



Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 12 February 2014 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 30 January 2014 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 Outline Planning Application for a residential development of up to 170 No. houses including highway access off Honiton Road and associated community facilities including Doctors Surgery with ancillary sports and recreation facilities on Land north of Sweethay Lane known as Broadlands, Honiton Road, Staplehay (as amended)
- 6 Change of use from Class A1 (shops) to A3/A4/A5 (Restaurants and Cafes/Drinking Establishments/Hot Food Takeaways) at 39 East Street, Taunton

Bruce Lang
Assistant Chief Executive

11 March 2014

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.

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



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

For further information about the meeting, please contact 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

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

42/13/0018

BROADLANDS TWENTY TWELVE

OUTLINE PLANNING APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 170 NO. HOUSES INCLUDING HIGHWAY ACCESS OFF HONITON ROAD AND ASSOCIATED COMMUNITY FACILITIES INCLUDING DOCTORS SURGERY WITH ANCILLARY SPORTS AND RECREATION FACILITIES ON LAND NORTH OF SWEETHAY LANE KNOWN AS BROADLANDS, HONITON ROAD, STAPLEHAY (AS AMENDED)

Location: BROADLANDS OFF HONITON ROAD, STAPLEHAY, TAUNTON, SOMERSET, TA3 7HP

Grid Reference: 321143.121375

Outline Planning Permission

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, CP1a, CP6 and DM2 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

1. You are advised that the second refusal reason would be overcome through the provision of a signed Section 106 Agreement.

PROPOSAL

The proposal is a revised outline application for up to 170 dwellings and associated community facilities including a doctors surgery 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. Other works as part of the scheme include off site highway improvements to provide a footway link across the site frontage to Canonsgrove, an uncontrolled pedestrian crossing north of the access as well installation of dropped kerbing/tactile paving across an existing access, an extension of the speed limit south to include the site entrance and frontage and provision of additional highway lighting.

The submitted Travel Plan also attempts to reduce the dependence on private car travel and encourage increased use of car sharing, public transport, walking and cycling. 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.

The proposal as revised also includes a sustainability update which considers the following: it considers that the key issue is whether the development of the site would create sustainable development. It considers that economically the supply of new homes would benefit the labour market and would facilitate working at home and the creation of new jobs. The social dimension is addressed through the provision of new sports and community facilities as well as affordable housing and a doctor's surgery. The site lies in a transport corridor and has a classified road, bus service and footway. A pedestrian crossing will be provided and walking and cycling would be encouraged through the travel plan. A new bus stop will be provided as well as service improvements referred to above. The proposal will also generate up to approximately £1.59m over six years for the New Homes Bonus scheme. Environmentally the proposal will help protect high quality landscapes and will enhance wildlife habitat. The proposal will not give rise to significant flood risk issues, will be of good design and will contribute towards a move towards a low carbon economy. The applicant has also reassessed the Council's sustainability appraisal to support the view that the location is an appropriate one and the adverse impacts do not outweigh the benefits when considered against the NPPF as a whole.

In summary the applicant considers that the site is in a location identified as a broad area of growth. It is in effect part of the built up area with development to the north and the south. It is on an established transport corridor. The transport improvements are agreed by the County Council. It has no flood risk related issues. The development will help make this part of Taunton more sustainable through the transport improvements, community and recreation facilities and GP surgery that are proposed. It supports development of the local economy. It contributes to boosting the supply of housing, including affordable housing, an integral element of sustainability as set out by the NPPF. It will bring bio-diversity improvements and provides the basis for a high quality design at this gateway location. There is no issue of prematurity or prejudice to wider long-term planning.

In weighing up all the material considerations through the Development Management process for this planning application leads, it is considered, to a compelling conclusion that the development proposal constitutes sustainable development in NPPF terms and should be approved.

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. There is no previous planning history to 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.

Comment on amended scheme.

The Parish Council wish to confirm its objection to this amended application. We feel it does not constitute sustainable development and would place a great strain on our already over stretched infrastructure. The Parish remains consistent in its view expressed during the recent SADMP consultation, that any development in this area is not viable. There is also a desire to leave a corridor in this area should a southern relief road be built in the future.

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 are 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 paviours. 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

Revised Highway Authority comments

Traffic Movements

The applicant has provided an addendum to the existing Transport Assessment to take into account the revised proposal of 170 dwellings and public amenity/recreation area.

In terms of trip generation the Highway Authority previously raised concerns over the lack of trip generation for the playing field/public amenity area. Paragraph 3.7.1 argues that with reduction in the size of the proposed development this is no longer an issue. This is because any reduction in dwellings will likely to be more than offset any trips from the playing field. In terms of the trip distribution this has remained unchanged and has been previously agreed with the Highway Authority as a consequence this is not a concern.

Regarding traffic impact section 4.4 considers the Galmington Road/Trull Road mini-roundabout, and demonstrates that the maximum 2018 ratio of flow capacity would increase from 0.80 'without' to 0.85 'with development'. Whilst this takes into account the reduction in housing numbers (and hence does not provide a sensitivity test for the playing field traffic) the Highway Authority accepts that the impact on this junction cannot be characterised as 'severe'.

The Highway Authority had previously argued that the impact on the Compass Hill gyratory could be considered as borderline 'severe'. There may be a slightly lower level of impact with reduced housing. As before I consider that the acceptability of the proposal should be linked to the wider sustainability of the site and the robustness of the Travel Plan. It is noted that the site access has been subject to a sensitivity test. The Highway Authority agrees that, insofar as is realistic to expect, the proposal does not prejudice provision of a future secondary access to development at Comeytrowe.

