

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 13 August 2014 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 16 July 2014 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 10/14/0024 Erection of a six bedroom holiday chalet with associated garden, pond and parking areas at Pay Plantation, Stapley.
- 6 17/14/0003 Erection of an agricultural building for livestock on land adjacent to Goulds Farm, Fitzhead.
- 7 24/14/0030 Outline application with some matters reserved for the erection of 1 No. three storey dwelling in the garden adjacent to Whitewell Cottage, 6 Moor Lane, North Curry.
- 8 38/14/0175 Erection of balcony to the front of 5 Streamside, Taunton.
- 9 38/14/0178 Construction of a swimming pool with erection of extension to health spa at the leisure centre with alterations to the main entrance area and provision of car parking at Blackbrook Pavilion, Blackbrook Way, Taunton.
- 10 43/14/0058 Erection of 4 No. 2 bedroom dwellings to the rear of 14 High Street, Wellington.
- 11 48/13/0008 Outline planning application for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved on land at Hartnells Farm, Monkton Heathfield.
- 12 49/14/0021 Demolition of warehouse and erection of 4 No. 3 bedroom terraced dwellings, 4 No. 1 bedroom apartments and office/commercial accommodation

with associated car parking at Croftway/High Street, Wiveliscombe (amended scheme to 49/13/0041)

13 E/0033/35/14 Apple Orchard Farm, Bishops Hill, Stawley

Bruce Lang
Assistant Chief Executive

06 October 2014

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

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

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

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

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

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

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

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



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

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

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Planning Committee Members:-

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

Planning Committee – 16 July 2014

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Gaines, Mrs Hill, Miss James,
Tooze, Watson, Mrs Webber, A Wedderkopp and Wren

Officers: - Bryn Kitching (Development Management Lead), Matthew Bale (Area Co-ordinator - West), John Burton (Major Applications Co-ordinator), 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.

(The meeting commenced at 5.00 pm)

75. Apologies/Substitutions

Apologies : Councillors Bowrah, C Hill, Morrell and D Wedderkopp

Substitution : Councillor Ms Webber for Councillor C Hill

76. Minutes

The minutes of the Planning Committee meetings held on the 25 June 2014 were taken read and were signed.

77. Declarations of Interest

Councillors Coles and A Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillor Wren declared a personal interest as the Clerk to Milverton Parish Council.

78. Applications for Planning Permission

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

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

14/14/0037

Erection of 16 residential units together with associated access, car parking and landscaping provision (re-plan of part of the approved scheme 14/12/0036 and 14/13/0049) to provide a revised housing mix and an additional 6 residential units

Conditions

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

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

- (A1) DrNo 41SL02 Rev B Site Layout 02, revision B;
- (A1) DrNo 41SE02 Rev A Street Elevations 02;
- (A3) DrNo 41P.7010p Plot 7-10 Floor Plans;
- (A3) DrNo 41P.7-10e2 Plots 7-10 Elevations;
- (A3) DrNo 41P.7-10e1 Plots 7-10 Elevations;
- (A1) DrNo 41ML02 Materials Layout 02, revision B;
- (A1) DrNo 41LP01 Location Plan 01.revision A;
- (A1) DrNo 41 AHL02 Rev B Affordable Housing Layout 02;
- (A1) DrNo 41 BP02 Rev B Boundary Plan 02;
- (A3) DrNo 41 HT.1845.p House Type 1845 Floor Plans;
- (A3) DrNo 41HT.1845.e House Type 1845 Elevations;
- (A3) DrNo 41HT.1526.p. House Type 1526 Floor Plans;
- (A3) DrNo 41HT.1526.e House Type 1526 Elevations;
- (A3) DrNo 41HT.910A.p House Type 910 Floor Plans Variation A;
- (A3) DrNo 41HT.910A.e House Type 910 Elevations Variation A;
- (A3) DrNo 41HT.2BH.p House type 2BH (HQI) Floor Plans-Affordable;
- (A3) DrNo 41HT.2BH.e House Type 2BH (HQI) Elevations-Affordable;
- (A3) DrNo 41HT.1332A.p House Type 1332 Floor Plans – Variation A;
- (A3) DrNo 41HT.1332A.e House Type 1332 Elevations-Variation A;
- (A3) DrNo 41HT.1281A.p House Type 1281 Floor Plans – Variation A;
- (A3) DrNo 41HT.1281A.e House Type 1281 Elevations – Variation A;
- (A3) DrNo 41PL.15 36.pe plots 15 and 36 Floor plans and elevations Affordable (social rent);
- (A3) DrNo 41GAR.06pe Garage type 6 Floor Plans and Elevations;
- (A3) DrNo 41GAR.05pe Garage Type 5 Floor Plans and Elevations;

