

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 26 February 2014 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 30 January 2014 and 12 February 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 10/13/0035 - Residential development for the erection of 20 no. 1, 2, 3 and 4 bedroomed dwellings, to include 5 no. affordable homes and Public Open Space at Ford House Farm site, Honiton Road, Churchinford (amended scheme to 10/13/0016).
- 6 41/13/0004 - Change of use of land from agricultural to solar farm and erection of 14,000 solar panels and associated works at Grove Farm, Lydeard St Lawrence
- 7 43/13/0128 - Erection of 22 no. dwellings at land to the south of Taunton Road, Wellington.
- 8 Objection to Tree Preservation Order TD1114 on High Street, Milverton.
- 9 38/14/0017 - Erection of rear extension and construction of first floor with the removal of 2 no. chimneys and the enlargement of existing dormer to front of 180 Kingston Road, Taunton.
- 10 47/14/0001 - Installation of 16 no. ground mounted pv panels and creation of nature pond in field adjacent to Ivy Cottage, West Hatch.
- 11 Planning Appeals – The latest appeals and decisions received (attached).

Assistant Chief Executive

18 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.

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



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



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

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

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Planning Committee Members:-

Councillor B Nottrodt (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor C Bishop
Councillor R Bowrah, BEM
Councillor E Gaines
Councillor C Hill
Councillor M Hill
Councillor L James
Councillor I Morrell
Councillor P Tooze
Councillor P Watson
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor G Wren

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
- Employee of Somerset College – Councillor Ms James
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

10/13/0035

CITYSCAPE PROPERTIES LTD

RESIDENTIAL DEVELOPMENT FOR THE ERECTION OF 20 NO. 1, 2, 3 AND 4 BEDROOMED DWELLINGS, TO INCLUDE 5 NO. AFFORDABLE HOMES AND PUBLIC OPEN SPACE AT FORD HOUSE FARM SITE, HONITON ROAD, CHURCHINFORD (AMENDED SCHEME TO 10/13/0016) AS AMENDED BY EMAIL OF 30 JAN 2014 WITH AMENDED SITE PLAN 431-12B, LANDSCAPE STRATEGY PLAN 181/01C AND LANDSCAPE STATEMENT

Location: LAND AT FORD HOUSE FARM SITE, HONITON ROAD,
CHURCHINFORD

Grid Reference: 321325.112463

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval **subject to** the applicant entering into a Section 106 agreement to secure the following

1. 25% affordable housing,
2. Community Leisure
 - a. provision for off site recreation of £1571 per dwelling
 - b. allotment provision of £209 per dwelling and
 - c. community hall contribution of £1208 per dwelling
 - d. maintenance of the play area and open space
3. Parking provision potentially for adjacent residents

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo 181/01 Rev C Landscape Strategy
(A3) DrNo 06 Site Survey Plan
(A2) DrNo 20 Rev C Site Sections
(A3) DrNo 100 House Types HT1 Elevations & Plans
(A3) DrNo 110 House Types HT2 Elevations
(A3) DrNo 111A House Types HT2 Plans

(A3) DrNo 120 House Types HT3 Elevations & Plans
(A3) DrNo 131 House Types HT4a Elevations & Plans
(A3) DrNo 140 Rev A House Types HT5 Elevations & Plans
(A3) DrNo 150 Rev A House Types HT6 + HT9 1 Bed Elevations & Plans
(A3) DrNo 161 House Types HT7a Plans
(A3) DrNo 162 House Type HT7a Elevations & Plans
(A3) DrNo 180 Garage Elevations & Plans
(A3) DrNo 191 HT9 1 Bed Flats Elevations
(A4) DrNo G/MC124/01 Site Location Plan
(A4) DrNo G/MC124/02 Site Plan
(A3) DrNo 431-001 Site Location Plan
(A3) DrNo 12 Rev B Site Plan
(A3) DrNo 13 Site Plan
(A1) DrNo 12.327/350B Proposed Drainage Strategy Plan

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

3. No development shall commence until a surface water drainage scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in accordance with the principles set out in the approved Flood Risk Assessment (prepared by TWP Consulting and dated December 2013) and include details of phasing and maintenance responsibilities as well as means of controlling surface water flows during construction. The development shall be carried out in strict accordance with the details of the approved scheme.

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

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

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

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

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

Taunton Deane Core Strategy.

6. Any drive and/or turning areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to their construction. Details of the surface finish of such areas shall be agreed in writing by the Local Planning Authority prior to their construction.

Reason: To prevent the discharge of water onto the highway, in the interests of reducing the risk of flooding, in accordance with the relevant guidance in Section 10 of the National Planning Policy Framework and in the interests of the visual amenity of the area.

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

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

8. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Sunflower International Ecological Consultancy's preliminary Ecological appraisal and extended phase 1 habitat surveys dated October 2012, and include:

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

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

The development shall not be occupied until the scheme for the maintenance

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

Reason: To protect and accommodate protected species.

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

Reason: To ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

10. No development shall commence (or other such timing to be agreed by the Local Planning Authority) until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to an

unacceptable risk of pollution to groundwaters and to ensure that the site is appropriately remediated in accordance with the NPPF.

11. Details of the noise levels for any pumping station to be provided on site shall be submitted to and approved in writing by the Local Planning Authority prior to it being installed.

Reason: In the interest of the amenity of neighbouring properties in accordance with Taunton Deane Core Strategy policy DM1.

12. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detail and siting of equipment shall be agreed in writing by the Local Planning Authority. This area shall be laid out to the satisfaction of the Local Planning Authority within 12 months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.

Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.

13. Details of the existing ground levels of the house locations and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority prior to construction of dwellings commencing.

Reason: In the interests of the amenity of the area.

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

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

15. Details of renewable energy measures for each dwelling shall be submitted to and approved in writing by the Local Planning Authority and the said source must be commissioned and installed prior to occupation.

Reason: To ensure a sustainable source of energy is provided in accordance policy CP1 of the Taunton Deane Core Strategy.

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

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

17. The windows and doors hereby permitted shall be timber as indicated on the application form and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority prior to their installation.

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

The proposal is a revised detailed application for the erection of 20 dwellings on land south east of the village of Churchinford.

The application was submitted with a planning statement, design and access statement, a landscape and visual appraisal, a Flood Risk Assessment and drainage strategy, an environmental assessment, a statement of community involvement, an ecological appraisal and phase 1 habitat survey and a heritage assessment.

SITE DESCRIPTION AND HISTORY

The site consists of a grass field with a group of old farm buildings and the land slopes to the north east. The site lies outside of the settlement limit in the AONB and there has been only one previous application on the site for 30 dwellings (10/13/0016) which was refused last year prior to the Local Plan Preferred Option being published on grounds of it being a major development site within the Blackdown Hills Area of Outstanding Natural Beauty where the NPPF advises that planning permission should be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. The site is not allocated, is yet to be fully assessed in terms of a Local Plan allocation and would be contrary to policies SP1 and CP8 of the Taunton Deane Core Strategy. It was also refused on design due to the conflict between two plots on the layout.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHURCHSTANTON PARISH COUNCIL - It was resolved to OBJECT to this application and write to express significant concerns about it in respect of the nationally important AONB designation, for the following reasons:-

1 Premature Application;

In September 2013 a Planning application by Cityscape for 30 houses on the Ford House Farm field site was refused on the following grounds:-*'it was premature to the completion of the SADMP consultation process; it was a major development in an AONB community; the layout would have a detrimental impact; no suitable agreement on the amount of affordable housing and open space provision was reached; and there were serious concerns about drainage run off'*.

The Core Strategy identifies Churchinford as a minor rural centre where some development is appropriate. It does not indicate or assess what the amount of development should be, or where it should be located – that being the purpose of the emerging Site Allocations and Development Management Policies Plan (SADMPP). That plan is still in its consultation stage, and for now therefore it is impossible to determine whether this development proposal is sustainable and the most appropriate for this settlement and with specific regard to the role and function of the settlement, the availability and capacity of local facilities and services, the availability of local jobs, transport and accessibility issues.

The proposal of a second site for consideration within the SADMP and the progress made by TDBC in resolving the plan strengthens the assertion that application 10/13/0035 should be refused on the basis of it being premature to the completion of the SADMP. This refusal would be fully consistent with TDBC's previous response to application 10/13/0016 and with the approach of TDBC planning committee to applications 24/13/0032 and 24/13/0036. Both applications, sited in

the Minor Rural Centre of North Curry, were refused at the Planning Committee on the 5th Sept 13. The reason of prematurity was key to both these decisions:

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

The Council is approaching publication of the Preferred Option of its Site Allocations and Development Management Plan. A number of sites have been promoted as being available for development and, as the overall rural housing target has been met there is no immediate need to bring sites forward in advance of the Plan led system'.

After a meeting between the Parish Council and TDBC, Nick Bryant, Policy Lead (Planning and Development) sent an email of 21st Nov regarding the proposal for development on its Public Open Space *'Should the alternative proposal not be identified as the Council's preferred option this would not necessarily make an early application at Ford House Farm any more favourable. This is because the Policy Team would still be keen to uphold the principles of the Plan led system and use the prematurity arguments made in respect of the original application at Ford House Farm. These arguments would equally apply to an early application at Newberry Farm in the event that this was the Preferred Option. We would anticipate that both sites would be discussed at the SADMP Examination which is likely to take place in early 2015.*

Churchstanton Parish Council would always support policy led planning than opportunistic development.

2 Two sites as Preferred Options?

At the time of application 10/13/0016 the Ford House Farm site was the only option formally within the SADMP process:

2.168 Ford House Farm is the only site at Churchinford submitted to the Council as being available to meet the village's housing requirements set out in the Core Strategy. The Council considers that the Ford House Farm site is suitable for allocation in the SADMP provided that the visual impact of the development is carefully managed through design principles that respect the character of the settlement. Development would need to integrate Sustainable Urban Drainage in order to reduce run-off water. In order to assist appropriate development of the site, the published plan will contain details on design, access, landscaping and other related planning matters.

As part of the Newberry Farm development s106 agreement an adjacent field was to be transferred to the ownership of the community for use as Public Open Space. This land has now been transferred into the ownership of the Parish. West of England Developments approached the Parish Council with a proposal for development on some of this land and its outline proposal contained the following points:

- A total of 8 houses with 5 delivered as affordable or low cost housing for the local community.

- A contribution by the developer to the community of either assets or cash to a value of £200,000 (negotiable).
- The freehold of the community shop conveyed to the Parish for the sum of £1.

Following a public meeting the Parish Council recognised that this proposal offered significant benefit for the community especially the provision of affordable and low cost housing. The council also believed that consultation on development sites within an AONB are not best served by consideration of only one option. At the Council's November meeting it was resolved to put forward the site for consideration as a preferred option within the SADMP process only when it was in the ownership of the parish. The transfer was completed on 4th December and the parish were able to informally reveal the plans at the TDBC SADMP consultation event that same evening, when feedback was requested from the community. This submission was sent to TDBC before the deadline for the current round of Preferred Options consultation.

With a second option now within the consultation process the Council considers that the issue of prematurity to resolution of the SADMP has increased importance. This is not only with regard to its potential impact on Churchinford as a community but also with regards the requirement on Taunton Deane generally to ensure policy prevails and commercial pressure does not result in over allocation.

3 Blackdown Hills AONB

The applicant makes reference to paragraph 14 of the NPPF and the presumption in favour of sustainable development. The applicant has ignored Footnote 9, i.e. ...'unless specific policies in this Framework indicate development should be restricted'.

Footnote 9 makes clear that in an Area of Outstanding Natural Beauty the conservation of the AONB should be the primary concern and not a presumption in favour of sustainable development.

The AONB are currently consulting on a revision to the Management Plan for the period 2014-19 and quotes from the NPPF:-

'Planning permission should be refused for major developments in AONB's except in exceptional circumstances, and only where it can be demonstrated that they are in the public interest....

Development proposals need to be of an appropriate form, scale and materials and in appropriate locations. This will enable them to integrate with landscape character both within and adjacent to the AONB. The sense of place is easily lost: suburbanisation and the cumulative effect of permitted development break down local distinctiveness; replacing small-scale, locally distinct features with ones of a standard design eroding local character.'

No real account has been taken of the AONB designation in the site selection process of SADMP and site assessment criteria have been applied uniformly to all sites and locations across the borough. Churchinford is the smallest of the MRC's and the only one within an AONB, where the scale and type of growth are key factors. The approach here should be to genuinely plan for a sustainable rural settlement, and not about meeting any rural housing figures, which are likely to be over-allocated.

There is a very real case to suggest that smaller sites and/or sites within the boundary would better reflect the scale and setting of the settlement within the AONB.

We are aware of other examples across the country where during their recent Examination of the South Lakeland Land Allocations DPD the Inspector raised this point as an issue in respect of the Arnside and Silverdale AONB. In a letter to the local authority he highlighted that rather than discounting sites below the threshold of 0.3ha from consideration, in the AONB consideration of smaller sites would amount to a reasonable alternative, and more likely to ensure that the landscape and scenic beauty of the AONB is protected in the way envisaged by the NPPF.

TDBC are currently consulting on additional potential sites that have emerged from the SADMPP process and it is stated that the number of sites required to enable the Council to meet its strategic housing and employment requirements is far exceeded by the number of potential opportunities. Coupled with the message in the SADMPP consultation document regarding the need to ensure that land is not over allocated in rural parts of the borough the conclusion must be that there is no strategic need for this type of relatively large development.

4 Oversupply of Rural Housing

The SADMPP process states that *‘the number of sites required to enable the Council to meet its strategic housing and employment requirements is far exceeded by the number of potential opportunities.’*

In fact the trajectory in Appendix D4 ‘Rest of Borough Housing Trajectory’ already shows a total of 440 houses are coming forward from the MRC’s compared with the 250 required. The figures indicate a real danger that land will be over allocated in rural parts of the borough.

The distribution of housing allocations between the minor rural centres is essentially based on the judgement that they could each accommodate around 10% growth without undermining the physical or social fabric, although this could vary depending on the

characteristics of the chosen site. The indicative 10% figure for Churchinford is given as 18; however the information in paragraph 2.94 of the SADMPP Preferred Options document suggests that a figure of 20 is being proposed. This higher figure does not appear logical given that the consultation plan and sustainability appraisal highlight the environmental constraints affecting the site.

The Parish Council, Natural England and AONB have previously argued during the SADMPP process that development sites across the county border should be added in, for example, Hemyock and Dunkeswell, when considering housing supply, particularly within the AONB. So the amount of housing to be allocated needs to be much less in an AONB than the simplistic 10% calculation across the 5 MRC’s.

5 Previous Allocations

In February 2010 TDBC held a consultation event in Churchinford Village Hall whose purpose was to consult with the community on development proposals that would form part of the Core Strategy.

The proposed development in Churchinford that would contribute to the TDBC Core

Strategy target was an additional 12 houses on the Newberry Farm development. These houses have now been delivered and Churchinford has therefore already contributed 12 houses towards meeting the needs identified within the Core Strategy. The Council would expect close regard to ensure that over allocation does not occur within the AONB and that the already delivered 12 houses will be taken fully into account.

6 Lack of engagement

Without any consultation or engagement since the refusal of application 10/13/0016, the Parish Council were made aware of application 10/13/0035 just before Christmas, and a week after a SADMMMP consultation event held in Churchinford by TDBC.

Since that application we have been made aware that TDBC and the AONB met at Cityscape's invitation on 30th October to discuss the application prior to submission. The Parish council were not invited to this event.

We note that a Planning Performance Agreement (PPA) has been negotiated between TDBC and the applicant. Our understanding is that PPA's are about improving the quality of planning applications and the decision making process through collaboration. They bring together the Local Planning Authority (LPA), developer and key stakeholders, preferably at an early stage, to work together in partnership throughout the planning process. PPAs are being and can be applied in a proportionate and streamlined way to less complex projects.

We did not therefore expect an application to come in so quickly, considering the stance taken by TDBC on the Newberry POS proposal.

In TDBC's 'STATEMENT OF COMMUNITY INVOLVEMENT' also currently going through consultation , p13 under 'Community Involvement in Development Management', says:-

'...the Borough Council has a duty to ensure applications and decisions are properly publicised but in order that the public and stakeholders can meaningfully influence the process, it is important to ensure that consultation is 'frontloaded' and undertaken prior to an application being made...'

and

'...Open and transparent consultation with Parish and Town Councils at public meetings is recommended.'

This extract of an email from Alun Tarr, chair of the Parish Council to Richard Salisbury, the developer sums up our experience of the application 10/13/0016:-

'9th July 13 Hello Robert

Further to your telephone call earlier this evening please find below correspondence related to a request for a meeting. It would have been best if the full council had met with you early on in this process. Up to the point of the request the only contact between yourself and the Parish Council had been an informal meeting and passing conversations with myself. Whilst the planning consultant has referenced these meetings in the application, I don't think that these should be inferred as adequate consultation with the council. Ideally, there should have been a response from your consultant to the request and a meeting arranged between yourself and the council.

Response of the Parish Council to Gareth Clifford for Application 10/13/0016. 16th

August 2013 re-iterates the point (extract):-

'The failure of the applicant to engage meaningfully with the elected representatives for the community, the parish council, runs contrary to any idea that the community involvement was extensive and sensitive.'

There was no formal contact between the Developer and the Parish Council between refusal of application 10/13/0016 (18th September 13) and submission of application 10/13/0035 (13th December 13).

So the comments in para 6.36 about extensive community involvement relate more to what the Parish Council and TDBC have set up, than anything the applicant has done.

7 Community Led Plan (CLP)

The Parish Council are working with the local community to identify housing economic and community needs via its CLP, for which we have been given an unconfirmed grant, and this year-long process should be completed prior to this application being considered, an approach fully supported by the Blackdown Hills AONB, when responding to the previous application:-

'The villages and communities are a fundamental part of the area, and any development should be limited to that which meets their needs. I understand that Churchstanton Parish Council is working on a parish plan and it would seem logical that any future development in the village evolves from that process. In that respect, this speculative application is also prejudicial to local community-led planning due process.'

8 Sustainable Village

While the Council has decided to designate Churchinford as a minor rural centre, it is fundamentally a small village in an AONB and any development should be of the highest quality, providing an exemplar in achieving a high standard of design so that local character is reinforced and the natural beauty of the area is conserved and enhanced.

There is genuine concern that public transport is already inadequate to make any large development sustainable, and with further cuts to the bus network expected, such a large development in a rural location would increase commuting and car journeys

If small villages such as Churchinford are truly to function as minor rural centres then employment opportunities must be addressed as part of the overall approach to settlement planning, along with other local needs, to avoid the creation of dormitory villages and exacerbating issues around rural isolation. This application does nothing to improve the situation.

9 Conclusion,

The Parish Council believe it would be prejudicial to the Taunton Deane Core Strategy and contrary to national policy to allow this application at the current time. It is not appropriate to allow additional housing in the AONB in advance of a planned sequential approach to development and proper consideration of what is

appropriate for this small 'minor rural centre' in the heart of the Blackdown Hills. There is a danger of creating isolated, unsustainable housing estates, entirely dependent on cars with no local jobs or public transport.

10 Granting Permission

If the LPA decides to approve this application the Parish Council would want to secure

- an amount of housing that befits its size related to the known needs from the CLP, not through some formulaic adherence to an overall percentage across the board; If a smaller allocation is approved we would want to see the same percentage of affordable/low cost housing being offered as in this application.
- its location in an AONB and with cross County-boundary development taken into account;
- the provision of off street parking for existing residents indicated within the application through the s106 agreement
- ownership of the POS, orchard and boundary copses and the agricultural field to ensure community and biodiversity gain is protected in the long term and the opportunity for future development contrary to the understanding of the current application is prevented.
- negotiations on gain related to Community Hall and Allotments include the community. Any gain should not be less than the figures currently suggested by the applicant.

We would want to see more benefits for the community including :-

- increased bus service at weekends during school holidays, more economic development potential

The applicant states that they have taken account of the AONB 'Design Guide for Houses' but a typical estate layout is proposed with features such as an assortment of building materials that have little relationship to the distinctiveness of Churchinford, its settlement pattern and building form. If the principle of this development is accepted, detailed consideration should be applied to materials and finish, and to matters such as boundary treatments and external/street lighting. This detailed consideration should involve the AONB office and fully respect its design guide. Particular concern would be that traditional Chert construction only (not Chert block) is employed.

We would request that careful consideration is given to roofscape, and to the colours and materials used. Houses in the Blackdown Hills typically tend to be relatively small in scale, sitting low in their setting, and so we would expect greater consideration be given to building height and ground levels than seen in other recent village development to avoid the visual mass and scale of new housing overwhelming the settlement and its approaches.

Long views are a particular characteristic of the AONB, and one of the special

qualities is the way that settlements and buildings blend harmoniously with the surrounding landscape. The site rises considerably southwards and the prominence of future dwellings through possible phasing along the south-east boundary can only be alleviated by better protection. Any extension to this development will be evident in the wider landscape, leading to a sense of sprawl and encroachment of Churchinford on to higher ground in open countryside.

PLANNING POLICY - The application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Taunton Deane Core Strategy (policies CP8, SP1 and DM2). Despite being in the open countryside, the application site is considered sustainable as it has good levels of access to some services and facilities in the village including doctor's surgery, community shop, post office, public house, and village hall. The site is also close to a bus stop although the public transport provision in the village is limited.

The application site is situated to the south of the village centre of Churchinford. The whole site lies within the Blackdown Hills Area of Outstanding Natural Beauty. Development would, therefore, need to be sensitively designed and landscaped to ensure it's visually contained and respects the character of the settlement. The proposed development, however, seems to provide a logical rounding-off to the existing nucleated village pattern.

Churchinford is identified as a Minor Rural Centre in the adopted Taunton Deane Core Strategy. Policy SP1 identifies requirements for at least 250 dwellings to be shared between the villages of Cotford St. Luke, Creech St Michael, Milverton, North Curry and Churchinford. Churchinford is therefore identified as a sustainable settlement to accommodate further growth.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council is now in the process of producing a Site Allocations and Development Management Policies Plan. It is anticipated that through this Plan each minor rural centre will accommodate a scale of development commensurate with role and function and the capacity of local infrastructure, services and facilities as well as the availability of suitable and achievable development sites.

The Council published a Preferred Site Allocations and Development Management policies plan for public consultation between 31/11/2013-12/12/2013. As part of the consultation, the Ford House Farm site was identified as the Council's preferred site. At the time of the publication of the SADMP Preferred Options document, no further sites had been formally submitted to the Council for consideration or comparison to assess against the Sustainability Appraisal. A public consultation event took place in Churchinford on the 4th of December 2013.

As part of the Preferred Options consultation, Churchstanton Parish Council set out an alternative proposal for 8 units to the west of the settlement adjoining and to be added to the 12 homes delivered as part of the previous planning permission at Newberry Farm. It was suggested this provided an appropriate contribution from Churchinford to the strategic housing targets set in Taunton Deane's adopted Core Strategy, and indicated as the SADMP requirement. An additional public

consultation was subsequently undertaken regarding the suitability of the alternative site for allocation in the SADMP between 23/12/2013-31/01/2014.

Through the Preferred Options consultation the alternative site at Newberry Farm received a significant number of objections including a petition against further development with 125 signatures. Total of 25 representations were received with regards to development on the Ford House Farm site of which some objected and some expressed no objection to development. A limited number of representations (approx 10) expressed support for the alternative site at Newberry Farm if further development in Churchinford was a necessity. A further public consultation was undertaken regarding the suitability of the alternative site at Newberry Farm for allocation in the SADMP. Through this consultation the Council received a total of 16 representations of which some supported and some objected the allocation of the alternative site in the SADMP. In addition the Council received a petition against further development at Newberry Farm with 125 signatures.