Accessibility was previously subject to minor comments on points of detail. Additional comments on this will be covered by the amended Travel Plan which will be covered later in the report. There does not appear to be any additional discussion of parking. Previous comments therefore remain with regard to provision of electric charging points and the relatively high number of spaces for the playing field. However it is accepted that these can be resolved at the reserved matters stage, although ideally more detailed commitments in principle could have been made at this stage.

To conclude the addendum addresses the previous comments raised by the Highway Authority and resolves the majority of them. However are slight issues relating to parking that can be dealt with at the Reserved Matters stage. There would likely be some additional, moderate, peak hour congestion at the Galmington Road/Trull Road mini-roundabout during both peaks. Additional queuing and delay would also be expected at the Trull Road/Compass Hill junction. However, with a

robust Travel Plan and general sustainability credentials of the site are considered acceptable it is likely that the impact of the proposal on the highway network is not considered to be severe.

Travel Plan

The applicant has submitted a revised Travel Plan this has been submitted to audit, unfortunately at the time of responding the audit process has not been completed as a consequence the Travel Plan will need to be tied into the S106.

Conclusion

The Highway Authority has reviewed the amended plans and documents and is satisfied that the Transport Statement has addressed the previous comments raised by the Highway Authority. The issues relating to parking can be overcome at the reserved matters stage. The internal layout is indicative at this stage however applicant is advised that they will need to amend the design code to reflect the amended road widths. Furthermore the proposed cycleway would need to be closer to the spine road. Finally the applicant will need to take into account the points raised in terms of the site drainage prior to the submission of any future application.

Comments on Amended Scheme(30/1/14)

Traffic Movements

The Highway Authority has previously commented on a Transport Assessment Addendum for the site that reduced the number of units to 170, which was found to be broadly acceptable. The only amendment is the inclusion of GP surgery. As a consequence the traffic movement section will solely concentrate on the traffic impact of the GP surgery.

Table 1 in the Technical Note shows the predicated trip rates and the volume of trips, which have been predicted for the development. These have been calculated for the AM and PM peak. The applicant has provided full TRICS output in the submitted document and these figures have been assessed and the Highway Authority is satisfied that these are considerable. The traffic has been distributed in proportion with existing movements. This is considered acceptable.

In terms of the traffic impact PICADY modelling has been undertaken to examine the potential effects of the GP surgery at the site access junction. The results of this are shown in Table 2. This shows that the GP surgery will have a minimal additional impact on the junction and the site access. As a consequence the Highway Authority is satisfied that the access will continue to work within capacity.

Parking will be formally decided at the reserved matters stage. Paragraph 6.1 comments that the current Parking Strategy indicates that the recommended parking for the development would amount to nine spaces. It also states that one cycle space per 100 square metres would be required. This approach is considered to be acceptable. Furthermore motorcycle and disabled parking standards are also stated correctly.

Therefore based on the above the Highway Authority is satisfied that the traffic

impact of the proposal on the transport network is not considered to be severe.

Internal Layout & Off Site Highway Works

The general layout of the development is broadly similar to the previous submission as a consequence the Highway Authority's previous comments are set out below.

It is understood from discussions with the applicant that the width of the spine road has been revised to 6.5m, although there is no indication of this on the drawings.

The Highway Authority has slight concerns that although the drawing has been revised it was our understanding that the design code would also need to be amended as it was a requirement of the outline application. The Highway Authority made the applicant aware of this prior to the submission of the additional information. Furthermore clarification was also required for the materials of the shared surface.

The applicant has also amended the site frontage to provide an un-segregated footway/cycleway which terminates opposite Spearcey Lane. The applicant has made provision for splays of 2.5m x 90m in either direction. The proposal was passed to the Safety and Technical Team for a feasibility opinion and having reviewed the drawing it is considered to be acceptable, subject to a detailed design submission. Turning to the internal cycle network it was the Highway Authority understanding that the pedestrian/cycleway route would be along the spine road. Although the applicant showed an aspiration to achieve this, the revised scheme shows a section of the route which is detached from the spine road. Therefore the applicant is urged to provide a more direct route through the site preferably following a spine road.

Drainage

The Highway Authority has reviewed the Flood Risk Assessment, Foul and Surface Water Drainage Strategy and the Surface Water Drainage Strategy (SWDS) and requires the applicant to take note of the following points that have been raised.

The Highway Authority's records show the presence of a 150mm diameter surface water drainage system of unknown ownership running along the western verge of Honiton Road, which serves to collect run-off from Honiton Road. This pipe is shown as running from south to north and crossing over to the eastern side of Honiton Road at the junction of Spearcey Lane.

The drainage strategy proposes the use of permeable paving for car parking or courtyard areas and as the ground is unlikely to be conducive to infiltration, these areas will be constructed to temporarily store surface water run-off. The designer will need to give careful consideration to the design of these areas where they interface with the prospective public highway areas to ensure that future highway/statutory undertaker maintenance operations will not compromise the integrity of the underground storage in these areas. The parking bays and courtyards should be designed with levels that fall away from the public highway such that any failure to the system in the future doesn't result in surface water discharging onto the highway.

It has been assumed that any existing highway drainage systems that may be present in both Honiton Road and Sweethay Lane are operating at design capacity and are therefore not suitable to serve to collect any increase in highway catchment. The surface water run-off from the proposed new access road off Sweethay Lane, including the bellmouth junction itself, must therefore be collected by the surface water system serving the new site.

