans only have significant weight once they have gone through publication and formal consultation and Neighbourhood Plans only have such weight once they have gone through a referendum.

As quoted in the Policy response above, the SADMP is at a very early stage and only limited weight can be applied to it. The SADMP is therefore considered absent in the context of the National Planning Policy Framework (NPPF). Although the Policy Section consider there to be a five year deliverable supply of housing, paragraph 14 of the NPPF still applies and emphasizes that there is a presumption in favour of sustainable development and planning permission should be granted unless

"any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted".

In assessing the suitability of the site for housing the NPPF requires Local Authorities to *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable"*.

In terms of sustainability the site is not considered to be in a particularly accessible location other than by car. There is a limited local bus service and the direct cycle route from the site to town would be along the carriageway. The Highway Authority do not consider the route to be cycle friendly and consider this to limit the potential to increase cycling. The Highway Authority also advise that the town centre is over 4km away and this limits the scope for walking and the potential to increase cycling significantly. While the site has reasonable walking distance access to a bus stop, the distance to walk to the local primary school is over 1200m and the shop is around 1000m. Furthermore the

health centre and secondary school are over 2.5km away. If the primary school were limited in the ability to take new pupils this would affect the sustainability of the site. The Policy Officer considers the site not to be a sustainable location for housing development or to offer sufficient critical mass to improve the sustainability of the site through provision of on-site services or significant viable long term transport improvements.

In light of paragraph 17 of the NPPF the matter of whether the site can be made sustainable has to be considered. The applicant has submitted a Residential Travel Plan to address this matter. The plan proposes 19 measures to improve the sustainability of the site, ten of which include information provision. Others range from parking provision, information boards and travel vouchers, to the subsidising of the 97 bus service to the tune of £85,000 per year for 5 years to improve the frequency to a half hourly service Monday to Friday and an hourly service on Saturdays. In addition it is proposed that upgrading of the secondary school bus service at a cost of £20,000 per year for 5 years. A sum of £235 per dwelling is also proposed as a safeguard to undertake Personalised Travel Planning if the modal split targets are not met.

The bus service measures would be an initial benefit, however the bus service would only run every 30 minutes and the subsidy would only guarantee five years provision. The consideration of when this would start and the likely timescale for completion of the scheme would mean a limited impact for securing a shift to bus use and would be likely to foster the growth in need to travel by car. It is therefore considered that the Travel Plan provisions are insufficient to outweigh the unsustainable location.

In terms of the NPPF paragraph 7 identifies three dimensions to sustainable development, economic, social and environmental. The Framework puts great emphasis on the need for economic growth. However the glossary definition of economic development excludes housing and this proposal is specifically a housing scheme. While an element of working at home may occur in any location this is considered to be low level. Therefore similar to the Inspector in the appeal on land west of Milverton Road, Wellington I consider little weight can be accorded to the economic role of the proposal.

The NPPF defines a social role as *"supporting strong, vibrant and healthy communities by providing the supply of housing to required to met the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being."*

The site is viable and available and could be delivered without delay. While this is positive the site is considered to have poor accessibility to local services and there are considered to be more sustainable sites for development adjacent or within the urban area.

The Framework identifies an environmental role as *"contributing 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."* The scheme is not considered to harm the historic environment or biodiversity and conditions can be included to ensure appropriate mitigation is provided. A condition could also be included to address the design code and renewable energy provision. Adequate land for recreation and open space is provided

and there is not considered to be significant landscape harm. The location however would not be well related to the town centre and it is considered that this would lead to reliance on the private car which would release carbon to the atmosphere and not address climate change.

Landscape

The site does not lie within any special landscape designation and is not 'green wedge' and is currently agricultural land to the west of the Honiton Road. The site is largely screened from the south by the existing tree screen that forms the boundary with the Canonsgrove Halls of Residence. The Honiton Road frontage is clearly prominent in local views and the access provision will result in the loss of 25m of hedge. However the road frontage of approximately 220m will not all be built upon. The revised Landscape Strategy plan shows areas of structural landscape planting to site boundaries to help assimilate any development into its surroundings. In addition an area of woodland planting is also provided to the south to provide wildlife habitat mitigation. This leaves the built form taking up only 110m of the frontage and with landscaping this is considered to off set any long distance views from the M5 to the south east. The mitigation of 1.34ha provided to improve wildlife habitat also provides linked green corridors within the site and while this does not link to areas beyond the site it is considered to be an appropriate level of on site provision.

Wildlife Impact

A number of wildlife surveys have been carried out in respect of the site and a number of protected species have been found. Development of the site would result in certain hedges being disturbed during construction by the formation of the new vehicular access points and water attenuation. This could impact on protected species. The hedgerows within the site and around the site boundaries are of ecological interest, particularly as dormice have been found in the area but also for bat foraging habitat. Also of ecological interest are the ponds within and adjacent to the site as Great Crested Newts have been found on site.

The hedge features are proposed to be largely retained within the development and mitigation of any impacts are proposed through habitat creation and planting which can be controlled through planning conditions. The extent of habitat creation has been considered by the County Ecologist and the Council's Biodiversity Officer and the applicant has taken this on board and produced a revised ecological mitigation strategy which offers 1.48 hectares of woodland planting and rough meadow, three new ponds, bat, bird and dormice boxes, amphibian underpasses and an hibernaculum.

In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of protected habitats, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority as a 'competent authority' must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

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

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need for additional housing is in the public interest and it would be a potential economic and social benefit if it were granted. It is clearly in the public interest to deliver this housing in the most sustainable way, and so therefore, if this development is considered to be sustainable, then it would follow that this test would be passed.

(ii) That there is no satisfactory alternative

The need for additional housing and the reason why this site can be considered for development has been considered at length in the policy sections of this report, above. As previously discussed, given the current local planning policy framework, it is considered that sites that can be found to be sustainable development within the meaning of paragraph 14 of the NPPF should be granted planning permission. In this context, as with the first test, it is considered that if the site is found to be suitable and sustainable, then there would be no satisfactory alternative in terms of the overall location of development and for these reasons, the test would be passed. In the event of the development being refused the wildlife would not be affected and the test would not be required.

(iii) That the FCS can be maintained

The submitted ecological impact assessment outlines proposals for protecting wildlife during construction and for providing mitigation with habitat improvements. These include, for example, the creation of 3 new ponds as well as utilising the surface water attenuation feature, additional native species planting and protected movement corridors under the new roads and along hedge boundaries. In terms of great crested newts and dormice, for which a license would be required, mitigation planting is proposed within the site which can be controlled, and the Council's Biodiversity Officer and County Ecologist have not objected to the proposals, believing that, subject to the additional planting and pond provision details, favourable conservation status can be maintained with habitat improvements. The proposed development has not been objected to by Natural England and they have suggested a condition to address this and ensure habitat enhancements are achieved.

There is potential for other wildlife to be affected by the proposals, albeit to a lesser degree. These include bats and badgers. However, the Biodiversity Officer is content that measures can be put in place to mitigate the impact on wildlife and suggests an appropriate condition. I conclude that the proposal would not cause harm and would provide benefit in the longer term and therefore, it is considered acceptable and not to conflict with policy CP8 of the Core Strategy which includes the aim to conserve and

enhance the natural environment.

Community Issues

The County Education Officer recognises that there is a need for additional places and expansion of both the primary school and secondary school. As a result there is a request for appropriate monetary contributions to fund expansion in respect of both primary (£612,850) and secondary education (£664,884) and this would be secured by a Section 106 legal agreement. The County Officer has also confirmed that there is a need for pre-school places which would equate to a sum of £73,542. The Education Officer considers the existing site at Trull primary is sufficient to provide additional accommodation, although this is disputed by the Head of the school. The school has however recently had permission for an additional two class rooms which have yet to be built.

The Community Leisure Officer requires provision for adequate play and recreation provision in line with retained policy C4 of the Taunton Deane Local Plan. In light of assessing the layout it is considered that such facilities should be provided on the new recreation area. This will require a contribution of £1434 per dwelling towards the provision of outdoor active recreation and a contribution of £2668 per dwelling towards the provision of children's play facilities. Such contributions would be index linked and secured through a Section 106 agreement.

In addition to the above there is a requirement for allotment provision and community hall facilities. The applicant is willing to pay the appropriate contribution per house for allotment provision and it is considered that the Section 106 will be required to secure this. There is also a request for community hall facilities which should be open to everyone and this contribution can be secured through the legal agreement if it is not to be provided on site.

Affordable Housing

The proposal is in outline for up to 250 houses and policy CP4 of the Core Strategy requires a 25% provision of affordable units split between 60% social rented and 40% intermediate housing. This requirement would be secured through a Section 106 Agreement if permission were to be granted here.

Drainage

The site lies within Flood Zone 1 outside of a floodplain and is therefore an appropriate location for residential development to be located under the NPPF. However the proposal still needs to demonstrate that development will be safe and will not increase the risk of flooding elsewhere as a result of impedance of flood flows or increase in surface water run-off. With this in mind a drainage strategy for the site has been produced and this has been considered by the Environment Agency. The strategy involves the use of sustainable urban drainage systems to include a suitably designed attenuation pond. The principle of this is considered acceptable by the Environment Agency and suggested conditions are put forward to ensure that there is a suitable drainage strategy provided for the site.

The foul drainage is controlled by Wessex Water and Wessex are satisfied that a suitable drainage system can be provided and are recommending a condition to address the detail and to ensure that there is no increased risk of sewer flooding to downstream properties.

Access and Highway Safety

The access off Honiton Road is part of the details submitted at outlined stage and provides a 'T' junction off the main road. Adequate visibility splays can be provided in both directions with out further loss of boundary hedge other than removed for the access itself and this could be conditioned. The design of the junction and internal access road has been agreed with the Highway Authority and will be sufficient to allow for future development in the area. The development of the site would not therefore prejudice any future housing scheme.

The Highway Authority are also satisfied that the proposed scheme would not have an adverse impact on safety on the existing road network and that the traffic flow and capacity of junctions is sufficient. The link through the site and closing off of Sweethay Lane would significantly reduce the level of traffic using this substandard junction which would be beneficial and the timing of this can be controlled by condition, although the actual closure would need to be secured through a legal agreement in association with the Highway Authority.

Other Issues

Noise and air quality reports have also been submitted with the application and have been assessed by the Environmental Health Officer. The outcome of this is that it is accepted that the development will not have a significant impact on existing properties from either noise or air quality. The site has also been assessed for contaminated land and the initial assessment work is that risks are low. A standard condition to address the need to satisfactorily assess the contamination risk is recommended by the Environmental Health Officer and is proposed as a condition in this instance.

An archaeological assessment of the site has been undertaken and an evaluation and dig has been carried out. This has identified areas of interest and if the development were to proceed then a specific condition will be required to ensure a further programme of archaeological work is carried out on site at the applicants' expense.

A new homes bonus would be payable for an approved development here, however this is not given significant weight in determining the proposal.

Conclusion

In summary the development for up to 250 houses on a greenfield site would not cause harm to issues of landscape, wildlife and access and highway safety. Adequate provision could be made for affordable housing, community facilities and drainage. The location however is considered an inappropriate one and one that is considered to be unsustainable and would not be made so by the measures proposed in the Travel Plan.

The development therefore fundamentally is not considered to meet the main thrust of the NPPF in achieving sustainable development and is considered contrary to policies SP1, CP1a and CP8 of the Taunton Deane Core Strategy.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

COVENANT CARE

ERECTION OF A 14 NO. BEDROOM NURSING HOME FOR THE ELDERLY AT THE WHEELHOUSE, LINDEN HILL, WELLINGTON (AS AMENDED)

Grid Reference: 312494.120916

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo 12.35.09 Plans
(A1) DrNo 12.35.10 Plans 1 of 2
(A1) DrNo 12.35.11 Plans 2 of 2
(A1) DrNo 12.35.12B Roof & Block Plan
(A1) DrNo 12.35.13A Site & Block Plan
(A1) DrNo 12.35.14 Site Plan
(A1) DrNo 12.35.15A Elevations
(A1) DrNo 12.35.16A Sections
(A1) DrNo 12.35.20A Floor Plans
(A1) DrNo 12.35.21 Floor Plans

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

3. Prior to implementation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above.

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.

4. (i) Prior to implementation, 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 approved 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.

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

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to retained Policy EN6 of the Taunton Deane Local Plan and Core Strategy Policy CP8.

6. Prior to the building hereby permitted first being brought into use, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan Statement shall include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To ensure a transport choice is provided and to ensure that staff will travel to and from work by means other than the private car in accordance with Taunton Deane Core Strategy Policies CP1 and CP6 and the relevant guidance in Section 4 of the National Planning Policy Framework.

7. There shall be no obstruction to visibility greater than 900mm above adjoining

road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points to the centre of the carriageway 33m to the North of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained in perpetuity.

Reason: To preserve sight lines at a junction in the interests of highway safety in accordance with Taunton Deane Core Strategy Policies DM1 and CP6 together with guidance contained within the National Planning Policy Framework.

8. The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the building hereby permitted is first brought into use and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Core Strategy Policies DM1 and CP6 together with guidance contained within the Somerset Parking Strategy and National Planning Policy Framework.

9. No development shall commence unless a Construction Environmental Management Plan have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

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

Reason: To ensure the construction phase of the proposed development does not have an adverse impact upon the local highway network and amenity of residents within the area in accordance with Taunton Deane Core Strategy Policy DM1.

10. The building hereby permitted shall not be brought into use until details of bin storage facilities associated with development have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved bin storage shall be constructed and fully provided prior to building first being brought into use and shall thereafter be retained in perpetuity.

Reason: To ensure that adequate facilities exist for the needs of the site and that the proposed development does not harm the character and appearance of the area or highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

11. The development hereby permitted shall not be commenced until details of a strategy to protect bats and birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology's submitted report, dated January 2013 and the Bat Emergence Survey required by Condition 12 of this permission, and include:
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.

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

Reason: To protect and accommodate bats and their habitats from damage bearing in mind these species are protected by law, in accordance with Policy CP8 of the Taunton Deane Core Strategy.

12. The development hereby permitted shall not commence (including demolition) until a bat emergence survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain any use of the site by bats. They shall be undertaken by an appropriately qualified person at an appropriate time of year (May to July) and use techniques and equipment appropriate to the circumstances.

Reason: To obtain an accurate and up to date account of usage of the buildings/site in the interests of protected species within the area, in accordance with Policy CP8 of the Taunton Deane Core Strategy.

13. The building hereby permitted (and its associated land) shall be used solely as a Nursing Home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the use of the site does not change to a business that would increase traffic movements within the area that, if not controlled, would have an adverse impact upon highway safety and amenity, in accordance with Taunton

Deane Core Strategy Policies DM1 and CP6 and guidance contained within the National Planning Policy Framework.

14. The development shall provide for covered and secure storage facilities for two bicycles, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided prior to the building to which it relates first being brought into use and shall thereafter be retained at all times for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with Policies DM1 and CP6 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 has negotiated amendments to the application to enable the grant of planning permission.
2. Conditions 11 and 12 of this permission require the submission of information to protect bats. The Local Planning Authority will expect to see a detailed method statement clearly stating how bats (if present) and birds will be protected through the development process and to be provided with a mitigation proposal that will maintain a favourable conservation status for any bats that are affected by the development proposal.
3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
4. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.
5. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
6. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.

PROPOSAL

The application proposes the erection of a 14 bedroom nursing home in association with Covenant Care, on land at The Wheelhouse, Linden Hill, Wellington.

The amended scheme provides for a one and half storey building with the vast majority of new floor space being provided at ground floor level. Here, eight en-suite bedrooms

will be provided together with an entrance lobby and reception, lounge, dining area, kitchen, service and storage areas. Within the roof space accommodation, six en-suite bedrooms will be provided. Access between ground and first floors will be via a stairwell and internal lift.

With regard to scale, the proposed building will have maximum dimensions of 24.5m x 24.5m across an L-shaped building plan. Building heights will be up to 2.6m to eaves and 7.0m to ridge.

It is proposed to finish the building externally in a range of materials that reflect those found within the local area. The walls will be of natural stone, render and timber boarding; windows and doors will be of timber and the roof finished with grey slates. Five dormer windows are proposed to the North elevation. Externally, landscaping will be undertaken around the site and any external lighting will be agreed prior to implementation, although plans indicate that any lighting will be low glare.