Churchinford has been identified in the adopted Core Strategy as a sustainable settlement to accommodate further growth. This proposal for 20 dwellings is considered proportionate with the settlement hierarchy established for minor rural centres in the adopted Core Strategy. The SADMP Preferred Options document states that up to 20 dwellings would be sought.

Whilst the site is a Preferred Option, the Parish Council have submitted an alternative proposal which has attracted a significant level of objection from the local community compared with the Ford House Farm site. The Council has not yet had an opportunity to assess the alternative proposal against the Sustainability Appraisal in order to form a view on its suitability for allocation in the SADMP. Given that Churchinford only has two potential development options and it is unlikely that the village would need both allocations, it is therefore considered that these issues are best resolved through the development plan process.

DIVERSIONS ORDER OFFICER - Mr Edwards - No comment.

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which abuts the proposed development at the present time (footpath T 6/24). I have attached a plan for your information.

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

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

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from

SCC Rights of Way Group.

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

If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.

WESSEX WATER - Water connections will be required from Wessex Water and the development engineer can see no issues regarding capacity.

DRAINAGE ENGINEER - no comment

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing.

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 such Standards which may supercede at the date of approval of the full application.

The proposed affordable housing unit type, size and location have been agreed with the Housing Enabling Lead at Taunton Deane Borough Council.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

A local connection clause is to be included within the S106 agreement to prioritise the homes for local people.

LANDSCAPE - This site is within the Blackdown Hills AONB and therefore any development has to be sensitively sited.

Further to my previous comments on the earlier application, 10/13/0016, my concern regarding lack of sufficient landscape buffer on the south eastern boundary adjacent to the PROW has been significantly addressed through setting back of the development and planting it with an area of orchard.

My concern regarding impact on the setting of the listed building has also been

addressed to some extent through establishment of a planted landscaped buffer to the north eastern boundary.

My other concerns regarding opening up of the site through loss of boundary hedgerow for the access; wider visual impact from local roads and change of landscape character of the edge of village remain.

If the application is to be approved I recommend that the southern open space be planted as a copse/woodland with a glade and not left open and grazed. This will provide more of a setting longer term to the development as seen from the north and north east. It will also provide more useable open space through the year. More detailed landscape proposals will be required.

Comment on amended strategy - Subject to full landscape details the proposals are now acceptable.

BIODIVERSITY - For comments on the submitted survey please refer to observations made in connection with 10/13/0016. This proposal has less housing and so offers additional landscaping which would benefit wildlife and so is an improvement on the previous scheme. I agree with comments made previously by the Landscape officer concerning the impact on the street scene by part removal of the roadside hedge.

Sunflower International Ecological Consultancy carried out a preliminary Ecological appraisal and Extended phase 1 habitat survey in May 2012 although the report is dated October 2012. Findings of the survey were as follows

Habitat - The site consists of species poor permanent grassland and a range of semi derelict farm buildings. A bank with trees runs along the eastern side of the site.

Bats - **The surveys found no evidence of bats using the buildings on site. This is probably because the buildings are constructed of unsuitable materials, too well lit or too draughty. It is likely however that the site is used by foraging bats so hedgerows should remain unlit.**

Birds - The hedges that define the western and south-eastern sides of the site offer bird nesting potential. House martins were recorded as nesting in the ivy of one of the large barns. A swallow's nest was recorded in part of the former dairy unit. Any demolition or clearance work should take place outside of the bird nesting season.

There is no mention of badgers, dormice or reptiles in the report so I assume the surveyor found no evidence of these species.

This development should offer some biodiversity gain. I suggest a condition for protected species:

SOMERSET WILDLIFE TRUST: We would agree with the comments of the Biodiversity Officer. We would also suggest that if approved more detailed enhancements for wildlife should be provided to include bird and bat boxes, the use

of native plant species in all landscaping schemes and the design of external lighting schemes so as to minimise light pollution.

NATURAL ENGLAND - We note that the Council are currently consulting on the Site Allocations and Development Management Plan, which is expected to be published in 2014. This will provide direction as to the most sustainable and appropriate locations for development, looking at the role of settlements and their capacity to absorb growth.

LANDSCAPE – Insufficient Information

Natural England has assessed this application. From the information available Natural England is unable to advise on the potential significance of impacts on the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

The Landscape and Visual Appraisal, submitted with this application, does not make reference to the AONB Management Plan which would provide you with the AONB-level context and objectives. The Landscape Appraisal is set entirely at the site level which makes it difficult to make judgments on whole landscape impacts. The Methodology does not refer to the Guidance for Landscape and Visual Impact Assessment (3rd Edition), which is the accepted standard for assessing development impacts on landscape in the UK.

Please refer to our comments in response to the Council's consultation on the Core Strategy's Site Allocations and Development Management Policies Plan (SADMP) (see attached) in which we advised the Council to consider the need for a site specific Landscape Character Appraisal to help determine the capacity for new development in Churchinford, giving particular consideration to protecting the special qualities of the AONB in this area.

We therefore strongly advise you to have regard to the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise on whether the development accords with the aims and policies set out in the AONB management plan.

PROTECTED SPECIES

Bats - It is noted that a survey for European Protected Species has been undertaken in support of this proposal. 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 would be unlikely to affect bats.

For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

Domestic species - We have not assessed the survey for badgers, barn owls and breeding birds, 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 results and the appropriateness of any mitigation measures.

The advice we are giving at the present time relates only to whether, in view of the consultation materials presently before us (including with reference to any proposed mitigation measures), the proposal is likely to be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range (*i.e.* the '*Favourable Conservation Status*' test). We have not considered whether the proposal satisfies the three licensing tests or whether a licence would be issued for this proposal. This advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the protected species.

We also recommend that you consult Barbara Collier your Biodiversity Officer on the implications of this application for protected species and other nature conservation interests.

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*'.

LEISURE DEVELOPMENT - In accordance with the Local Plan policy C4, provision for play and active recreation should be made for the residents of these dwellings. The proposal for an on-site children's play area is to be welcomed provide for the extra need that will be created by this development. The play area should be positioned so that it is overlooked by the nearest dwellings to promote natural surveillance. The Parks Department should be asked to comment on the actual design and content of the playground.

A contribution of £1571 for each dwelling should be made towards facilities for active outdoor recreation. A contribution of £209 per dwelling towards allotment provision should be sought and a contribution of £1208 per dwelling towards local community hall facilities. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings. A public art contribution should be requested either by commissioning and integrating public art into the design of the buildings and public realm or by a commuted sum to value of 1% of the development costs.

OPEN SPACES MANAGER - From the plans it is not clear the extent of the POS. The Open Spaces Department requests a plan clearly showing the land to be designated as POS. Areas should not contain plots too small with no connection to the general POS. POS areas, including hedgerows and wildlife corridors, should be

easily accessible for the purpose of maintenance.

Play equipment must comply with current British and European standards and preferably be structurally guaranteed for at least 15 years. A play area post-installation inspection report carried out by a qualified independent area inspector must be provided.

SW WATER - No objection.

SCC - CHIEF EDUCATION OFFICER - No comment.

ENVIRONMENT AGENCY - We have no objection to the application and our comments remain broadly similar to those provided for the previous application 10/13/0016 which we re-iterate below for your ease of reference:

CONDITION: No development shall commence until a surface water drainage scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in accordance with the principles set out in the approved Flood Risk Assessment (prepared by TWP Consulting and dated December 2013) and include details of phasing and maintenance responsibilities. The development shall be carried out in strict accordance with the details of the approved scheme.

REASON: To ensure that flood risk is not increased through the use of SuDs in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

Informative / advice to LPA: We still have concerns with the lack of detail provided on the off-site works and are not clear at this stage whether these works are technically feasible or will compromise the viability of the development.

Notwithstanding this, we understand that South West Water have been consulted in respect of the proposed surface water arrangements and have no objection to entering into a requisitioning in the event of planning permission being granted. This being the case, it would appear that the risks of increased flooding as a result of the development can be adequately mitigated via the above recommended condition and a separate agreement under the Water Industry Act even if infiltration proves to be unfeasible.

We would like to point out at this stage that any off-site works has the potential to cause significant disruption to affected land-owners and we would advise that alternative options are explored where possible. In particular, consideration should be given to improving the infiltration properties of the site for some of the smaller storm periods to try and alleviate additional volumes of run-off from the development. Options to improve existing infrastructure rather than requisitioning could be explored to minimise disruption.

It is important that the surface water drainage infrastructure is phased appropriately so that additional run-off from the development is attenuated during all stages of the development.

CONDITION: No development shall commence (or other such timing to be agreed by the Local Planning Authority) until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to an unacceptable risk of pollution to groundwaters and to ensure that the site is appropriately remediated in accordance with the NPPF.

Informative / advice to LPA: The above condition has been recommended because the site has been subject to an agricultural use which could give rise to the presence of land contamination. Potential controlled waters receptors for contamination include the local abstractions and underlying aquifer. The recommendations of the submitted Phase 1 Desk Study (prepared by Johnson Poole & Bloomer and dated September 2012) should be taken forward and contribute to any further assessment of the site's potential for contamination. The assessment should also consider the possibility of any pollutant pathways being introduced as a result of the development, particularly during the construction phase.

BLACKDOWN HILLS AONB SERVICE - The primary purpose of the AONB designation is to conserve and enhance natural beauty, and national planning guidance advises that great weight should be given to conserving their landscape and scenic beauty. With this in mind, on principle, I still believe there are fundamental issues with how TDBC considers Churchinford in planning terms, and that there is a case to say that any housing development proposal there should await full and proper conclusion of the Site Allocations and Development Management Policies Plan process. While it is of course understood that Churchinford has been designated as a minor rural centre and that therefore some

development will follow, I contend that no real account of the AONB designation has been taken in the site selection process or the distribution of housing numbers. Applying a 10%, or thereabouts, growth figure to all of the minor rural centres does not take account of their very different characteristics or other recent housing growth. The appropriate scale of development for Churchinford, in light of the role and function of the settlement, the limited availability and capacity of local facilities and services, the limited availability of local jobs, and limited transport options, has not been tested.

In a similar respect I do not accept the case in the application planning statement about the NPPF presumption in favour of sustainable development and housing delivery and supply; this still ignores footnote 9 of paragraph 14, and furthermore it is not reasonable to suggest (at para 5.19) that the Taunton green wedge designation is comparable to AONB designation.

Whatever development status assigned to it, Churchinford is essentially a small village in the heart of the Blackdown Hills AONB and any housing development should be of the highest quality, providing an exemplar in achieving a high standard of design so that local character is reinforced and the natural beauty of the area is conserved and enhanced. Matters of detail therefore require careful consideration. Indeed, officers and councillors will no doubt recall their design training event in September 2013, where the nearby Newberry Farm development was widely acknowledged to have fallen short on design grounds.

Supporting this approach is the draft AONB management plan 2014-19 which includes the following objective and policy (which are similar to that included in the current plan):

PD 1 - All development in the AONB is of the highest quality, is in keeping with the landscape and conserves its wildlife, historic character and other special qualities.

PD1/B - Seek to ensure that any necessary new developments or conversions conserve and enhance natural beauty, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

Turning therefore to the detail of this particular proposal, I make the following observations for consideration should the council be minded to approve the application;

The reduction in housing site area (compared to the previous application) is welcomed, and it would seem that the existing and proposed hedgerows and trees in the southern parts of the site should provide a backdrop to the new houses in long views across the site. The orchard planting and open space should also offer biodiversity interest and provide links to the wider countryside. The intent to complete landscaping/planting elements early in the development phase is supported. That said, the ongoing management of these areas is an important consideration if the benefits are to be realised.

The commitment to construct dwellings in natural stone (random rubble style) is strongly supported and this should be secured through condition/obligation, with detail to be approved [applicant email of 13.01.14 to me and copied to planning

officers refers]

The amendment to materials, reducing the number of render finish/increasing stone built [also above referenced email] is also supported as being more typical of the village. The colour of render is also important in terms of visual impact and blending with the landscape and rest of the village, and a limited palette of muted, natural tones would be most appropriate.

Attention to other detailed points of design will also be critical factors in how successful this development would be considered, for example roof materials and colour, and style and materials of boundary walls.

Narrow road width with a surface material typical of rural roads are further factors that will do much to assist with assimilating the development into its setting.

I have also approached the applicant regarding undergrounding of overhead wires along the site frontage to achieve some visual amenity and landscape benefits; although I understand this to be outside the application boundary, it would be a welcome benefit in terms of the AONB.

Finally, I believe that the applicant has indicated a willingness to phase the development, and this may well prove welcome in light of local concerns about the pace of recent development in the village.

I trust that these comments and observations are helpful to your consideration of this application. The AONB Partnership would be pleased to be kept informed of progress with the application and comment on any further material as appropriate.

HERITAGE - My comments on the previous scheme still apply but the increase in screening now proposed would help reduce the degree of negative impact on the setting of Ford House which is a grade II listed building. The positive benefits to the setting of Ford House of removing the redundant agricultural buildings would not outweigh the negative impact of the proposed development but there may be public benefits which under the NPPF could potentially negate the harm to the setting of the listed building.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION -

The applicant has provided a desk study for the site:

- Phase 1 Desk Study and Initial Conceptual Site Model, Johnson Poole and Bloomer Land Consultants. September 2012.
- Envirocheck Report. June 2012

The information in the Envirocheck report provides details of the history of the site and surrounding area. This is reviewed in the Desk Study, along with information from a walkover of the site, to inform an initial risk assessment on the potential for contamination to affect the environment or future users of the site.

The Report states that the site has been used for normal agricultural purposes. It does note that there is some suspected asbestos containing material on site (cement roof sheeting and cladding) and the remains of a small fuel storage tank.

It concludes that the past history of the site would not be considered likely to pose a significant potential risk of indigenous ground chemistry, however, it recommends that some soil sampling should be carried out regarding the potential asbestos containing material and hydrocarbons in areas of historical fuel use.

Comments.

The desk study, initial risk assessment and conceptual site model are thorough and address the potential issues that could arise on this type of site. The recommendations for further investigations are reasonable and should be carried out if the development does go ahead. This could be required by a planning condition and I have amended the standard condition to take account of the information that has already been submitted.

Condition regarding potential contamination

Prior to the commencement of development the applicant shall

a) Carry out the site investigation and sampling as outlined in the Section 5 of the Desk Study by Johnson Poole and Bloomer dated September 2012 (ref MC124-02a/NJW) and use this information to update the risk assessment for the site. The site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

b) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: to ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

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.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - comment awaited

SCC - FLOOD RISK MANAGER -

SCC - TRANSPORT DEVELOPMENT GROUP -

The proposal relates to a revised layout for the erection of 20 dwellings with associated public open space.

Vehicle Movements

Under the previous application the Highway Authority stated that further information would be required due to the significant increase in vehicle movements associated with this proposal. In light of this the applicant provided further information to try and address the Highway Authority's concerns.

However the Local Planning Authority determined the application before the Highway Authority was able to provide their comments. This revised scheme is now for 20 dwellings rather than 30 dwellings, which was previously proposed.

Looking at the traffic impacts it is likely that the additional traffic, particularly spread across multiple routes, cannot be considered to have an unacceptable impact on the local highway network.

The applicant has proposed to provide 60 parking spaces, which equates to three spaces per unit. This is considered to be acceptable. Although it is unclear whether any additional visitor parking has been provided. This will need to be confirmed by the agent.

Estate Roads

At the point where the access ties into the existing carriageway allowance shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Core holes may need to be taken to ascertain the existing depths of the bituminous macadam layers. Furthermore the gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with the adjoining road.

In terms of the internal layout the applicant should be aware that it is likely that some parts of the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payment Code. Section 5.7 of the 'Design and Access Statement' indicates that a shared surface carriageway will be provided throughout the main part of the site. However this does not seem to be reflected within the layout contained within drawing number 12.236/300/E, whereby Road 1 will be a footway. Only Roads 2 & 3 appear to be a shared surfaced carriageway. This section of the 'Design and Access Statement' also indicates that a granite ramp will be constructed. Any proposed ramp(s) should be constructed as per typical bitumen macadam carriageway specifications.

The block paved shared surface carriageways should be designed with a

longitudinal gradient no slacker than 1:80. Service margins of less than 1.0m in width should be constructed from bound material and not grass/block pavours. Furthermore the private drives serving plots 3 and 5 should be a minimum of 6.0m in length as measured from the back edge of the prospective public highway. The applicant would also require a 2.0m wide hardened vehicle overhang margins will be required at the ends of turning arms within Road 1 to the north of plots 5 and 6. The applicant should also be aware that an adoptable 25.0m forward visibility splay will be required across the inside of the carriageway bend fronting plot 4. There shall be no obstruction to visibility within the splay that exceeds a height greater than 600mm above adjoining carriageway level. The private access path for plot 18 appears to be blocked off by a boundary without any connection onto the proposed pedestrian/cyclist link.

The proposed link referred to within point 1 above, will appear to provide access to a Play Area. As a result, this link might well be used by a combination of pedestrians and cyclists and should therefore be constructed to a width of 3.0m to accommodate the shared use. A forward visibility splay will be required across the corner plot 20 with appropriate visibility splays provided at the interface of this link with Road 1.

Would the developer be able to confirm whether it is possible for the turning head that terminates to the south of plot 13 to be extended up to and including the drive serving plot 20. If this is not provided then how will the 'private drives serving plots 15, 19 and 20' are separated from the proposed adjacent pedestrian link? The Highway Authority is of the opinion that it would not be ideal to have vehicles travelling across a pedestrian link in terms of future maintenance liabilities.

The private tandem drives serving plots 10 and 11 should be a minimum of 10.5m in length as measured from the back edge of the prospective public highway.

The proposed footway to the north of the site entrance should extend so that it is in direct line with the existing footway opposite and tactile paving slabs will be required both within the proposed and existing footways to provide a suitable pedestrian crossing location.

Can the applicant please confirm the future maintenance arrangements for the grass verges within the application site? Somerset County Council does not have the resources or equipment to maintain such areas. Furthermore grass margins should not be laid up to vertical faces. The last 20mm should be hardened material to act as a 'mowing strip'. Grassed margins should not taper off into nothing. The last 500mm should be of a hardened material.

The Planning Statement indicates the possibility of hydrocarbon contamination within the fuel storage areas. If these sites fall within the prospective public highway limits then the applicant will need to submit to Somerset County Council a comprehensive method statement detailing the measures to be employed for the removal of the contaminated materials.

Any proposed retaining/sustaining structure, either to be adopted by Somerset County Council or remain within private ownership, that will be constructed within 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary, must have submitted to Somerset County Council

prior to construction works commencing, all necessary detailed design drawings and design calculations to that Somerset County Council can be assured as to the safety and durability of these structures.

Moving onto the site drainage where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from the Streetworks Co-ordinator on 01823 483155.

The submitted Planning Statement makes reference to storm water from the application site being collected and attenuated within tanks or over-sized pipes. The applicant must be made aware that any form of attenuation system should be located outside of the prospective public highway limits. The highway should not be looked upon as a convenient place to locate such storage systems. In terms of surface water from all private areas, including drives and parking bays, will not be permitted to discharge out into the prospective public highway. Private interceptor drains must be provided to prevent this from happening. Additionally, surfaced water from the proposed adoptable pedestrian link that extends between plots 13, 18, 19 and 20, will not be permitted to discharge onto private land.

The developer will be held responsible for any damage caused to the highway network by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photograph shall be taken by the developer's representative in the presence of the Highway Authority's representative's showing the condition of the existing public highway network adjacent to the site and a schedule of defects agreed prior to works commencing on site.

The developer will need to provide written confirmation of acceptance by Wessex Water to adopt the new storm water sewer together with its outfall to the existing watercourse will be required with a copy being forward Somerset County Council, as the Highway Authority, for our records. Furthermore the Environment Agency, Inland Drainage Board and Riparian land owners should be consulted as to whether or not any existing ditches or watercourses within the application site are to be piped or require culverts. Any such works will require the approval of the Local Authority under Section 263 of the Public Heath Act 1936.

Finally the developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the work at all times. The developer shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

Drainage

As part of the application process the Highway Authority has assessed the submitted Flood Risk Assessment and Drainage Strategy and has the following comments to make.

On page 5 of the Flood Risk Assessment (FRA) it is noted that the percolation tests were not carried out in full compliance with BRE Digest 365 and therefore will not be accepted for design purposes. I can concur with the author that further testing will be necessary to Somerset County Council's requirements with a Somerset County

Council Engineer in attendance. Page 6 makes reference to a nearby housing development where soakaways have been employed as the means discharge for surface water run-off. It should be noted however that to date the only evidence submitted to the Highway Authority as proof of ground conditions conducive to infiltration drainage on that development is from partial soakaway test akin to those undertaken in support of these proposals.

From the developer's conclusions on page 14 it is understood is that they will use Sustainable Drainage Systems where appropriate and necessary but the final drainage solution will be subject to detailed design following further information regarding infiltration. It is also noted that the proposed drainage strategy indicated in Appendix G is for a positive outfall for the surface water from the site via a piped system to a nearby watercourse.

Turning to the proposed Drainage Strategy the applicant will be required to consider the risks of locating large pipes under the highway and should take every opportunity to reduce the extent of such pipes under the carriageway. The flow control manhole should ideally not be located clear of the carriageway as this simplifies access arrangements for routine inspections i.e. for visual inspections and to check the operation of the by-pass door. Furthermore the structural adequacy of any structure within the prospective highway having a clear span of 900mm or greater will be formally assessed by the Highway Authority via the Approval in Principle (AIP) process in Design Manual for Roads and Bridges (DMRB).

Conclusion and Recommendation

To conclude, although the proposal would result in a significant increase in vehicle movements it isn't considered to be sufficiently severe to warrant an objection on traffic impact grounds. From submitted plans the internal details are considered to be broadly acceptable, although the applicant will note that a number of points will need to be addressed prior to any submission in connection with any Section 38 agreement. Finally in terms of the drainage strategy and the Flood Risk Assessment it appears that there are a couple of points that need to be addressed before the Highway Authority will be satisfied with the submitted details.

Representations

31 letters of OBJECTION raising issues of

- Site outside settlement in AONB
- Need to preserve AONB
- loss of farmland in centre of village
- scale of development in recent years will change character of the village
- impact on landscape character and does not enhance AONB
- loss of rural character
- large scale development in AONB
- would be 35% increase in housing in 10 years
- Percentage increase in housing high and build rate is triple that of UK over last 50 years and double the rate of TDBC over the past 10 years and has just seen a 13% increase in housing

- there would be a 25% increase in housing in Churchinford since 2012
- 93% of villagers are opposed
- village oppose the development
- not sustainable development
- development should be for economic and community needs
- the site was rejected in the SHLAA process
- proposal contrary to 6 of Core Strategy strategic objectives
- contrary to policies CP1, CP2, CP4, CP5, CP6, CP7 and CP8 and DM1 and DM2
- Contrary to NPPF paras 115 and 116 as in AONB where major development should be refused except in exceptional circumstances and where they can be demonstrated to be in the public interest.
- major development here is contrary to policy SP1 and SP4
- 20 houses is not small scale and not within the settlement
- the skyline will be affected,
- submitted Planning Statement is inaccurate
- artists impression of the site is inaccurate
- landscape impact on AONB and listed building are underestimated and are considered to be adverse and significant
- no need and no exceptional circumstances
- the development will destroy the view of the village when approached from the north and create the sense of a housing "estate bowl"
- Of 20 units target identified in the Core Strategy 12 have been delivered at Newberry Farm, so this would exceed the target number.
- There is a second proposal to meet housing need put forward to the north east of the former Newberry Farm which would identify affordable housing need and benefit the village.
- rejection should not lead to development of Newberry Corner
- the original proposal for 30 was refused and the reasons still apply
- the Local Plan is still in process

Highways

- more traffic on narrow country roads,
- at least 40 extra car journeys a day,
- proposed access to road is close to an existing junction and would be a traffic hazard
- increased risk of accidents in the village
- risk to pedestrians with no footways
- parked vehicles block traffic
- poor road surface
- would increase commuting
- poor accessibility - no adequate bus service,
- poor emergency service access
- village sometimes cut off due to snow
- lack of frequent affordable public transport
- access to the school requires private vehicles

Drainage

- increased risk of flooding in the village
- no suitable surface water design solution
- will not allow water storage and lead to flooding
- concern that normal mitigation measures will not be adequate

- sewage system cannot cope

Other issues

- some school classrooms are in temporary buildings
 - lack of local employment
 - slow broadband speed
 - lack of utilities
 - no requirement for additional play areas
 - play facilities for older children are required as are other children's amenities
 - no need for housing increase and houses in the village are slow to sell,
 - poor local facilities such as doctors and shop
 - strain on inadequate local infrastructure
 - design does not integrate with character and a proportion should be single storey.
 - re-design does not meet objections with too much render, thatch is rare and design would not appear 'organic'
 - the play and open space would be better provided at Newberry Corner site not at Ford House Farm
-
- overlooking and loss of privacy
 - loss of amenity
 - loss of views
 - impact on wildlife,
 - controls over construction works required,
 - noise impact and disturbance during construction,
 - no community gain,
 - impact on species such as badgers and bats
 - light pollution
 - inadequate public consultation by the applicant

Also a PETITION against of 222 signatures on the grounds of prematurity and scale is too large in regard to its site and setting in the AONB.