- (A3) DrNo 41GAR.04pe Garage Type 4 Floor Plans and Elevations;
 - (A3) DrNo 41GAR.03pe Garage Type 3 Floor Plans and Elevations;
 - (A3) DrNo 41GAR.02pe Garage Type 2 Floor Plans and Elevations;
 - (A3) DrNo 41GAR.01pe Garage Type 1 Floor Plans and Elevations;
 - (A0) DrNo 4901:05 Engineering Layout;
 - (A1) DrNo TD724_02 Landscaping Plan;
 - (A1) DrNo TD724_01 Landscaping Plan;
- (c) No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved;
- (d) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:
- details of which areas drain to which attenuation facility and the associated volumes projected; and
 - details of how the scheme shall be maintained and managed after completion.
- The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority;
- (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 the submitted Sunflower International Ecological Consultancy's Environmental (Ecological) Impact Assessment and Extended Phase 1 Habitat survey report, dated August 2011 and the updated report submitted Sunflower international Ecological Consultancy's dated 1 May 2014 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 and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;

- (f) Prior to the construction works commencing a Construction Management Plan (CMP) shall be submitted to the Local Planning Authority, in consultation with the Highways Agency, and approved in writing. The plan as approved shall be implemented throughout the development works;
- (g) There shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the service road and extending to points on the nearside carriageway edge 25m either side of the junction. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times;
- (h) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, and 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. Such provision shall be installed before occupation of the dwellings and thereafter maintained at all times;
- (i) The proposed estate roads, footways, footpaths, tactile paving, cycle ways, 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;
- (j) 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;
- (k) 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 that gradient thereafter at all times;

- (l) None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority, including a connection with footpath number T 10/26 along the southern edge of the site and connecting with Hyde Lane;
- (m) No work shall commence on the development hereby permitted until works to provide the access onto Hyde Lane have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

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) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant was advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Taunton Deane Area Highways Office. Application for such a permit should be made at least four weeks before

access works are intended to commence; (iv) Applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). The road should be built and maintained to the standards that the Highway Authority is able to adopt. The Highway Authority encourages developers to enter into an Agreement under Section 38 of the Highways Act as an alternative to the deposit of money required by section 219. Such an Agreement will be based on approved drawings and be supported by a Bond to cover the due performance of the works.)

05/14/0009

Erection of a detached dwelling in the garden to the side of 1 Smithy, Bishop's Hull

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 2014004 001 Rev A Location and Site Plans;
 - (A3) DrNo 2014004 002 Existing Site Plan ;
 - (A3) DrNo 2014004 005 Proposed Site Plan;
 - (A3) DrNo 2014004 004 Proposed Floor Plans and Elevations;
 - (A3) DrNo 2014004 003 Existing Street Elevations;
 - (A3) DrNo 2014004 008 Proposed Street Elevations;
 - (A3) DrNo 2014004 007 West Elevation and Site Plan;
- (c) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor window to serve the ensuite, to be installed in the rear elevation, and the bathroom window to be installed in the front elevation, of the proposed dwelling shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (e) Notwithstanding the details shown on the plans hereby permitted, prior to the occupation of the dwelling hereby permitted, full details of the proposed boundary treatments shall be submitted to, and approved in

writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling and shall thereafter be maintained as such.

(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 and had imposed planning conditions to enable the grant of planning permission (ii) Applicant was advised that or the avoidance of doubt, when providing details pursuant to condition (e), the provision of a close boarded fence to the front of the property was not considered appropriate).

79. Appeals

Reported that one appeal decision had been received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 6pm)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors Coles, A Wedderkopp and D Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Clerk to Milverton Parish Council – Councillor Wren

10/14/0024

MR D COCKCROFT

ERECTION OF A SIX BEDROOM HOLIDAY CHALET WITH ASSOCIATED GARDEN, POND AND PARKING AREAS AT PAY PLANTATION, STAPLEY

Location: PAY PLANTATION, STAPLEY, TAUNTON, TA3 7QA

Grid Reference: 310745.113553

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:

(A1) DrNo 1544/PL/05B Elevations and Sections
(A1) DrNo 1544/PL/01B Location Plan
(A1) DrNo 1544/PL/02B Plans
(A1) DrNo 1544/PL/03B Plans
(A1) DrNo 1544/PL/04B Elevations and Section
(A4) DrNo 1544/PL/06B Location Plan

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

3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent discharge into nearby water courses in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

4. (i) Before any part of the permitted development is commenced, a

landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife in the form of a Construction Method Statement (CEMP) and an ecological management plan has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Tyler Grange LLP submitted report, dated May 2014 and include:

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

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

Reason: To protect wildlife and **their** habitats from damage bearing in mind **these** species **are** protected by law.