The development will be served by a reconfigured parking arrangement within the site. Four additional car parking spaces are proposed (one disabled), together with one motorcycle parking space and storage for two bicycles. Together with the existing care facility at the site, fourteen car parking spaces will be provided in total.

The application has been amended to remove the formation of a new access off Corams Lane. The site will instead utilise the existing site entrance where Corams Lane meets Linden Hill; this will form the sole vehicular entrance into the development site off Corams Lane.

The amended scheme being considered has been reduced in scale, design form and layout from the original submission, which proposed the erection of a twenty bedroom nursing home within a two storey building on the site.

SITE DESCRIPTION AND HISTORY

The site is located along Linden Hill, between the settlements of Wellington and Lower Westford. The site comprises a principle building that has been extended over time and is used for residential care of adults. The current use of the site and buildings is C2 (Residential Institution)

The building is set over split levels but is largely single storey in scale; it is of white rendered walls and concrete roof tiles to the roof. Gardens extend to the East and West, which are laid to lawn and contain a large number of mature trees, hedgerow and domestic planting. To the West of the principle building are a number of single storey outbuildings used in association with the principle use of the site. The application site is elevated, with land descending to the East in general; the roadside boundary to the West comprises dense hedgerow planting with trees; a former bank and hedgerow to the North has been removed whilst to the South the site comprises a number of mature trees including one Wellingtonia located within the roadside bank.

There are two residential properties within close proximity of the site, the nearest being immediately Southeast, known as The Old Stables. Also within close proximity is Linden Hill Nursing Home; a large well established nursing home that has some 34 beds with permission granted for a further 11 within a two storey extension.

The site has a varied planning history, but briefly comprises:

43/96/0001 - Use of park home for holiday let - permission granted;

43/04/0107 - Change of use of dwelling with B&B and holiday let to adult care Home, extensions and use of outbuildings as ancillary to care home - permission granted;

43/04/0156 - Removal of condition 02 of 43/04/0107 - removal of personal condition approved;

43/06/0100 - Erection of extension to care home - permission granted.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP -

OBJECTED to original proposal, commenting as follows:

The proposed development site is remote from any urban area and therefore distant from adequate services and facilities. As a consequence workers are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the National Planning Policy Framework (NPPF) and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy SD1 of the Taunton Deane Borough Council Core Strategy 2011-2028.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the proposed development or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

In terms of the detail the proposal will utilise the existing access onto Linden Hill. The applicant has indicated that this access would be able to provide visibility splays of 2.4m x 33m, which was permitted under planning permission 43/12/0098. It is my opinion that this level of visibility is considered to be acceptable as vehicle speeds pass the site are quite low. However from visiting the site it is apparent that this splay has not been implemented as the splay is below the required distance.

In terms of vehicle movements the proposal will see an increase in vehicle movements although it is unlikely that these will be significant enough to warrant an objection to this element of the proposal.

The main concern that the Highway Authority has relates to the parking element of the proposal. At present all the parking is located to the front of the site however this proposal would see this altered so 7 spaces are retained at the front and 8 spaces are provided to the rear. These will be accessed via Corams Lane which is as a private road and is narrow and sinuous in nature in addition it is also designated as a Right of Way. I would have concerns over the vehicles utilising this lane due to its narrow nature and the potential conflict between vehicles and pedestrians. It is therefore the opinion of the Highway Authority that Corams Lane is not of a suitable standard to

accommodate the additional vehicle movements that would be generated by this development.

Therefore taking into account the above information I raise objections to this proposal for the following reasons:

- Corams Lane by reason of its restricted width and poor alignment is not considered to be suitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Plan Review (Adopted 2000) and Policy CP6 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028.

NO OBJECTION to amended proposals, commenting as follows:

This proposal is an amended scheme which has seen the reduction in the scale of the building and amended the layout whilst also removing access from Corams Lane.

The previous scheme would have resulted in additional vehicle movements on Corams Lane, which is designated as a private road and a Right of Way. Due to Corams Lane being sinuous in nature the Highway Authority felt that it was not considered to be suitable to serve as a means of access and as such raised objections.

This amended scheme has looked to address the Highway Authority's concerns. From the submitted plans it is apparent that the scheme has now been amended so that all traffic will access the site via the existing access rather than Corams Lane. The Highway Authority is satisfied that the amendment has addressed the previous concerns.

In regards to the existing access the applicant has stated that the previously approved visibility splay will be reinstated. This is considered to be acceptable to the Highway Authority. Although if planning permission were to be granted the Highway Authority would recommend that a visibility condition is attached.

Turning to the internal layout the proposal has made provision for 14 parking spaces. Somerset County Council's Parking Strategy requires that the site makes provision for 1 space per 6 beds. As a consequence the new care home should provide two parking spaces, which equates to 13 spaces for the entire site. The Highway Authority would usually require the applicant to amend the scheme to reflect the Parking Strategy. However it is felt that due to the sites location the additional space would be acceptable as the majority of staff would need to utilise the private car.

Therefore to conclude the Highway Authority is satisfied that the amended plans have been able to address the Highway Authority's concerns as I consequence I raise no objection to this proposal and if planning permission were to be granted I would require the following conditions - Construction Environmental Management Plan; Parking and turning areas; Travel Plan; 2.4m x 33m visibility splays.

WELLINGTON TOWN COUNCIL -

OBJECTED to the original proposals for the following reasons:

- The proposal would result in an unacceptable increase in traffic using the site;
- The location was inappropriate and would have an adverse effect on the surrounding area;
- Vehicular access to and from the site would have a detrimental effect on the safety and convenience of other road users;
- Overdevelopment of the site;
- Inadequate provision had been made for parking;
- Permission would set an undesirable precedent for development in this area.

OBJECT to the amended proposals commenting as follows:

Members of the public spoke on the height and landscaping of the application within the 'Green Wedge'. Parking was seen to be lacking for the size of the proposal with other traffic concerns being highlighted. Access to and from the site and the size of the visibility splay were an issue alongside safety to pedestrians in the area.

Councillors could see little change in the issues from the previous application and so wished to make the same comments.

LANDSCAPE -

OBJECTED to original proposals, commenting as follows:

The proposed two storey building will be prominent in the local landscape with little landscape mitigation. Given the sensitivity of the site within the green wedge my assessment is that it would be contrary to policy.

NO OBJECTION to amended proposals, commenting as follows:

Subject to significant reinforcement of the Northern and Eastern boundary with tree and shrub planting it should be possible to reduce the impact of the proposed building.

Existing trees and hedgerows will need to be protected during the building process.

BIODIVERSITY -

NO OBJECTION to original submission, commenting as follows:

Evidence of bats found in learning skills building. Emergence survey required before demolition. Scheme is licensable and therefore application can be determined.

No sign of nesting birds in buildings although may nest in trees and shrubs within the site. Clearance should be outside the nesting season.

Two conditions recommended.

No comment made in relation to amended scheme.

Representations

24 Letters of OBJECTION to original proposals, raising the following planning related issues:

Transport

- Concerned about increase in vehicles using footpath/drive used by children, especially on blind corners at the top;
- Drive is used daily to walk to work, take family on walks and visit the nursing home and increase in vehicles will be dangerous, especially in the dark;
- There is not enough parking for the new nursing home beds; parking required for staff, visitors, doctors, district nurses and emergency vehicles;
- A lack of parking will mean people parking along Linden Drive where there is insufficient space to pass;
- Lorry's will find it difficult with deliveries due to sharp bends in the lane;
- The lane is used by walkers, families with small children, cyclists and dog walkers; the little bit of countryside on the edge of town will be destroyed by lorries, staff parking etc;
- The lane is used by train spotters and a twice annual triathlon; the bridge has a 12 tonne limit so not suitable for heavy vehicles;
- Can it be guaranteed that all additional traffic will not use the private road, as during the winter a land slide at Burchills Hill and all traffic used Linden Drive, which has turned the road into a pot riddled disaster which has made it unpleasant to walk;
- The lane is used by Linden House to take clients out for walks; the plan should consider all the users in the area;
- Linden Hill and Burchills Hill are single lane roads with only a couple of passing places for cars but not suitable for heavy vehicles;
- There is no suitable turning for large delivery vehicles;
- To leave the drive from Linden House you have to advance slowly because of obstruction to views;
- The private lane is not a suitable for large vehicles due to its shape, without getting stuck and causing damage;
- The lane is already well used by motor vehicles and any more would result in accidents;
- A car park off the drive could cause a major traffic hazard with cars turning in and out with limited visibility both from the railway bridge direction and from the sharp bend above the car park's proposed site.
- This is a ridiculous application. Burchills Hill simply cannot take the increased traffic. It is in a green field area - why on earth don't they use a brown field site somewhere;
- The area is used extensively by walkers and families with children. It is an accident waiting to happen and is complete and utter nonsense;
- The lane is used by Linden House to take clients out for walks; the plan should consider all the users in the area;
- The drive is particularly popular with dog walkers early in the morning and in the evening which would coincide with the heaviest use by employees at the proposed home, and by families at weekends when there would be the heaviest visitor traffic;
- Access involves either using a track/public footpath (used daily by walkers and children) or a very narrow road linking Westford to Burchills Hill which has no pavement. I believe that the increased traffic would be hazardous to pedestrians and detrimental to the footpath/track surface;
- Access involves either using a track/public footpath (used daily by walkers and

children) or a very narrow road linking Westford to Burchills Hill which has no pavement. I believe that the increased traffic would be hazardous to pedestrians and detrimental to the footpath/track surface;

- Corams Lane is already very busy, providing access to and from the Basins, Sports Centre, Linden House, Adults Learning Centre and residents. It is a narrow road that already struggles to cope with its regular flow of traffic;
- Ambulances would require clear access to the Nursing home of which neither the Corams Lane or Linden Hill tracks provides, there would also be an increase in Lorries needing to access the site for laundry and supplies;
- The current entrance to the site is unsuitable for the much more intensive use proposed. The access on to Linden Hill is blind and will significantly increase the chance of an accident if more vehicles use it;
- I also access Corams Lane from Linden Hill a few times every week, and exit the same way. I dispute the assertion that the current splay provides a good view of the road. I strongly believe that the current plan for a new car park a few hundred yards down Corams Lane is totally unsafe. Exiting Corams Lane, cars are in the centre of the single track road until the last short section. There are three driveways right at the top of the Lane and drivers pulling out have to use extreme caution to avoid the potential of a collision with a car turning in from Linden Hill;
- Due to difficulties for delivery vehicles access Linden House, a third access to the nursing home was created;
- For anyone approaching The Wheelhouse from Linden Hill in a car and finding themselves unable to park in front of the care home, it would be a very tight left turn into, and tight right turn out of, the new car park;
- Planning permission has already been granted to Linden House Nursing Home for an 11 bedroom extension and with this completed, traffic will inevitably increase. To allow a further increase in traffic could endanger the safety of the people using the Public Footpath to a critical level;
- The visibility splay onto Linden Hill is not generous. The view when pulling out is interrupted by a wall and a tree to the right and cars travel quite fast along Linden Hill. There have been many occasions when sudden stops are required to prevent an accident occurring. The concern with respect to this application is that if an increased number of vehicles are accessing The Wheelhouse entrance which itself is fairly narrow, the risk of collisions will increase;
- The fact that the applicant has raised the point that passing places might be required evidences that he is aware of the significant increase in traffic he envisages his development will create. The increase in traffic could see cars reversing for some distance along my private lane, creating a further public safety issue to those using the Public Footpath;
- The removal of the existing 8 spaces to the “staff car park” means that only 6 spaces are located near to the new care home. This is inadequate. Linden House regularly has 16 staff cars (more at shift change time) plus numerous visitors vehicles;
- I would challenge the argument put forward that there would not be a significant increase in vehicular movements because nursing homes “do not generally provide care for residents that have a requirement for mobility and access to services contained within towns”. The very fact that the residents are not mobile means that various people including visitors, health professionals, entertainers etc have to come to them and every one of these would drive;
- I am unable to comment on the Somerset Parking Strategy but it seems to me that 1 parking space for every 6 beds is a little optimistic. I am aware of how many staff and visitors cars we have at Linden House (16 staff cars alone on most days) and consider that as the profile of the care home will be somewhat similar I am in a

position to make a judgment on what would be required. 1 space for 6 beds would be completely insufficient at Linden House. I would have thought that in a rural area more parking spaces would be required as people rely on private cars to travel which is what is evidenced at Linden House;

- The parking outside the complex is limited by the size of the site and the walk from the car park to the Nursing Home would be up hill and a distance of approximately 100 metres. This would be problematic for elderly or infirm visitors, particularly during the winter;
- Poor access to the site for those who are unable to drive. This is a non sustainable location. Few amenities for residents who are mobile – no shops, post office etc.

Landscape

- The lane is quintessentially English; please do let it be destroyed;
I work at Linden House and use the basins lane to drive to work; the proposal would make the lane not so pleasant a place to walk due to more vehicles;
- The countryside surrounding Linden Hill is an important recreational and amenity area for the people of Wellington. The basins are an area of outstanding natural beauty which needs to be protected from surrounding developments and pollution;
- Such a building will be a 'blot on the landscape' of one of the untouched areas of Wellington. Any area of Green Wedge in our town should be protected by the planning authorities and not built upon;
- For the sake of future generations, do not allow developers to destroy our rural environment. In this planning case, the indirect impact on the local community should not be underestimated;
- This site is identified in the local plan as in an area of green space which is not suitable for a care home;
- The complex would establish the likelihood of increased development to this area which would be detrimental to the area which is mainly unspoilt and a haven for wildlife;
- The Wheelhouse site is situated near the brow of the hill and it would appear from the plans that the building would be very prominent and hence, visible. I also find it hard to believe that it will not overshadow The Old Stables as despite the landscaping proposed, the site itself is very small for such a large development and the whole balance of that part of the Linden estate will be upset;
- As the site is in a rural setting with no nearby street lights, the applicant would expect to install security lighting for staff security when arriving or leaving work in the dark. These security lights will undoubtedly cause light pollution and could be intrusive for The Old Stables as it is proposed that staff park in the newly created 8 bay car park. The lights would then be required not only at the front of the building but along the path that staff would walk to reach their cars - which happens to skirt the boundary of The Old Stables;
- Large prominent 2 storey building on the top of a hill – would be visible from most of Tonedale and the surrounding area would overlook Weavers Reach and Old Mill;
- Night: due to care home function lights left on will be very visible due to location and create light pollution;
- Because of the size of the building, the location, the limited size of the plot and the buildings situation on that plot this building would be detrimental to the character of the landscape;
- The car park would be built on a garden. This is contrary to the 'Green Wedge' principle.

Amenity

- I wish to maintain Linden Hill as an amenity and recreational area for residents and believe this development would completely spoil this;
- There is not a proper turning circle on the property. This means large vehicles will have to carry out repeated reversing movements which will present a danger to the facility's residents and cause noise which will reduce the amenity of adjacent residents;
- The proposed creation of parking for staff at the rear of the property with access from the lane would cause serious loss of amenity to the adjacent residential property (The Old Stables) as staff will be coming and going 24/7. Night movements will inevitably be made by car and the noise of entry, exit, parking, closing of car doors and voices will disturb the sleep of adjacent residents;
- The Reception Area, Seating Area and 2 bedrooms will overlook The Old Stables garden, parking area and front door. As the building is commercial than a residence then this would be a significant issue as it would enable a large and constantly changing group of people of whom we have no knowledge to view into our property; were the development to be a private residence or as single storey this would not be such an issue;
- Is there a potential for sun reflection from full length windows and metalled walls?

Design and Scale

- The proposed building is not in keeping with the Victorian buildings in the area and will be out of place;
- The design of the building is not in keeping with the other buildings within the Linden estate. The use of polished metal sheets and large glass windows is completely inappropriate as is the extensive use of wooden cladding. By its very nature, the design is modern and the other houses on the Linden estate are not;
- Modern construction style involving large glass windows, polished metal sheeting and wooden boarding unsympathetic with rest of buildings in local area.