The surface water management strategy proposes the use of extensive lengths of oversized pipes in addition to the detention basin to provide the necessary attenuation storage. It should be noted that the prospective public highway areas should not simply be viewed as opportune areas under which to store surface water run-off. The designer must consider the risks associated with proposing such storage under prospective public highway areas subject to vehicular traffic and mitigate against the identified risks. If such storage is permitted under prospective highway areas then any culvert or pipe with a clear span of 900m or greater will be considered to be a structure requiring Highway Authority approval.

Conclusion

The Highway Authority has reviewed the submitted Technical Note and we are satisfied that the proposed development will not have a significant impact on the local highway network. The internal layout is indicative at this stage however the applicant is advised that they will need to amend the design code to reflect any changes in the proposed layout.

Recommendation

Therefore taking into account the above information the Highway Authority raises no objection to this proposal and if planning permission were to be granted the details would need to be secured by the Local Planning Authority.

- *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.*

Plus the following conditions

- *The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purposes, plans and sections, indicating as appropriate, the design, layout, levels gradients, materials and method of construction shall be submitted to the Local Planning Authority.*
- *The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the*

dwelling and existing highway.

- *The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.*
- *In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.*
- *No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.*
- *There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.*
- *The development hereby permitted shall not be occupied until the developer has applied for a Traffic Regulation Order (TRO) to stop up and remove the vehicle rights on Sweethay Lane. The TRO shall then be advertised and, if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to occupation.*

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.

Revised comments

The Council will be commencing Preferred Options consultation on 24th October.

The Council has commissioned independent consultants, Parsons Brinckerhoff, to undertake an assessment of the proposed urban extensions at Staplegrove and Comeytrove/Trull. The initial draft of this work indicates that the Broadlands site is not located within the Preferred Option area for the proposed Comeytrove/Trull urban extension. The Site Allocations and Development Management Plan is still at an early stage of production and the Broadlands site is not identified within the preferred area for the urban extension. As a result the Broadlands application can no longer be considered premature in terms of the context of the emerging Site Allocations and Development Management plan.

The Trull Neighbourhood Plan is also at an early preparation stage and as a result, consideration of this application cannot be considered premature in terms of the context of this plan either. Furthermore as the Broadlands application is not identified in the draft Preferred Option for the Comeytrove/Trull urban extension, the Broadlands proposal is unlikely to prejudice the delivery of the urban extension or the Site Allocations Plan as a whole.

Additional Policy Comments January 2014

These policy comments are submitted in response to the revised outline application for up to 170 dwellings and associated community facilities including a doctors' surgery at Broadlands, Staplehay. These comments should be read in conjunction with the original planning policy response submitted for the previous application for 250 dwellings.

Sustainability Update

The revised development proposal is accompanied by a Sustainability Update. Appendix 1 of this document provides the applicant's proposed criteria for measuring the sustainability of the Broadlands site, in response to the Council's Sustainability Appraisal that accompanied the recent Site Allocations and Development Management (SADMP) Preferred Option consultation. However the applicant's revised table does not provide a viewpoint of how the Broadlands site compares against the other sites being considered in the Taunton area. Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) are important tools used as part of the plan-making process to consider the likely effects of the plan and its policies and proposals against reasonable alternatives. The application of SA in a development management context without the assessment of alternatives therefore is only of limited relevance. The previous policy response to the original planning application considered the sustainability of the proposed development, to ensure we gave an informed view of the emerging evidence base for the Site Allocations and Development Management Plan.

In the Council's Sustainability Appraisal, the Broadlands site did not score well in sustainability terms when compared against the preferred sites identified in the SADMP Preferred Options consultation plan, published in October 2013. A full assessment of all the sites in Taunton, based on the revised criteria proposed by the applicants, has not been submitted and therefore it is questionable whether the Broadlands proposal is the 'most appropriate given the reasonable alternatives' for development in the Taunton area. It could be assumed that even with the revised scoring proposed by the applicant, the Broadlands site would still remain a less sustainable location than the identified preferred options in the SADMP. Purely changing the criteria by which a site's sustainability is measured, does not in itself improve the sustainability of the site when judged against reasonable alternatives. It is perfectly feasible that many of the alternative options identified by the Borough Council could be made more sustainable by applying the logic assumed by the applicant. There are also specific issues with some of the points raised in the applicant's Sustainability Update and these are dealt with below.

In the applicant's Sustainability Update (Para 2.6) it refers to the Homes and Communities Agency Employment Densities Guide 2010. This guide works on the basis that,

'where there is more housing there will be greater demand for local goods and services, eg leisure facilities, schools, cinemas, cafes, bakeries etc., and in turn this will generate employment.' (para 4.31 Homes and Communities Employment Densities Guide 2010)

The applicant concludes from this guide that the Broadlands development 'based on an estimate of a development of 170 homes resulting in approximately 585 persons....would result in approximately 58 jobs'. However based on the current average household size of 2.3 (2011 census), it would seem more accurate to assume a population of 391 arising from the proposed development, rather than 585 stated in the applicant's Sustainability Update. Therefore the likely job creation calculated by the applicant as arising from the proposed development appears to be somewhat overstated.