1 letter of SUPPORT over the location but concern that 20 houses is too many and concern over flooding, lack of footways and need to keep southern end free of development.

20 additional letters of OBJECTION to amendment reiterating previous issues and adding

- lack of faster broadband to the area
- chert block should not be allowed and stonework should be random rubble construction
- open space and play area should be for all Parish residents
- landscape planting should be managed and appropriate for the local environment
- planting should not impact on long views
- soil should not be stripped as it would lead to more run-off
- landscaped areas should be protected from construction operations to avoid compaction
- query over orchard planting

- planting should be carried out within 12 months and no mature trees should be damaged

CPRE - We believe the application should be refused in light of national and local policies on sustainability, having regard to the accessibility of the development to services and employment and its impact on the landscape and character and appearance of the Blackdown Hills AONB.

A planning application for thirty houses on this site was refused as recently as September 2013 (application number: 10/13/0016). Taunton Deane refused the application because the site is in the Blackdown Hills AONB, is outside the settlement limits of the village and the application was not in accord with policies outlined in the adopted Core Strategy, in particular policy SP1 and policy CP8. The Planning Officer also noted that *'the proposal does not provide a suitable means for securing the appropriate affordable housing and community and leisure facilities.....'* and *'would be contrary to policies CP4 and CP5 of the Taunton Deane Core Strategy, retained policy C4 of the Taunton Deane Local Plan and Policy for the Provision of Community Halls document'*. The CPRE concur with this view and believe that this application should be refused for the same reasons.

There is no identified need for more market housing in Churchinford. The site is located outside the settlement limit in an unsustainable location that has limited public transport and limited employment opportunities. Residents will be entirely dependent upon private cars to access employment and services. Allowing this development would be contrary to Council's stated aims on sustainability and reducing carbon emissions and the need to travel. These aims are well articulated in Policies CP1 and CP6 of the adopted Core Strategy.

Policy CP8 of the Adopted Core Strategy states that the Borough Council seeks, *'to conserve and enhance the natural and historic environment'* and *'will not permit development proposals that will harm these interests'*. The proposed development is unsympathetic to its location within the Blackdown Hills AONB. It would be detrimental to the historic and rural environment and therefore not in accord with the Council's stated policy. The site rises towards the south so that the southern edge of this development will be visible for some distance around affecting long views within the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

Furthermore the new housing will impact on the setting of a listed building, Ford House. One of the special qualities of the Blackdown Hills AONB is that it is *'a landscape of architectural appeal'* so the impact on the setting of a listed building is therefore an important issue in protecting the landscape of the AONB. We feel that this proposal is detrimental to the landscape character of the AONB and so is in clear conflict with policy which gives the highest level of protection to the landscape and cultural heritage within AONBs. The National Policy Planning Framework states: *'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of*

Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.

Last April the Department of Communities and Local Government provided Planning Authorities with revised housing projections. Taunton Deane requires many less houses

than was originally anticipated and the CPRE believe that the Council should consider revising its allocations for market housing in Minor Rural Centres such as Churchinford. The CPRE view is that the emphasis should be on sustainability and identifying and meeting the housing needs of people who live and work in the area. Building more market housing in Churchinford will not make property more affordable for local people who cannot afford to buy a home of their own.

Relying on property developers to provide a proportion of affordable housing on the back of market housing developments is a short term and unsustainable policy for rural areas. Developers must make a profit and will inevitably pass on some of the costs of providing the affordable homes to those purchasing the houses at full market value. This only serves to increase property values even further out of the reach of local people who are often working for low wages. The policy is divisive and can have an erosive effect on rural communities. It can result in the building of far too many houses in rural areas in order to achieve targets for affordable homes.

The CPRE view is that existing settlement limits for Churchinford should be retained. Planning permission should only be granted for affordable homes outside settlement limits.

Holding out the prospect of extending the settlement limit and giving permission for market housing inevitably means that landowners will be reluctant to sell land at a lower price to meet the need for affordable housing.

The CPRE are aware that the Borough Council are currently consulting on development in Churchinford and hope that our views will be given serious consideration.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
AONB - Area of Outstanding Natural Beauty,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
SD1 - SD 1 TDBC Persumption in Favour of Sustain. Dev,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

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)	£21,581
Somerset County Council (Upper Tier Authority)	£5,395

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£129,488
Somerset County Council (Upper Tier Authority)	£32,372

DETERMINING ISSUES AND CONSIDERATIONS

The proposal is for a residential development in this edge of village location and has to be considered in light of the NPPF, the policy considerations in the Development Plan, as well as sustainability, design, landscape, heritage, the provision of adequate access and traffic impacts, affordable housing, ecology, drainage and provision of community facilities.

Policy

The site lies on the southern side of Churchinford, within the Blackdown Hills AONB and outside of the existing settlement limits defined in the Taunton Local Plan. The Planning Policy officer has commented on this and advises the proposal is contrary to policies CP8, SP1 and DM2. Despite being in the open countryside, the application site is considered sustainable as it is adjacent to the settlement boundary of Churchinford and has good access to a reasonable level of services and facilities.

The site has been identified in the Strategic Housing Land Availability Assessment (SHLAA) and is recognised as being 'developable'. Developable status means that in the broad terms in which the SHLAA considers suitability as well as availability and achievability. However, the SHLAA conclusion does not prejudge or prejudice the outcome of any planning application nor indicate that the site will ultimately be allocated through a future development plan document.

The Council is in the process of preparing the Site Allocations and Development Management Plan (SADMP). The previous refusal for 30 dwellings was submitted and determined prior to the conclusion of the SADMP Preferred Options which considered the quantum and location of possible development in the village. The application site would appropriately be considered through the SADMP, since the plan-led system remains central to the planning system. However a preferred option has now been made and the submitted application reflects the scale of that option. Since the SADMP is still at a very early stage in production only limited weight can be applied to it. Although many would consider that a plan-led route would be most appropriate way for this site to be assessed, the application has been submitted and must be considered now and on its own merits

In this case of Churchinford a further site has been proposed by the Parish Council as a possible alternative. While this has yet to be fully assessed in policy terms the site lies to the north west of the village, outside of the clearly defined limits on rising ground that is protected as open playing field space for the village as part of a previously approved housing scheme. It is considered that this location is unsuitable due to its location and landscape impact within the AONB and loss of playing field open space that was secured under the 2010 planning application. In my view it is not a suitable alternative to the current application site.

In the absence of a Site Allocations Document the application should be considered against the National Planning Policy Framework (NPPF) and the development plan unless material considerations indicate otherwise. The 2012 SHLAA identifies sufficient land to meet the 5 year land supply requirements and satisfies the NPPF requirements for a 5% buffer. Nevertheless 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.”

However the foot note to this paragraph indicates where development should be restricted and this includes sites within designated areas such as Areas of Outstanding Natural Beauty. Paragraph 115 of the NPPF states *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”* Paragraph 116 then continues *“Planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.”*

Members therefore have to consider whether the proposal has a significant adverse affect on the landscape of the AONB, whether the number of houses is acceptable and whether the proposed Development Plan warrants circumstances that are in the public interest. In this instance the Plan is not considered silent in that the village has been identified within the Core Strategy as a Minor Rural Centre and a sustainable settlement that can accommodate further growth under policy SP1. However the plan is considered to be silent on the quantum of development specifically for Churchinford and where that development would be located.

Policy SP1 indicates allocation of small scale sites and ideally sites within the development boundary. However there are no such sites and the two identified sites lie outside existing settlement limits. The application site is considered the better of the two options put forward and meets the Preferred Option and it would provide housing in the area for at least to the end of the plan period in 2028, if not longer.

On the issue of prematurity, advice in Planning System: General Principles document states that refusal of planning permission on the grounds that an application is premature to the outcome of emerging plan policies will not usually be justified. This advice is extant and in this instance the village has been identified for

future growth in the approved Core Strategy. The situation here is that there are limited options available for growth in the village and the determination of the application does not prejudice the aims of the plan.

The following sections consider the impacts of the proposed development.

Sustainability

The site lies on the edge of Churchinford, a village in the AONB designated a Minor Rural Centre which has a local public house, doctor's surgery, village hall, post office and local shop and access to a primary school beyond the village via a designated cycle route. While there is limited local employment, the village has been identified as a Minor Rural Centre and as such a possible location for limited further residential development.

There is a need to conserve the natural beauty of the area as it is an AONB and the AONB Partnership also recognise in their Management Plan that there is a need to preserve the social and economic wellbeing of the communities of the Blackdown Hills. Also in order to reflect AONB Partnership policies, renewable energy provision should be considered as part of any scheme. The provision of renewable sources available to the site and the need to minimise energy demand should be considered. This can however be a requirement achieved through a condition if all other issues are acceptable.

Design

The developer has submitted a Design and Access statement with the proposal and the design and materials of the individual houses reflect the character of the area and the content of the AONB Partnership's Design Guide for Houses. This includes thatched and stone properties, stone with slate roofed dwellings and render and tiled ones. Boundary treatments are indicated as being natural random stone walls or hedging and care will be needed to ensure the construction and finish of any walling is appropriate. The mix of materials has been agreed with the AONB Partnership. Attention has been drawn to the typical estate road paving finish which is often out of character with rural areas and it is considered that this element would clearly need to be carefully controlled. Details of the surface treatment can however be a condition on any approval.

The layout shows a mix of detached and semi detached properties along an internal estate road. The layout has been amended from the previously refused scheme to give a better relationship between plots and the current layout is considered to overcome one of the previous refusal reasons. The location reflects the character of the nucleated settlement pattern and rounds off the village. The houses relate well to the built edge of the existing village and would not materially project out into the countryside. Cross sections of the site are provided and it is not considered that the development will cause any significant impacts to adversely affect the amenity of nearby properties with the residential scheme in place. The revised detail submitted indicates cross sections through the site and it is considered that this information is sufficient to address overlooking issues. The properties backing onto Moor Lane properties are shown 20m from the boundary at the rear with proposed landscape

planting in between. A condition to control levels of the new buildings is also considered appropriate.

Landscape

The site lies to the south of the village on a grassed field. A Landscape and Visual Impact Assessment of the site has been carried out as the site lies within the Blackdown Hills Area of Outstanding Natural Beauty, an area that has significant landscape protection under the NPPF. The site has well established boundaries and is set on the eastern side of the village. The Landscape Officer initially raised concern over the loss of roadside hedgerow, however the applicant has provided a revised landscape strategy plan that addresses the concerns and provides additional planting to the south and east of the site and the adjacent footpath. The site will be visible from a number of viewpoints as identified in the visual appraisal and the layout has been designed to reflect the character of the area and has retained a significant open area to the south to address the concern over impact on the AONB. The main impact lies in the context of the existing village rather than the wider AONB landscape. The concern of the Blackdown Hills Partnership and Natural England is noted however the Landscape Officer is satisfied with the submitted details and it is considered that the new housing will be seen in the context of the existing village with trees beyond from vantage points to the north and against the backdrop of existing properties from the south. The Landscape Officer is satisfied that the development would not harm the character of the area and considers the scheme acceptable subject to a condition of full planting details.

Heritage

The main heritage asset identified is Ford House a grade II listed building to the north of the site. At present this is partially screened by trees and hedging and part of the proposal is to provide a landscape buffer zone along this boundary to protect the setting of the listed building. Ford House is orientated to look south away from the site towards its own garden, so was never designed to have formal views out to the land holding to the west. The visual relationship between the house and land, while it exists is not particularly strong. The old farm buildings within the field will be removed and replaced by housing, however the provision of such housing given the landscape buffer of 8m is considered sufficient to screen and protect the privacy and setting of the listed building.

The Heritage Asset Statement makes little reference to archaeology other than there will be a watching brief on the site. The County Archaeologist would normally require a programme of works condition on greenfield sites, unless he was sure there were no implications. In this instance it is considered a standard programme of works condition would be appropriate if all other matters were acceptable.

Access and Traffic

The proposal for 20 new dwellings includes the provision of a new access off the main road through the village and the removal of around 30m of hedge to achieve this and the associated 2.4m x 43m visibility splay. The Highway Authority raise no

objection to the principle of the scheme considering the access and layout broadly acceptable. The Highway Authority do not consider the traffic increase from the scheme to be such as to warrant an objection to the development.

Parking for each unit is provided with at least 2 spaces per dwelling provided to meet the standard of the County Wide Parking Strategy and the Local Transport Plan. While this is more than the Local Plan policy M4 allows, in light of recent changes to advice the level of parking provision is considered to be acceptable. Garaging is provided for 15 of the 20 units and a condition can be imposed to secure cycle storage. It has been indicated that parking would be provided for existing adjacent properties to the north of the site if they require it, to lessen on street parking and this has been put forward as part of the legal agreement. Conditions in relation to estate road details would also be recommended.

Affordable Housing

The submission provides for 5 affordable units to address the affordable housing need identified by the Council's Housing Enabling Officer. This is for the provision of rented properties - 2 x one-bedroomed maisonettes and 1 x two-bedroomed houses and 2 x 3-bedroomed houses that are shared ownership. The provision of such housing would comply with policy CP4 but needs to be secured through a legal agreement and given that the development here could clearly accommodate the housing required it is not considered that this should form a reason to refuse the scheme.

Ecology

An Ecological Appraisal and Extended Phase 1 Habitat survey has been submitted with the application. The conclusion of this survey was that there is a low ecological value to the site and no protected species identified which would mitigate against its development. Both the Council's Biodiversity Officer and the Somerset Wildlife Trust recommend conditions to ensure biodiversity gain and safeguard protected species. Natural England do not raise objection on wildlife grounds. With the extensive landscaping areas agreed a condition to address ecological issues and enhancements can be imposed.

Drainage

South West Water has confirmed that it has no objection. Foul flows should be connected to the public sewer and therefore there is adequate capacity in the system and nearby treatment works to serve the development.

In terms of surface water issues the Environment Agency has raised no objection on the basis that a detailed mitigation strategy can be provided and conditioned to ensure there is no increased risk of surface water flooding to and from the site. The intention is to secure off site surface water flows via a new drain requisitioned by South West Water with an outfall to the stream to the north. An appropriate condition is considered necessary to ensure the timing of the drainage provision occurs before development construction commences. As such the proposal is

considered to comply with policy CP8 of the Core Strategy and advice in the NPPF.

Community Provision

Retained Local Plan policy C4 requires the provision of adequate play and recreational open space to serve the site. On site children's play should be made in line with policy of 20 sqm per each 2 bed + dwelling. An equipped children's play space can be provided on site and located in a position where it is overlooked to promote natural surveillance. The precise detail of the play equipment on site and its provision can be adequately conditioned if all other issues were considered acceptable. A contribution of £1571 for each dwelling should be made towards facilities for active outdoor recreation and this would need to be secured through a Section 106 legal agreement. The legal agreement would also need to ensure adequate maintenance provision for the open space.

In addition other community facilities are requested in light of policy CP5 and are considered appropriate. A contribution of £209 per dwelling towards allotment provision should be sought as well as a contribution of £1208 per dwelling towards local community hall facilities. The contributions would be spent in locations accessible to the occupants of the dwellings and these would need to be secured through a S106 agreement.

Summary

The settlement of Churchinford is identified in the Core Strategy as a sustainable location for development. The proposal is for a scheme for 20 houses that would satisfy the period of the proposed Local Plan to 2028. Proposals should be considered in terms of the development plan unless material considerations indicate otherwise. The NPPF is a material consideration which carries significant weight and paragraph 14 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.”*

Clearly in this instance there is a strong level of objection to this development on the edge of the village and within the AONB and the Policy Section have identified that it would be preferable if the issues were addressed through the plan process. However an application has been submitted and the development has to be determined. The Policy Section consider that the site suitability, housing and local needs provision and have put forward the site as the Council's Preferred Option. It is considered that this meets the wider public interest. The conclusion is that the principle of the submission is acceptable and there is no significant adverse harm to the landscape, heritage and highway safety and that adequate conditions can be imposed to address design, ecology and play provision. Subject to these necessary conditions and an appropriate legal agreement to ensure affordable housing, community facilities and play area and open space maintenance the proposal is considered to be in the public interest and to comply with the NPPF and is sufficient to set aside the development plan and is therefore recommended for approval.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

41/13/0004

JUWI RENEWABLE ENERGIES LTD

**CHANGE OF USE OF LAND FROM AGRICULTURAL TO SOLAR FARM AND
ERECTION OF 14,000 SOLAR PANELS AND ASSOCIATED WORKS AT GROVE
FARM, LYDEARD ST LAWRENCE**

Location: GROVE FARM, TOLLAND ROAD, TOLLAND LYDEARD ST
LAWRENCE, TAUNTON, TA4 3PN

Grid Reference: 311694.131555 Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval **subject to**

- (a) The receipt of confirmation from the Environment Agency that their objection is withdrawn.
- (b) the receipt of a further landscape plan indicating further tree planting in the field to the east;

In the event that the EA uphold their objection, referred to under (a), planning permission should be refused.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

- (A3) DrNo 4020 1064 - JR-PL.001 R2 Site Design Plan
- (A3) DrNo 4020 1064 - PL.002 R3 Red Line Boundary
- (A3) DrNo 4020 1064 - PL.004 Double inverter - transformer station details
- (A3) DrNo 4020 1064 - PL.005 R2 Substation building
- (A3) DrNo 4020 1064 - PL.006 Gate, fence and construction road details
- (A3) DrNo 4020 1064 - PL.007 Racking system details
- (A3) DrNo 4020 1064 - PL.008 O&M Storage container
- (A3) DrNo 3546_09: Landscape mitigation strategy

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

3. Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.

Reason: To ensure that the site is adequately restored following the decommissioning of the site in the interests of the visual amenities of the area.

4. The site operator shall inform the Local Planning Authority within 5 days of being brought into use that the site is operational and producing electricity.

Reason: To allow the Local Planning Authority to keep a firm record of the date of operation, to allow effective future monitoring of the development.

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of BSG Ecology's submitted report, dated November 2013 and include:
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for the species

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

Reason: To protect wildlife and their habitats from damage.

6. (i) Before any part of the development hereby permitted is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the hedgerows and trees to be retained and the method of protection during the construction phase. It shall also include proposals for returning the construction access to its existing condition.

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

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

- 7. Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. The Environmental Management Plan and Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase.

Reason: To ensure that the site is managed in an acceptable way to protect visual amenity and ecological interests on the site.

- 8. Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the containers, substations, switchgear housing, and inverter housing hereby permitted shall have be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 9. Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and

boundary hedgebanks shall be remedied by the developer within 3 months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the access roads are returned to their former condition in the interests of highway safety and the visual amenities of the area.

10. The drainage strategy detailed in the Flood Risk Assessment prepared by Hydrock, reference R/C13202/001.05, dated January 2014 and detailed on drawing 13202 - SK001 appended to that report shall be fully implemented prior to the commencement of electricity generation on the site and shall thereafter be maintained as such in accordance with these details until the site is decommissioned and all equipment/infrastructure is removed from the site in accordance with condition 3.

Reason: To ensure that flood risk is not increased, and where possible reduced, in accordance with NPPF paragraph 102.

11. The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction phase.

Reason: In the interests of highway safety.

12. The construction access shall be returned to its former condition and the construction compound area shall be removed and the ground restored to its former condition (other than where drainage works are required in connection with this permission) in accordance with condition 6 within 1 month of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the visual amenities of the area.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission.

Reason: To protect wildlife interests and the visual amenities of the area.

14. No external artificial lighting shall be installed on the site.

Reason: To protect wildlife interests and the visual amenities of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal.
3. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
4. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

PROPOSAL

This application seeks full planning permission for the erection of around 14,000 ground mounted solar panels and associated infrastructure, commonly referred to as a 'solar farm'.

The panels would occupy two agricultural fields and would be surrounded by security fencing. New tree and hedgerow planting is proposed along the northeastern and eastern site boundaries. The necessary ancillary buildings and structures would be provided on the southern site boundary, adjacent to the site accesses one of which would be widened to allow access to the site by construction vehicles. A construction compound area would be provided in the southern corner for the duration of the build.

SITE DESCRIPTION AND HISTORY

The site comprises two parcels of undulating agricultural land, bounded by hedgerows and an area of woodland to the north. Part of the West Deane Way long

distance footpath runs along the northern site boundary and through the field to the east. The eastern boundary hedge is generally lower than the fields either side, such that it is not readily visible in the wider landscape.

To the south, the site is bordered by the public highway that runs from Handy Cross in the east to Tolland in the west. To the east, it is broadly level with the site, offering some views towards the proposed development area; against the western part of the site, it drops away into a deep cutting.

The closest dwelling is a bungalow to the east, about 200m from the eastern site boundary. To the south, an access track from the public highway drops to Bells Cottage.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LYDEARD ST LAWRENCE & TOLLAND PARISH COUNCIL - Lydeard St Lawrence and Tolland Parish Council would like to object to this application. The site already contributes to flooding of Halse Water, and there are landslips along the road frontage. Issues regarding surface flooding and damage to the small lanes around the site are a significant risk, and drainage plans need to be seriously considered. The site is also subject to poor access from country lanes. The proposed development would have a significant negative impact on the rural nature of the area.

The development would not be in keeping with the TDBC Landscape Character Assessment to conserve the mix of woodland and farmland, the tranquil, rural character. This development would therefore have a strong negative impact on the local character and sense of place, and is urbanisation of a rural landscape. The site is also visible from the West Deane Way, exacerbating its impact on the local area.

BROMPTON RALPH PARISH COUNCIL – No comments received.

ENVIRONMENT AGENCY - We OBJECT to this application because the submitted Flood Risk Assessment (FRA – prepared by Hydrock and dated November 2013) fails to adequately assess the potential risks of flooding from the proposed development. We therefore consider that the application, as submitted, is contrary to the principles of the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

The FRA correctly identifies that the site is located in Flood Zone 1, defined as being at a low risk of fluvial flooding. Taking this into account, and the nature of the development which would result in a renewable source of energy, our objection is not one of principle. However, solar developments and their potential impacts on surface water drainage patterns are not well evidenced. In light of this, we consider that the level of site-specific detail provided in the FRA is not sufficient to assure us

that all potential flood risks (specifically that of increased flood risk through changes in surface water drainage patterns) have been explored and addressed.