General

- Linden House is registered for 34 residents and not 25 as suggested;
- Impact of additional traffic from the permitted extension to Linden House is yet to be felt as it is not yet built;
- Land including Corams Lane is within the same ownership as Linden House Nursing Home and a right of way is only provided across the lane and not adjoining land; creating passing places along Corams Lane has not been discussed;
- Plans do not provide for the collection of waste;
- 4 full time staff is a major under estimation of the number of staff accessing the home at any one time, especially for a 20 bed nursing home;
- This is not on-site expansion. According to the applicant in recent comments to me, the existing care home for people with Learning Disabilities will remain a separate entity. It has to remain so, as staff cannot easily be employed to work interchangeably in both homes as the client group have such hugely differing needs. This development is a "back yard" development of a completely new venture and

there is a danger that the Linden estate could become a care home village with a variety of different types of care home within it;

- This development would be on ground approximately 3 metres above that upon which The Old Stables is built. This would in effect be a 3 story building compared with The Old Stables which is classified as single storey with rooms in the roof space;
- This building is not a site expansion. This is a much larger, physically distinct building with a different function and should be considered as a separate development within this green wedge. It is not subservient to the existing property.

8 letters of OBJECTION from members of public received in relation to the amended proposals, raising the following planning related matters:

Transport

- The same issues apply to a 14-bed nursing home as they do for a 20-bed nursing home. There are still not adequate parking facilities, nor delivery facilities, no emergency services facilities. The overflow for which will result in people parking in Coram's Lane or Burchills, causing difficulties all round;
- Delivery lorries reversing out of the driveway onto Burchills is extremely dangerous (and as there is no turning circle it will be impossible to drive out), therefore lorries will be pulling out blindly into either oncoming traffic or walkers;
- Constant traffic using Coram's Lane will cause problems as this is a private lane and there are no overtaking/give way lanes and will eventually lead to someone getting hurt as the lane is in constant use from walkers with dogs and children;
- When traffic is increased along this lane it becomes impossible for both the motorist and pedestrians. There are areas on this lane where it is impossible for two cars to pass and encouraging lorries to use this route can only lead to further congestion both on the hill and on the bridge at Westford;
- Lower Westford will become a route for delivery lorries and other traffic visiting the site. Children walk to school along these routes often with no pavements or safe places to stand;
- I know for a fact that the proposed 6 new parking spaces is not going to be adequate enough to facilitate the extra staff needed to run a 14-bed nursing home;
- My concern is that The Wheelhouse staff and visitors will park at Linden House or in the driveway, or even on Burchills, causing dangerous obstructions and danger to pedestrians and other road users. This will also result in me not being able to park when I come to work;
- How is access to Corams Lane going to be denied and enforced? There is already traffic using the public footpath and private drive to Linden House (very few visiting patients at the nursing home) as a shortcut to Westford and Rockwell Green from Wellington and vice versa. Indeed Sat Navs send large commercial delivery vehicles this way along a totally unsuitable track surface; narrow path and weak bridge over a culvert;
- Under the new proposal all traffic will use the existing driveway and not Corams Lane. However, the existing driveway is within Corams Lane and therefore the objections raised previously have not been resolved by this statement. There is no direct access to the Wheelhouse from Linden Hill;
- Recently my car was blocked in at the top of Corams Lane by the waste disposal lorry while the refuse was collected from the Wheelhouse. The lorry could not enter their driveway and the bins had to be wheeled up to Corams Lane. The lorry then

had to reverse back out into Linden Hill to proceed with its journey. Additional services required by the proposed nursing home would only increase the traffic hazards in both Corams Lane and Linden Hill;

- The applicants state that they will reinstate the visibility splay to Linden Hill, but the visibility splay is an old traditional stone wall, which is a permanent structure. Whilst vigilant cutting back of shrubs and trees will improve visibility the fact remains that extreme caution is required by motorists at this junction. The roads in this area are simply not suitable for an increase in traffic, particularly when the flow will be turning in and out of a restricted single lane junction with limited visibility;
- I am not convinced that the proposed car parking in the revised application would be adequate and that access to the property would be compromised by on-site parking in non-designated areas, or worse still by off site parking;
- Linden Hill/Corams Lane is an area used extensively by pedestrians and cyclists and the risks entailed by the development of a nursing home with its associated car use by visitors, staff, local authority and health workers would be detrimental to the facility;
- There is no physical barrier, to prevent vehicular use of Corams Lane by visitors, staff or delivery vehicles or, indeed, to prevent further development of the site;
- Since Corams Lane has no designated passing spaces, no street lighting or pavements and a number of blind corners, the risk of increased traffic flow would make the Lane less convenient, and also unsafe, for continued use by the public;
- We are confused by the applicants statement that the visibility splay has grown over recently, since the visibility splay consists of a historic stone wall and an established fir tree. We do not believe that an adequate visibility splay has ever been implemented;
- We would like to reiterate that Linden Hill is a single lane country road with no pavements or street lights used by pedestrians, runners and dog walkers. The designated passing spaces are often barely suitable for 2 cars to pass and are certainly not appropriate for regular use by large vehicles such as mini buses and delivery lorries;
- The applicant has still failed to make sufficient provision for parking or deliveries. The Wheelhouse currently has 9 designated parking spaces to provide for the existing 10-bed care home. These parking spaces are already often insufficient. The proposal allows for 5 additional parking spaces to cater for the 14-bed nursing home. This number does not provide adequate parking for minimum staffing levels, particularly during hand over periods, as well as for visitors, doctors and other medical personnel. We are concerned that the applicant would attempt to make a future planning application to grant access to additional parking via the lower site entrance;
- We would like to reiterate that the narrowness of Corams Lane and Linden Hill mean that there is no possibility of on-street parking without blocking other residents of Linden Hill in their drives. Similarly, where as Linden House Nursing Home has a staff and deliveries entrance accessed directly off Linden Hill, the proposed development does not appear to have considered how delivery lorries would turn and the implications that turning or reversing lorries would have on the safety of public footpath users;
- The applicant has not approached me to give up this right of way so I cannot enforce his apparent, self-imposed suspension of the right of way;
- Corams Lane cannot be closed off with gates to restrict access for The Wheelhouse vehicles due to it being impractical;
- The lane is in regular use being a public footpath with no passing places; it is unrealistic for large vehicles to use it and such have become stuck recently and

historically;

- It is unrealistic to think that the applicant and his staff would no longer use the right of way which he has over Corams Lane / Linden Drive and therefore the Transport Development Groups opinion must be given full consideration; any use of the lane would not be enforceable;
- The visibility splay has not changed in the last 11 years; there is a large pine tree which might obstruct the splay; I doubt the splay was ever properly implemented;
- I do not agree that vehicle speeds along Linden Hill are low along the only straight section of this road;
- No evidence on plans about how visibility splays will be changed;
- Following a successful, previous application from the applicant for an extension in 2006 (43/2006/100), the Transport Development Group (Miss V Venner) identified on 14 September 2006 that "Taking the above points into consideration and that this is an existing use by the same owner / applicant it may be unreasonable to raise a highway objection, however I do not want to see any further extensions or intensification of the use of this site". I consider that this observation remains valid;
- Linden Hill/Burchills Hill is unsuitable to serve the development, especially larger service and emergency vehicles; the proposals do not provide proper turning space;
- There remains insufficient parking for two businesses amounting to 24 beds together;
- Still no mention of staffing levels. I would suggest that 8 during the day time for a 14 bed nursing home would be accurate;
- My concerns revolve around where the overflow cars would be parked. There is no room on The Wheelhouse site, so the only land available nearby is my land and driveways of the other residents within the Linden estate. Overflow parking on my land is unacceptable to me as it will constitute trespassing. It is likely to be dangerous, and therefore impractical, for cars to park on Linden Hill / Burchills Hill;

Landscape

- Whilst I appreciate that some attempt has been made to address the prominence of the proposed building and its appearance within the locality, I remain of the opinion that this is overdevelopment of a small site which is situated within the Designated Green Wedge. The large footprint of the proposed care home is out of proportion with the site;

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
CP2 - TD CORE STRATEGY - ECONOMY,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
NPPF - National Planning Policy Framework,
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,

DETERMINING ISSUES AND CONSIDERATIONS

The proposed development has been amended quite significantly from that originally submitted. The scheme has been reduced in scale from a 20 bedroom two storey nursing home to a 14 bed one and a half storey development with accommodation in the roof space; the reduction in bed space is in excess of a 25% reduction. The proposed parking and access arrangements have also been amended as have the generally design and finished appearance of the building. These amendments have been introduced by the applicant in an effort to overcome the objections first received in relation to the original submission.

The pertinent issues to consider are whether the proposed use is appropriate in land use and planning policy terms; the impact of the development upon landscape character, appearance and the Green Wedge; the impact upon residential amenity and also highway safety for all users of the local highway network.

Development Principles

The application site is located outside the defined settlement limits of Wellington and Lower Westford and as a result, is considered to be within open countryside in terms of planning policy. Policy DM2 of the Taunton Deane Core Strategy sets out a number of uses and developments that will be supported in locations such as this, subject to proposals satisfying a number of additional criteria. The application proposes a new building on the site to replace two existing structures; the new building would provide for a 14 bedroom nursing home for the elderly. This falls within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Such a use is not specifically supported by Policy DM2 and therefore in the strictest of terms the proposed development does not comply with this policy.

Notwithstanding the above, consideration must be given to the wider principle of the proposed development, which will be located within a site that currently operates under a Class C2 (residential institution) use. The existing building known as The Wheelhouse and its ancillary buildings (to be demolished) were granted planning permission in 2004 for use relating to the residential care of adults. Whilst the actual undertaking of this care for adults with learning difficulties is acknowledged as being different to the type of care provided within a nursing home it nonetheless falls within the same use class. Further precedent for nursing home development within the area is demonstrated by Linden Hill Nursing Home, which as described above is a large 34 bedroom business with planning permission granted in 2010 to add a further 11 bed wing.

Policy CP2 (Economy) sets out the economic strategy and growth forecast for Taunton Deane over the plan period. The Policy sets out that around 121,500 sq metre of additional floorspace will be required for residential and non-residential institutional use through site expansions, allocations and Development Management policies. It has already been acknowledged that there is a difference between the operation of a nursing home and an adult care facility such as that already operating from The Wheelhouse. Notwithstanding this matter, the proposed development is considered to represent an expansion and diversification of the existing C2 use at the property.

Great emphasis is currently placed on the need to support economic development; Para 19 of the National Planning Policy Framework (NPPF) states that the Government is committed to supporting sustainable economic growth and emphasises the need for

planning to encourage and not impede sustainable growth. It states that significant weight should be placed on the need to support economic growth through the planning system. Para 21 of the NPPF states that local planning authorities should support existing business sectors, whilst providing flexibility within policies.

In location terms, the application site is approximately 250m away from the recognised limits of Lower Westford and 400m from Wellington. Lower Westford is not connected to the site by way of footpath but a commute via bicycle for any prospective employee of the nursing home is a reasonable expectation. Wellington is within walking and cycling distance, both of which can be safely undertaken along the footpath and track of Corams Drive, which given its pleasant setting is likely to encourage such modes of travel to and from the site for employees living within the town and also any visitors. In addition to transport sustainability, residents of nursing homes are largely less mobile and in this instance some will be entirely dependent upon carers for movement. Access to services such as retail, employment, health care and other town centre uses will be negligible. As such nursing homes within locations such as this will attract significantly fewer vehicular movements than care homes for the more mobile and less dependent.

Having regard to the above matters, whilst the site's location outside of any defined settlement limit is acknowledged as conflicting with Core Strategy Policy DM2, unless any significant adverse impact can be attributed to the proposed development from material considerations, the proposed use is considered to be acceptable in this location, where there is a strong precedent already set for Use Class C2 businesses and having regard to the emphasis and weight to be attributed to economic development in the current climate.

Landscape Character and the Green Wedge

The application site is located on an elevated section of land above existing buildings within the locality; The Wheelhouse is also located within the Green Wedge that currently provides separation between Wellington and Lower Westford. The landscape surrounding the site is characterised by agricultural land bound by hedgerows to the North and West, whilst to the South and East land is defined by lines of mature tree planting that provides for an attractive parkland like setting at an area known locally as The Basins.

There has been objection from members of the public who feel that the proposed development would harm the character of the landscape and Green Wedge due to the scale of development and its prominent position within the area. There is also a feeling that the development would impact adversely upon people's enjoyment of the Basins as well as wildlife. Such concerns are noted however the development is located West of The Basins area and will not be overly visible from the public footpath. The amended scheme has removed a proposed access and use of Corams Lane which will significantly reduce this perceived adverse impact. An increased use of the access off Linden Hill onto Corams Lane and into the site will be somewhat limited and is unlikely to result in an increased use of the private driveway. Such can, if so minded, be controlled/restricted by the owner of the lane, although the practicalities of having to do so are appreciated. Notwithstanding, this issue is not considered to be so demonstrably harmful to the area as a result of the amended scheme.

Objection was raised by the Council's Landscape Officer to the original two storey

development due to its prominence within the landscape with little landscaping; such was assessed as harming the character of the Green Wedge. The amended scheme comprises a single storey building that, whilst taller than those that are to be demolished, is significantly lower in profile than the original scheme.

Subject to agreeing landscape mitigation by condition, the Council's Landscape Officer no longer objects to the proposed development. It is acknowledged that at present, the proposed building would be visible from the North where there is a break within the boundary planting. This can easily be screened with new planting to screen any views of the building and to reduce any perceived prominence.

The remainder of the site is large hidden and despite the elevated nature of the application site, the scale of the proposed building is limited; it will be set down into the site with the finished floor level being 800mm (approx) below the current land level. This, together with the reduced scale of the building, the retention of existing boundary planting and provision of new landscaping is considered to minimise any perceived adverse impact upon the surrounding landscape.

Although the site is located within the Green Wedge, this itself does not out rule all forms of development. The Policy test in CP8 of the Core Strategy is for development to maintain the green wedge. The proposed development is not considered to result in the gap between the two aforementioned settlements being eroded and as noted above, will not significantly harm the character or appearance of the surrounding landscape. In this regard the proposed development is considered to be acceptable.

Residential amenity

It was considered that the original scheme would likely result in an adverse impact upon the amenity of The Old Stables, largely with regard to privacy and disturbance from noise and light from the new parking area and access. Objection has been received from the neighbouring resident and the public on amenity grounds.

The amended scheme removes windows from the principle elevation at first floor level; the dormer windows to the North will overlook farmland and there is no longer any vantage points within the building that would overlook the neighbouring property's private gardens.

The parking arrangements have been reviewed and the new parking area to the East of the existing building removed. Additional parking is provide around The Wheelhouse and the proposed building. This additional parking provision is not considered to significantly harm neighbouring amenity, being closely related to the existing parking areas. The application site and The Old Stables are separated by a high level coniferous hedgerow that will screen any additional light pollution and noise from the extra vehicle movements.

It is acknowledged that the upper section of the building will be visible from within the driveway and parking area of The Old Stables however this is not considered to result in any significant impact upon outlook given the separation between the proposed building and neighbouring property. Having a view of a building is not a reason itself to refuse planning permission.

On balance, the amended scheme is considered to overcome the previous issues in relation to residential amenity. Any impact upon amenity is likely to be minimal and not so significant as to warrant the refusal of planning permission.

Highway safety

There are three issues relating to the proposed development and highway safety, all of which have been raised by members of the public and Wellington Town Council. These issues are parking provision, visibility and an increased use of Corams Lane.

Parking provision and turning

The amended scheme proposes an additional four car parking spaces, one motorcycle space and two bicycle storage spaces. The Somerset Parking Strategy is not an adopted Taunton Deane policy but it is more up to date than the retained Local Plan Policy M2, which relies upon parking standards set out within the former PPG13 document. Nonetheless, the Strategy provides standards for parking provision in relation to various forms of development and is a material consideration.

Under the Strategy, optimum parking levels for a C2 Use Class development is one space for every six bedrooms provided. In this regard there is an over provision of parking for the new nursing home. From a practical sense there is objection to the development, arguing that the operation of a nursing home requires a greater degree of parking provision. I do not agree that further parking provision is required. The site is accessible to the Wellington area by foot and bicycle and the implementation of a Travel Plan can be used to encourage employees, visitors and the like to access the site by means other than the private motor vehicle.

It has been observed that the existing parking provision for the adult care centre is sufficient, with vacant spaces having been available on numerous occasions during site visits made to The Wheelhouse over the past six months. This suggests to me that there will be sufficient parking provided within the site to serve the proposed development and that undertaken already by Covenant Care. There is no proposal to subdivide parking, which will remain available to the nursing home and adult care centre.

Whilst there is limited space within the site for turning, no objection has been raised by the Highway Authority, which is satisfied with the turning and level of parking being provided. The increase in vehicle movements to and from The Wheelhouse is unlikely to be significant given the limited scale of the proposed nursing home.