Furthermore the applicant states that the estimated jobs arising from the development exclude the 'positive employment impacts at the doctor's surgery'. The HCA Employment Densities Guide is based on the employment generated by the local goods and services arising from new development and this would already include the doctors' surgery. Therefore it would appear that the applicant is somewhat overstating the economic role of the proposal in sustainability terms. The Council's Sustainability Appraisal measured the potential development sites in terms of their proximity to major employment locations (including the hospital and existing industrial and business parks); in this particular assessment the Broadland's site scored poorly.

The applicant's Sustainability Update refers to the inclusion of a satellite doctors' surgery as part of the revised proposal and emphasises how this addition to the development proposal will improve the sustainability credentials of the site. At this stage, the applicants have not submitted any documentation to confirm commitment from NHS England (the body responsible for identifying new health infrastructure requirements and delivery funding) to enable a new surgery to be developed in this location. Initial discussions with representatives from NHS England and the Taunton Deane Federation of GPs have indicated that this location may not be a preferred or viable option for the provision of a new GP surgery. Furthermore they consider that it may be more appropriate in sustainability terms, to consider the proposed Broadlands development alongside the needs of the new population proposed at the Comeytrowe/Trull urban extension. This is likely to attract a wider walking catchment and be better served by public transport improvements as part of the proposed urban extension.

Housing Land Supply update

The situation on housing land supply remains unchanged from the previous policy response. The 2013 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).

Conclusion

The Broadlands site still remains a less sustainable location in comparison to the reasonable alternatives for development in Taunton and therefore it has not been identified as a Preferred Option in the emerging Site Allocations and Development Management Plan. The revised proposals still do not offer sufficient critical mass to significantly improve the sustainability of this site through the provision of on-site services and facilities.

Furthermore the applicants have not submitted any supporting evidence from NHS

England to confirm commitment to enable a new doctors' surgery in this location. Therefore it is questionable whether a surgery in this location is a viable option and whether this proposition genuinely improves the sustainability credentials of the site. In sustainability terms it may be more appropriate to place any new doctors' surgery at the proposed Comeytrove/Trull urban extension, where it will serve a wider catchment and be better served by public transport.

In conclusion, the proposal remains counter to both the adopted and emerging development plan.

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.

No further comment on amended scheme.

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.

Comment on Amended scheme

The revised scheme does not address earlier comments.

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 EclA 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 hibernaculum, 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.

Comments on Amended scheme

Should the Canonsgrove development take place, I have concerns about a possible highway lighting requirement for Honiton Road which may impact on bats and dormice.

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" wherever possible.

Revised comment

We agree with the comments of the Authority's Biodiversity Officer and request they be incorporated into planning conditions if it should be decided to grant permission.

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.

Comments on Amended scheme

25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing in the form of shared ownership. The requirement is for houses rather than flats. The unit mix should reflect the mix of the overall site. The mix should include as a minimum 1b2p maisonette style houses with separate access way, 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 date of approval of a Full Application / Reserved Matters application.

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 -

I have no objection to the outline planning application subject to the following conditions being placed on any approval given.

No development shall commence on site until a surface water run off limitation scheme (incorporating SUDs) has been submitted and approved in writing by the LPA as detailed in the Flood Risk Assessment provided by Hydrock dated March 2013.

This information/surface water masterplan shall include details of intended land ownership, land use limitations, identify the ownership/operational and maintenance arrangements for all surface water disposal works over the lifetime of the scheme. I note that in conclusion section (6) of the FRA that any provided surface water system will adopt infiltration techniques where practical. Soil porosity tests should be carried out at an early stage following outline permission being given and before any works commence on site as this will greatly affect any final surface water drainage plan being submitted for approval.

Comment on amended scheme

My previous comments observations still stand. A new FRA will be required at some stage to address the change in numbers which will have an affect on the surface water disposal features.

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.

Comment on amended scheme.

Please be advised the Section 106 off-site contribution rates for Community Halls and Allotments have risen since my original comments dated 21 March 2014 on this application.

The current 2013/14 rates are as follows:

Community Halls £1,208.00 per dwelling

Allotments £209.00 per dwelling

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.

Comment on Amended Scheme

We have no objection to the proposed development subject to the following CONDITIONS being imposed upon any permission granted:

CONDITION: Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall ensure that surface water is discharged via gravity (not pumped) at a rate no greater than 2 litres per second per hectare of impermeable area of development. The masterplan shall also include details of the phasing of surface water drainage infrastructure including all off-site works and source control measures. The development shall be implemented in accordance with the approved scheme in a timetable to be agreed in writing by the Local Planning Authority.

REASON: To prevent the increased risk of flooding through the use of SuDs in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

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

REASON: To prevent the increased risk of flooding through the use of SuDs in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

Informative / advice to LPA: In seeking to discharge condition 1 above, the applicant will need to complete a revised FRA to reflect the changes to the development since the last consultation, including a discharge rate below the previously agreed 7.0 l/s given that the impermeable area within the development will be reduced.

It is important that sufficient attenuation storage is provided for *each phase* of development as they come forward and this should be clearly demonstrated in an updated masterplan which shows discharge rates and SuDs control measures for each plot once the layout and scale of the development is known.

Any system will need to ensure that it can be achieved by gravity and we would ideally like an open watercourse rather than further pipes to be used for the off-site connection (although we appreciate this will be down to the adopting authority).

Each reserved matters application will need to demonstrate a viable drainage scheme in accordance with the approved masterplan to allow us to recommend approval for any detailed layout proposals.

IMPORTANT: Wessex Water has agreed to take on maintenance responsibility for the surface water sewerage network and strategic attenuation facility on site. These works will need to be secured within the appropriate legal agreement. You should re-consult Wessex Water on the latest changes to this application.