We accept the premise that surface water volumes are unlikely to be exacerbated by the proposed development since the overall impermeable area will not be significantly altered. However, it is not clear whether the introduction of 14,000 panels will alter the drainage patterns on site, such that preferential flow paths are created, resulting in increased or altered flood risks off-site. Furthermore, the FRA states that a swale will be created to capture flows from the site; however, no detail is provided on the volume of flows that this swale will capture, or for what storm return periods it may be effective for.

In order to resolve our objection, we recommend that the FRA is revised to include further site specific information to help understand any potential off-site impacts from changes in surface water drainage patterns. Additional information and perhaps more measures to slow and control flows before they leave the site to reduce and improve any existing flood risk issues would also be welcomed. In considering our recommendations, the following information in any revised FRA would be useful:

The total area of panels compared to the total area of the site, and where possible, total area of the river catchment upstream and downstream (for comparison).

We note that the site is shown to be underlain by Vexford Breccia. Have any site specific tests been carried out to verify this?

Is the soil type vulnerable to compaction during construction of the development? How will good soil management / husbandry be achieved following construction of the site and during its operational phase?

The site is currently used for agriculture. Is this arable or grazing? Would the developed site represent a positive or negative change in relation to sheet run-off and pollution control?

Receptors affected by the site that may be sensitive to flooding – this could include roads and houses downhill. Can measures be implemented to ensure that any preferential flow routes are directed away from sensitive receptors and contained on site?

SCC - TRANSPORT DEVELOPMENT GROUP – Comment as follows:

Location

The development is situated on land in connection with Grove Farm. Access to the proposed development site is obtained via Tarr Road a designated classified unnumbered highway to which the National Speed Limit applies. Access to the wider highway network is obtained at the junction with Raleighs Cross Road a designated Class 2 highway and also known as the B3224, to which the National Speed Limit applies.

Proposal

The proposed development seeks the change of use of agricultural land and the erection 14,000 solar panels and associated equipment. My comments are made from onsite observations and the information submitted supporting the planning application specifically, the Construction Traffic Management Plan (C13202/CTMP) prepared by Hydrock Consultants Ltd.

Access

It is indicated within the Construction Traffic Management Plan (C13202/CTMP) Section 2.1.1 that vehicular access to the site is to be obtained off of Tarr Road (which has been indicated within C13202/CTMP as 'un-named lane') a designated classified unnumbered highway to which the National Speed Limit applies.

From onsite observations Tarr Road is predominantly single width. However, there are numerous informal vehicle passing places along its duration. It was observed that vehicle speeds along Tarr Road are significantly reduced due to the narrow width of the carriageway and its alignment. It is therefore considered that vehicle speeds in this location are estimated to be approximately 15-20mph. Section 2.7.2 and Drawing No. 13202/T04 rev A indicates the point of access for the proposed development, to which vehicular visibility splays of 2.4m x 25m are achievable.

The provision of these splays is considered acceptable as it is considered that they are commensurate with vehicle speeds in this location (based on Manual for Streets guidance). Drawing No. 13202/AT04 rev B, details that the largest vehicle during the construction phase, 16.5m in length, can manoeuvre into the site due to the increased radii. The access will operate in a one-way system only entering in a westbound direction and exiting the site eastbound, which is considered acceptable.

I would require that the access to incorporate a hard standing consolidated area (not loose stone or gravel) 10.0metres back from the carriageway edge, which would include entrance gates (if any to be included as part of the scheme) set back at this distance. Appropriate drainage will need to be incorporated as part of the proposed access improvements to prevent any discharge of surface water onto the public highway.

As part of the proposal a wheel wash facility will be required to minimise the spread of material from the area of the excavation and in addition the site roads will be regularly cleaned. These steps will ensure that material will not be transferred to the public highway. Access to the wider highway network is obtained via the junction with the B3224 also known as Raleighs Cross Road. Drawing No. 13202/AT01 indicates that the largest vehicle type associated with the construction phase can enter and egress from the junction of Tarr Road and Raleighs Cross Road. Vehicular visibility in an easterly direction is considered substandard. However, this is an existing junction and it is likely that agricultural vehicles (similar to that of the construction vehicles) utilise this access onto the B3224 daily and therefore would not warrant a refusal on visibility from the Highway Authority. It is therefore considered acceptable.

Vehicle Movements/Construction Phase

Drawing No. 13202/T01 indicates the proposed construction traffic route, which is

considered suitable. Section 2.3 Construction Traffic Routing of the submitted Construction Traffic Management Plan (C13202/CTMP) prepared by Hydrock Consultants Ltd sets out the route detail, which is considered acceptable.

Construction Traffic Management

The Construction Traffic Management Plan (C13202/CTMP) seeks to minimise the likelihood of HGV/large vehicles meeting along Tarr Road by using a staggered ('call on') in/out, one way arrangement, where vehicle operators will need to clarify, through radio, with the Site Manager their intention to use the proposed route, to avoid large vehicles meeting along Tarr Road. By making use of the existing public lay-by within the construction traffic route along the B3224, vehicles will be able to safely notify the Site Manager. The public lay-by is approximately 1.5km from the site access.

Construction Traffic Volume

Section 2.2 Construction Traffic Type and Volume, details the estimated levels of vehicles during the construction phase specifically Table 2.1: Approximate Breakdown of Delivery Vehicles. It is therefore estimated, based on the anticipated number of deliveries, over a 10 weeks period would result in approximately three movements per day.

Construction Phase Duration

It has been estimated within Section 2.5 Period of Construction and Hours of Delivery that the duration of the construction phase will take place over a 10-12 week period.

Construction Phase Operational Hours

It has been detailed that the delivery and operational hours during this construction phase (HGV) could restrict the movements of vehicles within the peak hours (8am-9am and 4pm-6pm) (Section 2.5 Period of Construction and Hours of Delivery paragraph 2.5.1. This is considered a proactive approach to minimise the potential conflict during the construction phase on the highway network and therefore considered acceptable.

Condition Survey

Section 2.11 of the submitted Construction Traffic Management Plan (C13202/CTMP) indicates that a Condition Survey will be carried out as on Drawing No. 13202/T01. This will require the involvement of the Taunton Deane Area Highways Office who are contactable on tel: 08453 459155. The Condition Survey should be carried out to ensure that any damage that occurs to the public highway and rights of way, can be directly attributed to construction vehicles associated with the construction of the photovoltaic park. In the event of any damage to the public highway, repair costs would need to be met by the applicant.

Internal Site Compound

Section 2.8 and Drawing No. 13202/AT05, show the provision of a suitable

compound area for the unloading of material and parking of vehicles. Drawing No. 13202/AT05, shows the swept path analysis for HGV turning, which is considered acceptable.

Signage

Section 2.6 of the submitted Construction Traffic Management Plan (C13202/CTMP) prepared by Hydrock Consultants Ltd indicates that signage is to be erected in proximity to the application site. Whilst there are no objections to the erection of temporary signage along the proposed route, however the locations of such signage will need to be agreed in writing with the Area Highway Office if the signage is on highway land.

Post Construction

In terms of maintenance the photovoltaic park requires minimal attention, therefore traffic associated with the development once completed will be negligible. As a result, the Highway Authority has no objection to this proposal subject to conditions requiring the submission of a traffic management plan, a condition survey of the existing highway network, installation of wheel washing facilities and provision and maintenance of visibility splays.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – No comments received.

SCC - FLOOD RISK MANAGER – Initially raised concerns with the application due to the assumptions made in the Flood Risk Assessment (FRA), although suggested that conditions could be imposed to overcome his objection.

Following receipt of an amended FRA, confirmed that “the amended proposals and Flood Risk Assessment have addressed my concerns with this application”.

SCC - RIGHTS OF WAY – No comments received.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – No comments received.

BIODIVERSITY – The site (8.32 ha) consists of two fields- one is a sheep grazed improved grassland field and the other an arable field. The fields are bounded by dense species rich hedges. There are five shallow ponds located within 500m of the site.

Two Local Wildlife Sites with ancient woodland are located within 50m of the site. The proposal includes the removal of two sections of hedgerow in the southern part of the site. Biodiversity gain will be in the form of a new native hedge and strengthening of existing hedges. I consider that a landscape plan should be submitted with this application to show detail of the proposed planting. The proposal does not include any lighting.

BSG Ecology carried out an Extended Phase 1 Habitat Survey in November 2013. Findings of the survey are as follows

Bats

The networks of dense hedgerows within and around the site provide foraging and commuting habitat for bats and connect to further suitable habitat beyond the site. The surveyor noted one tree located at the NW corner of the site which is considered to provide suitable habitat for roosting bats.

Birds

The networks of dense hedgerows within and around the site provide a range of opportunities for nesting birds. The two sections of hedgerow should be removed outside of the bird nesting season. The fields have limited value for ground nesting birds; however this could change in the arable field as different crops are sown at different times of the year.

Reptiles

The site offers sub optimal for reptiles, apart from the base of the hedgerows

Badgers

The data trawl provided records for badger close by. No signs of badger were noted on site.

Great crested Newts

The ponds close to the site have HIS scores of 0.31-40 indicating poor suitability to support breeding population of Great crested newts.

Dormice

Records indicate the presence of dormice in the area. The ancient woodlands to the north of the site provide a range of suitable nest and hibernation opportunities for dormice; however the surveyor found no signs indicating the presence of dormice during the survey

I accept that the existing hedgerow break in the southern hedgerow will be widened to accommodate the access track but would not like to see a further 25 m of hedgerow temporarily removed to create visibility displays.

Because of the possible presence of dormice ,all hedgerow removal should be kept to a minimum. I agree that hedgerow removal should be undertaken in a precautionary manner as detailed in the report

In respect of revised plans, previous comments continue to apply. The landscape proposals show some tree planting and wildflower planting, but I would expect to see more planting proposed on an application of this size.

LANDSCAPE – Comments as follows:

Designations within and close to site boundaries (TPO, conservation area, listed building): West Deane Way falls within the red line area close to the northern boundary of the site.

Relevant Local Plan policies: CP8 – environment; DM1 – general requirements, DM2 – development in the countryside; and DM4 – design.

Landscape character Area: Wooded and Farmed Vale Fringes – West Deane

Landscape Assessment: provided

Site boundary characteristics: native species hedgerows with some mature trees and woods to the north.

Highway visibility requirement impacts: could be an issue if the highway authority require greater than existing splays. Loss of hedgerow could open up the site and cause significant and detrimental landscape impacts.

Views into and out of site and effect on neighbours: the main views into the site will be from the West Deane Way which crosses the site to the north. An area has been set aside beside the route to maintain significant views and an area of grassland near to the path but some of the existing views will be affected by the proposals. There are other more distant views of parts of the site from local lanes and public footpaths but these are middle distance views of less significance.

Contours and level changes: plans provided.

Existing tree and hedgerow survey: provided

Existing and proposed services: N/A

Drainage and existing water features: N/A

Lighting and potential impacts: no lighting proposed.

Proposed landscape scheme: broad landscape scheme proposed. Details will be required if scheme approved.

Future management and maintenance issues: management of existing hedgerows to maintain and improve landscape mitigation measures is essential.

Analysis: The proposed development will have some adverse landscape impacts both on the character and visual amenity of the site. These adverse impacts have been addressed to a large extent by giving space and maintaining key views along the West Deane Way and through planting and reinforcing existing hedgerows. Overall the scheme will have a limited landscape impact on the character of the area provided the mitigation measures can be successfully conditioned.

Recommends conditions that hedges are retained, landscaping schemes are submitted, trees are protected during construction.

DRAINAGE ENGINEER - I have concerns over this application not so much with the areas of impermeable surfaces caused by the structure supporting the solar panels, the access track and sub-station building, but by the speed and concentration of surface water run off from the panels and their alignment on this sloping site.

Statements are made in the FRA that it is believed that the site geology CAN have permeable characteristics (3.3) and that rainfall will infiltrate into the ground (where possible) 5.1. No percolation tests have been carried out to ascertain this.

No suitably scaled contour plan has been included with the application. I have concerns that run off from the western end of the site discharges to the west and not to the ditch on the eastern boundary.

I note a swale is to be provided to catch exceedence flows, however, no details of this scheme have been provided and whether this will provide some on site attenuation. On a site visit in early January overland surface water was discharging out of field gates and onto the public highway.

No details of any proposed maintenance regime have been included for the solar farm or the receiving watercourse and these should be provided for the lifetime of the development.

The surface water run off characteristics from the solar panels need to be investigated further, especially in light of the possibility of point source discharge and curtains of water falling on the ground below. This could cause erosion leading to tracking of flow in numerous drainage tracks from the contours and infiltration not taking place.

Therefore at this stage I must OBJECT to this application in its present form.

Representations

CPRE Somerset raising the following points:

- There is a clear conflict with policy EN12.
- The proposal is for a huge commercial development in a deeply rural area. Taunton Deane's Landscape Character Assessment places the site in the wooded and farmed vale fringes and the strategy for this area is to conserve the mix of woodland and farmland, the tranquil rural character and to explore opportunities for landscape enhancement.
- The site is on Grade 3 agricultural land, probably Grade 3a.
- The site is bounded by the West Deane Way. The proposed deer fence that would line the route would completely spoil the attractive views of the countryside and the sense of tranquillity and timelessness.
- The site lies in the upper part of the catchment of a valley that is liable to flooding. No provision is made for controlling run-off.

Somerset Wildlife Trust _

Agree with the comments of the Council's Biodiversity Officer, but wish to object to the application due to the extremely close proximity of a Local Wildlife Site. Despite any conditions for the timing of the construction, there would inevitably be some disturbance to the Local Wildlife Site. If the objection is disregarded then as a minimum the conditions proposed by the Biodiversity Officer should be included.

89 letters of OBJECTION raising the following points:

Principle of development

- Greg Barker, Minister for Energy has stated that solar should be installed on industrial buildings and brown field sites, not on our beautiful countryside.
- Planning guidance clearly states that the views of the community should not be overridden in the case of renewable energy provision.
- The fields may be grade 3a agricultural land or even 2. Neighbouring fields are classified as 1. The land classification maps do not distinguish between 3a and 3b, so it is always assumed by the developers that it is 3b. They should be retained in agricultural use. The grading of the land should be properly checked. Agricultural land should be used for producing food, not solar panels and high grade land should not be used where there is lower grade 4 and 5 land available for such purposes.
- Solar should be installed on every new south facing roof.
- The cumulative impact of all of the proposed solar farms in the vicinity will gradually turn the rural area into an industrial one. If this goes ahead, evidence from other parts of the country is that more will follow.
- The NPPF indicates that planning decisions should recognise the intrinsic value and beauty of the countryside.
- Solar panels should be confined to brownfield sites, factory roofs, alongside motorways and roofs of new builds. Guidance states that brownfield land should be prioritised and that if greenfield sites are considered, they must be of poor quality land.
- Any benefits are outweighed by significant environmental harm.
- There is doubt over whether grazing/agricultural activities will continue on the site.
- Permission is only requested for reasons of financial gain.

Landscape

- This is an almost unspoilt part of Somerset, near Exmoor. People chose to live here because it is away from development.
- The development will be a blot on the landscape and very visible from the Pitsford Hill area, including residential properties in this area.
- This is an industrial development in a very rural landscape. It is not in keeping.
- The site borders the West Deane Way. Visitors come to the area for the rural setting, not industrial development. People will stop visiting, the cumulative impact of all proposals needs to be assessed.
- The panels, fence, substations and other paraphernalia will be clearly visible from the adjoining road and West Deane Way footpath.
- The panels are impossible to screen in a rolling hilly landscape such as this.
- It is understood that the cables are not going to be placed underground due to the expense. This is the responsibility of WPD and out of the scope of the

application.

- The area is heavily reliant on tourism.
- The footpath, part of the West Deane Way will be unusable during construction. What other provision will be made?
- The site can be seen from the Exmoor National Park and some of the footpaths on the hills.
- The site will be seen from the road between Handy Cross and Tolland, at times rising above the hedge. This is the main route into the village.
- The large substation at 4.6m high, 8.3m long and 5.2m wide is close to the road and seems excessive.
- The angle of the panels and elevation of the site means that glint and glare will be a problem when viewed from Tolland, Pitsford Hill and Brompton Ralph.
- The policy for the area in the Taunton Deane Landscape Character Assessment is “to conserve the mix of woodland and farmland tranquil, rural character and explore opportunities for enhancement through appropriate landscape”.
- At first sight, this may seem a better location than some for solar, the extent of public objection suggests that it is not well screened enough.
- The development particularly affects footpath T16/30, but with significant glimpses from T16/29.

Flood risk

- The development would seriously increase flood risks to the properties below the site including Bells Cottage and beyond, especially at Hoccombe. .
- The soil is very sandy and runoff already causes the road banks to collapse. It is only suitable for arable use.
- The road on the edge of the site is already subject to considerable waterflow from the site on wet days.
- Water running off the panels will cause rivulets and trenches which will prevent the natural soak-up of water.
- The lower area of the site used to be used for water storage for supply to Lydeard St Lawrence.
- None of this is noted in the FRA, suggesting that it has not been properly researched and assessed. It is not based on a through assessment of the path that rainwater takes from these fields.
- All of the surface water from the site discharges to Bells Cottage to the south and then down to Hoccombe/White Hill, Westleigh which also experiences flooding.
- The water discharges to a private ditch in the grounds of Bells Cottage. It may contaminate their water supply.
- The water must run-off the panels and the presence of the panels will alter the way that the surrounding ground deals with the water. This will be dependent on the conditions of the site such as gradient and soil type. It can only be assessed through site-specific analysis, not the generic concept which has been undertaken.
- The argument that the run-off could be absorbed during dry conditions is irrelevant as flooding is only a risk during flood conditions when the soil is saturated. Flood conditions would be reached more quickly in the presence of solar panels.
- The site has two natural gullies that cause both lead to the road to the east of the site. The northerly one discharges to Bells cottage, where the existing flood defence works would probably be overwhelmed by any additional run-off.

- The proposals to provide open swales every 50m, 300mm deep and 300mm wide will require maintenance or they will not remain for 25 years. If sheep graze the fields, then the ditches will be trodden in.
- Query who will be responsible for maintaining the drainage infrastructure.

Transport

- The lanes are in a dire state without construction HGVs making them worse. They are liable to flood and large vehicles will make the road less stable.
- The Friendship Junction is a totally inappropriate place for lorries to 'park up'.
- The junctions are not suitable for large vehicles.
- Experience at Halse showed that heavy traffic during construction caused considerable damage and inconvenience for a substantial period of time.

Other matters

- The applicant's representative was unable to tell local residents whether power cables would be underground or who would be managing the site once constructed or what would happen in terms of decommissioning in 25 years time.
- JUWI is not a local company, there may be no local benefits to offset the considerable harm.
- The substations will generate noise. Low frequency noise is known to have a significant impact on sleep patterns and health.
- The panels will release dangerous chemicals if they become damaged. The applicant has no long term interest in the site and there is no ongoing management plan to prevent contamination and/or damage to health.
- The timing of the application, running up to Christmas has irritated local residents even more.
- The proposal is flawed in many respects.
- There should be a legal document ensuring that the panels are removed at the end of their life. The council should not be left to clear up the mess.
- Even with subsidies, the long term viability is questionable. It may stop being maintained, leaving a derelict site that will quickly become a blot on the landscape.
- There are 17 non-statutory wildlife sites located within 2km of the site – 2 within 50m of the proposed development.
- The site is remote from consumers so will suffer losses in transmission.
- The need for CCTV suggests that metal theft and sabotage is an increased likelihood in the area. The community should not be subjected to an increase threat of crime.

Whilst not prejudicing their objections, if permission is to be granted, the following suggestions are made:

- Cabling to connect with the grid should be underground.
- Frames should be anodised to a dull green/brown – not bright metal.
- The new hedge to the south of the footpath should be regularly cut to allow walkers to enjoy the extensive views to the south.

- There will be considerable noise during construction works.

In respect of the amended plans

4 letters raising the following points:

- Reiterate previous concerns.
- The amendments will not overcome the visual impact and blight that the development will cause to local residents and tourism.
- Query why more effort has been spent screening the development from the West Deane Way than from the adjoining lane. The trees would be better placed along the roadside.
- If the development is to go ahead, it must be screened from all public areas.
- Given the topography, no screening can mask the development, a few more trees will not help.
- The amendments to the FRA are unlikely to overcome the drainage problems and the swales will need regular de-silting.

PLANNING POLICIES

CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

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

Principle

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

Paragraph 79 specifically states: “To help increase the use and supply of renewable

and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”, going on to add that local policies “should maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”.

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

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

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

Some concern has been raised about the loss of high quality agricultural land. The application suggests that it would be grade 3, and many local residents and farmers suggest that it would be at least grade 3a, placing it amongst the best and most versatile agricultural land. Paragraph 112 of the NPPF indicates that the economic and other benefits of the best and most versatile agricultural land should be taken into account and that LPAs should “seek to use areas of poorer quality land in preference to that of a higher quality”. However, much of Taunton Deane is higher grade (1-3) agricultural land and in this context, if TDBC is to accept renewable energy in principle, it is likely to require the use of higher grade agricultural land. Whilst its removal from production is regrettable, the permission is sought for a 25 year period after which the land could be returned to agriculture. As such, it is not considered that this matter carries sufficient weight to warrant refusal of the

application.

Throughout the latter half of 2013, there were a number of central government ministerial statements and policy documents relating to renewable energy generally and large scale solar installations in particular. In July 2013, the Department for Communities and Local Government published “Planning Practice Guidance for Renewable and Low Carbon Energy” to sit alongside the more formal policy guidance in the NPPF. At paragraph 27, the practice guidance outlines a number of guiding principles and important considerations for determining applications relating to large scale solar farms as follows:

- “encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the effect on landscape of glint and glare...and on neighbouring uses and aircraft safety
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect”.

The guidance also makes it clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. Such statements were repeated in Greg Barker MP’s ministerial statement of October 2013 which preceded the launch of the Department for Energy and Climate Change’s ‘Solar PV Roadmap’. Here, it is stated that it is important that the concerns of local communities are properly heard, the need for renewables does not automatically override environmental protections, heritage assets should be conserved, proposals in national parks, AONBs and close to them will need careful consideration, and that protecting local amenity is an important consideration that should be given proper weight in planning decisions.

The ‘roadmap’ itself sets out four guiding principles for solar PV. The 3rd of these is that proposals should be appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity and provide opportunities for local communities to influence decisions that affect them. It goes on to repeat calls that sensitive landscapes should be carefully considered and confirms that the planning system already provides a vehicle for local communities to influence decisions. It repeats the earlier statements that the “need for renewable

energy does not automatically override the need for planners to properly scrutinise the effects of renewables deployment...the need...to ensure that the impacts of proposed renewable energy deployments are acceptable, including the impact on visual amenity and effects on cultural and heritage landscapes”

The roadmap goes on to confirm that brownfield land is more desirable, but that where greenfield land is required, Local Planning Authorities will need to consider that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use, echoing the guidance in July’s Planning Practice Guidance. .

It is important to note that nowhere in this recent guidance is an embargo placed on large greenfield solar developments. The guidance tends to encourage the placing of greater weight on community wishes, but also encourages due consideration of environmental issues such as the landscape and visual impact, particularly in ‘sensitive areas’. That said, your officers have never considered that the need for renewable energy automatically outweighed landscape and visual impacts and in this regard, little has changed through the recent guidance. The practice guidance and roadmap’s references to the ‘temporary’ nature of solar panels and the fact that the ground beneath them can easily be returned to agriculture reinforces your officers opinion that the particular grade of the agricultural land in question carries little weight in the decision making process. Concerns in the representations, therefore, that this land may be grade 3a rather than grade 3b have not been explored further with the applicant.

With regard to the foregoing, it is considered that the proposal is acceptable in principle, provided that it has an acceptable impact on the landscape, ecology, highway network and other surrounding land uses after those environmental impacts and community concerns are attributed sufficient weight.