On this basis, it would be unreasonable to refuse planning permission on the grounds set out above.

Access and visibility

The amended scheme has removed an access onto Corams Lane and the proposal to utilise this private track to serve the development site. This is considered to eradicate a large degree of concern raised from members of the public, concerned with increased movements along Corams Lane and conflict arising with pedestrians, cyclists and a negative impact upon the enjoyment of the area.

The primary route to the site will be via Linden Hill, which is a single lane carriageway with various passing places between Wellington and Lower Westford. Objectors have suggested that an increase in movements along this route would be prejudicial to highway safety; however my experience is that the road is lightly trafficked and provides for adequate passing places. Such a view is consistent with that of the Highway Authority. The number of daily movements will be low and as a result, the increase in vehicles movements along Linden Hill is not considered to significantly harm highway safety.

The proposal is not considered to result in significant risk to pedestrians along Corams Lane, given that the sole site access is adjacent to Linden Hill which provides for a more suitable route to the site than the unmade private lane. It is accepted that vehicle movements could be made along Corams Lane, however this is not the intention being put forward and such can be controlled, albeit problematically, by the land owner if required.

Visibility across the junction between Corams Lane and Linden Hill is limited to the South in the direction of Westford, whilst to the North towards Wellington visibility in excess of 2.4m x 33m to the centre of the single carriageway can be and has already been provided. As such the applicant is capable of achieving part of the visibility splay required by the Highway Authority. Such a visibility splay cannot, however, be achieved to the South as land is not within the applicants ownership.

It is acknowledged that increasing vehicle movements over a substandard access will pose a risk to highway safety. Such an issue has been raised in objections received. Notwithstanding, the increase in movement is considered to be very low and subject to peaks in the time of movements. When planning permission was originally granted for the Covenant Care site, it was accepted that a 2.4m x 33m visibility splay in one direct (to the North) was acceptable. When permission was granted for extension at the neighbouring Care home that can, if so required, use Corams Lane for access, no improvement to visibility splays were requested despite the potential intensification in movements. Such is considered to set a historical precedent of sorts.

Despite the visibility splay being substandard in one direction, the proposed development is not considered to result in a significant number of vehicle movements and therefore any adverse impact upon highway safety is considered to be negligible. The Highway Authority have advised verbally that such would not form a reason for refusal defensible at appeal alone.

Having regard to the above matters, it is accepted that the transport implications of the proposed development cause concern amongst the public, however, as it has been assessed, the proposed development will result in a limited intensification of vehicle movements, provide for sufficient parking and appropriate visibility. These matters are not considered to result in such harm to highway or public safety as to warrant the refusal of planning permission.

Other matters

The application has been supported by the submission of a wildlife survey for the site, which has found some evidence of bats. Bats are European Protected Species however the Councils Nature Conservation Officer considers the proposed mitigation

and condition for a further emergence survey to be acceptable. On the basis of the evidence and advice provided, it is concluded that bats will not be unduly affected by the proposed development.

Objection has been received in relation to wildlife within the area. Whilst The Basins is noted for its wildlife value, the proposed development will not result in any significant off site impact.

Conclusions

The proposed development will benefit the local economy in an area where there are two established residential care homes. The amended scheme will not significantly adversely affect the landscape character of the area and will maintain the Green Wedge. Neither residential amenity, highway/pedestrian safety will be adversely affected to a degree that warrants the refusal of planning permission and wildlife within the site can be appropriately safeguarded.

Planning conditions can be used to appropriately mitigate any adverse impact and to appropriately control development in the future. The proposed development is considered to comply with local and national planning policy and material considerations do not indicate that planning permission should be refused. It is therefore recommended that planning permission be granted subject to conditions.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

DEMOLITION OF BUILDINGS AND ERECTION OF 84 NO. DWELLINGS WITH ASSOCIATED HIGHWAY INFRASTRUCTURE, PUBLIC OPEN SPACE AND LANDSCAPING ON LAND AT CREECHBARROW ROAD, TAUNTON

Grid Reference: 324116.125251

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the receipt of comments and conditions from the Highway Authority, Nature Conservation & Reserves Officer and the Environmental Health Officer, relevant amended plans and the applicant entering into an appropriate legal agreement to secure the following: -

Community Facilities

- Contributions of £1571 per additional dwelling for active outdoor recreation;
- Contributions of £209 per additional dwelling for allotment provision.
- Contributions of £1,208 per additional dwelling for local community hall facilities.
- Provision of the LEAP on site and its long term maintenance

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo SPP1793 P 02 Rev A Landscape Layout
(A3) DrNo SPP1793 P 02 Boundary Types
(A1) DrNo 3272/101 Rev L Proposed Site Plan
(A3) DrNo 3272/200 Location Plan
(A3) DrNo 3272/010 2B4P Floor Plans
(A3) DrNo 3272/011 3B5P V1 Floor Plans
(A3) DrNo 3272/012 3B5P Floor Plans
(A3) DrNo 3272/013 3B5P V3 Floor Plans
(A3) DrNo 3272/014 3B5P V4 Floor Plans

(A3) DrNo 3272/015 4B7P V1 Floor Plans
(A3) DrNo 3272/016 4B7P V2 Floor Plans
(A3) DrNo 3272/017 5B8P Floor Plans
(A3) DrNo 3272/018 6B9P Floor Plans
(A3) DrNo 3272/019 Rev A 1B2P FOS Floor Plans
(A3) DrNo 3272/020 Rev A 2B3P FOG V1 Floor Plans
(A3) DrNo 3272/021 Rev A 2B3P FOG V2 Floor Plans
(A3) DrNo 3272/022 Rev A2B4P FOG V3 Floor Plans
(A3) DrNo 3272/023 Rev A 1B2P & 2B4P FOG V4 Ground Floor Plan
(A3) DrNo 3272/025 2B3P Flats Floor Plans
(A1) DrNo 3272/026 Elderly Flats plots 16-30 Floor Plans
(A1) DrNo 3272/027 Elderly Flats Plots 54-68 Floor Plans
(A3) DrNo 3272/029 2B4P Elevations Option A
(A3) DrNo 3272/030 2B4P Elevations Option B
(A3) DrNo 3272/031 3B5P V1 Elevations Option A
(A3) DrNo 3272/032 3B5P V1 Elevations Option B
(A3) DrNo 3272/033 3B5P V2 Elevations
(A3) DrNo 3272/034 3B5P V3 Elevations
(A3) DrNo 3272/035 3B5P V4 Elevations
(A3) DrNo 3272/036 4B7P V1 Elevations
(A3) DrNo 3272/037 4B7P V2 Elevations
(A3) DrNo 3272/038 5B8P Elevations
(A3) DrNo 3272/039 6B9P Elevations
(A3) DrNo 3272/040 1B2P FOS Elevations
(A3) DrNo 3272/041 2B3P FOG V1 Elevations
(A3) DrNo 3272/042 2B3P FOG V2 Elevations
(A3) DrNo 3272/043 2B4P FOG V3 Elevations
(A3) DrNo 3272/044 1B2P & 2B4P FOG V 4 Elevations 1 of 2
(A3) DrNo 3272/045 1B2P & 2B4P FOG V 4 Elevations 2 of 2
(A3) DrNo 3272/046 2B3P Flat Elevations 1 of 2
(A3) DrNo 3272/047 2B3P Flat Elevations 2 of 2
(A1) DrNo 3272/048 Elderly Flats Plots 16-30 Elevations
(A1) DrNo 3272/049 Elderly Flats Plots 54-68 Elevations
(A1) DrNo 3272/050 Existing & Proposed Site Sections 1 of 2
(A1) DrNo 3272/051 Existing & Proposed Site Sections 2 of 2
(A1) DrNo 3272/053 Street Scene 1 of 3
(A1) DrNo 3272/054 Rev A Street Scene 2 of 3
(A1) DrNo 3272/055 Rev A Street Scene 3 of 3
(A3) DrNo 3272/056 Cycle Store
(A1) DrNo 5998 Site Survey 1 of 2
(A1) DrNo 5998 Site Survey 2 of 2

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

3. No development, other than demolition and groundworks, shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To 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.

4. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. The trees to be retained on site shall be protected in accordance with details outlined within the submitted tree report by Hellis Tree Consultants dated June 2013. Any fencing to protect the retained trees shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with DM1 of the Taunton Deane Core Strategy and Retained Taunton Deane Local Plan Policy EN8.

6. The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the

Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy M4 of the Taunton Deane Local Plan.

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

Reason: To ensure that the proposed estate is laid out in a safe and proper manner with adequate provision for various modes of transport in accordance with policy DM1 of the Core Strategy.

9. The applicant shall ensure that all vehicles leaving the site are in such condition as not to deposit mud, slurry or other debris on the highway. In particular means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been submitted to and agreed in writing by the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the construction at the site discontinues.

Reason: In the interests of highway safety in accordance with policy DM1 of the Core Strategy.

10. No development, other than demolition, shall commence until a detailed drainage strategy scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in strict accordance with the principles shown in the submitted Drainage Strategy Report (prepared by Hydrock and dated 17 July 2013, Drawing Ref: C13256-C001C and email from Richard Hughes (Hydrock) dated 5th August 2013). The scheme shall include details of a maintenance regime together with confirmed drainage layout with pipe sizes, hydrobrakes etc. The development shall subsequently be implemented and maintained in accordance with the details of the approved scheme.

Reason: To ensure that flood risk is not increased and pollution risks are minimised through the use of SuDs in accordance with NPPF paragraph 103 and Taunton Deane Adopted Core Strategy CP8.

11. No development, other than demolition, shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details within a timetable to be agreed by the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To ensure that flood risk is not increased in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to an unacceptable risk of pollution and Taunton Deane Adopted Core Strategy Policy CP1.

13. Work shall not commence, including demolition, until a further bat survey has been undertaken and the results along with details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats, has been submitted to and approved in writing by the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented.

Reason: To maintain the status of bats and their roosts. Bats and their roosts are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Local Plan Policies CP8 and the NPPF.

14. Development shall not commence until a further reptile survey has been undertaken and results, along with details of a scheme designed to avoid killing or injuring slow worms has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over development in order to safeguard species which are specially protected by law. Adders, grass snakes and slow worms are all protected under Section 9(1), (9)(5)(a) and 9(5)(b) of the Wildlife and Countryside Act 1981 (as amended) in accordance with relevant guidance in the NPPF.

15. Prior to the occupation of any dwelling hereby approved, a Public Art Strategy shall be submitted to and approved in writing. The Strategy shall include details of time scales of implementation and management of the public art proposed. Details of the proposed public art shall also be agreed with the Local Planning Authority. The agreed public art shall subsequently be implemented and

maintained in accordance with the details of the approved Public Art Strategy and its findings.

Reason: In accordance with the Council's Public Art Policy.

16. No work shall commence on the construction of Plots 89-92 until the other approved plots have been constructed. The existing play area (site for plots 89-92) shall remain open and available to the public until this time.

Reason: To safeguard the existing play area, until the new LEAP is constructed, minimising the time that no play area will be provide in accordance with retained policies C3 and C4 of the Taunton Deane Local Plan.

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. Environment Agency is pleased to see that the discharge rates from the developed site will be limited to the pre-development Qbar rate. They are not overly supportive of the use of underground attenuation below the pond and would not normally support such an approach. However, in this case they are willing to accept this given the site constraints.

Please note the surface water network designed for the proposed development shows that surface water would come out of the pipe network at several location for a 1 in 100 year plus climate change event. The applicant will have to make sure that overland flood routes are identified and make sure that no properties are flooded as a result. In addition, the design should ensure that surface water returns to the pipe network and is attenuated prior to discharging from the site at the agreed rate.

3. Any proposed works must not encroach on to the width of the footpath.

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

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

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

If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

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

PROPOSAL

The proposal comprises the redevelopment of a part of Creechbarrow Road, with the demolition of 44 dwellings being replaced with the erection of 84 dwellings. The scheme includes two blocks of flats for the elderly flats (15 flats in each building), flats over garages, maisonettes and two storey dwellings. The scheme is 100% affordable housing with part of the site being developed by Knightstone Housing and the other by Taunton Deane Borough Council.

The buildings are predominately two storey with the exception of the flats for the elderly which have three storeys. Materials proposed are a mixture of brick and render with either a profiled tile or a flat concrete interlocking tile. Submission of materials will be required as a condition and the applicants have been informed that a flat concrete tile may not be acceptable.

SITE DESCRIPTION AND HISTORY

The site is located in a residential area of Taunton made up of dwellings and garage blocks that were constructed in the 1970s. The properties are visible from Creechbarrow Road with access to the dwellings from the rear, via Moorland Road. The area of the application is a sloping site, raised in the centre and falling off in either direction. There is a public right of way that runs through the main site. The proposal also includes building on an existing play area that is separated from the main site by an access road. Within the application site there are a number of trees.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP -

Initial comments: -

Requirement to undertake Travel Plan and details of cycle storage for dwellings and elderly flats, confirmation of garage dimensions.

Details of cycle storage and garage dimensions provide and further comments received are below: -

General Information – Creechbarrow Road, Taunton

Upon comparing the extent of the 'red line' site ownership boundary within drawing number 3272/101/J against the computerised road record plan, it appears that the applicant has included parts of the adopted highway (junction onto Roman Road and from Moorland Road onto Creechbarrow Road) within their ownership. Can the limits of the red line on the drawing be amended accordingly?

As a standard informative, where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the, Traffic & Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY, or by telephoning her on 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.

Furthermore, a condition survey of the existing highway network shall be carried out and agreed jointly between the developer and the Highway Authority, prior to any works commencing on site. Any damage to the existing public highway as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority prior to occupation of the development. It is recommended that contact be made with the Highway Service Manager (Taunton Area) 08453459155 to arrange for such a survey to be undertaken.

Site Layout – Creechbarrow Road, Taunton

The following comments are based on Drawing No. 3272/101/J and apply to the site layout. The lengths of proposed carriageway extending between plots 4-7, 37-42 and 44-53 should be constructed with bituminous macadam materials and not in Brick pavers, due to the fact that the carriageways will be provided with footways.

The swept path of an 11.7m long 4 axle refuse collection vehicle will need to be submitted within the shared surface turning area between plots 7 and 9.

The proposed pedestrian links between plots 39 and 43 and 91-92 that will provide access to/from Creechbarrow Road, should be constructed to a minimum width of 2.0m to accommodate both pedestrians and cyclists and the appropriate visibility splays (2.0m x 20m) will be required where these links meet the back edge of the footway within Creechbarrow Road. Can it be clarified whether the proposed footway adjacent to Creechbarrow Road is to be just a footway or will it be a cycleway?

Plots 77-79 appear to be served via a private drive. Somerset County Council has a current policy whereby only two dwellings can be served via a private drive, the current

layout will therefore be subject to the Advance Payments Code legislation.

Drawing number 3272/101/J indicates the presence of a retaining wall along the eastern boundary of plot 53. Who will be responsible for the future maintenance liabilities of this structure? Somerset County Council will need to be assured of the safety and durability of any retaining structure that will remain within private ownership, within 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary. Therefore the submission of detailed design drawings/calculations will be required for checking/approval purposes. If the structure is to be adopted by SCC then it will be necessary for an Approval in Principle (AIP) to be submitted to SCC for approval. The submitted AIP shall be signed by a Chartered Engineer (Civil or Structural) and submitted before commencement of the detailed design.

An adoptable 25m forward visibility splay will be required across the north western corner of the LEAP. There shall be no obstruction to visibility within this area that exceeds a height greater than 600mm above adjoining carriageway level.

An adoptable 25m forward visibility splay will be required throughout the carriageway bend within Moorland Road, fronting the proposed site of the Hub building. There shall be no obstruction to visibility within this area that exceeds a height greater than 600mm above the adjoining carriageway level.

Due to the fact that the proposed estate road leading directly off Moorland Road will take the form of a type 4 bituminous macadam carriageway, the proposed junction should take the form of a 6.0m radii junction and not a vehicular crossover as currently indicated.

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

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

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

The proposed location of the road narrowing feature opposite plot 3, will effect the movements of vehicles in/out of parking areas serving plots 14, 15 and 32. Therefore, this feature should be either removed from the scheme or relocated to where it won't conflict with vehicle accesses.

Access – Creechbarrow Road, Taunton

Adoptable visibility splays measuring 2.4m x 43m in both directions will be required at

the junction with Moorland Road, adjacent to plot 53. There shall be no obstruction to visibility within these areas that exceeds a height greater than 300mm above adjoining carriageway level.