SCC - FLOOD RISK MANAGER - No comment received.

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.

Comments on amended scheme

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The amendments relate largely to size and layout and are unlikely to have significantly different impacts on the natural environment.

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.

10/1/14 Comments on Amended Scheme

A revised application has been submitted for 170 dwellings instead of 250. The developer has provided some additional information since I commented on the original application in April 2013

- Adendum to the Environmental Statement, January 2014
- Broadlands Air Quality Statement, August 2013, SPL Acoustics
- Broadlands Noise Statement, February 2013, SPL Acoustics

The Noise and Air Quality Statements are slightly amended versions of the chapters on noise and air quality that were in the Environmental Statement that was submitted with the application. Therefore, my comments from April still apply. The amended Statements draw the same conclusions, which is that the completed development will not have a significant impact on existing properties from either noise or air quality. I can accept that this is likely to be the case.

I note that a representation from a resident raises a concern that, under the original scheme, the noise from the development will require them to keep their windows shut overnight to meet acceptable noise levels. The Noise Statement does mention that some of the proposed residential properties would be in areas of the development site with raised noise levels. It recommends that these properties may be required to have closed windows to meet the criteria for "good" internal noise levels. However, this is based on an assessment of existing conditions, due to traffic on the Honiton Road. The noise statement does consider the impact of noise from the additional traffic due to the development and concludes that this will lead to a negligible increase in noise levels.

Re construction phase.

Regarding disturbance from the construction work, the Noise Statement says that "some noise during construction is to be expected for all development projects. It is not anticipated that the proposed development will give rise to noise levels beyond those normally expected for a residential development".

The Environmental Statement says that "the construction phase could also

generate dust but as no demolition is required this effect is considered negligible/neutral. The Addendum also says that the amended scheme will reduce the “sources of environmental effects” and that there will be a reduction in the effects on noise.

The statements recommend that the developers have a Construction Environmental Management Plan. This would be good practice, and should be used, along with liaison with residents, to try and minimise the impact of the construction work.

However, I note that the revised plan includes an attenuation pond to the east of the site at the rear of 1-5 Bradbeers which is likely to require a lot of ground works in this area which is close to existing properties. There is no mention of this in the noise or air quality statement or amended environmental statement. Without any information on how much material is to be moved and how long the work will take it is not possible to comment on the potential impact of this phase of the construction work.

The developer should be aware that noisy building works should only be carried out between the hours of 08:00 - 18:00 Monday to Friday and 08:00 – 13:00 Saturday, with no noisy working on Sunday or Public Holidays. There is legislation, separate from planning, that can be used by the Council to require developers to restrict noisy work to within these hours, and to use all reasonable means to control noise and dust from their site.

Representations

Councillor Edwards (Portfolio Holder) - 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.

Ward Cllr Edwards Comment - I am writing to object to the planning application 42/13/0018 at Broadlands for 250 houses, associated development, roads and recreational fields. This application is premature and of an excessive nature with no local infrastructure to support the development and no indication from within the plan on any reasonable solutions to the challenges. If this application was allowed it would increase the housing in Trull and Staplehay by 27% an unacceptable level of development for any small community. I have outlined below the various issues

which support this objection.

Highways

The capacity on Honiton / Trull Road is already strained. It is quite a regular occurrence in the mornings for traffic to back up the length of Honiton Road. A development such as this will bring a minimum of 250 cars but potentially 500, all of those cars will at some point travel on the Honiton and Trull Road in Taunton and add to what is already a problem and will increase pollution to unacceptable levels.

In addition I am extremely concerned at the convoluted highway scheme that is being proposed within the development itself, the closure of the lane and the impact on the local road network. I understand this is an outline permission but the road network being considered and the closure of Staplehay Lane is completely unacceptable and I believe unworkable and proves the challenges that this development would bring. I see this as a substantive reason for refusal and one which needs far more and careful consideration than has been presented.

Neighbourhood Plan

Trull and Staplehay has already started to progress a Neighbourhood Plan. They were one of the first areas in the country to start and received funding from central government to progress. This is a clear example of how the community accepts that there is a need for development within our community but not at any cost and that it should be delivered in an appropriate manner with respect for the previous Parish Plans and the Neighbourhood Plan which will be consulted on later this year. On this basis the application should be refused.

Core Strategy

The Core Strategy states the area in the Trull / Comeytrove area is a Broad location for growth for up to 2000 houses but only after significant master planning and towards the end of the plan period. The consortium of developers are already in the early stages of working on this master plan and critically this is the focus of the Neighbourhood Plan group that accept the need for development but are determined to make sure that Trull and Staplehay maintain their identity. They understand that they are an associated settlement but presently have a distinct character as a village community albeit on the edge of Taunton and want this retained.

This land does not sit within the Broad Location of Growth which the developers have tried to indicate it does. However if it did sit within this plan they would have to work with the consortium on the master planning for the entire area and therefore their unilateral application and lack of master planning leads me to believe again that this application should be rejected.

Recreational Field

Further to my concerns with regards the general Highways issues this would be made worse by the fact that the proposed Football Fields are being suggested for use by the local Football Teams such as the Galmington Dragons and could expect up to 10 teams on a Saturday and Sunday morning with the added traffic to this locality. The Trull Tennis Club would also be impacted upon with their access being altered and the impact of a football club operating at exactly the same times. This noise generated by such excessive usage would also not be pleasant for the local residents.