Landscape and visual impact

It is considered that the landscape and impact on the visual amenities of the area are the most important material consideration in assessing this application. This area is a very rural landscape, with small settlements and scattered farmsteads being the dominant features of the landscape. There are certainly no large scale industrial developments, and agricultural buildings are generally relatively small scale and, where they are large, tend to assimilate acceptably into the landscape. It is considered, therefore, that the scale of the development and its rigid industrial form does not reflect the prevailing landscape character.

That said, the impact of the development must be considered with regard to its visibility and this will be considered below. Following concerns raised by your officers, the substation building has been reduced from a 4.6m high building to two 2.3m high buildings that would be of a similar height to the panels themselves. The main impact, therefore is from the expanse of panels; the external appearance of the buildings, which should be dark in colour to make them recessive in the landscape, can be controlled by condition.

Although the surrounding landscape is undulating, with an ever changing set of

vistas and viewpoints, the site itself is relatively high and, therefore, there are limited opportunities to look down at it from nearby roads and footpaths. The most significant impact is on the West Deane Way footpath to the north of the site. The footpath passes through the eastern of the two fields where development is proposed and continues to the east. Where the path passes through the application site, it is proposed to provide a 20m gap between the woodland to the north and the security fence to the south. Within this area, a wide hedgerow would be planted to screen the development from view. It is considered that the wide gap would mean that the footpath would not feel 'hemmed in' and once the landscaping had established, this length of path would be largely unaffected. There would be some loss of the more distant views from this location, due to the presence of new hedge planting, but this is over a relatively short length (approximately 140m) on a much longer walking route.

Moving to the east, the path becomes separated from the proposed development by a triangular shaped field such that the distance between the development and the path increases as the walker travels east. Unfortunately, the boundary between these two fields is in a dip in the landscape, such that the existing hedge would provide no screening of the development from the footpath. In response to this, the applicant proposes to plant semi-mature trees in groups (up to 6m in height) along the line of the hedge in an effort to screen the development. A photomontage prepared by the applicant indicates that within 5 years, the development would be screened to a significant degree from the footpath. Given that this would be some distance from the footpath, the screening would not be overbearing on walkers, although some views would still be available between the trees. In light of this, the Landscape Lead has recommended additional planting within the eastern field and the applicant has agreed to this in principle. It is considered that with the additional planting in place, only glimpsed views would be available and the Landscape Lead is satisfied that the visual impact would not be significant.

Another path runs to the east of the application site, offering views back towards the proposed development. The proposed planting of a small copse in the south eastern corner, together with the proposed new tree planting along the eastern site boundary will greatly reduce the impact of the development from this viewpoint. That said, the footpath is elevated slightly above the application site, so some views of the panels may still be possible even once the planting has established.

Some local concern has been raised about potential views from the highway to the south. However, the proposed copse and tree planting will mean that the impacts from here will be similar to that from the West Deane way and will be largely screened once the planting has established.

From further afield, there are a few places where glimpses of the site may be seen, such as the road towards Handy Cross from Tarr, but the undulating landscape means that these will be brief in winter and probably non-existent in summer once the surrounding trees have a greater amount of foliage. There is a footpath that runs east from the narrow lane to Tarr, and the development will be clearly visible from here. Your planning officer walked this path in the middle of summer 2013, the stile giving access to the eastern end of the path was largely overgrown and there was no identifiable trodden line on much of the path. It is, therefore, considered that this path is seldom used, so despite the significant views of the site from this location, it is considered to carry limited weight.

From further afield, the site is visible from Pitsford, both from the cricket ground and from a number of field gates, including at Mount Pleasant Farm, where it is reported that visitors to the area often stop to admire the view. However, whilst the site can be seen, it is at some distance and will appear as a thin sliver in the landscape. Furthermore, it is against a backdrop of trees and woodland, such that the dark panels would not be overly visible against the dark background albeit that there may be some glint at certain times of the day. As such, it is considered that any harm from these locations is limited.

In summary, then, the distant views towards the site are not considered to be so harmful as to warrant the refusal of planning permission. The greater harm comes from the closer views from the West Deane Way. These close views will mean that the development causes localised harm to the visual amenities of the area until the proposed landscaping establishes – probably in around 5 years. Policy CP1 states that the impacts of the development must be capable of being made acceptable and it is considered that the proposed landscaping meets this requirement, albeit that its effect will not be immediate. Importantly, your landscape officer is not objecting to the proposal, considering instead that the proposed landscaping provides acceptable mitigation. It is, therefore, considered that the landscape impact and the impact on the visual amenities of the area is acceptable.

Flood risk

The drainage officer, SCC's Flood Risk Manager and the Environment Agency all initially objected to the application. This is because the submitted Flood Risk Assessment (FRA) made certain assumptions that the consultees did not agree with. Consequently, an updated FRA has been submitted, which has resulted in the removal of the objection from the Flood Risk Manager.

There is evidence of nearby off-site flooding to Bells Cottage and much of the water traversing that property appears to drain from the application site and around. The application now proposes to put a number of swales at 50m intervals in place to control the flow of water across the site and prevent an increase in the rate of run-off from the site and encourage infiltration similar to the existing situation. Deeper 'cut-off swales' would also be provided along the western and southwestern boundaries to intercept any flow.

At the time of writing, the EA and drainage officer's comments on the revised FRA are outstanding, but given that the Flood Risk Manager's concerns have been addressed, it seems likely that those other consultees will also be satisfied. This recommendation is, however, made subject to the removal of the EA and drainage officer's objections.

Ecology

It is generally accepted that large scale solar developments such as this can have a positive impact on biodiversity as the agricultural use becomes less intense and the hedgerows are managed specifically for the benefit of wildlife and landscape. Therefore, despite the proximity of local wildlife sites, your Biodiversity Officer is

satisfied that the development would not cause harm to wildlife and that conditions can be put in place to prevent any adverse impact.

Some concern has been raised about the removal of hedgerow to create visibility splays and this is shared by the Council's landscape officer. This matter is considered further, below, in relation to the highway impact.

Highways

The site is accessed by a narrow rural road and existing field gate. However, the site is not far from the main road network at Handy Cross to the east and as such the potential for conflict on the rural road network is limited. A submitted Construction Traffic Management Plan (CTMP) indicates that a 'call-on' procedure will be used to ensure that delivery vehicles do not meet each other on the narrow lanes. Concern has been raised by local residents that this would involve parking up lorries at nearby Friendship Junction in an 'informal' layby, but the Highway Authority are not concerned about this.

Your officers consider that it is not enforceable to impose conditions requiring the CTMP to be implemented, however, it would be in the developers interest to ensure that it was. Also, given the relatively short length of affected highway and short construction period (around 3 months), it is not considered necessary in this instance to impose further restrictions.

The transport assessment and highway authority consider that some hedgerow should be removed to improve visibility splays at the site access, however, this meets with concern from your biodiversity and landscape officers. Some hedgerow removal will be necessary to enable the large vehicles to make the turn into the site, but given that most delivery vehicles to the site will be high and flat fronted, it is considered that the highway safety impact of not providing the splays would not be that great. With the construction period being relatively short, it is considered that the harm to the visual amenities of the area and wildlife would outweigh the highway safety improvements and it is recommended that the hedge is not removed to provide the visibility splays at the construction access.

Once operational, traffic movements are likely to be negligible with around one visit per month. In light of this, the highway impacts of the development are considered to be acceptable.

Other matters

There are a handful of nearby dwellings, but none of them appear to directly overlook the site, certainly not at close range due to the surrounding topography. It is, therefore, considered that the private amenity of individual dwellings would not be adversely affected by the development.

The inverter and substation buildings are unlikely to generate a significant amount of noise. Given the distance from the site boundaries to the closest nearby dwellings, it is not considered that there would be any adverse impact resulting from the proposed development in terms of noise disturbance.

Some concern has been raised about the cumulative impact of the development if the nearby Glebe Farm site were allowed at appeal. However, that appeal has just been dismissed and accordingly, such cumulative impact will not occur.

Concern has been raised about the connection to the National Grid at Lydeard St. Lawrence and whether this connection would be made above ground. The applicant has pointed out that this is a matter for Western Power Distribution. Since the required connection would be outside the application site and involve land not in the applicants control it is not possible to impose conditions requiring the connection to be underground. However, even if an overland connection were to be made it is understood that this would be supported on small wooden poles, similar to those which already traverse the site; there would not be a need for large pylons.

Conclusions

The provision of large scale renewable energy installations is considered to be acceptable in principle. Core Strategy Policy CP1 indicates that applications should be supported where their impacts on the local community and landscape impact are or can be made acceptable. The foregoing report has indicated that the main areas of visual harm will be limited to a relatively short length of the West Deane Way running to the north of the site and that these impacts can be satisfactorily mitigated in around 5 years.

Recent government guidance confirms that the need for renewable energy should not automatically outweigh the concerns of local residents nor the other environmental (e.g. landscape) impacts of the proposal. Members are, therefore, advised to place significant weight on the impact on the West Deane Way and the other footpath that links to it to the east of the site. That said, in light of the landscape officers opinion, it is still considered that with the proposed mitigation, the impact of the development can be made acceptable within the relatively short term and that, on balance, the harm would not outweigh the benefits.

It is, therefore, recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

43/13/0128

SUMMERFIELD DEVELOPMENTS

ERECTION OF 22 NO. DWELLINGS AT LAND TO THE SOUTH OF TAUNTON ROAD, WELLINGTON

Location: LAND AT TAUNTON ROAD, WELLINGTON, SOMERSET, TA21 9AE

Grid Reference: 314940.121256

Full Planning Permission

RECOMMENDATION AND REASON(S)

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

- 5 units of affordable housing, with 3no. social rented and 2no. shared ownership.
- Children's play - £2,904 per dwelling
- Active recreation - £1,571 per dwelling
- Allotments - £209 per dwelling
- Community halls - £1,208 per dwelling
- Public art - 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.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo A081504 01 Location Plan

(A3) DrNo A081504 02 Constraints and Opportunities

(A3) DrNo A081504 03 Rev 01 Site Layout

(A3) DrNo A081504 04 Finishes Plan

(A3) DrNo A081504 05 Street Scene

(A3) DrNo HTA-P-S1 House Type A 3B 5P Private Plans and Elevations - Render Option

(A3) DrNo HTP-P-S1 House Type B 4B 6P Private Plans and Elevations Brick

(A3) DrNo HTB-P-S2 House Type B 4B 6P Private Plans and Elevations

Render Option 02

(A3) DrNo HTB-P-S3 House Type B 4B 6P Private Plans and Elevations

Render Option 03

(A3) DrNo HTC-P-51 House Type C 2B 3P Affordable Home Plans and Elevations Brick Option

(A3) DrNo HTE-P-S1 House Type E 3B 5P Affordable Home Plans and Elevations Render Option

(A3) DrNo HTG-P-S1 House Type G 1B 2P Affordable Home Plans and Elevations Brick Option

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

3. No development shall commence until construction has commenced on the veterinary hospital building granted planning permission under application number 43/11/0098 or any such application amending that permission made pursuant to Section 73 of the Town and Country Planning Act 1990 or any such application for substantially the same development that may be granted permission in the event that that permission should expire.

Reason: The Council considers that the development hereby permitted is only acceptable in the context of development occurring on the adjoining site to the north.

4. Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy shall demonstrate that the surface water run-off and volumes generated up to and including the 1 in 100 year critical storm will not exceed the run-off and volumes from the undeveloped site following the corresponding rainfall event. The scheme shall include details of phasing and maintenance. The development shall subsequently be implemented in accordance with the details approved.

Reason: To ensure that flood risk is not increased off site.

5. Prior to the commencement of the development hereby permitted, an ecological management plan for the site shall be submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include the following details:
 - Working methods to protect the stream during construction works;
 - An undeveloped buffer (in metres) between the development and the stream,
 - including planting and lighting details; and
 - Enhancement measures for protected species and their habitat; and
 - Maintenance roles and responsibilities for any new or existing habitat on site for
 - protected species.

Reason: To protect and enhance the biodiversity value of the site and the stream.

6. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety.

7. 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 purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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 final surface dressing for the roads and footpaths shall be applied within 3 months of the occupation of the final dwelling.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site.

8.
 - (i) Prior to the commencement of the development hereby permitted, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also show the existing hedges to be protected and retained during the course of the development and the method of protection.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

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

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

- 9. Prior to their positioning on site, details of the siting of any temporary building(s) construction and materials storage compound, including details of where soil is to be stored on site will be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with such details.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 10. Prior to the occupation of the dwellings hereby permitted, a highway signage strategy for Taunton Road shall be submitted to and approved in writing by the Local Planning Authority. Such highway signage shall be fully provided in accordance with the approved plans to an agreed specification before the development is first occupied

Reason: In the interests of highway safety.

- 11. Prior to the occupation of the 9th dwelling, the proposed pedestrian link to the west between plots 14 and 15 shall be constructed and surfaced in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage walking and cycling in order to reduce the reliance on the private car.

- 12. Prior to the occupation of the 9th dwelling, the public open space shall be laid out in accordance with the details agreed pursuant to condition 9 and shall thereafter remain available for use by the general public and be maintained in accordance with those agreed details.

Reason: The development is partly considered acceptable due to the provision of enhanced public open space and to ensure delivery of the facilities required for the future occupiers of the site.

- 13. No service trenches shall be dug within the canopy of any existing tree within

the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health.

Notes to Applicant

PROPOSAL

This application, as amended, seeks full planning permission for the erection of 18 dwellings on land to the South of Taunton Road, Wellington.

The site would be accessed from Taunton Road from an access that has been previously permitted to serve a new Veterinary Hospital on land to the north of the site. An existing large, protected, tree would be retained towards the eastern extent of the area proposed for development and the eastern extent of the site would be left open as Public Open Space, planted up with significant tree planting.

The dwellings would be a mix of detached, semi-detached and terraced dwellings, arranged around a curved cul-de-sac. The dwellings would be two-storey, finished in render (cream and earth red) and red brick under reconstituted slate and Double Roman roof tiles.

SITE DESCRIPTION AND HISTORY

The site comprises a parcel of agricultural land on the eastern side of Wellington, south of Taunton Road. The site immediately adjoins the older part of the Cades Farm development to the west and the newer part of Cades Farm, currently under construction, to the South.

To the north on a parcel of land between the main part of the site and Taunton Road, permission has been granted for a new veterinary hospital under application number 43/11/0098. Some initial hedge removal and planting has been carried out to allow for works to be commenced on the proposed access but development has not otherwise commenced on this adjoining site. That permission granted access involving a right turn lane on Taunton Road, but it was subsequently amended (43/13/0026) to be accessed via a 'left in, left out' arrangement, which required less hedgerow loss and less carriageway widening.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL - Councillors discussed the situation of this application within the town's existing Green Wedge. Adding to the amount of development already in the town already was also a concern. Flooding and

sustainability were also questioned in regards to the application site.

Recommended that permission be REFUSED for the following reasons:

- The site encroaches on the Green Wedge surrounding Wellington an area the Town Council wish to keep as green space.
- Sustainability of the development is questionable
- This application would be an overdevelopment of the town
- There are concerns for flooding on this site.

HOUSING ENABLING - 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 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 developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

DRAINAGE ENGINEER – Following further correspondence with the applicant, I am happy with proposals outlined and those in the amended FRA dated November 2013 and these should be included in any approval given. I agree with the Environment Agency that a suitably worded condition as they suggest regarding the surface water drainage system in their response dated 25th November be attached to any planning permission approved.

LEISURE DEVELOPMENT – Has the following observations to make:

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

The site (as amended) falls below the threshold for on-site children's play provision. If permission is granted for less than 20 no. 2 bed family sized dwellings then an off-site children's play contribution of £2,904 per family sized dwelling should be sought.

A contribution of £1,571 for each dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution of £209.00 per dwelling should be sought for allotment provision together with a contribution of £1,208 per each dwelling towards local community hall facilities.

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.

WESSEX WATER – New water supply and waste water connections are required for this development. No building will be permitted within the statutory easement width of 3m from the pipeline without agreement from Wessex Water. [Sewers run along the northern edge of the site].

Surface water – disposal to a watercourse will need consent of TDBC.

Water supply – we believe there is sufficient capacity subject to modelling.

LANDSCAPE – Comments as follows:

Designations within and close to site boundaries (TPO, conservation area, listed building): part of the site lies within the green wedge. Several of the trees are protect by Tree Preservation Order TD1055.

Relevant Local Plan policies: CP8 – environment; DM1 – general requirements, DM2 – development in the countryside; and DM4 – design.

Landscape character Area: _ Farmed and Settled Low Vale – Quantock Fringes and West Vale

Landscape Assessment: no landscape assessment carried out.

Site boundary characteristics: hedgerow and trees to the west and south, open to the east and proposed veterinary building and car parking to the north.

Highway visibility requirement impacts: N/A

Views into and out of site and effect on neighbours: public views from the public footpath to the north-west, from neighbouring houses to the west and from the vets to be built to the north.

Contours and level changes: gently sloping to the south and east.

Existing tree and hedgerow survey: provided.

Existing and proposed services: no information provided in terms of potential tree or landscape impacts.

Drainage and existing water features: N/A

Lighting and potential impacts: no assessment provided in terms of landscape impacts.

Proposed landscape scheme: other than the housing layout none provided.

Future management and maintenance issues: it is not clear who will be responsible for the streamside vegetation to the south but I assume it will be conveyed to house owners. This could have a significant impact on the landscape quality or buffering ability of the existing landscape features.

Analysis: The Planning Statement incorrectly states that in 4.2.3 that no assessment of this green wedge has been carried out by the Council. The assessment has been carried out and was presented to Corporate Scrutiny Committee on 8th October 2013. The assessment and proposed boundary lines were approved. The proposed submission did not include a landscape impact assessment of its impact on the green wedge and the layout offers little mitigation in way of compensation for the loss of this important green wedge areas. My assessment, based on the submitted layout and accompanying information, is that the proposals would be contrary to CP8.

If permission is granted, recommend conditions that hedges and trees are protected, a landscaping scheme is submitted and the siting of temporary site buildings to be agreed.

SCC - TRANSPORT DEVELOPMENT GROUP – Comment as follows:

Traffic Movements

Traffic generation is set out in Section 3.3 of the Transport Statement, table 3.1 shows that in the AM the proposal would produce 12 two-way trips and 13 two-way trips in the PM peak.

Appendix D provides the TRICS output, the figures are generally acceptable although it is noted that the population criteria are not truly representative of the site although this is considered to be a minor issue. Taking into account the proposed levels of traffic generation it is not envisaged that there should be any capacity issues with the 'left in' and 'left out' site access. However, the traffic wishing to enter the site from the west, it is the opinion of the Highway Authority that given the legal movement would involve travelling approximately an extra mile around the Chelston roundabout, which currently experiences congestion. As a consequence it is more likely that drivers would look to use one of the accesses closer to the site to turn around. Nevertheless given the small number of vehicles likely to be affected, this is predominately a road safety issue.

Regarding site accessibility cycling infrastructure exists close to the site and there would be potential for modal shift. An off-road cycle lane exists along the southern side of the B3187 between the site access and B3187/Nynehead Road roundabout, this then reverts to a on road cycle lane in both directions (along the B3187) to the priority junction with Priory Road. This would potentially provide access towards and from Wellington town centre. To the east, a cycle lane runs off road to the Chelston roundabout, providing access to the nearby Chelston Business Park. Paragraph 2.3.1 on page 6 states that the site is 1450m from Wellington Town Centre, which would equate to approximately a 17min walk, given the distances involved, modal shift would be limited, especially given the information provided in Table 2.1 of the report. Given the additional walking distances to key services and facilities in Table 2.2 on page 7 this only reiterates my previous comments on the modal shift.

The nearest bus stops to the site are located to the west of the Taunton Road/Nynehead Road 'Poole Cross' roundabout. The report states the nearest bus stops are to the east but this is an error associated with the generation of this report. The likely distance to the stops would be around 550-600m walk away. The stops are served by service routes 22/22A, which run between Wellington and Taunton every 30mins. Route 15/15A also uses these stops and runs between Wellington and Burnham on Sea (via Taunton and Bridgwater) every 30mins. Therefore due to the regular nature of the bus services there is the potential for a modal shift.

Section 3.4 lays out parking provision for the development. Table 3.3 shows the car parking provision. This appears to be satisfactory and is in line with the current Somerset Parking Strategy guidelines. Four visitor parking spaces will be provided which meets the standards. Paragraph 3.4.11 (page 19) states that 1 cycle parking space per bedroom will be met in line with the parking strategy. Furthermore paragraph 3.4.10 states that motorcycle parking will occur on the cartilage [sic] of the property. It is noted that 18 of the 22 dwellings have 3 or more parking spaces which would appear adequate, especially given each has a drive/garage.

However, for the 2 two-bedroom and 2 one-bedroom properties it may be considered necessary to request that a designated motorcycle parking space be provided (in line with the current the County Council's parking strategy).

Therefore to conclude the transport statement is broadly considered to be suitable as the volume of traffic generated would be minimal in the AM and PM peak. Therefore it is not considered to be any capacity issues with the site access. Furthermore site accessibility is generally considered to be acceptable as a modal shift is possible in this location. As a consequence on traffic impact grounds the Highway Authority cannot substantiate an objection.

Estate Roads

The applicant should be aware that is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. The proposal will utilise the proposed 'left in' and 'left out' junction, which is being constructed in conjunction with the new veterinary practice. From the details shown on drawing A081504(D) drg 03 it is apparent that the primary route from the junction would be into the vets. However it is the opinion of the Highway Authority that the primary route should be to serve the residential development and not the veterinary practice. Therefore the 'Give Way' markings should be located at the entrance to the veterinary practice.

The majority of the proposed internal access road could be constructed as a 5.0m wide block paved shared surface with margins of minimum 500mm width. A suitable tie in location between the block paved road and the type 4 bitumen macadam road linking onto Taunton Road have to be agreed with the Highway Authority. Furthermore to aid surface water drainage, the longitudinal channel gradients within block paved carriageways should be no slacker than 1:80.

As for the internal layout the applicant should note that the Highway Authority would

require an adoptable 1.0m wide hardened margins will be required at each end of the proposed turning head. An adoptable 25m forward visibility splay will be required across the south eastern corner of the Public Open Space. There shall be no obstruction to visibility within the splay that exceeds a height greater than 600mm above adjoining carriageway level and the full extent of the splay will be adopted by Somerset County Council. Furthermore no doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted) and steps. All private drives serving garages shall be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway limits. Private drives with tandem parking should be constructed to a minimum length of 10.5m. The drives serving plots 18 and 19 should be constructed to a minimum length of 16.0m, as measured from the back edge of the prospective public highway limits, to accommodate three vehicles. Furthermore the parking bays fronting plots 14-17 should be constructed to a minimum length of 5.5m.

With reference to the amended plans, the following issues should be addressed:

- The proposed footpath links contained within the Public Open Space area to the east of plots 1, 2 and 18, will **not** be deemed suitable for adoption by SCC due to the fact that one of the footpath links will connect directly onto the shared private driveway serving plots 17 and 18. As a result, no continuous adoptable link will be available from the footpath and the adoptable turning arm between plots 11 and 17.
- Can the required 500mm-1000mm wide service margins please be shown adjacent to the shared surface carriageway within all future revisions of the site layout drawings.
- The triple parking bay serving plot 16 should be constructed to a minimum length of 16.0m as measured from the back edge of the prospective public highway boundary.
- The private drive serving plot 17 should be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary.
- The private drive serving plot 8 should either be extended to 10.5m or reduced to 6.0m, as measured from the back edge of the prospective public highway boundary. This is to prevent any possible vehicle overhanging of the highway.
- The visitors parking bays that are to be located adjacent to the block paved shared surface carriageway, should be a minimum of 2.5m in width.
- Can the applicant please confirm the future maintenance arrangements for any grassed areas that will fall within the prospective public highway boundary? SCC has neither the manpower nor the equipment to maintain such areas.