The gradients of the proposed access road(s) should not, at any point, be steeper than 1:20 for a distance of 10m from their junctions with the adjoining road(s).

Tie into existing carriageways - Allowance shall be made to resurface the full width of existing carriageways where they have been disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageways to ascertain the depths of the bituminous macadam layers.

Drainage – Creechbarrow Road, Taunton

It is noted from the application package that surface water from the application site will discharge into a main sewer and a Sustainable drainage system. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy submitted to Somerset County Council.

Surface water from all private areas, including drives and parking bays, must be intercepted by private drainage measures, to prevent any discharge onto the prospective public highway.

Section 50 NRSWA 1991 (Sewer connections) - Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from Mr Mark Fitzgerald, Streetworks Co-ordinator 01823 483135.

Parking Provision – Creechbarrow Road, Taunton

All parking bays that immediately but up against and form of structure, including planting, shall be constructed to a minimum length of 5.5m as measured from the back edge of the prospective public highway.

The private drive to plot number 1 should be relocated into the development site, immediately adjacent to the driveway serving plot number 2.

Section 278 Agreement – Moorland/Roman/Creechbarrow Road, Taunton

It is necessary for the developer to provide a detailed drawing/plan showing the interaction between the adopted highway and the submitted layout plan. It would appear that the current proposal builds on the adopted highway which is not acceptable at this time. This exercise should include the adopted carriageway (Moorland Road), urban footways and public rights of way (T33/26) across the entire site.

For example, any proposed works within the existing highway limits fronting the parking bays to the north of plot 77. Likely works will include the possible stopping up of the existing highway, the removal of existing planters from within the carriageway, the tie in between the bituminous macadam carriageway and the block paved carriageway, the construction of a footway up to and including the access to the 'private road' serving

plots 77-79 and a full width resurface of Moorland Road will be required where it has been disturbed by these works.

Transport Assessment Information – Creechbarrow Road, Taunton

The Highway Consultants email dated Monday 19th August 2013, states that amended plans are being produced and will be submitted to address the queries raised within the Transport Assessment Feedback. Have these plans been received? If so can I be emailed a copy?

Travel Planning Information – Creechbarrow Road, Taunton

I have received comments from the Travel Planning Officer in connection with the comments made by the Highway Consultant relating to the Travel Plan Feedback information that was submitted to the Local Planning Authority on the 2nd August 2013, which have been reproduced below:

“I understand that this is an affordable housing scheme, and as such it should be as important, if not more so, to offer the same opportunities to occupants as would be required of any other new developments. I would argue that to not provide these measures in the same way as any other development would be to introduce inequality to the residents, something that I'm sure Taunton Deane would not wish to be promoting.

With regard to the size of the development and our request for a Full Travel Plan, I refer to Somerset County Council's Travel Plan Guidance which clearly states that 'Development sites that are being extended by 20% or more in GFA (or other relevant measure) [in this case dwellings], bringing the total GFA/relevant measure above the travel plan thresholds...will be required to prepare and have approved a travel plan. This travel plan should cover the entire site'. You will understand that I have therefore applied our policy to this development, which is being extended by 50% (to 92 dwellings) and exceeding the Full Travel Plan threshold by 42 dwellings (the Full TP threshold being 50 dwellings).

I understand the argument that occupiers may be unlikely to own electric cars. However, again, this requirement has been applied from our policy (Somerset County Council's Parking Strategy) that access to Electric Vehicle Charging points will need to be made available to all dwellings and that provision should not only take account of current, but also future needs, when the proportional ownership of electric vehicles is higher and the uptake would include those on lower incomes.

My final comment is on the Firepool scheme mentioned below. I can see that this development received planning permission in 2009, 2 years before the Travel Planning Guidance was adopted by Somerset County Council, hence the reason this site was not subject to the same standards that the Creechbarrow Road site will be.”

Once clarification on the above mentioned topics/amendments have been made, I will be in a position to comment fully on the proposed scheme

SCC - RIGHTS OF WAY -

Any proposed works must not encroach on to the width of the footpath.

If the route is to be diverted, this will be dealt with by Taunton Deane District Council.

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

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

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

If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

DIVERSIONS ORDER OFFICER - Mr Edwards - following observations: -

The proposed demolition, building of dwellings and associated works will affect the Public Footpath T35/26 (part) Parish of Taunton.

Subject to planning consents for these works it will be necessary to secure a diversion of the public footpath by means of Section 257 of the Town and Country Planning Act, 1990.

HOUSING ENABLING -

The Housing Enabling Lead supports this application. The development will provide a wide range of high quality affordable homes reaching Code for Sustainable Homes Level 4, Secure by Design and Lifetime Homes principles to meet an identified housing need.

WESSEX WATER -

Drainage

The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's Advice Note 16 for further guidance.

Please refer to the attached extract from our records showing the approximate location of our apparatus in the vicinity of the site.

The applicant's consultants' has been in contact with our development engineer to discuss drainage strategy. There are existing foul sewers which cross the site serving existing properties; existing sewers will be diverted/ apparatus re-used where possible to accommodate the proposals.

It should be noted, however, that there is a 375mm combined sewer crossing south to north through the northern extent of the site. The combined sewer has been located on site and marked on the drainage plan submitted to our engineer (Hydrock C13256-C101B). It is not proposed to divert this sewer – which conveys drainage from elsewhere in the catchment. An easement of 4 metres either side of the sewer must be observed and marked on drawings deposited with Building Control. There must be no tree planting in close proximity to public sewers in accordance with the current version of Sewers for Adoption.

A number of connection points to the public sewerage system for foul and surface water flows are proposed.

Total flows should not exceed existing; with betterment if possible.

Water Supply

There is a 100mm DI main which runs along the western boundary of the site. There is a fire Hydrant and system valves located at the northern extent of the site. There is a private water main which crosses the northern section of the site

Apparatus must be accurately located to determine if protection measures are necessary.

There is limited available capacity to serve the proposed development. Network computer modelling will be required to determine points of connection and whether off site reinforcement to the water supply network will be required to serve the proposed development. Further details available upon request. Buildings above two storeys will require on site boosted storage.

DRAINAGE ENGINEER - No objection.

Amended Drainage Strategy agreed and conditions to be applied.

DEVON AND SOMERSET FIRE & RESCUE SERVICE - Following observations: -

Means of escape

Means of escape in case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB)

or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

Access and facilities for the Fire and Rescue Service

Access to facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.

POLICE ARCHITECTURAL LIAISON OFFICER - Support application in view of the following: -

Police Sergeant Andrew Murphy and I attended a pre-application meeting with Stephen Major, Housing Development Project Lead, TDBC and representatives of Knightstone Housing Association on 9th May 2013 when the proposed Creechbarrow Redevelopment was discussed. The main principles decided at the meeting in order to 'design out' crime and disorder as far as possible were as follows:

To establish a safe, secure and mixed community including community facilities to significantly reduce the level of deprivation in the area.

Provide designated car parking within plot or immediately adjacent wherever possible.

Provide parking, house, secure garden or community amenity and cycle/scooter storage within the plot.

Properties alternating to face estate road/play area, and Creechbarrow Road to provide natural surveillance of parking, roads, footpaths and play area.

Separate cul-de-sac access roads, with footpath link to prevent a rat-run situation, all overlooked and a series of plateau and surface material changes to reduce speeds.

Dwellings facing each other and blank gables avoided wherever possible.

Flats designed as non-communal stair maisonettes wherever possible.

KHA Restricted Age flats have a secure courtyard.

Restricted Age and General Use Flats to have secure entry doors, external mail and Bin Storage.

In addition, we discussed:

Reported crime and anti-social behaviour in the area of the proposed development over the past year.

The police approved 'Secured by Design(SBD)' award scheme, full details of which are available on the SBD website – www.securedbydesign.com.

If planning permission is granted, the meeting resolved to make the scheme 'Secured by Design' compliant and I look forward to working with the applicant and developer in due course to achieve this aim.

LANDSCAPE -

Subject to detailed landscape proposals and implementation of the tree protection measures, the proposals are acceptable.

LEISURE DEVELOPMENT -

In accordance with Local Plan Policy C4, provision of play and active recreation should be made for the residents of these dwellings.

The provision of on-site play area (LEAP), to provide for the additional residents is to be welcomed. Childrens play provision of 20sq metres per each additional 2 bed + dwelling should be sought. The equipped play space should be overlooked to promote natural surveillance. The Parks Department should be asked to comment on the actual design and content of the play ground.

A contribution of £1,571.00 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution of £209.00 per each additional dwelling should be sought for allotment provision along with a contribution of £1,208.00 per each additional dwelling towards local community hall facilities.

Contributions should be indexed linked.

A public art contribution should be requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to value of 1% of the development costs.

SCC - CHIEF EDUCATION OFFICER - No comment.

ENVIRONMENT AGENCY - No objection (recommend SUDs drainage conditions)

ENVIRONMENTAL PROTECTION CONTAMINATED LAND - Views waited.

OPEN SPACES MANAGER -

Details of POS and LEAP will be required for approval by the Open Spaces Manager at the appropriate stage.

All equipment, including gates, play items, litter bins, benches, signs etc. from the existing play area opposite the supermarket, is the property of Taunton Deane Borough Council, Open Spaces Section and should be removed without damage and delivered to our storage site in Taunton before construction of the new development starts.

Representations

One letter of SUPPORT received from Cllr Slattery.

Two letters of REPRESENTATION received: -

- One letter raising no observations.
- Further letter raising no comment regarding the proposed development.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,
M5 - TDBCLP - Cycling,
CP8 - CP 8 ENVIRONMENT,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
NPPF - National Planning Policy Framework,

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) £54,363

Somerset County Council (Upper Tier Authority) £13,591

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £326,176

Somerset County Council (Upper Tier Authority) £81,544

DETERMINING ISSUES AND CONSIDERATIONS

The proposal is sited within the settlement of Taunton, within a built up urban area. As such, the site is considered to be acceptable for residential development. The location of the proposal is considered acceptable in terms of distance to facilities and services, including bus stops and supermarkets.

Layout/Design

The long, narrow, sloping site will be developed in two parts; one section closest to

Roman Road will be developed by Knightstone Housing and the other part of the site will be developed by Taunton Deane Borough Council, though the development has been designed as one site. The public footpath running through the site will be diverted so pedestrian access can still be made through the site. Vehicular access will be provided into the site but it would not comprise a through route.

It is proposed that the development would achieve Codes for Sustainable Homes Level 4, Building for life Standard and be suitable as a Secure by Design scheme.

The site is predominately semi-detached dwellings, some of which face into the site and some facing onto Creechbarrow Road. This allows for natural surveillance within the site while providing some frontage along Creechbarrow Road. These dwellings are two storey, with either brick or brick and render as the finish to the dwelling. Each dwelling has designated parking and a garden to which sheds will be provided for cycle storage etc.

At each end of the site there are two key buildings, both three storeys in height and providing flats for the elderly. Each block of flats is provided with car parking including disabled parking spaces and cycle and bin storage. The height of the building near Roman Road will reflect the size and mass of flats at Lavender Court which is located opposite the site. Given the location of the other three storey building, at the access leading to Beadon Road/Moorland, the height of the building is considered to reflect the design/layout of the new estate and can be accommodated without harm to the visual amenity of the area.

Elsewhere within the site there are a few detached dwellings, some flats over garages and maisonettes, and some providing wheelchair access.

There is a small play area that fronts onto Creechbarrow Road that will also be developed. This play area will provide a pair of semi-detached dwellings and some flats over garages. This smaller site will provide some frontage to the street and is also not considered to harm the visual amenity of the area.

The proposed layout has been designed as not to cause any overlooking or loss of privacy that would harm the residential amenity of existing properties within the area.

Highways

The Highway Authority have raised some initial concerns regarding the lack of a Travel Plan and have also questioned details on the submitted plans, requesting clarification of some points within the application. Points requiring clarification including visibility, radii, footpath width, surfacing materials. Whilst there is currently no objection from the Highway Authority, any detailed comment on the application will not be made until these details, including the Travel Plan have been resolved.

The proposal provides parking spaces for each dwelling and amended plans have been submitted to show sheds within the gardens of properties that can be used for cycle storage.

The road layout provides access at one end of the site from Roman Road and the other from Moorland Road with a pinch point in the middle of the site where there is no access for vehicles, effectively creating two smaller estates.

There is currently a public right of way that runs through the site that will need to be formally diverted, but pedestrians and cycles will be able to move between the two parts of the development and through the site.

Given the outstanding issues and lack of comments, permission is recommended subject to the receipt of the Highway Authority comments and suggested conditions.

Leisure and recreation

Contributions have been sought for Outdoor Recreation, Allotments and Local Community Hall Facilities and will be made part of a legal agreement. The applicants have recently questioned the contributions and negotiations are taking place.

Within the site a new LEAP area is to be provided, replacing the existing LEAP that would be lost as a result of this development. A condition will secure details of LEAP, including equipment to be provided. A further condition will insure the existing play area is developed last, minimising the time in which the area would not be provided by a play area.

Whilst no public art or contribution has been included within this application the applicants have agreed to undertake a public art strategy that would be made a condition of this application. The strategy would include details of a time frame to secure public art within the site and a management programme for the public art provision. Allowing the strategy will allow the applicants to undertake consultation/public participation with new residents to the site.

Drainage

Comments from Wessex Water have been acknowledged and an amended plan has been submitted to alter the layout, providing the necessary easement that is required. Other comments from Wessex Water will be added as advisory notes to the planning certificate. Whilst no additional comments have been received from Wessex Water, the amended layout has been submitted directly to Wessex Water from the applicant.

The Environment Agency has not raised any objection subject to a condition requesting a sustainable drainage scheme. The Environment Agency has been contacted to request whether the proposed drainage condition is in addition to the drainage strategy that has already been submitted.

The Local Authority Drainage Officer has commented on the application and in discussion with the applicants Drainage Consultant has agreed an amended drainage scheme for the site and subject to conditions does not object to the proposal.

Landscape

The application has been submitted with a detailed tree report that outlines which trees and to be felled, works to retained trees and protection of the retained trees during construction. The report proposes the felling of 17 trees and all retained trees are recommended to be crown lifted to 4.5m above ground level.

A landscaping plan has also been submitted to show new tree, shrub and hedgerow

planting within the site.

The Landscape Officer has not raised any objection to the proposal, subject to the protection of the trees being carried out in accordance with the report and the new landscaping scheme being implemented.

Wildlife

The application has been submitted with a joint ecology report for the redevelopment of Creechbarrow Road and the proposed flats/community hub building. The report concludes that further reports are required for bats and reptiles due to slow worms being found within the area and the potential for bat roosts. Whilst comments are awaited from the Nature Conservation Officer, conditions have been included to request additional surveys prior to the demolition of the building. Any additional conditions/variation of conditions will be added when these comments are received.

Contaminated land

The site is within close proximity to an old disused and filled landfill site. As such, detailed reports have been submitted to investigate any contamination on the land.

Environmental Health comments are awaited on this report, though the Officer has been consulted throughout the process of developing the report that has been submitted and is aware of the findings. The application will be subject to any comments or recommendations from the Environmental Health Officer.

Conclusion

The proposed development would deliver 100% affordable homes within a sustainable; location and provide community benefits in terms of contributions to leisure and community facilities. The scheme provides a appropriate mix of accommodation and is of an acceptable design that can be construction without detrimental harm to visual and residential amenity. The proposal is therefore considered acceptable and is 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

TAUNTON DEANE BOROUGH COUNCIL

DEMOLITION OF BUILDINGS AND ERECTION OF RESIDENTIAL BUILDING COMPRISING OF 8 NO. FLATS, GROUND FLOOR COMMUNITY HUB (B1/D1USE), AND ASSOCIATED PARKING AND LANDSCAPING, AT 1 & 3 MOORLAND ROAD, TAUNTON

Grid Reference: 324179.125265

Full Planning Permission

—

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the receipt of comments and conditions from the Highway Authority and the Nature Conservation and Reserves Officer and the applicant entering into an appropriate legal agreement to secure the following: -

Community Facilities

- Contributions of £1571 per additional dwelling for active outdoor recreation;
- Contributions of £209 per additional dwelling for allotment provision.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo 3272/201 Location Plan

(A1) DrNo 5998 Site Survey

(A1) DrNo 3272/100A Proposed Site Plan

(A1) DrNo 3272/028 Rev A Community HUB & Flats Floor Plans & Elevations

(A1) DrNo 3272/057 Existing and Proposed Site Sections

(A1) DrNo 3272/103 Proposed Solar Panel Plan

(A1) DrNo SPP1793P02 Rev A Landscape Layout

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

3. No development, other than demolition of the existing dwellings, shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To 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.