Trull School

The school is at capacity and the development being considered with the type and scale of houses will mean an increase in children eligible to go to school who as there is no space will either have to be most likely driven to a different school or put immense pressure on the school. Another reason for refusal.

Amberd Lane

It is also important to remember that the Amberd Lane application has recently been approved and the impact of this development has not yet been felt with the pressure on the school and Highways increasing further.

The comments about the landowners only working with small local firms and develop the plans together is irrelevant to planning, it is only the permission to build which is relevant and not who builds as there is never any guarantee of who will build and what once the outline permission is given.

I strongly urge this application to be refused on the grounds presented in my submission.

Ward Cllr Edwards comment on amended scheme

I have not see anything in this revised application which changes my view and I can see nothing that should change the previous recommendation for refusal.

The reduction in housing numbers and the introduction of an unnecessary Doctors Surgery do not change the unsustainable nature of the site.

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.

Revised comment

Maintain concern over consequences for flooding and traffic implications. A health and fitness facility here would meet a well-established need.

Comment on Amended Scheme

The development may lead to its children having priority at the local school. No provision for increased traffic and increased flood risk to Sherford Stream catchment

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.

The Trull Neighbourhood Plan Group objects on the basis that the proposal conflicts with the views put forward as part of the parish questionnaire, it would not protect the identity, character and culture of the area and not provide adequate infrastructure and services and would be seriously prejudicial to the delivery of the neighbourhood plan.

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 Wiloak 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 41 letters of OBJECTION have been received on the revised illustrative plans reiterating points referred to above and that there is no non-technical summary and insufficient consultation period. Proposed cycle traffic uses as yet non-existent and will destroy ancient hedge. A further 200m of hedge will be destroyed. There is no continuous footway from the site to Compass Hill. With no local school, on site G.P., shops or employment, travel plan targets cannot be met. The accessibility plan is inaccurate. The access onto Sweethay lane will be too narrow. The Environmental Statement is inadequate, The Transport Addendum does not address the current application for 250 houses, it under estimates traffic, is based on poor quality data and is inadequate in its predictions. The Air Quality Statement is inappropriate for the unamended application. The policy rebuttal continues to demonstrate that the development is unsustainable.

A further 54 letters of objection to the AMENDED SCHEME reiterating previous comments and

- Reduced numbers do not change objection
- Proposal is not in Core Strategy, the SADMP and would go against the early conclusions of the Neighbourhood Plan survey
- Trull should be allowed to remain a village
- Site is still unsustainable
- Public transport to Taunton and the hospital is inadequate
- Until a motorway access is available major development should not be passed
- It would prejudice a secondary road link and the long term development of the town.
- It is not clear how many people will use the satellite surgery and the transport assessment must be viewed as incomplete
- The doctor's surgery is not confirmed and a dispensary is not viable
- No capacity of school to accept additional pupils
- A few commercial premises and a community centre would be more appropriate than a doctors surgery
- Sustainability appraisal update is misleading, its methodology, assumptions and conclusions are subjective and unverifiable.
- Any further development will impact on the capacity of the River Parrett
- Canonsgrove site not relevant

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 - COMEYTROWE/TRULL LOC GROWTH,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP5 - TD CORE STRATEGY INCUSIVE 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 SRATEGY - DESIGN,
C4 - TDBCCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCCLP - 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)	£183,442
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Somerset County Council (Upper Tier Authority)	£45,860
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6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1,100,650
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Somerset County Council (Upper Tier Authority)	£275,162
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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 and CP1a 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. This area is proposed in the Site Allocations and Development Plan (SADMP) as the preferred option and on balance 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). However the site is considered outside the settlement boundary of Taunton as identified in the Taunton Deane Core Strategy. It is therefore contrary to the existing Development Plan and in a location that is well beyond the town centre in an unfavourable location. 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, as specified by the Head Teacher, this would also affect the sustainability of the site. Although a doctor's surgery is proposed it is not clear how this will be secured and it is just one element that is looked at in assessing sustainability. The Policy Officer still 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. This view has not changed with the reduction in housing numbers and the proposed doctor's surgery.

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. The proposal includes an appropriate level of affordable housing, play facilities and identifies a site for a doctor's surgery. 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 within or adjacent to the urban area and it is considered that this outweighs the benefit of housing on the site.

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 that is sufficient to counter any impact of views of the site.

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 and removed 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 while the proposal will clearly have an initial impact, given the proposed mitigation, 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. It is also considered to comply with the NPPF (paragraph 109).

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. This would normally 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 light of assessing the layout it is considered that such facilities should be able to be provided on site and a condition to secure the on site play provision could be imposed with a legal agreement required to address future maintenance.

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 170 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 without 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 170 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, CP6 and DM2 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

38/13/0487

LAIRA PROPERTIES LTD

CHANGE OF USE FROM CLASS A1 (SHOPS) TO A3/A4/A5 (RESTAURANTS & CAFES/DRINKING ESTABLISHMENTS/HOT FOOD TAKEAWAYS) AT 39 EAST STREET, TAUNTON

Location: 39 EAST STREET, TAUNTON, TA1 3LS

Grid Reference: 323077.124544

Full 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:

(A4) Site Location Plan

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

3. Prior to any use hereby permitted is commenced, details of any flue/extraction system, including specifications of noise, must first be submitted to and approved in writing by the Local Planning Authority.

Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation.