Drainage

The application was accompanied by a Flood Risk Assessment this has been submitted for a drainage audit. This has now been completed and the Highway Authority's comments are set out below.

The new access road will be constructed over the line of existing public sewers/rising mains running parallel to Taunton Road. It is important therefore to establish the depth of these services to determine the potential for lowering, diversion or protection to enable the construction of the road over. Approval will be required from Wessex Water for any works in proximity to their existing infrastructure.

Construction of the new access onto Taunton Road will affect the existing highway drainage provision for the main road and further investigations will be necessary to determine the extent of works necessary to accommodate the new works. It is possible therefore that the existing highway drain will need to temporarily or permanently lowered, diverted or protected to the satisfaction of the Highway Authority. Preference should be given to the provision of a single surface water sewer system serving to collect surface water run-off from both private areas and the prospective public highway, thus eliminating the need for a separate highway carrier drain and allowing greater freedom to locate the manhole access covers away from wheel track locations. The developer should be secure by agreement the adoption of all drains or sewers with the prospective highway. If it is proven necessary to have to two separate surface water drainage systems then they should be designed to provide the same level of flood protection to the site and the Highway Authority will need to be granted rights in perpetuity to discharge into the pond. An easement will be required for any length of highway drain that extends beyond the limits of the prospective public highway. Further, the Highway Authority will need to be satisfied that appropriate and sufficient measures have been put in place to secure the long-term operation of the retention pond and the outfall arrangements into the watercourse. The Highway Authority would only adopt up to the outfall into the pond and would require facilities to access this outfall via a suitable vehicle access way or maintenance bay.

Highway Safety Report

As mentioned previously under the traffic movement section of the report the Highway Authority has a slight concern over vehicles attempting to use other accesses to turn around and not utilise the Cades Farm roundabout. The Highway Authority held pre application discussions with the applicant on this point and as a consequence of these discussions the applicant has submitted a highway safety report which includes a signage package and details that is designed to instruct drivers not to carryout unsafe manoeuvre.

The Highway Authority has assessed this report and particulars included within are considered to be broadly acceptable. However the applicant should be aware that one of the locations assessed (B3187 Taunton Road/Chelston South/Chelston Farm) would be the biggest cause of concern. It is apparent that although drivers are discouraged from turning in the bell mouth of Chelston Farm vehicles it has been observed during the auditor's site visit that several vehicles were observed turning within this junction. The Highway Authority is concerned that this proposal might result in additional vehicles turning in the bell mouth thus exacerbating this issue.

The applicant should be made aware that any proposed signage package would be subject to a legal agreement. Furthermore the applicant is also urged to speak with Ian Titcombe from the Taunton Deane Area Highway Office (Tel No. 0845 345 9155) to agree the details and positions of these signs before the final package is approved.

Conclusion and recommendation

To conclude the proposed residential development will not have a detrimental impact on traffic movements at the proposed junction and on the surrounding highway network. In terms of the internal arrangements these are broadly considered to be acceptable although the applicant would need to take into account the points raised set out above. Finally the drainage and signage documents are both considered to be acceptable.

Therefore taking into account the above information the Highway Authority raises no objection to this proposal, provided conditions were imposed requiring:

Submission of a signage strategy for Taunton Road, provision of wheel washing facilities, a condition survey of the public highway, submission of a construction traffic management plan, the gradient of the access to be no steeper than 1 in 10, submission of estate road details and their construction to base course level prior to occupation of the dwellings, gradients of the drives not to exceed 1 in 10, that an appropriate right of discharge has been obtained from the LPA prior to commencement of development, that drives should be a minimum of 6m in length where they are against garage doors.

BIODIVERSITY – The site comprises one mown field bounded by hedges on all sides (apart from a section of the northern boundary) and a fast flowing stream on the southern boundary. One mature English oak, which is to be retained, is situated within the centre of the site.

There are several statutory sites located within 5km of the site as well as several non statutory sites located within 2km of the site. WYG carried out an Extended Phase 1 Habitat Survey of the site in October 2013. Findings were as follows:

Badgers: The surveyor did not find any direct signs of badgers on site although there were several mammal crossings on the stream banks

Bats: Bats are likely to use the hedgerows and stream for commuting and foraging. The mature trees on site are considered as having some bat roost potential (category 2-3). If any tree is to be felled it must be checked for roosting bats. I support the recommendation to carry out a bat activity survey

Birds: The hedgerows and grassland offer nesting and foraging habitat for a range of birds. No vegetation should be removed outside of the bird nesting season and the grass within the field should be regularly mown to deter ground nesting birds.

Dormice: Surveys carried out in connection with other proposed developments in the area confirm that a high population of dormice exist in this locality. I support the

proposal to carry out a dormouse survey for his site. (NB Through email correspondence with WYG I understand this has been carried out)

I am very concerned about the general amount of development in this area of Wellington and the overall effect on dormice.

I would like to see all vegetation retained and a sensitive lighting strategy designed to minimise effects on dormice. Additional planting on this site would also be of benefit to dormice.

If any vegetation is removed an EPS licence would be required

Great crested Newts: Two ponds that link the site via hedgerows are located within 0.5km of the site. I support the proposal to carry out surveys of the ponds. If GCN are present a licence will be required from Natural England.

Invertebrates: Invertebrate interest is likely to be limited to mainly common species and be confined to mature trees and hedgerows on site, which are to be retained.

White clawed crayfish: Given the stream's silty bed and lack of large boulders and submerged rocks the stream is considered sub optimal for WCC, although this species cannot be entirely ruled out. I support the proposal to carry out a night torchlight survey of the stream between July- September to detect presence/absence of WCC.

Otter: No field signs of otter were noted on site

Water vole: The banks of the stream are shaded. No signs of water vole were noted.

Reptiles: The site's grassland is regularly mown so is considered generally poor for reptiles, although the boundary hedgerow bases and stream may offer suitable reptile habitat.

The Extended Phase 1 Habitat Survey dated October 2013 recommends further survey for a number of European protected species namely bats, dormice, Great crested newts, water vole, otter and white clawed crayfish. The results of the recommended surveys are required in order to make an assessment of the impact of the development on wildlife.

I support the proposal to carry out native, shrub and tree planting, create a pond and install bird and bat boxes. However I would like to see the area of planting increased and a buffer planted adjacent to the stream.

In respect of the amended plans: The removal of the four houses from the layout it is an improvement, but as stated previously, I would still like to see further landscaping in this scheme. The encroachment of housing into the green wedge can be offset with extensive woodland planting which will have not only landscape benefits but biodiversity benefits also.

PLANNING POLICY – No comments received.

ENVIRONMENT AGENCY – No objection subject to conditions setting floor levels a minimum of 300mm above the existing ground level; submission of a surface water drainage scheme; submission of an ecological management plan.

We note that a hydraulic model of the stream has been carried out to confirm the likely fluvial flood risks to the site. We have not had an electronic copy of the model for review and so cannot accept the conclusions of the model. In addition, if the model is seeking to challenge our Flood Map, then this would need to be done in accordance with or national flood mapping policy, and would likely need sensitivity testing (upstream and downstream blockage scenarios). Advice provided on how to challenge the flood plane designation.

Notwithstanding the above and based on review of the existing Flood Zone 3 outline, we note that the built development will be kept out of Flood Zone 3. We consider that, given the close proximity of Flood Zone 3, the properties should be raised to allow for an element of error.

The FRA is confusing when referring to the intended means of surface water disposal. The FRA states that infiltration will be used; however, the calculations in the appendix show that there will also be a direct discharge to the watercourse. If infiltration is to be used, then this will need to be demonstrated to work effectively up to and including for the 1 in 100 year event. If not, the capacity of the receiving stream will need to be checked within any detailed design and run-off rates agreed accordingly.

Any required discharge off-site will also need to be re-visited because as currently proposed in the FRA, the discharge from the pond is limited to the Greenfield runoff rate based on the total site being impermeable, rather than the 0.33 ha which will actually be impermeable. Under the latter scenarios, the maximum discharge from the pond would be less.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

Representations

SOMERSET WILDLIFE TRUST – Agree With the recommendations of the ecological survey that further surveys should be carried out for Great Crested Newts, Dormice, Otter, Water Vole and White Clawed Crayfish and that a full Bat survey should also be carried out. Also agree with the recommendations in respect of bat and bird boxes.

SWT can provide advice on the construction of a wildlife pond and also request that all planting on the site is on the basis of native species and particularly those which are rich in nectar, fruit and nuts. Also request that any external lighting scheme should be designed to minimise light pollution. All existing hedging should be retained, particularly given the problems resulting from hedging being removed on the adjoining development site. A buffer strip should be provided along the hedge and stream in order to protect wildlife.

3 letters of OBJECTION raising the following points:

- The application is contrary to the Core Strategy which designated this site for a green wedge.
- Having ignored policy advice and granted permission for the veterinary hospital, it will be impossible to refuse the current application. This is a travesty.
- There is no further need for residential premises. The town only has infrastructure for a certain capacity.
- Summerfield objected to the building of the veterinary surgery, how can they now apply for building residential premises.
- The development will mean that there is only a tiny area of green land between Wellington and Chelston Roundabout.
- The field to the south was removed from the Cades Farm Phase 2 development due to the risk of flooding caused by building on this field. [Planning officer comment – this was not the reason for the removal of this land from the application].
- Query where surface water will go and whether flood risk will be increased.
- If the application is permitted, the remaining green area should be usable. Suitable barriers should be provided between the green space, roads and ponds.

In respect of the amended plans, 4 further letters making the following points:

- Previous objections continue to apply.
- There is no need for more housing in this area
- Property values will be affected.
- There would be even more pressure on the already overloaded Taunton Road, despite highway comments.
- Traffic already queues from the Cades Farm roundabout to the Chelston

Roundabout.

- The removal of 4 dwellings is just a token gesture.
- The grass area is only prepared to be cut to 15cm twice a year which would be useless to local residents. If this is intended as a nature area, more trees should be planted and a short woodland walk created. The path could then just be mown grass.

PLANNING POLICIES

EN28 - TDBCLP - Development and Flood Risk,

EN12 - TDBCLP - Landscape Character Areas,

W1 - TDBCLP - Extent of Wellington,

STR2 - Towns,

STR4 - Development in Towns,

W3 - TDBCLP - Cades Farm Housing Allocation,

H9 - TDBCLP - Affordable Housing within General Market Housing,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,

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) £20,823

Somerset County Council (Upper Tier Authority) £5,206

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £124,939

Somerset County Council (Upper Tier Authority) £31,235

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, impact on the green wedge and wildlife. Design and layout, highway impact, impact on neighbouring property and flood risk must also be considered.

Principle of development

This application lies outside, but adjoining, the settlement limit for Wellington. Residential development of this land is, therefore, contrary to Policy DM2 and CP8 of the Core Strategy and there is a presumption against the development.

The Site Allocations and Development Management Policies Plan (SADMPP) is still at a relatively early stage, although the Council's preferred options are clear that it is not proposed to allocate any further land in Wellington. This is because, unlike Taunton and the smaller settlements, the entire Core Strategy allocation for

Wellington is provided in the strategic sites and allocated, in detail, in the Core Strategy itself. As such, it is not considered that the development plan is absent or silent in terms of housing policy for Wellington. Similarly, Taunton Deane can currently demonstrate a 5 year supply of deliverable housing land with a 5% buffer, so it is considered that the plan is not out of date in respect of housing policy generally.

With regard to the foregoing, it is, therefore, considered that paragraph 14 of the NPPF, the so called 'presumption in favour of sustainable development' is not engaged and the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

There are considered to be two main material considerations at play here. Firstly, notwithstanding the fact that the total amount of housing for Wellington is already allocated in the plan, the proposal will result in the delivery of additional housing and the economic benefits that stem from that. The NPPF is clear that housing, generally, is considered to be a benefit and that permission should generally be granted for 'sustainable development', whether or not the more lenient presumption in favour of sustainable development at paragraph 14 is formally invoked.

This site is on the edge of Wellington and is some distance from the facilities and services offered by the Town Centre. There is currently no government guidance on recommended maximum walking distances, but, the maximum walking distances used in the SADMPP sustainability appraisal were 800m. The site is around 800m from the closest Primary School (St. Johns) and around 1200m from the Town Centre (North Street/South Street; Fore Street/High Street cross roads) as the crow flies. The proposed footpath link into the main Cades Farm development from the eastern site boundary means that the walking routes are not much greater than these (c.900m and 1400m respectively). The site would also be well served by frequent busses between Wellington and Taunton, which would stop close to the site entrance on Taunton Road and provide an easy and regular link into town. It is also close to employment opportunities at the Chelston and Westpark Business Parks. Due to these factors, the Highway Authority considers that the site's location characteristics are likely to encourage modal shift in travel behaviour away from the private car. It is, therefore, considered that the site can deliver housing in a sustainable location. Although no further housing is proposed in Wellington through the development plan, there is an allowance made in the housing supply for windfall sites such as this and this also weighs in favour of the development.

The second main material consideration surrounds promoting access to the open countryside in general and the green wedge in particular. The detailed impact of the proposal on the green wedge is assessed below, but one of the stated purposes of the green wedges (Core Strategy para. 3.110) is to provide formal and informal recreation, sport and play. This parcel of land is currently agricultural and, without any development, is likely to remain so for the foreseeable future. The application proposes to confine built development to the western part of the site whilst making the eastern part of the site available for informal recreation as new public open space. The site is currently used for informal recreation such as dog walking, which is evident from the trodden lines around the edge of the field, indicating that this is relatively well used resource. However, there is no formal public right of access to the site, so the recreation that is currently enjoyed could be removed at any moment. The formalisation of this space, additional planting proposed, and full

designation of the space as publically accessible land is considered to be a positive benefit that weighs in favour of the application.

In addition to the above, the following report will demonstrate that there is a general 'lack of harm' resulting from the proposed development. Such is also a material consideration that weighs in favour of granting permission, although it could not be attached sufficient weight in its own right to outweigh the conflict with the plan. Neither can the first consideration above – the mere provision of additional housing – to accept that, would effectively give carte blanche approval for any new development outside of settlements, however, when taken together with the benefit of bringing the green wedge into active public use, it is considered that sufficient weight can be attributed to these considerations to outweigh the conflict with the development plan in terms of the principle of the development.

Green Wedge and visual amenity

The site is entirely within the new green wedge that separates Wellington and Chelston as defined in the Core Strategy proposals map. However, there has already been some development approved to the north of the site to provide a new veterinary hospital. In assessing that development, it was considered that the economic benefit from the new hospital, coupled with a demonstrable lack of suitable land elsewhere in the town were sufficient to outweigh the harm to the green wedge. That situation is clearly not comparable to the current proposal for residential development.

However, the veterinary hospital sits on the site frontage and provides a new access roughly half way along the field boundary to Taunton Road (although the built development itself is towards the western edge of the site). The effect of hospital, once built, will be to visually extend the built form of Wellington into the green wedge, reducing the gap between the town and Chelston. Furthermore, to the south of the site, development is underway on the next phase of the Cades Farm residential development, the built form of which extends out a similar distance to the east as the hospital building.

In light of these adjoining permissions, the Landscape Lead has made recommendations for changes to the green wedge boundary in a report to the Council's scrutiny committee. If adopted, his recommended boundary would place part of the site outside the green wedge and part within. Although it would still be outside the settlement limit, logic would suggest that the area excluded from the green wedge would be appropriate for development without harm to the visual amenities of the area; it would certainly not harm the functioning of the green wedge. Therefore, the assessment of this application in terms of impact on the green wedge is, in your officer's view, based on whether the development of the area of land that would remain within the proposed green wedge would be significantly more harmful to the functioning of the wedge than if development were confined to the westernmost part of the site, now proposed to remain outside the green wedge.

Roughly in the centre of the site, towards the eastern extent of the proposed development, there is a large Oak tree, protected by a Tree Preservation Order. This is broadly in line with the already approved new access to the veterinary hospital. This large tree is an important visual feature in the area and helps to

define the open space between Wellington and Chelston. Your officer's view is that this tree provides an obvious marker for the eastern edge of the development. As originally submitted, the development proposed to enclose the tree on three sides, surrounding it by development. This was considered to undermine the undeveloped nature of the green wedge, and it failed to properly account for one of the key constraints on the site. Rather it is considered that the tree should remain the dominant landscape feature of the site and be clearly visible through the access from Taunton Road. In this way, it would also help to screen the development behind and assimilate it into the open countryside.

Whilst the eastern extent of the development does protrude beyond the large tree, there is a strong line of trees behind that are an important landscape feature. It is considered that these will continue to provide an obvious eastern edge to Wellington's residential areas, despite being in the field to the south of the development and, as such, with the removal of the dwellings between the tree and Taunton Road, the eastern edge of development, proposed, is considered to be an acceptable one.

In order to avoid the development being visually intrusive, the landscape officer has recommended substantial additional tree/woodland planting in the area to the east. This has now been confirmed by the applicant as part of the proposals and will mean that, once established, the visual break formed by the green wedge will be stronger and the impact of the dwellings will not be overly visually intrusive.

Wildlife

Wildlife surveys submitted with the application indicate the presence of dormice in the boundary hedgerows, which birds may also use for nesting and bats may use for foraging. It was noted that the boundary hedgerow and stream may offer suitable habitat for reptiles and, in accordance with the Biodiversity Officer's initial observations, further survey information was submitted. This confirmed the presence of dormice in the hedgerows and bat activity at the site, but showed that otters, water vole, reptiles and crayfish did not present a constraint to development of the site.

The proposed footpath link to the residential development to the west requires the formation of a new gap in the hedgerow. This will result in the deliberate disturbance of Dormouse habitat, within the meaning of the Habitat's and Species Regulations (2010) requiring a license from Natural England. However, under Regulation 9(5), the Local Planning Authority is a 'competent authority' must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
- (ii) That there is no satisfactory alternative;

- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

In considering the principle of the development, your officers consider that there are benefits in this development that would outweigh the conflict with the development plan. In this context, it is considered that the delivery of housing, including affordable housing on the site and provision of accessible informal recreation opportunities within the green wedge are considered to justify the disturbance.

The hedgerow removal is only required to provide a footpath link to the adjoining, existing residential development. The footpath would significantly reduce walking distances to the nearby children's play area, primary school and town centre services. The removal would be very limited and there are substantial benefits to be gained from providing the footpath link.

(ii) That there is no satisfactory alternative

There is an existing footpath link into the existing residential development area through the veterinary hospital site to the north. The applicant has been asked to confirm whether there is any ability to cross the vet's land to reach this footpath, rather than forming a new link. However, the vets are not happy to accommodate further public access through their site.

(iii) that the FCS of the dormouse can be protected

It is proposed to mitigate the loss of vegetation from the hedgerow by connecting the two sides with a rope and allowing vegetation to grow back in an arc. Given that only a narrow gap is required for the footpath, the new planting should establish effectively and quickly and the FCS will be protected.

In addition to the mitigation required for dormice, the bats require a sensitive lighting strategy to be designed and no works to the hedgerows or trees should be carried out within the bird nesting season. This can be dealt with by condition. Other wildlife is not considered to be harmed by the development of the site.

Design and Layout

The dwellings are proposed to be arranged in a fairly informal layout around a shared surface access road. Given the edge of town location, it is considered that the layout is appropriate and the informal structure will assimilate well into the adjoining undeveloped area. The provision of further public open space between the large tree and Taunton Road will provide a 'soft edge' to the development, fitting of its edge of town location.

The dwellings are considered to be acceptably designed and would be constructed in a mixture of render and red brick. Such is considered to respect the local vernacular. The Highway Authority estate roads team have raised a number of

comments about the detailed layout of the highway, but it is considered that these can be dealt with through their standard condition requiring final submission and approval of the estate roads.

A footpath link is proposed from the western site boundary into the wider Cades Farm development. This would be via the access track to an adjoining balancing pond and, as such, would not be a direct link to the public highway. However, it is still considered to provide an acceptable walking route through towards the town.

Highway impact

The application proposes to use the left in – left out junction already approved for use at the veterinary hospital. The highway authority have expressed some concern that residents of the site are likely to find the access to the site inconvenient due to the need to use the roundabouts, particularly Chelston Roundabout when travelling from Wellington. They suggest that this may result in the use of other access points – particularly the entrance to Chelston House Farm – for informal turning, which may be detrimental to highway safety. However, given that the access was considered safe and appropriate for the vets, which would also attract some staff who would visit the site every day, it is considered that this is a somewhat unreasonable position to hold. For these reasons, the highway authority have not objected to the application, although they do consider that some further signage is required. This can be provided on highway land and, therefore, can be secured by condition.

Subject to some minor alterations to the internal site layout, it is considered that an acceptable highway design and layout can be provided and there will be no adverse impact on highway safety.

The highway authority have recommended a number of conditions. Included in their recommendations are requests for a construction traffic management plan and condition survey of the public highway. Given that the site is directly accessed from the main road network, which carries a large amount of traffic already, these conditions are not considered reasonable. Conditions requiring the access to be no steeper than 1 in 10 are not necessary as the site is relatively flat. Whilst drainage of the site is considered, it is not considered that obtaining the necessary connection rights to existing drainage infrastructure should be a pre-condition of development.

Neighbouring property

The closest neighbouring dwellings are those on Bramley Close to the west. There is a balancing pond on the Cades Farm development to the west of the site and this, together with a relatively wide margin of landscaping provides sufficient distance between the site and the dwellings to avoid any adverse impact on the amenity of these existing dwellings.

New residential development is currently under construction to the south. Again, there is a balancing pond at the eastern end of this development and the housing at the western end of the boundary is also off-set by a wide area of landscaping. It is not, therefore, considered that this development would cause harm to the amenities of other nearby dwellings.

Flood risk

The southern edge of the site is within flood zone 3 and liable to flood. However, the development has been designed to avoid this area and, subject to a raising of floor levels by 300mm above the existing ground level will be safe from flooding in a 1 in 100 year probability event, accounting for climate change. There are some shortcomings in the FRA, identified by the EA and the Council's Drainage Engineer, although both are satisfied that these can be overcome through the imposition of conditions requiring additional drainage information. It is, therefore, considered that the development will not be at risk of flooding, nor will it cause any increase in the likelihood of flooding downstream.

Conclusions

It is considered that the development is contrary to the development plan, being outside the settlement limit and within the green wedge. That said, the green wedge is proposed to be amended in light of the permission granted for the veterinary hospital to the north such that only part of the proposed development would be within the green wedge. The amended plans show that this part would be contained behind the mature tree in the centre of the site, and, due to the strong tree line to the southeast, it is considered that the eastern extent of the development is a logical one that respects existing landscape features. The proposed landscaping within the public open space to the east would essentially provide an area of community woodland and would also screen the development from Taunton Road, again, helping to retain and reinforce the open break between Wellington and Chelston. It is considered that the provision of formal, dedicated public open space will help the green wedge to fulfil one of its stated objectives which would otherwise be unachievable and this, combined with the delivery of housing in a sustainable location is considered to outweigh the conflict with the plan.

Of course, the whole argument on which the development is considered to be acceptable – that the permission for the vets reduces the harm of the development – is based on the development for the vets actually taking place. Your officers are aware that the delay in the build of the hospital has been caused by the time taken to agree the detail of the access arrangements with the highway authority, but there is always a risk that the development does not go ahead. If this were the case, then the site would not be appropriate for housing and it is considered that a Grampian condition should be imposed to prevent any development prior to the commencement of construction of the hospital building. At this point, the physical presence of a building on the site to the north will be guaranteed and the residential development would become acceptable. Before this, the site would just be a housing site outside the settlement and within the green wedge. The applicant has confirmed that they could not agree to such a condition, but your officers are content that it is both reasonable and necessary.