4. Prior to the occupation of the ground floor of the building hereby permitted, covered cycle spaces for staff and visitors bicycles shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of the area in accordance with policy DM1 of the Taunton Deane Core Strategy and Retained policy M5 of the Taunton Deane Local Plan.

5. No dwelling shall be occupied until cycle and bin storage has been provided for within the site in accordance with the approved plans. The cycle and bin storage areas shall thereafter be retained.

Reason: In the interests of highway safety and the amenity of the area in accordance with policy DM1 of the Taunton Deane Core Strategy and Retained policy M5 of the Taunton Deane Local Plan.

6. The parking spaces hereby permitted shall be surfaced in permeable materials and provision shall be made for the disposal of surface water within the site in accordance with details to be agreed and implemented prior to the occupation of the dwellings to which it relates and shall thereafter be retained as such.

Reason: To reduce the risk of off-site flooding in accordance with Section 10 of the National Planning Policy Framework.

7. Work shall not commence, including demolition, until a further bat survey has been undertaken and the results along with details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats, has been submitted to and approved in writing by the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented.

Reason: To maintain the status of bats and their roosts. Bats and their roosts are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Local Plan Policies CP8 and the NPPF.

8.

Development shall not commence until a further reptile survey has been undertaken and results, along with details of a scheme designed to avoid killing or injuring **slow worms** has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over development in order to safeguard species which are specially protected by law. Adders, grass snakes and slow worms are all protected under Section 9(1), (9)(5)(a) and 9(5)(b) of the Wildlife and Countryside Act 1981 (as amended) in accordance with relevant guidance in the NPPF.

9. Provision shall be made for combined radio/TV/satellite antennae facilities to serve the development hereby permitted and no external radio/TV/satellite antennae shall be fixed on any individual residential property or commercial/business unit.

Reason: In the interests of the visual amenity of the area in accordance with policy DM1 of the Taunton Deane Core Strategy.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor windows to be installed in the east and west elevation of the proposed building shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1 (E) of the Taunton Deane Core Strategy.

11. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 further windows/dormer windows shall be installed in the **first floor east and west** elevation of the development hereby permitted without the further grant of planning permission (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and are fitted with obscure glazing). The type of obscure

glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of adjoining residents in accordance with Policy DM1(E) 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 and has granted planning permission.

PROPOSAL

The proposal comprises the demolition of a pair of semi-detached dwellings that will be replaced with a three storey building that would accommodate 8 flats; 4 on the first floor and 4 on the second floor; and as amended, the ground floor is seeking permission for B1 (office use) and/or, D1 (non residential institutions). The proposed accommodation on the second floor is predominately within the roof space.

Separate bin storage is proposed for the flats and ground floor occupiers and a secure cycle storage area is proposed for the flats.

Amenity space to the rear of the building is proposed to be used by occupiers of the flats.

The building is proposed to be constructed with brick and partially finished in render; the roofing material has been proposed as a flat concrete interlocking tile. It has been discussed with the applicant that the proposed concrete tile may not be acceptable, and the submission of materials could be made a condition should permission be granted

SITE DESCRIPTION AND HISTORY

The site is located in Moorland Road, in a residential area of Taunton. The immediate area comprises of 1930s semi detached dwellings in Moorland Road and Beadon Road. Nearby there are further residential dwellings that were built in the 1970s, these dwellings are due to be demolished and the site redeveloped (planning application 38/13/0278).

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Comments to follow.

LEISURE DEVELOPMENT - Following comments: -

In accordance with Local Plan Policy C4, provision for play should be made for residents of these dwellings.

A contribution of £1,571.00 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution of £209.00 per each additional dwelling should be sought for allotment provision.

Further comments are awaited due the change in the proposed use of the ground floor of the building.

HOUSING ENABLING - Supports the application: -

The development will provide a wide range of high quality affordable homes reaching Code for Sustainable Homes Level 4, Secure by Design and Lifetime Homes principles to meet an identified housing need.

NATURE CONSERVATION & RESERVES OFFICERS - Views awaited.

Representations

One letter of REPRESENTATION received from Cllr Slattery raising the following: -

- The proposed building should not dominate the existing street scene or impact on the skyline.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,
M5 - TDBCLP - Cycling,
CP8 - CP 8 ENVIRONMENT,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
NPPF - National Planning Policy Framework,

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) £8,154

Somerset County Council (Upper Tier Authority) £2,039

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £48,926

Somerset County Council (Upper Tier Authority) £12,232

DETERMINING ISSUES AND CONSIDERATIONS

Use

The submitted application was proposed to use the ground floor as a Community Hub building. Since submission this has altered due to no end user being fixed at this particular time. As such, the use of the ground floor is now proposed to be a mixed use for either B1 (offices) or D1 (non residential institutions), or a mix of both. Either of the uses is considered to be acceptable within the residential area without detriment to the amenity of nearby residential properties.

As the site is located within a residential area, within the settlement of Taunton, the principle of residential development is considered acceptable.

Design

The building has been designed to reflect the existing street scene whilst incorporating itself within the new proposed layout for this part of the estate. This has been achieved by giving the building two frontages; one facing onto Moorland Road and the other facing towards proposed new dwellings. The section of building closest to 5 Moorland Road has been designed with a roof sloping away higher from the neighbour. The remainder of the building is three storeys in height, reflective with the heights of the proposed new dwellings when taking into account the lowering of the site level to accommodate the new building.

The two side elevations facing onto the roadside have been designed with pitched roof gables that slightly project forward. Whilst the gables do not reflect the majority of the dwellings that have hipped roofs, the corner position of the building, at the beginning of Moorland Road and close to the proposed new development, is not considered detrimental to the street scene or character of the area. The rear of the building has been designed to reduce the scale of the building towards the rear of the plot and also to reflect other properties within the area.

Residential amenity

The two elevations that may cause some issue with regards to amenity are the side elevation facing towards 5 Moorland Road and the rear elevation faces towards the rear of 2-4 Beadon Road.

Within the side elevation there are three first floor windows that face towards 5 Moorland Road and these windows serve a staircase, and a kitchen/living room (open plan room). These windows may cause overlooking and loss of privacy to the neighbour so will be conditioned to have obscure glazing and restricted openings. As the windows serve an open plan room, which also has a larger window within the front elevation of

the building, obscure glazing is not considered to harm the amenity of the future occupier and will protect the amenity of the neighbour.

The rear elevation has windows within the ground floor, first floor and rooflights to the second floor. The ground floor windows are not considered to harm the amenity of the adjoining neighbours and the rooflights have been positioned at a high level as to not cause any overlooking.

Whilst the windows within the first floor elevation are 21m away from the rear windows within Beadon Road, the windows within the first floor would face towards the rear garden of 2-4 Beadon Road and cause a loss of privacy that is not considered to be acceptable. There are 4 windows, 2 serving a separate flat and providing light into an open plan living space. The flat closest to 2 Beadon Road is also served by an additional window within the side elevation. Given the close proximity of the building to the boundary (5-6m) and the overlooking windows, it is proposed that these windows have obscure glazing which would be controlled by a condition.

Highways

Detailed comments and conditions from the Highway Authority are still outstanding and the application is subject to the receipt of these comments.

Notwithstanding the above, the proposed building has provided one parking space per flat, though no parking is provided for the ground floor use of the building. Separate cycle storage is also proposed for the flats and further cycle storage should be provided for the ground floor users by means of a condition meeting the requirements of the Highway Authority; the layout of the site may have to be altered to accommodate this cycle storage.

Landscaping

New hedgerow planting is proposed along part of the boundary with 5 Moorland Road and additional tree planting is proposed on the corner of the new parking area. Any new planting will help to soften the proposals into the estate and will contribute towards the loss of tree planting across of the whole of the wider area that is proposed to be redeveloped.

Wildlife

The application has been submitted with a joint ecology report for the redevelopment of Creechbarrow Road. The report concludes that further reports are required for bats and reptiles due to slow worms being found within the area and the potential for bat roosts. Whilst comments are awaited from the Nature Conservation Officer, conditions have been included to request additional surveys prior to the demolition of the building. Any additional conditions will be added when these comments are received.

Leisure and recreation

Contributions have been sought for Outdoor Recreation and Allotments and will be made part of a legal agreement. The Leisure Development Officer has requested to make further comments due to the change of use of the ground floor of the building. Furthermore, the applicants have recently questioned the contributions and negotiations

are taking place.

Conclusion

The proposed building provides affordable accommodation and functional space on the ground floor within a residential area without detrimental harm to the visual or residential amenity of the area. The proposal is therefore considered acceptable and is 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

E/0054/06/13

EARTH BUND BEING CONSTRUCTED ALONGSIDE BACK STREAM, BISHOPS LYDEARD

OCCUPIER:

OWNER: MR J RAUCKI
26 CHURCH STREET, BISHOPS LYDEARD, TAUNTON
TA4 3AT

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of the earth bank along the stream and the bank along the northern boundary of the agricultural land at Lime Tree Farm, Bishops Lydeard.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- the removal of the earth bank along the stream and the bank along the northern boundary of the agricultural land at Lime Tree Farm, Bishops Lydeard . (Refer to plan attached).

Time for compliance - 1 month from the date of the notice coming into effect.

SITE DESCRIPTION

Lime Tree Farm is situated on the east side of Bishops Lydeard, at the end of Lydeard Mead. The site is a well established builders yard, with trees along the northern boundary, open fields to the south and west and a stream abutting the site to the south.

BACKGROUND

A complaint was brought to the Council's attention in March 2013. Investigations were carried out and it was established that the bank which had been constructed along the stream was in two different ownerships. Contact was made with both owners and planning applications were submitted in an attempt to regularise the situation in May, but were unable to be validated as documents were missing. Both applications were subsequently validated and refused (see Planning History)

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

Two earth embankments have been constructed, one bank is formed along the northern boundary of the agricultural land, between land within the ownership of the

builders yard and the neighbouring land, in separate ownership. The other bank is formed alongside the stream to the west of the agricultural land. Both of the banks, as viewed on site, are approximately 1 metre in height.

The construction of the banks is considered to be an engineering operation that amounts to development (as set out in Section 55 of the Town and Country Planning Act 1990). No permitted development rights exist which would allow the works, nor do the benefit from the express grant of planning permission. The works are therefore a breach of planning control .

RELEVANT PLANNING HISTORY

Planning permission was refused for residential development on the site in October 2002 (ref: 06/00/0027) and this was dismissed at appeal in June 2003.

A further application for 7 dwellings was subsequently refused in September 2004 (ref: 06/04/0025).

Planning permission was granted in December 2010 by committee for the erection of a replacement builders store with office accommodation (ref: 06/10/0045), which has since been constructed.

Retrospective planning permission was refused for the creation of the earth banks on 19th August 2013 due to the potential for altering water flows in the functional flood plain and their unnatural appearance in landscape.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Paragraph 207
Section 10

Taunton Deane Borough Council Core Strategy 2011-2028

DM1 – General Requirements
CP8 – Environment

DETERMINING ISSUES AND CONSIDERATIONS

Paragraph 100 of the National Planning Policy Framework requires the safeguarding of land from development that is required for current and future flood management. The site falls within Flood Zone 3 (High Risk Area) and the agricultural land, on which the earth banks have been constructed, forms a fundamental part of the functional flood plain in times of flood. As a result of the creation of the earth banks, it is, on the balance of probability, highly likely that flood flows would be directed towards third party land. In the absence of a Flood Risk Assessment it can not be demonstrated that the creation of the earth banks do not lead to increased flood risk to neighbouring properties. Furthermore, no evidence has been submitted to demonstrate that the scheme does not result in an increased impact upon water quality, wildlife that may be using the site or their habitats. As such, the proposal is contrary to Policy CP8 of the Taunton Deane Core Strategy and Section 10 of the National Planning Policy Framework.

The earth banks are positioned on agricultural land that appears rural in nature. The earth banks do not appear as natural features and are considered to harm the natural landscape character of the river and the rural character of the countryside. As such, the proposal is contrary to Policies DM1 and CP8 of the Taunton Deane Local Plan.

It is therefore considered necessary to follow a precautionary principle and serve an enforcement notice that requires the removal of the earth banks and restore the functional floodplain back to its previous condition.

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

PLANNING OFFICER: Mrs K Walker
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

E/0171/06/13

FORMATION OF EARTH BUND FOLLOWING REFUSAL OF PLANNING PERMISSION AT THE BARTON, BISHOPS LYDEARD, TAUNTON

OCCUPIER:

OWNER: MR N WEBBER
PITPEAR FARM, PITPEAR LANE, LYDEARD ST LAWRENCE
TAUNTON
TA4 3RA

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of the earth bank along the stream that runs at The Barton, Bishops Lydeard.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- the removal of the earth bank along the stream at The Barton, Bishops Lydeard . (Refer to plan attached).

Time for compliance - 1 month from the date of the notice coming into effect.

SITE DESCRIPTION

The site is a pasture field situated on the east side of Bishops Lydeard, to the rear of the properties on Church Street and Piffin Lane. To the south is Lime Tree Farm, a well established builders yard. A stream abuts the site to the west with open fields to the other side of this and a row of mature trees runs along the edge of the stream. The bank is approximately 1 metre in height with a rounded profile. The embankment does not at the current time extend along the full length of the riverside boundary, leaving a small section at the southern end.

BACKGROUND

A complaint was brought to the Council's attention in March 2013. Investigations were carried out and it was established that the bank which had been constructed along the stream was in two different ownerships. Contact was made with both owners and planning applications were submitted in an attempt to regularise the situation in May, but were unable to be validated as documents were missing. Both applications were subsequently validated and refused (see Planning History)

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

An earth embankment has been constructed alongside the river to the west of the agricultural land and is approximately 1 metre in height.

The construction of the banks is considered to be an engineering operation that amounts to development (as set out in Section 55 of the Town and Country Planning Act 1990). No permitted development rights exist which would allow the works, nor do the benefit from the express grant of planning permission. The works are therefore a breach of planning control .

RELEVANT PLANNING HISTORY

Retrospective planning permission was refused for the creation of the earth banks on 5th September 2013 due to the potential for altering water flows in the functional flood plain and their unnatural appearance in landscape.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Paragraph 207
Section 10

Taunton Deane Borough Council Core Strategy 2011-2028

DM1 – General Requirements
CP8 – Environment

DETERMINING ISSUES AND CONSIDERATIONS

Paragraph 100 of the National Planning Policy Framework requires the safeguarding of land from development that is required for current and future flood management. The site falls within Flood Zone 3 (High Risk Area) and the agricultural land, on which the earth banks have been constructed, forms a fundamental part of the functional flood plain in times of flood. As a result of the creation of the earth banks, it is, on the balance of probability, highly likely that flood flows would be directed towards third party land. In the absence of a Flood Risk Assessment it can not been demonstrated that the creation of the earth banks do not lead to increased flood risk to neighbouring properties. Furthermore, no evidence has been submitted to demonstrate that the scheme does not result in an increased impact upon water quality, wildlife that may be using the site or their habitats. As such, the proposal is contrary to Policy CP8 of the Taunton Deane Core Strategy and Section 10 of the National Planning Policy Framework.

The earth banks are positioned on agricultural land that appears rural in nature. The earth banks do not appear as natural features and are considered to harm the natural landscape character of the river and the rural character of the countryside. As such, the proposal is contrary to Policies DM1 and CP8 of the Taunton Deane Local Plan.

It is therefore considered necessary to follow a precautionary principle and serve an enforcement notice that requires the removal of the earth banks and restore the

functional floodplain back to its previous condition.

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

PLANNING OFFICER: Mrs K Walker
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

E/0315/27/11

**CARAVAN OUTSIDE OF DOMESTIC CURTILAGE AT KNAPP FARM,
HILLFARRANCE ROAD, HILLFARRANCE, TAUNTON**

OCCUPIER:

OWNER: TRACEY DALEY & MIKE PEARCE
KNAPP FARM, HILLFARRANCE ROAD, HILLFARRANCE
TAUNTON
TA4 1AN

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of residential occupation of and removal from the land the mobile home.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the Notice has not been complied with.