The external ducting should be so designed that the flue discharges not less than 1 metre above the roof eaves level.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of odour and noise which would be contrary to Taunton Deane Core Strategy Policy DM1.

4. There shall be no external seating or use of an outside area within the curtilage of 39 East Street without the granting of planning permission.

Reason: To safeguard the amenity of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. Bin storage must be provided within 39 East Street prior to any use being implemented and must thereafter be retained.

Reason: To safeguard the amenity 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 and has imposed planning conditions to enable the grant of planning permission.
2. You are advised that a separate Listed Building Consent is required for any proposed internal or external alterations involve with the implementation of this proposal and should be submitted before any works commence and the granting of planning permission does not imply that a subsequent listed building proposal would be agreed.

PROPOSAL

The proposal comprises the change of use of a building from A1 (retail) to A3/A4/A5 (restaurants & cafes, drinking establishments, hot food takeaway). The application is proposing a variety of uses as no end user has been identified and the variety of uses will allow for wider marketing of the building that is currently vacant.

No external or internal alterations are proposed.

Permission was previously granted for the same proposal in 2010 (application 38/10/0083).

SITE DESCRIPTION AND HISTORY

The three storey building is grade II listed, sited in Taunton town centre within the Secondary shopping frontage. The facade of the building retains many original features while internally there have been alterations to accommodate a variety of

uses.

The building is within a close proximity of a variety of uses including retail, restaurants and drinking establishments. The rear of the buildings curtilage adjoins a residential development sited to the rear of East Street (Eastgate Gardens).

39 East Street was last used as a photographic studio but has been vacant for approximately 6 years. Other previous uses of the building include various restaurants, drinking establishments, retail and a hairdressers.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

ENVIRONMENTAL HEALTH - ENVIRONMENTAL PROTECTION -

If the premises changes use to a restaurant or take-away there is the potential for odours and noise from any extraction system to affect nearby residents. The application does not include details of an extraction system or any other proposed changes to the property.

The best way to deal with cooking odours is to have an extraction system that vents at high level, ideally 1m above the roof eaves or any nearby dormer/velux window. At some premises there can be problems with installing high level flues due to the appearance (especially with listed buildings) or ownership of the premises above/adjacent to the restaurant. Therefore, it would be good if the applicant could provide details to show that it is possible to install an extraction system that would allow a flue to vent at a high level, even if it did not need to be installed unless required.

If it is not possible to install a high level flue the operators could have to use other odour control systems (e.g. carbon filters, which need ongoing maintenance) that may not be as effective as a high level discharge.

If permission is granted I would recommend that a condition is used to ensure that details of any extraction systems are submitted and agreed before they are installed. A condition can also be used to control noise levels from the system (see below).

If there are any problems with odour or noise the Environmental Health Section has a duty to investigate complaints and can require the operators to take further action if they are causing a nuisance to any neighbours. However, we can only require the operator to use best practice and there could still be some noise and odours noticeable after a suitable system has been installed.

HERITAGE -

39 East Street is a Grade II Listed Building. Although this application does not include any physical alterations to the building, it is very likely that changes will be required in order for the proposed new use to be put into effect. If permission is granted it may therefore be worthwhile including an informative note that alterations

affecting the character or appearance of this building will require Listed Building Consent before being carried out.

Representations

TWENTY SEVEN IDENTICAL LETTERS from Chairman of Eastgate Gardens Residents Association, signed by individual property owners/occupiers raising the following:

- Not possible to be for or against without a significant number of observations being addressed: -

Restaurants

- Enforcement of seating capacity.
- Inclusion of outdoor dining in courtyard?
- How will stock be delivered, as no parking to front or back of building?
- Where will waste food disposal/storage take place?

Cafes/drinking establishments

- Hours of sale of alcohol?
- Deliveries (see above)
- Will courtyard be used as drinking area?
- Capacity, if different from a restaurant

Hot food takeaway

- Capacity restrictions?
- Waste disposal (as above).
- Will waste food be stored in courtyard?
- Will Committee consider fire, health and safety regulations? Use of fire door (is this for staff only)?
- Human Rights relating to Eastgate Gardens rights to privacy and family life.
- TDBC Duty of Care to residents of Eastgate Gardens and to customers evacuating the premises through fire door, in large numbers in front of gardens and bedroom window area during an emergency.
- Will Risk Assessment be made into evacuating of persons, having consumed alcohol, into Eastgate Gardens and into residents?

TWO LETTERS OF SUPPORT FROM WARD COUNCILLORS: -

- New business welcomed by everyone; type of business of importance to local residents who could be disadvantaged if considered not given to concerns.
- Rear garden of property too small to be used as an outside space.
- Rear door too small for ingress or egress and in my opinion a fire exit.
- Fire exit opens onto a property 3m or so from a living room window; access unsatisfactory given slope, particularly in wet conditions.

- No vehicular access to rear; deliveries would have to be from front on double yellow lines close to two sets of traffic lights.
- Formally request application goes to planning committee.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,
T21 - TDBCLP - Secondary Shopping Areas,
NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

Use

The building is sited within the Secondary Shopping Area of Taunton town centre. Within the secondary area a variety of uses are allowed beyond that of A1 (retail) and such uses include cafes, restaurants, takeaways, financial and professional services and would include public houses. As such, the proposed A3/A4/A5 uses are considered acceptable in this location.

Amenity

Extraction - The Environmental Health Officer has identified that there is some potential for odours from the proposed uses. As no end users is identified a condition has been suggested that would secure details of any extraction system before installation. It is considered that a condition requesting a planning application for any extraction system is most appropriate.