With regard to the foregoing, and with suitable conditions in place, it is considered that the proposed development is acceptable. It is, therefore, recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

REPORT FOR THE PLANNING COMMITTEE, 26 FEBRUARY 2014

Objection to Tree Preservation Order TD1114, (Milverton No.1) 2013, High Street, Milverton. The Tree Preservation Order protects one oak tree.

RECOMMENDATION

That the Tree Preservation Order be confirmed.

Background

The Tree Preservation Order (TPO) was served on 13 November 2013.

The TPO was served in response to telephone calls from residents of Milverton on the morning of 13 November, who informed this Council that tree surgeons were at the site in question and were about to fell two oak trees. A site visit was carried out that morning by the Landscape Support Officer and after lengthy discussion with the owner of the trees Mr Lee, and with his tree surgeon, a TPO was served that afternoon to protect one of the two oak trees.

Procedure

A Tree Preservation Order comes into force on the day that it is served for a period of 6 months. The TPO lapses after that date unless it has been confirmed by the Council. If there are no objections to the TPO, it can be confirmed. If any objections are received, the points raised must be considered and a decision made as to whether to confirm the TPO, either with or without modification. The decision whether to confirm a TPO that raises objections is taken by members of the Planning Committee.

When deciding whether to serve and confirm a TPO, the present or future public amenity value of the trees must be considered. Tree Preservation Orders are served to protect selected trees if their removal would have a significant impact on the local environment. TPO trees should therefore be visible from a public place, such as a road or footpath.

In assessing a tree's amenity value, consideration must be paid to its visual impact, its health and structural integrity, its life expectancy and its suitability to the location. The tree's potential impact on highways, services and structures should be considered.

Note: In considering whether to confirm the Tree Preservation Order in question, the tree's suitability for TPO has been scored using the Amenity Evaluation System. The score sheet and guidance notes have been attached to this report.

Representations

The objection was received by letter on 2 January from the owner of the tree, Mr Lee.

The reasons given for objection can be summarised as follows:

- a) It had been confirmed earlier in the year by the Landscape Support Officer that the tree in question was not protected by a TPO;

- b) The recent death and removal of the adjacent oak tree has left the remaining tree vulnerable to the prevailing winds and imbalanced due to its previously restricted growth;
- c) The tree is adjacent to a highway, footpath and houses. Its roots have damaged the adjacent retaining wall and are thought to be preventing the repair of the wall.

Determining Issues and Considerations

The tree in question is thought to be a Lucombe Oak (*Quercus x hispanica* 'Lucombeana'). It is growing on the boundary of Mr Lee's field on the north side of the High Street in Milverton. It is a very large specimen, height and spread approximately 22 metres, trunk girth 4 metres plus. The estimated age of the tree is between 150 and 200 years. Lucombe Oak trees are characteristic of the West Country but are quite rare.

Because of its size, the tree is very prominent in the landscape. From the High Street it is a very impressive sight, but it can also be seen from many other more distant vantage points, such as the churchyard, Milverton Court and the public footpath and properties to the north.

The TPO tree was adjacent to a second oak tree, growing approximately 10 metres away to the west. This second tree was felled on 13 November due to the fact that it was in an advanced state of decline, which could be clearly seen on site. However, initial visual assessment of the TPO tree on that day did not indicate that it was also in decline. There were no obvious signs of decay or disease, and the foliage appeared normal for the species. On site on November 13, Mr. Lee's tree surgeon stated that he did not know why one of the trees had died. He also stated that he could see no problem with the health of the remaining tree (now TPOd), but thought that it might be more vulnerable to the prevailing wind once the dead oak had been felled.

In response to the points raised in Mr. Lee's objection:

- 1 Enquiries that ask whether a tree is protected by TPO or conservation area are received by the Landscape Support Officer on a daily basis. Mr Lee would have been informed on 5 June that the trees were not protected by a TPO and were outside the conservation area. This information would not necessarily mean that the Council was in favour of the trees being felled. The Officer does not recall the alleged conversation with Mr Lee on 5 June in detail, but recalls that Mr Lee was concerned about the health and safety of the trees, which apparently lead the Officer to provide a list of local arborists who would be able to carry out a professional assessment of the trees. It was not thought at the time that Mr Lee was intent on felling the trees without such an assessment. Also, the size and significance of the trees was not understood at the time.
- 2 Although the TPO tree is now more exposed to the prevailing wind, it is considered that, so long as the main structure and roots of the tree are sound, it should be able to withstand this increase in exposure. The TPO tree is larger than the oak that was felled and will have been exposed to strong winds throughout its development. The proximity of the two trees has influenced the growth of the TPO tree, but its current form is not considered to be excessively imbalanced, aesthetically or from a safety point of view.

- 3 The fact that the tree is adjacent to a highway, footpath and houses does not necessarily imply that it is dangerous and should be felled. However, due to it being in this location, the Council would recommend that it is regularly inspected by a professional arborist so as to ensure that it is as safe as a large tree can be. Under the TPO legislation, dead or dangerous trees or branches can be removed (5 days written notice should be given to the Council of this work unless the danger is imminent). It should be noted that residents of the nearest houses (8 Lower Fairfield and Court Cottages) expressed their support for the TPO on site on 13 November.

The tree is growing in an elevated position on a bank that is retained by a stone wall, height 1.2 metres from road level. It appears that the growth of the tree's roots has contributed to the wall being pushed out towards the road. The Officer is not convinced that the wall cannot be repaired without felling the tree. The tree has significant amenity and cultural value and it is considered that a solution to keep both the tree and to restore the wall should be found.

Once confirmed, applications can be made to carry out management work to a TPO tree, where the merits of the proposed work can be considered against any supporting evidence. It is therefore recommended that the Tree Preservation Order be confirmed.

Note: Subsequent to the TPO being served, further investigation on site has revealed that the tree that died was severely infected by a Phytophthora fungus and was also infected with Honey Fungus. These would have combined to cause the tree's demise. The TPO tree is showing some signs of a minor infection by Phytophthora, but no Honey Fungus has so far been detected. The presence of Phytophthora does not necessarily mean that the TPO tree's demise is also imminent, as current research indicates that trees can recover from this type of infection. However, the Council would strongly recommend that a more thorough inspection of this tree is carried out by an experienced arborist so as to determine the extent of the disease, and to ascertain whether there are any other health and safety issues with the tree. This would involve removal of the ivy around the trunk so that a thorough assessment could be made of the main structure of the tree. It should also include the use of an air-spade to determine whether there was any decay in the root system, and may require use of a Resistograph to measure the extent of any decay in the trunk.

38/14/0017

MR P STONE

ERECTION OF REAR EXTENSION AND CONSTRUCTION OF FIRST FLOOR WITH THE REMOVAL OF 2 NO. CHIMNEYS AND THE ENLARGEMENT OF EXISTING DORMER TO FRONT OF 180 KINGSTON ROAD, TAUNTON

Location: 180 KINGSTON ROAD, TAUNTON, TA2 7ST

Grid Reference: 322322.126518

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) DrNo 5012_03 Location Plan
(A4) DrNo 5012_03 Site Plan
(A1) DrNo 5012_01 Rev B Floor Plans
(A1) DrNo 5012_02 Rev B Elevations

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

Notes to Applicant

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

PROPOSAL

180 Kingston Road is a brick and slate effect detached dormer bungalow set within a mix of size and style dwellings including single storey, two storey properties and various bungalows with different size and type of dormer windows. It is set back from the road, with extensive vegetation to the front.

This application seeks planning permission to increase the size of the dormer window to the front to increase first floor accommodation and provide a large extension to the rear to provide a sitting/dining area with additional bedroom above. It is also proposed to remove the two chimneys to the property. The existing dormer would be widened with weatherboard cladding to each side of the window. The extension to the rear would be of weatherboard cladding with a slate effect roof to match the existing and rooflights in the sides. It is also proposed to install rooflights into the existing roof.

During the processing of the application, concerns were raised by the case officer regarding overlooking of neighbouring properties from the balcony to the rear and potentially from rooflights in the side elevations. Following this, amended plans were received deleting the balcony from the scheme, along with confirmation that the proposed rooflights in the north and south elevations will be a minimum of 1700mm above internal floor level.

This application comes before committee as the agent is related to a member of staff.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

No comments received at the time of writing

Representations

The consultation period is still running at time of writing report - any further comments received will be updated at the committee meeting.

Letter received from the occupier of 11 Triscombe Road stating no planning related observations.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

There is a significant mix of style and height properties along this element of Kingston Road. The property directly to the south is a two storey dwelling with a large hipped roof front projection and the dwelling to the north is a dormer bungalow with two dormers positioned high in the roof. The current dormer is considered an appropriate scale and whilst the increase in size of the dormer is not ideal, in view of

the size of the roof, it is not considered excessively dominating to the property.

In addition, taking into account the varying dormer styles and heights in neighbouring properties and the large hipped roof front projection on the adjacent property, the resulting dormer is not considered to appear out of character with surroundings. The property is set back from the road and is well screened from the approach from the north by existing vegetation. Although visible from the south, it is viewed amongst the high dormer windows to the north and the large hipped projection to the south. As such, whilst visible, it is not considered to appear prominent in the street scene to the detriment of its appearance.

The proposed extension to the rear projects 4m, although it is set in from the sides and down from the ridge and is therefore deemed subservient. The rear extension would be of weatherboard cladding and whilst this would not match existing materials, is not considered to detract from the dwelling and the large sections of glazing in the rear elevation would introduce a contemporary element. Overall, the extension is not deemed to harm the character of the property and being to the rear, it would not be visible from public viewpoint.

The property is set away from the boundaries with neighbouring dwellings, with the extension set in from the sides and is not therefore considered to cause an overbearing impact on nearby dwellings. Over the boundary at 182, a conservatory is positioned on the far side of the rear of the dwelling and this, along with the rear windows are considered a sufficient distance from the extension so as not to result in a loss of light. Over the boundary at 178 is a long single storey extension with only one window in the side, which looks directly out to the boundary hedge, whilst in the gable end, there are two obscurely glazed windows. As such, there are no concerns regarding a loss of light to any windows at 178.

Concerns were initially raised by the case officer regarding a loss of privacy as a result of the balcony and potentially from the rooflights. The balcony has now been deleted from the scheme and it has been advised that the rooflights would be positioned more than 1.7 metres above floor level. As such, the scheme is not deemed to result in overlooking of the adjacent properties. On this basis, it is not deemed that the proposed scheme would lead to an adverse impact upon the living conditions of nearby dwellings and is recommended for permission.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

47/14/0001

MR J WILLIAMS

INSTALLATION OF 16 NO. GROUND MOUNTED PV PANELS AND CREATION OF NATURE POND IN FIELD ADJACENT TO IVY COTTAGE, WEST HATCH

Location: IVY COTTAGE, BICKENHALL LANE, WEST HATCH, TAUNTON,
TA3 5RS

Grid Reference: 327377.119705

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) Location Plan (revised)

(A4) Site Plan

(A2) DrNo 1402 001 Existing Site Plan and Elevations

(A2) DrNo 1402 002 Proposed Floor Plan and Elevations

(A2) DrNo 1402 003 Proposed Site Plan and Sections

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

3.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the

appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

Notes to Applicant

1. The landscaping condition has been added as there are no submitted details.
2. The hedge should be allowed to grow up as indicated in the email dated 11/02/14.
3. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

PROPOSAL

The proposal is the installation of 16 ground mounted PV panels and a nature pond within a field to the east of Ivy Cottage and Stockton Cottage. The array will be located adjacent to the existing hedge which is on the northern side of the field. The array will measure 16m in length. Each of the 16 panels will be 0.98m by 1.65m, which will be elevated such that the lowest point is approx. 0.7m above ground, the highest being 1.6m above the ground. The nature pond will be approximately 23m to the south west of the array, and be kidney shaped and approximately 11m by 5m. The plan shows some indicative native planting at locations at points around the pond.

The agent has recently advised that the existing roadside hedge has had its winter cut and so is at its lowest level, approx 1.6m, in the summer season it usually grows to an overall height of 2 - 2.2m. The applicant will allow the hedge to grow higher over the next few years. The excavated materials resulting from the formation of the pond will be used to grade the perimeter of the pond into the existing ground levels to create a more natural transition between the pond and the field.

SITE DESCRIPTION AND HISTORY

The site is on the southern side of the road which leads from the RSPCA (West Hatch site) to The Farmers Arms PH. The road is set below the level of the adjacent fields, and the field itself slopes down from the area to the south of the applicant's dwelling down to the east by approximately 3m. There is a vehicular access from the field down to a junction with Grughay Lane. The nearest dwellings are Greenbanks, north of the road, and Stockton Cottage which is attached to Ivy Cottage, the application site.

There is no relevant Planning History.

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

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST HATCH PARISH COUNCIL - re-PV panels and a nature pond, was considered and no objections were raised. The only matter of concern was impact on visual amenity but it was considered that the 16 PV panels would probably not be visible from the road or impact to any great extent on any neighbours.

If after construction the panels were visible from the highway running east from the site toward the RSPCA centre, we would recommend an evergreen bush be planted at the east end of the PV panel array.

WHPC has no objection to this proposal.

LANDSCAPE - subject to retention of the northern boundary hedgerow and maintenance of it at no lower than the installed panel height the proposals will have limited landscape impact. *Re additional information-* fine.

ENVIRONMENT AGENCY - No reply.

BIODIVERSITY - It is good to see that the applicant is proposing to construct a wildlife pond, but is it located in the correct position on sloping ground? Will the excavated material be spread on site? The existing hedge should be allowed to grow up. *Re additional information-* good to hear that the hedge will be allowed to grow up and that the perimeter of the pond will be graded back to existing levels to achieve a more natural transition.

Representations

None received

PLANNING POLICIES

CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

Not applicable

DETERMINING ISSUES AND CONSIDERATIONS

Policies CP1, CP8, DM1 and DM2 are the most applicable to this proposal. Policy CP1 relates to Climate Change, and in relation to the issues covered, the proposal is not a "large scale" installation, but the overall implications will be similar. The proposed array will not harm the character of the area, there will be no overriding adverse impact on the amenity of the area in terms of noise, dust, odour and traffic generation; there will be no impact on the local community, economy, nature conservation or historic interests. The proposals meet the criteria within policy CP8, DM1 and DM2, without detriment to the character of the rural area.

The existing hedge alongside the road forms a significant visual boundary between the users of that road and any properties to the north. Given that the road is at a lower level than the field, the impact on visual amenity of any 'development' in the field is limited. The site is also screened by intervening hedges, trees and some buildings from other roads and public footpaths in the area. The proposal is such that it has little or no impact on the amenities of the residents in the area, and there is no impact on the character of the immediate or wider area.

The Landscape Officer and Biodiversity Officer consider that the hedge should be retained at the existing height or allowed to grow up to a higher level, which will more than ensure there will be no detrimental views of the array. The agent has now confirmed that the winter cut will gradually be lessened such that the eventual height of the hedge will be allowed to increase.

In respect of the provision of the new pond, Central Government's advice to Local Planning Authorities when considering applications for solar arrays is, inter alia, to consider brownfield sites for larger schemes and seek biodiversity and screening. In this case the proposal is small scale and acceptable on this greenfield site, and there is no need to provide additional hedging, and a nature pond with new landscaping should help in attracting wildlife to the area.

The proposal is considered to have no detrimental impact on visual amenities of the local residents or on the character of the area, and the recommendation is to approve, subject to the planting of the new landscaping in the vicinity of the pond.

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

CONTACT OFFICER: Ms K Marlow Tel: 01823 356460

APPEAL DECISIONS FOR COMMITTEE AGENDA – 26 FEBRUARY 2014

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/13/2203860	CARAVAN AND MOBILE HOME ON SITE AFTER EXPIRY OF TEMPORARY PLANNING PERMISSION AT MILL FIELD, MINEHEAD ROAD, BISHOPS LYDEARD	<p>The site is located adjacent to but outside the settlement limit for Bishops Lydeard. There is therefore a presumption against granting planning permission in accordance with Policy CP8 (Environment) of the Taunton Deane Core Strategy which seeks to control development outside of settlement limits.</p> <p>It is considered that there is no clearly established existing functional need for a worker to be readily available at most times at the game bird and pheasant rearing business at the site. There is therefore no essential need for a rural worker to live permanently at the site in accordance with paragraph 55 of the National Planning Policy Framework (promoting sustainable development in rural areas). The mobile home and the touring</p>	E/0055/06/13	<p>The Inspector found that, even though the Council granted a temporary planning permission and 'the Framework' seeks to support a prosperous rural economy, the evidence does not show an essential need for a rural worker to live permanently on the appeal site. Furthermore the development conflicts with the countryside and landscape protection aims of CS Policies DM1, DM2 and CP8. Therefore ground (a) does not succeed.</p> <p>With regard to ground (f) the Inspector did not find the requirements of the enforcement notice to be excessive and, once the requirements of the notice have been complied with, there would be no interference with separate rights to site a caravan and use it as allowed under the Town and Country Planning (General Permitted Development)</p>

		<p>caravan represent unjustified dwellings outside the defined settlement limits the cumulative impact of which would lead to unplanned sporadic extension of settlements. This is detrimental to the character and appearance of the countryside and collectively increases the need to travel by private motor vehicle in order to access day to day services. This is contrary to Policies SP1 (Sustainable Development Locations), CP8 (Environment), DM1 (General Requirements) and DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.</p> <p>The Council does not consider that planning permission should be given because planning conditions could not overcome these objections.</p>		<p>Order 1995 or if a caravan was to be used in association with use of the land.</p> <p>With regard to ground (g) he found a more reasonable and proportionate response to the breach of planning control would be to extend the compliance period to 7 months. Subject to this variation the appeal is DISMISSED and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act.</p>
APP/D3315/A/13/2 205631	<p>OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF A DWELLING IN THE GARDEN OF DENE</p>	<p>The site is located in open countryside outside of the defined settlement boundary of Wiveliscombe. As such the development would increase the reliance of the private motorcar and foster a growth in the need to</p>	49/13/0004	<p>The Inspector considered the main issues to be (a) whether the proposed development accords with prevailing planning policies concerning the location of new housing development, (b) its effect on the character and appearance</p>

	VIEW, WEST ROAD, WIVELISCOMBE	<p>travel.</p> <p>The proposed siting of the dwelling located outside of the defined built up area of Wiveliscombe would be detrimental to the rural character and appearance of the landscape. The proposed scheme seeks a new access onto a County Route to serve a residential development sited outside of the defined settlement boundary. The Local Planning Authority considers that no overriding special need or benefit has been demonstrated to derive access from a County Route.</p> <p>The proposals fail to demonstrate that the necessary visibility splays required in order to provide a safe access point onto the B3227 can be achieved. The proposals are therefore</p>	<p>of the area and (c) whether sustainable transport opportunities would be available to serve the development, including safe access for all highway users.</p> <p><i>Character and appearance</i></p> <p>Taking all factors into account, the Inspector found the proposed dwelling would appear as an intrusion into an open rural landscape, with unacceptable visual harm to conflict with Policy DM1(d) and would not recognise the intrinsic character and beauty of the countryside.</p> <p><i>Sustainable transport and safe access</i></p> <p>Having considered the factors regarding the above, the Inspector found that safe access would not be available to all highway users associated with the proposed development and that, in spite of other advantages, sustainable transport opportunities would not be available in this case.</p> <p>Having taken all other matters into account, the Inspector found nothing to outweigh conclusions on the main issues and DISMISSED the appeal.</p>
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APP/D3315/C/13/2 198722	OCCUPIED MOBILE HOME AT POND COTTAGE, FITZHEAD ROAD, FITZHEAD	<p>It is considered that the unauthorised use of the Site for residential purposes is not acceptable within this open countryside location where it is the policy of the Local Planning Authority that new housing development should be strictly controlled. The detrimental impact of the mobile home and the domestic paraphernalia within its vicinity, is considered to detract from the character and appearance of the surrounding landscape.</p> <p>The Site is detached from the settlement area of Fitzhead, which is considered to be an unsustainable rural village. It lacks provision of adequate services such as education, health, retail and leisure services that are generally required for day to day living. As a result of the lack of adequate services, the occupants of the mobile home are likely to be reliant on the use of private transport to access such services, especially as there are very limited public transport facilities to serve the village of Fitzhead.</p>	E/0172/17/12	ENFORCEMENT NOTICE WITHDRAWN NO FURTHER ACTION INQUIRY CANCELLED
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		<p>The fostering of growth by the need to travel by private motor vehicles is contrary to Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) of the Somerset and Exmoor National Park Joint Structure Plan Review. It is contrary to Policy CP6 of the adopted Taunton Deane Core Strategy which provides that development should contribute to the reduction in the need to travel.</p> <p>In summary, this unauthorised residential use of the Site is considered to be detrimental to the environment and is not considered to represent a sustainable form of development.</p> <p>It is contrary to Policies SP1 (Sustainable Development Locations), CP1 (Climate Change), CP4 (Housing), CP6 (Transport), CP8 (Environment), DM1 (General Requirements and DM2 (Development in the Countryside) of the adopted Taunton Deane Core Strategy</p>		
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		<p>It is contrary to Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) of the Somerset and Exmoor National Park Joint Structure Plan Review.</p> <p>It is also contrary to guidance contained at Paragraph 55 within the National Planning Policy Framework (promoting sustainable development in rural areas).</p> <p>The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.</p>		
APP/D3315/A/13/2203242	ERECTION OF 16,632 SOLAR PV PANELS GENERATING UP TO 4.16MW AT GLEBE FARM, TOLLAND (RESUBMISSION OF 41/12/0005)	The proposed development by reason of its scale, form and siting would have a significant detrimental visual impact on the landscape character of the area. The installation would appear as a large stark industrial feature in an otherwise gently rolling landscape at odds with the scattered, small	41/13/0001	<p><i>Character and appearance</i></p> <p>The Inspector concluded the proposed development would cause substantial damage to the character of the landscape and would give rise to significant adverse visual impacts. In her judgement, these harmful effects could not be adequately mitigated</p>

		<p>scale and highly dispersed rural development in the area. This incongruous proposal would be highly visible from a large number of sensitive receptors which combine to make the development a very dominant feature in the local landscape. As such, it is considered that the open landscape character of the area and natural environment would be harmed and the impact on the local community is not outweighed by the wider environmental benefits that may be realised by the proposal.</p> <p>The application has not satisfactorily demonstrated that the development can satisfactorily mitigate the risks of off site flooding.</p>		<p>by the provision of screen planting, or by the imposition of conditions. The Inspector found the scheme would conflict with the objectives of Policy CP1 and the aims of Policy CP8.</p> <p><i>Drainage</i></p> <p>The Inspector agreed with the Environment Agency that there is no certainty, on the basis of the evidence provided, that appropriate flood risk management and drainage measures can be achieved within the proposal. She therefore concluded the proposed development would conflict with the terms of Policy CP8.</p> <p><i>Whether the impacts of the proposal are, or can be made, acceptable</i></p> <p>Placing all considerations in the balance, the Inspector found the benefits of the proposed development carry significant weight in its favour. However, that weight is not sufficient to overcome the serious harm that would be caused to the character of the landscape, and the adverse visual impacts for users of the public footpaths which were identified. In her judgement these adverse</p>
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				impacts of the scheme are not acceptable and could not be made acceptable and the appeal was DISMISSED.
APP/D3315/D/14/2 211430	ERECTION OF A SINGLE STOREY REAR EXTENSION TO 3 HEARNE BARTON, WESTWOOD, BISHOPS LYDEARD	The existing building is of traditional linear character, forming part of an attractive courtyard of former rural barns that contribute to the rural landscape. The proposed extension, by virtue of its size, scale and design, appears as an incongruous addition, detracting from the simple linear form of the traditional building, to the detriment of its historic character and the part it plays in the rural appearance of the Quantock Hills Area of Outstanding Natural Beauty.	45/13/0015	The Inspector concluded the appeal scheme would have a harmful effect on the character and appearance of the existing building and of its surroundings. This would be in conflict with Policies DM1 and CP8 of the Taunton Deane Core Strategy 2011-2028 and Policy H17 of the Taunton Deane Local Plan 2004. The thrust of these policies insofar as they apply to the appeal proposal is the safeguarding of the existing environment through high quality development. This is supported by the objectives of Section 7: 'Requiring Good Design' of the NPPF. The appeal was DISMISSED.