The Enforcement Notice shall require -

- the cessation of the residential use of the mobile home.
- the removal from the land of the mobile home, fencing and other items associated with the domestication of the agricultural field

Time for compliance - 3 months from the date of the notice coming into effect.

SITE DESCRIPTION

Knapp Farm is a Grade II listed dwelling that has undergone extensive and sympathetic renovation. The site comprises a range of outbuildings and three adjoining fields. Two fields have field gate access to the classified highway. There is a further domestic access between the dwelling and the outbuilding onto a small yard area. A public right of way crosses the site and utilises the existing field gate in the northern field to gain access to the highway. The mobile home is located north east of the dwelling and outside the recognised curtilage of the property.

BACKGROUND

The mobile home was brought to the site shortly after the purchase of the dwelling. The condition of the dwelling was such that it was uninhabitable and therefore alternative living arrangements had to be provided. The mobile home was sited outside the domestic curtilage of the dwelling. It transpired that the owners were not intending to reside in the mobile home but their daughter and her partner would be as they were to be employed on the renovation project. The works continued at a slow pace and concerns were raised that the mobile home was still being occupied even though the house was nearing completion. A visit was made on 5 July 2013 and it was clear from that visit that Knapp Farm was capable of being occupied and therefore the use of the mobile home should cease. The owners intend to carry out further projects and wish for

the mobile home to remain. They were informed by letter that an application should be submitted to retain the mobile home within 56 days from the date of the letter. To date no valid application has been received.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The use of the mobile home whilst the property renovations were taking place was considered to be permitted development. Now that the dwelling is capable of being occupied the use of the mobile home for residential purposes is unauthorised and should be removed from the land. The mobile home can be relocated to within the domestic curtilage of the dwelling and used as ancillary accommodation but the site would need to be occupied and used as a single residential unit. At present no persons reside in the main house.

RELEVANT PLANNING HISTORY

There have been various applications for listed building consent for alterations to the main dwelling, and applications for new agricultural tracks and access alterations.

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

NPPF paragraph 207

Taunton Deane Local Plan 2011 - 2028

DM1 - General Requirements

DM2 - Development in the Countryside

SP1 - Sustainable Development Locations

DETERMINING ISSUES AND CONSIDERATIONS

There have been various applications for listed building consent for alterations to the main dwelling, and applications for new agricultural tracks and access alterations. None are considered to have a bearing on this matter.

Now that the dwelling is capable of occupation, the adjoining caravan represents a new dwelling in open countryside. The site is located in a remote location, distanced from facilities and services required for day to day living. It is, therefore, considered that residents of the caravan would be reliant on the private motor vehicle for most of their day to day needs.

New dwellings in locations such as this are considered to be unsustainable in transport terms and are contrary to the settlement policies in the Taunton Deane Core Strategy, specifically Policies SP1 and DM2. There do not appear to be any other reasons or material considerations that would indicate that the stationing of the caravan would be acceptable and outweigh those settlement policies.

It is, therefore considered that the unauthorised development is unacceptable. If any application for planning permission were made, it would likely be recommended for

refusal. It is, therefore, considered to be expedient to take enforcement action.

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

PLANNING OFFICER: Mr M Bale
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

TAUNTON DEANE BOROUGH COUNCIL

MISCELLANEOUS REPORT

Planning Committee – 25 September 2013

E/0163/30/10

Land used for storage of builders materials, Minster Edge, Pitminster

OCCUPIER:

OWNER: MR P A ADAMS
MINSTER EDGE, PITMINSTER, TAUNTON
SOMERSET
TA3 7AT

PURPOSE OF REPORT

To inform members of the situation regarding the enforcement action authorised on 18 April 2012 in respect of the storage of building materials at Minsters Edge, Pitminster.

SITE DESCRIPTION

The site is located to the North of Minster Edge and comprises a narrow strip of land approx 100 m long and on average 10m wide. It is accessed from an existing access which also serves a Wessex Water facility. The site is adjacent to the road leading from Pitminster to Poundisford and is screened from the highway by a substantial hedge and tree belt.

BACKGROUND

Members resolved to authorise the serving of an Enforcement notice in respect of the unauthorised storage of building materials. The Notice was served on 11 July 2012 and subsequently appealed. The Planning Inspector dismissed the appeal on 7 December 2012 and upheld the notice with a corrected site plan. The owner then submitted a Lawful Development application bringing forward additional evidence that the land had been used for the storage of building materials for more than 10 years. This was supported by two statutory declarations.

A Certificate of Lawfulness was subsequently issued for the “storage of building materials pursuant to Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)”

Therefore it is no longer appropriate for the Enforcement Notice to be registered on the land.

RECOMMENDATION

Members authorise the removal of the Enforcement Notice from the land.

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

48/13/0050

MR & MRS N CAVILL

**CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL,
CREATION OF ACCESS AND ERECTION OF GARAGE AT 2 HILL FARM
COTTAGES, WEST MONKTON (PART RETENTION OF WORKS ALREADY
UNDERTAKEN)**

Grid Reference: 325207.129161

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

- (A4) DrNo 01 Location Plan
- (A4) DrNo 02 Block Plan
- (A2) DrNo 09 Rev B Proposed Plans and Elevations
- (A3) DrNo 10 Rev A Proposed Master Site Plan
- (A4) DrNo 11 Proposed Block Plan

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

2. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Hill Farm Cottages.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in the NPPF and prevent any commercial use that may be inappropriate to the rural character of the area and has the potential to lead to unacceptable transport movements that may be unacceptable in terms of highway safety and foster increased need to travel.

3. 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 building, structure or other enclosure shall be constructed or placed on the site other than that expressly authorised by this permission without the further grant of planning permission.

Reason: To ensure that the development does not result in unacceptable harm to

the rural character of the area, as set out in Taunton Deane Core Strategy Policies DM1 and CP8.

4. (i) The landscaping/planting scheme shown on the submitted plan 1316 09B shall be completely carried out within the first available planting season from the date of commencement of the development.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 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 has negotiated amendments to the application to enable the grant of planning permission.
2. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation or alteration of an access to the highway will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Area Highway offices - Taunton Deane Area Highways Office - Burton Place, Taunton. The Area Highways Office, is contactable on the following telephone number No. 0845 345 9155. Applications for such a permit should be made at least four weeks before access works are intended to commence.

PROPOSAL

The property is a brick and tile semi-detached cottage, attached to a property of almost identical design. The cottages lie end on to the country lane in a remote rural location, with No.1 being positioned closest to the lane. No.2 has formerly had a garage located against the road to the south of the garden of No.1, which has recently been removed.

At the time of the site visit, works had commenced on site with a metal field gate situated at the new access point, which is formerly where the garage was sited. In addition, hardstanding (gravel) had been laid on the driveway to the front (south) of the cottages, the existing hedgerow/fruit trees had been removed and excavation works had taken place to the west of the cottage to lower the ground level to facilitate the garage and driveway.

This application seeks planning permission for the creation of the access on the site of the former garage, change of use of agricultural land to residential to create the

driveway to the south and west and for the erection of a garage. The garage would provide parking/storage at ground floor level with a hobby room above and would be sited on the proposed extended curtilage to the west. It was initially proposed that the garage would be constructed of render, however following concerns raised by the case officer, the front elevation has now been amended to brick to match the existing cottage. It has also been confirmed that the roof would be of concrete tiles to match the cottage. A post and rail fence with a native species hedgerow to the south and west of the driveway is proposed and native species trees will be incorporated within this hedgerow to compensate for trees lost within the site.

This application comes before committee as the applicant is a Councillor.

An application for a two-storey side extension and porch to the front has recently been submitted and is currently being processed but does not form part of this application.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Recommend Standing Advice

CREATION/ALTERATION OF A DRIVEWAY - REQUIREMENTS

- 1) In Somerset up to two dwellings may be served by a driveway. This advice will therefore apply, provided that the proposal does not constitute the laying out of a street. As defined within the Highways Act 1980.*
- 2) Visibility splays shall be in accordance with Manual for Streets visibility splay criteria (Appendix 11.3) unless otherwise stated. The visibility splays will be required to be provided within the control of the applicant, which is allocated within the red/blue lines of the applicants' boundary or highway land.*
- 3) Any access for a single residential unit should have a minimum width of 3.0 metres. Where an access serves more than one unit, adequate width to pass two vehicles should be secured. Recommend a minimum width of 5.0 metres over a minimum of 6.0 metre length.*
- 4) The gradient of any driveway shall not exceed 1 in 10, for at least the first 6.0 metres from the edge of the adopted highway.*
- 5) Any new or altered access, must be consolidated or surfaced for at least the first 5.0 metres of its length, as measured from the edge of the adjoining carriageway, (not loose stone or gravel).*
- 6) Positive drainage shall be provided, to prevent the discharge of water from private land to the adopted highway. It may also be considered necessary to take measures to prevent the 'run off' of water from the adopted highway onto private land. Details of such an arrangement should be approved by the Highway Authority prior to implementation.*
- 7) Any entrance gates shall be hung to open inwards and shall be set back a minimum distance of 5.0 metres from the carriageway edge. Gates for pedestrian only access should be hung to open inwards.*
- 8) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation or alteration of an access to the highway will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Area Highway offices - Taunton Deane Area Highways Office*

- *Burton Place, Taunton. The Area Highways Office, is contactable on the following telephone number No. 0845 345 9155. Applications for such a permit should be made at least four weeks before access works are intended to commence.*

WEST MONKTON PARISH COUNCIL - The Parish Council support this application. We request that the tiles used should match the existing.

LANDSCAPE - My two main concerns are the loss of the existing mature hedgerows and change of farmed landscaped to domestic curtilage. The loss of hedgerow will open up the garden and new buildings to the wider countryside. The proposals will be contrary to CP8. If the application is to be approved I recommend the following conditions: Hedges: HD02 (new hedge and bank required)

Representations

None received at the time of writing

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

The proposed change of use relates to a strip of land 4.5 metres wide to the front of the cottages to facilitate a new driveway and a further strip 10 metres wide to the west, running the full depth of the residential curtilage. The proposed garage would be sited on this side element, with the driveway running to it. Whilst these extensions would encroach out into the countryside away from the current domestic boundary, the extension of 4.5 metres, which is visible from the access point is not considered to encroach excessively, to the detriment of the appearance of the countryside. The further extension of residential curtilage lies to the west of the cottage, set some distance from the road and screened by the residential curtilage to both of the existing cottages, along with the roadside hedgerows. It would not therefore be clearly visible from public viewpoint. As such, the encroachment of 10 metres into the adjacent field is not considered to be to an unacceptable level that would result in unacceptable harm to the rural character of the landscape, subject to hedgerow planting to the south and west and this has been conditioned accordingly.

It is important to note that the new access is in fact on the footprint of the former garage and therefore there were already car movements in and out at that point. In addition, the large layby area to the north was already present prior to the access works being undertaken. The visibility splays in either direction are the same as when the garage was present and as such, the situation is not considered to be any worse. The access width is over the minimum requirement of 3 metres and there are no concerns regarding the gradient. An access, whether new or altered, should be consolidated over the first 5 metres, however the agent has confirmed that the former access to the

garage and layby were previously gravel and it does not therefore seem reasonable to insist that this is now properly consolidated. On this basis, it is not a permeable surface that would increase run-off onto the highway and the entrance gate is hung to open inwards and set back over the minimum 5 metre requirement from the highway edge. As such, the scheme is not deemed to result in a material increased harm to highway safety.

The proposed garage is a large structure, although two-storey, it is designed with a reasonably low eaves level and the ridge is significantly lower than the cottage. It is not therefore deemed to appear excessively dominating. The garage is of a gabled roof design and concrete roof tiles to match that of the cottage, with one rooflight in each side, which is considered an appropriate design.

It was originally proposed for the garage to be render, however concerns were raised that this would appear out of character and stark alongside the brick cottage. The garage has now been amended to brick on the front elevation, which appears more in keeping with the adjacent cottage. It would still be constructed of render to the sides and rear, however as the site of the garage has been lowered, the adjacent land lies on a higher level and the proposed hedge to the west would assist in screening it from that direction. The field to the north also lies on a higher level, resulting in the hedge to the rear of the garage lying on a high level, screening the majority of it from the north, with only the upper element being visible above this hedge, part of which would be cedar cladding. The garage is situated to the north-west of the cottage and would not therefore be visible from the access point, whilst mature trees along the roadside boundary would prevent clear views from the approach along the country lane from the north.

As such, the proposal is not considered to cause excessive harm to the rural character of the countryside and in order to maintain this rural appearance, a condition is attached that no further structures should be erected on the land without obtaining further planning permission. The proposed extended curtilage and garage would be to the side of No.2, away from the adjoining residential property. Whilst the access will run along the southern boundary of the front garden of no.1, this would be set away over 12 metres from the dwelling itself and will only serve one dwelling. The proposal is not therefore considered to result in a material increased impact upon the living conditions of the occupiers of the adjacent property.

As work has already commenced on site, no time limit condition is attached.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

Planning Committee – 25 September 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Denington, A Govier, Hill, Mrs Hill,
Miss James, Morrell, Tooze, Watson, A Wedderkopp and
D Wedderkopp

Officers: - Gareth Clifford (East Area Co-ordinator), Matthew Bale (West Area
Co-ordinator), Tim Burton (Planning and Development Manager), Maria
Casey (Planning and Litigation Solicitor), Roy Pinney (Legal Services
Manager) and Tracey Meadows (Corporate Support Officer)

Also present: Councillors Mrs Adkins, Edwards and Mrs Warmington in connection
with application Nos 38/13/0278 and 38/13/0307 and Mrs A Elder, a
Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

109. Apologies/Substitutions

Apologies: Councillors Gaines and Wren

Substitutions: Councillor Denington for Councillor Wren;
Councillor A Govier for Councillor Gaines

110. Minutes

The minutes of the meeting of the Planning Committee held on the
4 September 2013, were taken and read and were signed.

111. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillors Coles, A Govier, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Coles also declared that he knew the speaker for item Nos 38/13/0278 and 38/13/0307. He felt that he had not fettered his discretion. Councillor A Govier declared that item No 43/13/0025 had been discussed at the Wellington Town Council Meeting. He too felt that he had not fettered his discretion. Councillor A Wedderkopp declared that he had discussed item No 42/13/0018 but felt that he had not fettered his discretion. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. He also declared that he was acquainted with the speaker for item Nos 38/13/0278 and 38/13/0307 but felt that he had not fettered his discretion. Councillor Watson felt that he had fettered his discretion on item Nos E/0054/06/13 and E/0171/06/13. He left the meeting whilst the items were discussed.

112. 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:-

48/13/0050

Change of use of land from agricultural to residential, creation of access and erection of garage at 2 Hill Farm Cottages, West Monkton (part retention of works already undertaken)

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A4) DrNo 01 Location Plan;
 - (A4) DrNo 02 Block Plan;
 - (A2) DrNo 09 Rev B Proposed Plans and Elevations;
 - (A3) DrNo 10 Rev A Proposed Master Site Plan;
 - (A4) DrNo 11 Proposed Block Plan;
- (b) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling know as 2 Hill Farm Cottages;
- (c) 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 building, structure or other enclosure shall be constructed or placed on the site other than that expressly authorised by this permission without the further grant of planning permission;
- (d) (i) The landscaping/planting scheme shown on the submitted plan No 1316 09B shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs or similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

(Notes to applicant: - (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the applicant to enable the grant of planning

permission; (2) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant was advised that the creation or alternation of an access to the highway will require a Section 184 Permit. This must be obtained from the Highway Service Manager. Application for such a permit should be made at least four weeks before access works are intended to commence.)