It should be noted that the building has been used as a restaurant before and there is an existing flue projecting through one of the structures at the rear of the building.

Courtyard - There is currently no courtyard area to the rear of the building that could be used for external seating as most the area is covered. Notwithstanding this, without details of any proposed use, a condition preventing any external space within the curtilage of 39 East Street from being used as an outdoor seating area etc would safeguard nearby residential amenity. This condition could be reviewed once a use has been identified.

The rear of the building also provides sufficient space to accommodate any bin storage that would be required.

Fire Exit - At the rear of the buildings curtilage there is a fire exit door that has access onto a shared area fronting onto the entrance of two properties in Eastgate Gardens. Whilst the entrance is within close proximity to the properties, there has always been an entrance to 39 East Street at this point. One of the plans on file for the planning application in 1988 for the development of land to the rear of East

Street (Eastgate Gardens) indicates a service access for 39 East Street.

The exit/fire exit has been in place for the previous retail use, drinking establishments and restaurants. There is no reason to believe that the rear access will be used in a different way. There is other legislation such as Building Control that may look into fire safety requirements and any changes that may have to be undertaken depending on a proposed use of number of people within a building.

Notwithstanding the above, the use of the exit/fire exit and access across land to the front of the two properties in Eastgate Gardens would have been made under civil agreements.

Opening hours - No opening hours have been suggested given the variety of uses that are being applied for. As opening hours will be enforced by Licensing it is not considered necessary to condition opening hours.

Heritage

The Conservation Officer has not objected to the principle of the proposed uses of the building. As no physical alterations are proposed a note will be advised to the applicant that Listed Building Consent may be required for any internal or external alterations.

Highways

Whilst there is no parking to the front of the building, or a dedicated service yard, the building has managed to function as a variety of uses that have required deliveries without the detriment to highway safety. Within a town centre location it is not uncommon that business units throughout the town have a similar situation. The limited amount of deliveries and the time spent on each delivery is also not considered detrimental to highway safety nor would it have been any different for the previous retail use of the building.

Other matters

The capacity of the building and enforcing the capacity; the sale of alcohol and the use of a courtyard as a drinking area are concerns that are also covered by other legislation and not matters for determination within this planning application.

Conclusion

Any of the proposed uses are considered an acceptable one in policy terms given the location within the secondary retail frontage it would comply with retained policy T21 of the Local Plan. The amenity of the local residents can be protected by licencing of the premises and proposed conditions regarding future extraction equipment and outdoor space. As such, given the above, the previous permission and previous uses of the building the proposal is considered to be one that can be supported.

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

Planning Committee – 12 February 2014

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Gaines, C Hill, Mrs M Hill,
Miss James, Morrell, Tooze, Watson, A Wedderkopp, D Wedderkopp
and Wren.

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (Area
Co-ordinator East), Tim Burton (Assistant Director Planning and
Environment), Roy Pinney (Legal Services Manager), Maria Casey
(Planning and Litigation Solicitor) and Tracey Meadows (Corporate
Support Officer)

Also present: Mrs A Elder, a Co-opted Member of the Standards Committee.
Councillor Edwards in connection with application No. 42/13/0018

(The meeting commenced at 5.00 pm)

20. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared that he had been in discussions with the County Councillor for the area for application No. 42/13/0018. He 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 Coles also declared that he had had discussions with the Chairman of Eastgate Gardens for application No. 38/13/0487. He declared that he would not be taking part in the vote. Councillor Miss James declared a personal interest as an employee of Somerset College. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. All Councillors declared that they had received correspondence regarding application No. 42/13/0018. They felt that they had not “fettered their discretion”. Councillor Wren declared a personal interest as an employee of Natural England.

21. 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 **outline planning permission be granted** for the under-mentioned developments:-

38/13/0487

Change of use from class A1 (shops) to A3/A4/A5 (Restaurants and Cafes/Drinking Establishment/Hotfood Takeaways) at 39 East Street, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The hereby development permitted shall be carried out in accordance with the following approved plan:-
 - (A4) Site Location Plan;

Prior to any use hereby permitted is commencing, details of any flue/extraction system, including specifications of noise, must first be submitted to, and approved in writing by, the Local Planning Authority. Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be regularly maintained to ensure its continued satisfactory operation. The external ducting shall be so designed that the flue discharges not less than one metre above the roof eaves level;

- (d) There shall be no external seating or use of an outside area within the curtilage of 39 East Street Taunton without the granting of planning permission;
- (e) Bin storage must be provided within 39 East Street Taunton prior to any use being implemented and must thereafter be retained.

(Note to Applicant:- Applicant was advised to take the following matters into account:-

(1) 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; A separate Listed Building Consent is required for any proposed internal or external alterations involved with the implementation of this proposal and should be submitted before any works commence. The granting of planning permission does not imply that a subsequent listed building proposal would be agreed).

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

42/13/0018

Outline planning application for a residential development of up to 170 No. houses including highway access of Honiton Road and associated community facilities including Doctor's surgery with ancillary sports and recreation facilities on land North of Sweethay Lane know as Broadlands, Honiton Road, Staplehay (as amended)

Reasons

(a)The proposed development lies outside the 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, CP1a, CP6 and DM2 of the Taunton Deane Core Strategy 2011-2028;

(b)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 the second refusal reason would be overcome through the provision of a signed Section 106 Agreement).

(The meeting ended at 7.25pm)