APPEAL DECISIONS FOR COMMITTEE AGENDA – 26 FEBRUARY 2014

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/13/2203860	CARAVAN AND MOBILE HOME ON SITE AFTER EXPIRY OF TEMPORARY PLANNING PERMISSION AT MILL FIELD, MINEHEAD ROAD, BISHOPS LYDEARD	<p>The site is located adjacent to but outside the settlement limit for Bishops Lydeard. There is therefore a presumption against granting planning permission in accordance with Policy CP8 (Environment) of the Taunton Deane Core Strategy which seeks to control development outside of settlement limits.</p> <p>It is considered that there is no clearly established existing functional need for a worker to be readily available at most times at the game bird and pheasant rearing business at the site. There is therefore no essential need for a rural worker to live permanently at the site in accordance with paragraph 55 of the National Planning Policy Framework (promoting sustainable development in rural areas). The mobile home and the touring</p>	E/0055/06/13	<p>The Inspector found that, even though the Council granted a temporary planning permission and 'the Framework' seeks to support a prosperous rural economy, the evidence does not show an essential need for a rural worker to live permanently on the appeal site. Furthermore the development conflicts with the countryside and landscape protection aims of CS Policies DM1, DM2 and CP8. Therefore ground (a) does not succeed.</p> <p>With regard to ground (f) the Inspector did not find the requirements of the enforcement notice to be excessive and, once the requirements of the notice have been complied with, there would be no interference with separate rights to site a caravan and use it as allowed under the Town and Country Planning (General Permitted Development)</p>

		<p>caravan represent unjustified dwellings outside the defined settlement limits the cumulative impact of which would lead to unplanned sporadic extension of settlements. This is detrimental to the character and appearance of the countryside and collectively increases the need to travel by private motor vehicle in order to access day to day services. This is contrary to Policies SP1 (Sustainable Development Locations), CP8 (Environment), DM1 (General Requirements) and DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.</p> <p>The Council does not consider that planning permission should be given because planning conditions could not overcome these objections.</p>		<p>Order 1995 or if a caravan was to be used in association with use of the land.</p> <p>With regard to ground (g) he found a more reasonable and proportionate response to the breach of planning control would be to extend the compliance period to 7 months. Subject to this variation the appeal is DISMISSED and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act.</p>
APP/D3315/A/13/2 205631	<p>OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF A DWELLING IN THE GARDEN OF DENE</p>	<p>The site is located in open countryside outside of the defined settlement boundary of Wiveliscombe. As such the development would increase the reliance of the private motorcar and foster a growth in the need to</p>	49/13/0004	<p>The Inspector considered the main issues to be (a) whether the proposed development accords with prevailing planning policies concerning the location of new housing development, (b) its effect on the character and appearance</p>

	VIEW, WEST ROAD, WIVELISCOMBE	<p>travel.</p> <p>The proposed siting of the dwelling located outside of the defined built up area of Wiveliscombe would be detrimental to the rural character and appearance of the landscape. The proposed scheme seeks a new access onto a County Route to serve a residential development sited outside of the defined settlement boundary. The Local Planning Authority considers that no overriding special need or benefit has been demonstrated to derive access from a County Route.</p> <p>The proposals fail to demonstrate that the necessary visibility splays required in order to provide a safe access point onto the B3227 can be achieved. The proposals are therefore</p>	<p>of the area and (c) whether sustainable transport opportunities would be available to serve the development, including safe access for all highway users.</p> <p><i>Character and appearance</i></p> <p>Taking all factors into account, the Inspector found the proposed dwelling would appear as an intrusion into an open rural landscape, with unacceptable visual harm to conflict with Policy DM1(d) and would not recognise the intrinsic character and beauty of the countryside.</p> <p><i>Sustainable transport and safe access</i></p> <p>Having considered the factors regarding the above, the Inspector found that safe access would not be available to all highway users associated with the proposed development and that, in spite of other advantages, sustainable transport opportunities would not be available in this case.</p> <p>Having taken all other matters into account, the Inspector found nothing to outweigh conclusions on the main issues and DISMISSED the appeal.</p>
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APP/D3315/C/13/2 198722	OCCUPIED MOBILE HOME AT POND COTTAGE, FITZHEAD ROAD, FITZHEAD	<p>It is considered that the unauthorised use of the Site for residential purposes is not acceptable within this open countryside location where it is the policy of the Local Planning Authority that new housing development should be strictly controlled. The detrimental impact of the mobile home and the domestic paraphernalia within its vicinity, is considered to detract from the character and appearance of the surrounding landscape.</p> <p>The Site is detached from the settlement area of Fitzhead, which is considered to be an unsustainable rural village. It lacks provision of adequate services such as education, health, retail and leisure services that are generally required for day to day living. As a result of the lack of adequate services, the occupants of the mobile home are likely to be reliant on the use of private transport to access such services, especially as there are very limited public transport facilities to serve the village of Fitzhead.</p>	E/0172/17/12	ENFORCEMENT NOTICE WITHDRAWN NO FURTHER ACTION INQUIRY CANCELLED
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		<p>The fostering of growth by the need to travel by private motor vehicles is contrary to Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) of the Somerset and Exmoor National Park Joint Structure Plan Review. It is contrary to Policy CP6 of the adopted Taunton Deane Core Strategy which provides that development should contribute to the reduction in the need to travel.</p> <p>In summary, this unauthorised residential use of the Site is considered to be detrimental to the environment and is not considered to represent a sustainable form of development.</p> <p>It is contrary to Policies SP1 (Sustainable Development Locations), CP1 (Climate Change), CP4 (Housing), CP6 (Transport), CP8 (Environment), DM1 (General Requirements and DM2 (Development in the Countryside) of the adopted Taunton Deane Core Strategy</p>		
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		<p>It is contrary to Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) of the Somerset and Exmoor National Park Joint Structure Plan Review.</p> <p>It is also contrary to guidance contained at Paragraph 55 within the National Planning Policy Framework (promoting sustainable development in rural areas).</p> <p>The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.</p>		
APP/D3315/A/13/2203242	ERECTION OF 16,632 SOLAR PV PANELS GENERATING UP TO 4.16MW AT GLEBE FARM, TOLLAND (RESUBMISSION OF 41/12/0005)	The proposed development by reason of its scale, form and siting would have a significant detrimental visual impact on the landscape character of the area. The installation would appear as a large stark industrial feature in an otherwise gently rolling landscape at odds with the scattered, small	41/13/0001	<p><i>Character and appearance</i></p> <p>The Inspector concluded the proposed development would cause substantial damage to the character of the landscape and would give rise to significant adverse visual impacts. In her judgement, these harmful effects could not be adequately mitigated</p>

		<p>scale and highly dispersed rural development in the area. This incongruous proposal would be highly visible from a large number of sensitive receptors which combine to make the development a very dominant feature in the local landscape. As such, it is considered that the open landscape character of the area and natural environment would be harmed and the impact on the local community is not outweighed by the wider environmental benefits that may be realised by the proposal.</p> <p>The application has not satisfactorily demonstrated that the development can satisfactorily mitigate the risks of off site flooding.</p>	<p>by the provision of screen planting, or by the imposition of conditions. The Inspector found the scheme would conflict with the objectives of Policy CP1 and the aims of Policy CP8.</p> <p><i>Drainage</i></p> <p>The Inspector agreed with the Environment Agency that there is no certainty, on the basis of the evidence provided, that appropriate flood risk management and drainage measures can be achieved within the proposal. She therefore concluded the proposed development would conflict with the terms of Policy CP8.</p> <p><i>Whether the impacts of the proposal are, or can be made, acceptable</i></p> <p>Placing all considerations in the balance, the Inspector found the benefits of the proposed development carry significant weight in its favour. However, that weight is not sufficient to overcome the serious harm that would be caused to the character of the landscape, and the adverse visual impacts for users of the public footpaths which were identified. In her judgement these adverse</p>
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Planning Committee – 26 February 2014

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

Officers: - Bryn Kitching (Development Management Lead), Tim Burton (Assistant Director – Planning and Environment), Gareth Clifford (Area Co-ordinator – East), Matthew Bale (Area Co-ordinator – West), 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.
Councillors Henley and D Reed in connection with application No 10/13/0035

(The meeting commenced at 5.00 pm)

22. Apology/Substitution

Apology: Councillor Tooze.

Substitution: Councillor Mrs Smith for Councillor Tooze.

23. Minutes

The minutes of the meetings of the Planning Committee held on 30 January 2014 and 12 February 2014 were taken and read and were signed.

24. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One, he also declared that he had received correspondence from the applicants of application Nos 10/13/0035 and 41/13/0004. He declared that he had passed these items to the Planning Officers. He also 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 D Wedderkopp also declared that although he knew the applicant for application No 38/14/0017, he had not “fettered his discretion”. Councillor Coles declared that he had received an email in respect of application No 10/13/0035, he felt that he had not “fettered his discretion”. Councillor Miss James declared a personal interest as an employee of Somerset College. Councillor Bowrah declared that application No 43/13/0128 had been discussed at the Wellington Town Council meeting. He felt that he had not “fettered his discretion”. Councillor C Hill declared that the applicant for item 8, Tree Preservation Order TD1114 was a family member. He left the room while the item was being discussed. Councillor

Wren declared a personal interest as an employee of Natural England. He also declared that the applicant had asked for his view on application No 10/13/0035. He felt that he had “not fettered his discretion”. He pointed out that the tree the subject of the Tree Preservation Order was in his ward but had not been discussed. He declared that he would not take part in the debate. Finally, Councillor Wren declared that application No 41/13/0004 had been discussed but he felt that he had not “fettered his discretion”.

25. Applications for Planning Permission

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

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

41/13/0004

Change of use of land from agricultural to Solar Farm and erection of 14,000 Solar Panels and associated works at Grove Farm, Lydeard St Lawrence

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 4020 1064 – JR-PL. 001 R2 Site Design Plan;
 - (A3) DrNo 4020 1064 – PL 002 R4 Red Line Boundary;
 - (A3) DrNo40201064 – PL.004 Double Inverter – transformer station details;
 - (A3) DrNo 4020 1064 – PL.005 R2 Substation building;
 - (A3) DrNo 4020 1064 – PL.006 Gate, fence and construction road details;
 - (A3) DrNo 4020 1064 – PL.007 Racking system details;
 - (A3) DrNo 4020 1064 – PL.008 O&M Storage container; and
 - (A3) DrNo 3546_09: Landscape mitigation Strategy (received 26.02.2014);
- (c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that

shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production;

- (d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of BSG Ecology's submitted report, dated November 2013 and shall include:-
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 3. Measures for the retention and replacement and enhancement of places of rest for the species.

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

- (f) (i) Before any part of the development hereby permitted is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall show the hedgerows and trees to be retained and the method of protection during the construction phase. It shall also include proposals for returning the construction access to its existing condition. The scheme shall be based on the Landscape Mitigation Strategy received 26.02.2014; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. The Environmental Management Plan and

Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase;

- (h) Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the containers, substations switchgear housing, and inverter housing hereby permitted shall have been submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (i) Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within three months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority;
- (j) No development shall commence until a detailed surface water drainage strategy, based on the principles set out in the approved Flood Risk Assessment (FRA – prepared by Hydrock and dated January 2014 Ref; R/C13202/001.05 Issue 5) has been submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall include a site specific infiltration test and full maintenance details for all drainage infrastructures on site for the lifetime of the development. The development shall be carried out and subsequently maintained in strict accordance with the approved strategy;
- (k) No development shall commence until a pollution management plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include an assessment of the likely impacts of pollution during the construction and operation of the development to surface waters and groundwater abstraction sources. Where risks are identified through the assessment, appropriate mitigation measures shall be identified. The development shall be carried out and maintained in strict accordance with the approved plan;
- (l) The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in writing by the Local Planning Authority beforehand and fully implemented prior to start construction, and thereafter maintained until the completion of the construction phase;

- (m) The construction access shall be returned to its former condition and the construction compound area shall be removed and the ground restored to its former condition (other than where drainage works are required in connection with this permission) in accordance with condition (f) within one month of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority;
- (n) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without further grant of planning permission;
- (o) No external artificial lighting shall be installed on the site;
- (p) No development shall commence until a pollution management plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include an assessment of the likely impacts of pollution during the construction and operation of the development to surface waters and groundwater abstraction sources. Where risks are identified through the assessment, appropriate mitigation measures shall be identified. The development shall be carried out and maintained in strict accordance with the approved plan End 2.

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised that the condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal; (iii) Applicant was advised that most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended); (iv) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.)

38/14/0017

Erection of rear extension and construction of first floor with the removal of 2 No. chimneys and the enlargement of existing dormer to front of 180 Kingston Road, Taunton

Conditions

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

- (A4) DrNo 5012_03 Location Plan;
- (A4) DrNo 5012_03 Site Plan;
- (A1) DrNo 5012_01 Rev B Floor Plans; and
- (A1) DrNo 5012_02 Rev B Elevations;

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

47/14/0001

Installation of 16 No. ground mounted PV panels and creation of Nature Pond in field adjacent to Ivy Cottage, West Hatch

Conditions

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

- (A4) Location Plan (revised);
- (A4) Site Plan;
- (A2) DrNo 1402 001 Existing Site Plan and Elevations;
- (A2) DrNo 1402 002 Proposed Floor Plan and Elevations; and
- (A2) DrNo 1402 003 Proposed Site Plan and Sections;

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

(Notes to applicant:- (i) Applicant was advised that the landscaping condition has been added as there are no submitted details; (ii) Applicant was advised

that the hedge should be allowed to grow up as indicated in the email dated 11 February 2014; (iii) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

26. Residential development for the erection of 20 No. 1, 2, 3 and 4 bedroom dwellings, to include 5 No. affordable homes and Public Open Space at Ford House Farm Site, Honiton Road, Churchinford (amended scheme to 10/13/0016) (10/13/0035)

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement by 31 March 2014 to secure the following:-

- (a) 25% affordable housing;
- (b) Community Leisure;
- (c) Provision for off site recreation of £1571 per dwelling;
- (d) Allotment provision of £209 per dwelling;
- (e) Community Hall contribution of £1208 per dwelling; and
- (f) Maintenance of the play area and open space;

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

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

- (A3) DrNo 06 Site Survey Plan;
- (A2) DrNo 20 Rev C Site Sections;
- (A3) DrNo 100 House Types HT1 Elevations and Plans;
- (A3) DrNo 110 Rev A House Types HT2 Elevations;
- (A3) DrNo 111 Rev A House Types HT2 Plans;
- (A3) DrNo 120 House Types HT3 Elevations and Plans;
- (A3) DrNo 131 House Types HT4a Elevations and Plans;
- (A3) DrNo 140 Rev A House Types HT5 Elevations and Plans;
- (A3) DrNo 150 Rev A House Types HT6 + HT9 1 Bed Elevations and Plans;
- (A3) DrNo 161 House Types HT7a Plans;
- (A3) DrNo 162 House Type HT7a Elevations and Plans;
- (A3) DrNo 180 Garage Elevations and Plans;
- (A3) DrNo 191 HT9 1 Bed Flats Elevations;
- (A4) DrNo G/MC124/01 Site Location Plan;
- (A4) DrNo G/MC124/02 Site Plan;
- (A3) DrNo 431-001 Site Location Plan;

(A3) DrNo 12 Rev B Site Plan;
(A3) DrNo 13C Site Plan; and
(A1) DrNo 12.327/350B Proposed Drainage Strategy Plan;

- (c) No development shall commence until a surface water drainage scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in accordance with the principles set out in the approved Flood Risk Assessment (prepared by TWP Consulting and dated December 2013) and include details of phasing and maintenance responsibilities as well as means of controlling surface water flows during construction. The development shall be carried out in strict accordance with the details of the approved scheme;
- (d) No wall construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (e) No wall construction shall begin until a panel of the proposed random rubble stone construction measuring at least 2m x 1m had been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by, the Local Planning Authority;
- (f) Any drive and/or turning areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to their construction. Details of the surface finish of such areas shall be agreed in writing by the Local Planning Authority prior to their construction;
- (g) (i) Before any part of the house construction is commenced, a Landscaping Strategy for the site together with a detailed landscaping scheme, which shall include full details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

(h) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Sunflower International Ecological Consultancy's preliminary Ecological appraisal and extended phase 1 habitat surveys dated October 2012, and include:-

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

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

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

(j) No development shall commence (or other such timing to be agreed by the Local Planning Authority) until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority;

1. A preliminary risk assessment which has identified:-

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site;

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action;

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved;

- (k) Details of noise levels for any pumping station to be provided on site shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being installed;
- (l) A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detail and siting of equipment shall be agreed in writing by the Local Planning Authority. This area shall be laid out to the satisfaction of the Local Planning Authority within twelve months of the date of commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation;
- (m) Details of the existing ground levels of the house locations and finished floor levels shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction of dwellings commencing;
- (n) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority;
- (o) Details of renewable energy measures for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority and the said source must be commissioned and installed prior to occupation;
- (p) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority;
- (q) The windows and doors hereby permitted shall be timber as indicated on the application form and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority prior to their installation;
- (r) The thatching hereby approved shall be carried out using good quality combed wheat reed, using a butt-up ridge with no decoration, unless otherwise agreed in writing by the Local Planning Authority;

- (s) At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted plan. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (t) 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 purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to, the Local Planning Authority;
- (u) 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;
- (v) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at the gradient thereafter at all times;
- (w) 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;
- (x) Details of the external siting of any site manager's office and the storage of materials on site during construction shall be submitted and agreed by the Local Planning Authority prior to locating on site and shall avoid the public open space area defined on drawing 431/13C.

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised of the following - WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as

amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (iii) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

27. Erection of 18 No. dwellings at land to the south of Taunton Road, Wellington (43/13/0128)

Reported this application.

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

- 5 No units of affordable housing, with 3 No. social rented and 2 No. shared ownership;
- Children's play - £2,904 per dwelling;
- Active recreation - £1,571 per dwelling;
- Allotments - £209 per dwelling;
- Community Halls - £1,208 per dwelling;
- Public art – 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; and
- Provision of the Public Open Space on the eastern part of the site and transfer to the Council/appropriate ongoing maintenance measures and public access arrangements to be agreed,

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

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo A081504 01 Location Plan;
 - (A3) DrNo A081504 02 Constraints and Opportunities;
 - (A3) DrNo A081504 03 Rev 01 Site Layout;
 - (A3) DrNo A081504 04 Rev 01 Finishes Plan;
 - (A3) DrNo A081504 05 Rev A Street Scene;
 - (A3) DrNo HTA-P-S1 House Type A 3B 5P Private Plans and Elevations - Render Option;
 - (A3) DrNo HTP-P-S1 House Type B 4B 6P Private Plans and Elevations Brick;
 - (A3) DrNo HTB-P-S2 House Type B 4B 6P Private Plans and Elevations Render Option 02;
 - (A3) DrNo HTB-P-S3 House Type B 4B 6P Private Plans and Elevations Render Option 03;
 - (A3) DrNo HTC-P-51 House Type C 2B 3P Affordable Home Plans and Elevations Brick Option;
 - (A3) DrNo HTE-P-S1 House Type E 3B 5P Affordable Home Plans and Elevations Render Option;
 - (A3) DrNo HTG-P-S1 House Type G 1B 2P Affordable Home Plans and Elevations Brick Option; and
 - (A3) DrNo HTH-P-S1 House Type H - 4B 6P Private Plans & Elevations - Render Option;
- (c) No development shall commence until construction has reached damp proof course level on the veterinary hospital building granted planning permission under application number 43/11/0098 or any such application amending that permission made pursuant to Section 73 of the Town and Country Planning Act 1990 or any such application for substantially the same development that may be granted permission in the event that that permission should expire;
- (d) Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall demonstrate that the surface water run-off and volumes generated up to and including the 1 in 100 year critical storm will not exceed the run-off and volumes from the undeveloped site following the corresponding rainfall event. The scheme shall include details of phasing and maintenance. The development shall subsequently be implemented in accordance with the details approved;
- (e) Prior to the commencement of the development hereby permitted, an ecological management plan for the site shall be submitted to, and agreed

in writing by, the Local Planning Authority. The plan shall include the following details;-

- Working methods to protect the stream during construction works;
 - An undeveloped buffer (in metres) between the development and the stream;
 - Including planting and lighting details;
 - Enhancement measures for protected species and their habitat; and
 - Maintenance roles and responsibilities for any new or existing habitat on site for
 - Protected species;
- (f) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development and thereafter maintained until the use of the site discontinues;
- (g) The proposed estate roads, footways, 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 purpose, plans and sections, indication 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 final surface dressing for the roads and footpaths shall be applied within three months of the occupation of the final dwelling;
- (h) (i) Prior to the commencement of the development hereby permitted, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall also show the existing hedges to be protected and retained during the course of the development and the method of protection; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees, shrubs and hedgerows, including the retained trees and hedgerows, shall

be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (i) Prior to their position on site, details of the siting of any temporary building(s) construction and materials storage compound, including details of where soil is to be stored on site will be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with such details;
- (j) Prior to the occupation of the dwellings hereby permitted, a highway signage strategy for Taunton Road shall be submitted to, and approved in writing by, the Local Planning Authority. Such highway signage shall be fully provided in accordance with the approved plans to an agreed specification before the development is first occupied;
- (k) Prior to the occupation of the 9th dwelling, the proposed pedestrian link to the west between plots 14 and 15 shall be constructed and surfaced in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority;
- (l) Prior to the occupation of the 9th dwelling, the public open space shall be laid out in accordance with the details agreed pursuant to condition (i) and shall thereafter remain available for use by the general public and be maintained in accordance with those agreed details;
- (m) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

28. Objection to Tree Preservation Order TD1114, (Milverton No.1) 2013, at High Street, Milverton.

Reported that a Tree Preservation Order (T[PO) had been served on 13 November 2013 in connection with an Oak Tree on land at High Street, Milverton.

An objection to the service of the Order had been lodged. The tree appeared to be healthy. It was a large specimen Lucombe Oak, height and spread approximately 22 metres, trunk girth 4 metres plus. The estimated age of the tree was between 150 and 200 years. Lucombe Oak Trees were characteristic of the West Country but were quite rare.

The main reasons for the objection were:-

- (a) The recent death and removal of the adjacent Oak Tree had left the remaining tree vulnerable to the prevailing winds and imbalanced due to its previously restricted growth; and

(b) The tree was adjacent to a highway, footpath and houses. Its roots had damaged the adjacent retaining wall and were thought to be preventing the repair of the wall.

In response to these concerns, it was reported that although the TPO tree was now exposed to the prevailing wind, it was considered that, so long as the main structure and roots of the tree were sound, it would be able to withstand increased exposure.

The fact that the tree was adjacent to a highway, footpath and houses did not necessarily imply that it was dangerous and should be felled. It did appear that the growth of the tree's roots had contributed to the wall being pushed out towards the road. However, the Growth and Development Manager was not convinced that the wall could not be repaired without felling the tree. The tree had significant amenity and cultural value and it was considered that a solution to keep both the tree and to restore the wall should be found.

Noted that if the order was confirmed, it was recommended that the tree was regularly inspected by professional arborists to ensure that it was as safe as a large tree could be.

Resolved that the Tree Preservation Order be confirmed

29. Appeals

Reported that five decisions were received details of which were submitted.

Resolved that the reports be noted.

(The meeting ended at 9.18 pm)