43/13/0025

Erection of a 14 No. Bedroom Nursing Home for the elderly at The Wheelhouse, Linden Hill, Wellington (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:-
- (A1) DrNo 12.35.09 Plans;
 - (A1) DrNo 12.35.10 Plans 1 of 2;
 - (A1)12.35.11 Plans 2 of 2;
 - (A1); DrNo 12.35.12B Roof and Block Plan;
 - (A1) DrNo 12.35.13A Site and Block Plan;
 - (A1) DrNo 12.35.14 Site Plan;
 - (A1) DrNo 12.35.15A Elevations;
 - (A1) DrNo 12.35.16A Sections;
 - (A1) DrNo 12.35.20A Floor Plans;
 - (A1) DrNo 12.35.21 Floor Plans;
- (c) Prior to implementation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above;
- (d) (i) Prior to implementation, 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 approved scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (e) Before any part of the permitted development is commenced, the hedges and trees to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered;
- (f) Prior to the building hereby permitted first being brought into use, a Travel Plan Statement shall be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan Statement shall include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There shall be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures shall continue to be implemented as long as any part of the development is occupied;
- (g) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points to the centre of the carriageway 33m to the North of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained in perpetuity;
- (h) The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the building hereby permitted is first brought into use and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (i) No development shall commence unless a Construction Environmental Management Plan had been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:-
- Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

- (j) The building hereby permitted shall not be brought into use until details of bin storage facilities associated with development have first been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved bin storage shall be constructed and fully provided prior to the building first being brought into use and shall thereafter be retained in perpetuity;
- (k) The development hereby permitted shall not be commenced until details of a strategy to protect bats and birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology's submitted report, dated January 2013 and the Bat Emergency Survey required by Condition (l) of this permission, and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
 - Measures for the retention and replacement and enhancement of places of rest for the species.
- Once approved the works shall be implemented in accordance with the approved details and timings of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses has been fully implemented;
- (l) The development hereby permitted shall not commence (including demolition) until a bat emergency survey report has been submitted to, and approved in writing by, the Local Planning Authority. The survey(s) shall ascertain any use of the site by bats. They shall be undertaken by an appropriately qualified person at an appropriate time of year (May to July) and use techniques and equipment appropriate to the circumstances;
- (m) The building hereby permitted (and its associated land) shall be used solely as a Nursing Home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification);
- (n) The development shall provide for covered and secure storage facilities for two bicycles details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Such facilities shall be provided prior to the building to which it relates first being brought into use and shall thereafter be retained at all times for those purposes.

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the

Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (2) Conditions (k) and (l) of this permission require the submission of information to protect bats. Applicant was therefore advised that the Local Planning Authority will expect to see a detailed method statement clearly stating how bats (if present) and birds will be protected through the development process and to be provided with a mitigation proposal that will maintain a favourable conservation status for any bats that are affected by the development proposal; (3) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (4) Applicant was advised that nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed; (5) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (6) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.)

113. Outline planning application for a residential development of up to 250 No houses including highway access off Honiton Road and ancillary sports and recreation facilities on Land North of Sweethay Lane on Land known as Broadlands, Honiton Road, Staplehay (as amended) (42/13/0018)

Resolved that this application be deferred to allow the applicants to explore the potential to include community facilities and other issues raised in the agent's letter dated 24 September 2013.

114. Demolition of buildings and erection of 84 No dwellings with associated highway infrastructure, public open space and landscaping on land at Creechbarrow Road, Taunton (38/13/0278)

Reported this application.

Resolved that subject to the receipt of:-

- (1) Comments and conditions from the County Highway Authority and the Nature Conservation and Reserves Officer;
- (2) Relevant amended plans; and
- (3) The applicant entering into an appropriate legal agreement to secure the following:-
 - Contributions of £1571 per additional dwellings for active outdoor recreation;
 - Contributions of £209 per additional dwelling for allotment provision; and

- Contributions of £1,208 per additional dwelling for local Community Hall facilities,

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

(a) The development hereby permitted shall be begun within three years of the date of this permission;

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

- (A1) DrNo SPP1793 P 02 Rev A Landscape Layout;
- (A3) DrNo SPP1793 P 02 Boundary Types;
- (A1) DrNo 3272/101 Rev L Proposed Site Plan;
- (A1) DrNo 3272/102 Proposed Solar Panel Plan;
- (A1) DrNo C13256-C101 Rev C Proposed Foul and Surface Water Drainage Strategy;
- (A3) DrNo 3272/200 Location Plan;
- (A3) DrNo 3272/010 2B4P Floor Plans;
- (A3) DrNo 3272/011 3B5P V1 Floor Plans;
- (A3) DrNo 3272/012 3B5P Floor Plans;
- (A3) DrNo 3272/013 3B5P V3 Floor Plans;
- (A3) DrNo 3272/014 3B5P V4 Floor Plans;
- (A3) DrNo 3272/015 4B7P V1 Floor Plans;
- (A3) DrNo 3272/016 4B7P V2 Floor Plans;
- (A3) DrNo 3272/017 5B8P Floor Plans;
- (A3) DrNo 3272/018 6B9P Floor Plans;
- (A3) DrNo 3272/019 Rev A 1B2P FOS Floor Plans;
- (A3) DrNo 3272/020 Rev A 2B3P FOG V1 Floor Plans;
- (A3) DrNo 3272/021 Rev A 2B3P FOG V2 Floor Plans;
- (A3) DrNo 3272/022 Rev A2B4P FOG V3 Floor Plans;
- (A3) DrNo 3272/023 Rev A 1B2P and 2B4P FOG V4 Ground Floor Plan;
- (A3) DrNo 3272/024 1B2P & 2B4P FOG V4 First Floor Plan;
- (A3) DrNo 3272/025 2B3P Flats Floor Plans;
- (A1) DrNo 3272/026 Elderly Flats plots 16-30 Floor Plans;
- (A1) DrNo 3272/027 Elderly Flats Plots 54-68 Floor Plans;
- (A3) DrNo 3272/029 2B4P Elevations Option A;
- (A3) DrNo 3272/030 2B4P Elevations Option B;
- (A3) DrNo 3272/031 3B5P V1 Elevations Option A;
- (A3) DrNo 3272/032 3B5P V1 Elevations Option B;
- (A3) DrNo 3272/033 3B5P V2 Elevations;
- (A3) DrNo 3272/034 3B5P V3 Elevations;
- (A3) DrNo 3272/035 3B5P V4 Elevations;
- (A3) DrNo 3272/036 4B7P V1 Elevations;
- (A3) DrNo 3272/037 4B7P V2 Elevations;

- (A3) DrNo 3272/038 5B8P Elevations;
- (A3) DrNo 3272/039 6B9P Elevations;
- (A3) DrNo 3272/040 1B2P FOS Elevations;
- (A3) DrNo 3272/041 2B3P FOG V1 Elevations;
- (A3) DrNo 3272/042 2B3P FOG V2 Elevations;
- (A3) DrNo 3272/043 2B4P FOG V3 Elevations
- (A3) DrNo 3272/044 1B2P and 2B4P FOG V 4 Elevations 1 of 2;
- (A3) DrNo 3272/045 1B2P and 2B4P FOG V 4 Elevations 2 of 2;
- (A3) DrNo 3272/046 2B3P Flat Elevations 1 of 2;
- (A3) DrNo 3272/047 2B3P Flat Elevations 2 of 2;
- (A1) DrNo 3272/048 Elderly Flats Plots 16-30 Elevations;
- (A1) DrNo 3272/049 Elderly Flats Plots 54-68 Elevations;
- (A1) DrNo 3272/050 Existing & Proposed Site Sections 1 of 2;
- (A1) DrNo 3272/051 Existing & Proposed Site Sections 2 of 2;
- (A1) DrNo 3272/053 Street Scene 1 of 3;
- (A1) DrNo 3272/054 Rev A Street Scene 2 of 3;
- (A1) DrNo 3272/055 Rev A Street Scene 3 of 3;
- (A3) DrNo 3272/056 Cycle Store;
- (A3) DrNo 3272/058 Plot 13 Rear Garden Study;
- (A1) DrNo 5998 Site Survey 1 of 2; and
- (A1) DrNo 5998 Site Survey 2 of 2;

- (c) No development, other than demolition and ground works, shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development. (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The trees to be retained on site shall be protected in accordance with details outlined within the submitted tree report by Hellis Tree Consultants dated June 2013. Any fencing to protect the retained trees shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without prior written agreement of the Local Planning Authority.

The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012;

- (f) The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority;
- (g) The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority;
- (h) The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath to at least base course level between the dwelling and existing highway;
- (i) The applicant shall ensure that all vehicles leaving the site are in such condition as not to deposit mud, slurry or other debris on the highway. In particular, means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been submitted to, and agreed in writing by, the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the construction at the site discontinues;
- (j) No development, other than demolition, shall commence until a detailed drainage strategy scheme, including a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development had been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in strict accordance with the principles shown in the submitted Drainage Strategy Report, Drawing Ref; C13256-C001C. The scheme shall include details of a maintenance regime together with confirmed drainage layout with pipe sizes, hydrobrakes, etc. The scheme shall subsequently be implemented in accordance with the approved details within a timetable to be agreed by the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion;
- (k) Details of the additional gas monitoring investigations shall be provided to the Local Planning Authority when available and then, if required, a remediation Method Statement, details of which shall be implemented prior to the occupation of the dwellings hereby approved. and obtain written approval from the Local Planning Authority;
- (l) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out

until the developer has submitted a Remediation Strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The Remediation Strategy shall be implemented as approved;

(m) Development, including demolition, shall not commence on the site of the four properties in Moorland Road, as identified in the submitted Reptile Survey, until details of a strategy to protect slow worms has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Encompass Limited's submitted report, dated September 2013 and include:-

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

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

(n) Development shall not commence until a further Reptile Survey has been undertaken and results, along with details of a scheme designed to avoid killing or injuring slow worms has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority;

(o) Prior to the occupation of any dwelling hereby approved, a Public Art Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The Strategy shall include details of time scales of implementation and management of the public art proposed. Details of the proposed public art shall also be agreed with the Local Planning Authority. The agreed public art shall subsequently be implemented and maintained in accordance with the details of the approved Public Art Strategy and its findings;

(p) Finished floor levels shall be as proposed on the approved plans unless otherwise agreed in writing by the Local Planning Authority;

(q) A Children's Play Area shall be provided in accordance with the Local Planning Authority's approved standards and details of the play equipment to be provided on site shall be agreed in writing and laid out to the satisfaction of the Local Planning Authority within 18 months of the date of commencement unless otherwise agreed in writing by the Local Planning

Authority and shall thereafter be used solely for the purpose of children's recreation.

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had 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 Environment Agency was pleased to see that the discharge rates from the developed site will be limited to the pre-development Qbar rate. They are not overly supportive of the use of underground attenuation below the pond and would not normally support such an approach. However, in this case they are willing to accept this given the site constraints. Please note the water network designed for the proposed development shows that surface water would come out of the pipe network at several locations for a 1 in 100 year plus climate change event. The applicant will have to make sure that overland flood routes are identified and make sure that no properties are flooded as a result. In addition, the design should ensure that surface water returns to the pipe network and is attenuated prior to discharging from the site at the agreed rate; (3) Applicant was advised that any proposed works must not encroach on to the width of the footpath. The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council have maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. Somerset County Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so; (4) Applicant was advised that if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council's Rights of Way Group:-

- A Public Right of Way (PROW) being made less convenient for continued public use;
- New furniture being needed along PROW;
- Changes to the surface of a PROW being needed; and
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW, that a temporary closure order would be necessary and a suitable alternative route must be provided; (5) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need or planning consent) must comply with the appropriate wildlife legislation.)

115. Demolition of buildings and erection of residential building comprising 8 No flats, ground floor Community Hub (B1/D1 use) and associated parking and landscaping, at 1 and 3 Moorland Road, Taunton (38/13/0307)

Reported this application.

Resolved that subject to:-

- (1) The receipt of comments and conditions from the County Highway Authority and the Nature Conservation and Reserves Officer; and
- (2) The applicant entering into an appropriate legal agreement to secure the following:-
 - Contributions of £1571 per additional dwelling for active outdoor recreation;
 - Contributions of £209 per additional dwelling for allotment provision; and
 - Contributions of £1,208 per additional dwelling for local community hall facilities,

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

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo 3272/201 Location Plan;
 - (A1) DrNo 5998 Site Survey;
 - (A1) DrNo 3272/100A Proposed Site Plan;
 - (A1) DrNo 3272/028 Rev A Community HUB and Flats Floor Plans and Elevations;
 - (A1) DrNo 3272/057 Existing and Proposed Site Sections;
 - (A1) DrNo 3272/103 Proposed Solar Panel Plan;
 - (A1) DrNo SPP1793P02 Rev A Landscape Layout;
- (c) No development, other than demolition of the existing dwellings, shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) Prior to the occupation of the ground floor of the building hereby permitted, covered cycle spaces for spaces for staff and visitor bicycles shall be laid

out, constructed and drained in accordance with a detailed scheme to be submitted to, and approved in writing by, the Local Planning Authority;

- (e) No dwelling shall be occupied until cycle and bin storage has been provided for within the site in accordance with the approved plans. The cycle and bin storage areas shall thereafter be retained;
- (f) The parking spaces hereby permitted shall be surfaced in permeable materials and provision shall be made for the disposal of surface water within the site, in accordance with details to be agreed and implemented prior to the occupation of the dwellings to which it relates and shall thereafter be retained as such;
- (g) Work shall not commence, including demolition, until a further Bat Survey has been undertaken and the results along with details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats, has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme has been fully implemented;
- (h) Development, including demolition, shall not commence on the site of the four properties in Moorland Road, as identified in the submitted Reptile Survey, until details of a strategy to protect slow worms have been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Encompass Ecology Limited's submitted report, dated September 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; and
 - Measures for the retention and replacement and enhancement of places of rest for the species.Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for slow worms shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses has been fully implemented;
- (i) Provision shall be made for combined radio/TV/satellite antennae facilities to serve the development hereby permitted and no external radio/TV/satellite antennae shall be fixed on any individual residential property or commercial/ business unit;
- (j) Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the first floor windows to be installed in the east and north elevation of the proposed building shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained;

(k) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 further windows/dormer windows shall be installed in the first floor east and north elevation of the development hereby permitted without the further grant of planning permission (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed and are fitted with obscure glazing). The type of obscure glazing shall be submitted to, and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained;

(l) Finished floor levels shall be as proposed on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

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

116. E/0054/06/13 – Earth bund being constructed alongside Back Stream, Bishops Lydeard

Reported that it had come to the attention of the Council that earth banks had been constructed without planning permission along Back Stream and along the northern boundary of the agricultural land at Lime Tree Farm, Bishops Lydeard.

Contact had been made with the owners of the land and a planning application had been submitted in an attempt to regularise the situation.

However, although the application had subsequently been validated and refused, the earth banks currently remained in position.

Resolved that:-

(1) Enforcement action be authorised to seek the removal of the earth banks along Back Stream and along the northern boundary of the agricultural land at Lime Tree Farm, Bishops Lydeard to restore the functional floodplain to its previous condition;

- (2) Any enforcement served should have a one month compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

117. E/0171/06/13 – Formation of earth bund at The Barton, Bishops Lydeard, Taunton

Reported that it had come to the attention of the Council that an earth bank had been constructed without planning permission along the stream that ran at The Barton, Bishops Lydeard.

Contact had been made with the owner of the land and a planning application had been submitted in an attempt to regularise the situation.

However, although the application had subsequently been validated and refused, the earth bank currently remained in position.

Resolved that:-

- (1) Enforcement action be authorised to seek the removal of the earth bank along the stream that ran at The Barton, Bishops Lydeard to restore the functional floodplain back to its previous condition;
- (2) Any enforcement served should have a one month compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

118. E/0315/27/11 – Caravan outside of domestic curtilage at Knapp Farm, Hillfarrance Road, Hillfarrance, Taunton

Reported that the continued use of a mobile home outside the domestic curtilage of Knapp Farm, Hillfarrance Road, Hillfarrance was unnecessary due to the fact that the farmhouse was now considered capable of being occupied.

The mobile home was brought onto the site shortly after the purchase of the dwelling, due to the dwelling being uninhabitable and therefore alternative living arrangements had to be provided. However that need was no longer apparent and the continued occupation of the mobile home was therefore unauthorised.

Resolved that:-

- (1) Enforcement action be authorised to secure the cessation of the residential use of the mobile home and its removal from the land at Knapp Farm, Hillfarrance Road, Hillfarrance
- (2) Any enforcement served should have a nine month compliance period;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

119. E/0163/30/10 – Land used for storage of builders materials, Minster Edge, Pitminster

Reported that since serving the enforcement notice on 18 April 2012, the owner had submitted a Lawful Development application and additional evidence that the land had been used for the storage of building materials for more than 10 years. This had been supported by two statutory declarations.

A certificate of Lawfulness was subsequently issued for the “storage of building materials pursuant to Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)”.

Resolved that the enforcement notice that was registered on the land be withdrawn.

(The meeting ended at 8.00 pm.)