6. Details of the external glazing to rooflights and the swimming pool area shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and shall be carried out as agreed and thereafter retained.

Reason: To ensure control of light spillage from the site in the interests of the amenity of the area.

7. There shall be no obstruction to visibility greater than 900millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety.

8. There shall be no removal of the roadside hedgebank to the north of the site at any time.

Reason: In the interests of preserving the character of the area.

9. The **chalet** shall be occupied for holiday purposes only.

The **chalet** shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of the building on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in with paragraph 55 of the National Planning Policy Framework.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2, Part 1, Classes A to F of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent harm to 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. 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.

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

PROPOSAL

The proposal is to erect a six bedroom holiday home with indoor pool and games room to the south west of the existing holiday chalets at Pay Plantation, Stapley. The building will be single storey with lime rendered walls and a green sedum roof as well as part corrugated sheet. The accommodation will be set either side of a central core with entrance hall, dining room and swimming pool. There will be two bedrooms in the western wing and four in the east. The construction will involve the removal of part of a conifer plantation and provision of 9 parking spaces as well as ponds to deal with surface water. The application is accompanied by a Planning Statement, Design & Access Statement, Landscape and Visual Impact Assessment, Ecological Appraisal and Commercial viability report.

SITE DESCRIPTION AND HISTORY

The site lies to the south west of the hamlet at Stapley within the Blackdown Hills AONB and is accessed via the existing track serving the two existing holiday chalets. The current chalets were approved in 2005 (10/05/0008). There have been three previous refusals for an additional holiday unit on land to the east, the last in 2011 ref 10/11/0042. There is also an appeal decision on the previous site issued in 2012 which is highly relevant.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHURCHSTANTON PARISH COUNCIL - Object on the grounds of development outside of the settlement limit; the scale, design and a new build in the countryside; high carbon footprint with no transport other than private vehicles; increase in noise and light pollution; lack of biodiversity when account is taken of increased lighting, uniform conifer plantation screening and effect on dark skies in the AONB; no economic justification is provided; greater visual intrusion because of increased cleared areas.

DRAINAGE ENGINEER - I note that in the Design Statement unspecified works are to be carried out to the surface water carriers through this proposal. Also that features and ponds are to be created. However no details have been included in the submission so far. Details should be forwarded for approval before permission is given.

Can the following standard condition be attached to any planning approval given.

“ No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed”

LANDSCAPE - My main concern is the change of use of forestry land to holiday chalet and effect on landscape character within the AONB - CP8 and although relatively well screened with existing vegetation, there will be light spillage especially during the winter and early spring months.

BLACKDOWN HILLS AONB SERVICE - The Blackdown Hills Area of Outstanding Natural Beauty is primarily an agricultural landscape that has retained a sense of remoteness and remains largely unspoilt by modern development. Consequently, the AONB Partnership is keen to limit the introduction of unnecessary and incongruous developments in isolated and remote locations, and such proposals should be given very careful consideration as to their potential impact on the natural beauty of the area, and people's enjoyment of its associated special qualities.

Pay Plantation is located in the upper Culm valley, and forms part of a mosaic of habitats, including dry and wet woodland, unimproved and marshy grasslands, mire and scrub, that is particularly characteristic of the AONB. Indeed the site's mire and scrub habitat was considered as a key feature at the time of the original permission granted in 2004. Furthermore the site is situated in a quiet location accessed by narrow lanes.

The construction of a substantial new building in the woodland, the creation of access, parking and garden area, with associated paraphernalia for large scale holiday accommodation, light spill, together with the intensification of use and the associated noise, activities and comings and goings of visitors and holiday makers would have a detrimental impact on the character of the local area, tranquillity of the surroundings and biodiversity interest and would be bound to generate a number of car based journeys as visitors would need to travel to access even the most basic of facilities and services.

As you will be aware the AONB Partnership supports its local planning authorities in the implementation of national planning policy and their own development management policy framework in order to conserve and enhance the natural beauty of the area. Although the precise location and design of this proposal is different to the last application here, the scale and scope of the proposal has not altered and the policy context remains as then. I note that the appeal inspector in relation to that proposal, less than two years ago, concluded that 'overall, the conservation of the

Blackdown Hills AONB is the prevailing consideration’.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development is located off of Stapley Road a designated classified unnumbered highway to which the National Speed Limit applies past the development access. Stapley Road is not provided with pedestrian footway or street lighting and two way vehicle flow is somewhat problematic given carriageway widths in proximity to the site.

Having consulted Planweb 3.5.5, I can confirm that there have been no recorded accidents with the last five years in proximity to the development site.

I note that this planning application is a resubmission of planning application No. 10/11/0042. The Highway Authority provided observations to the Local Planning Authority on the 12th December 2011, to which suitable conditions were recommended. It is noted that the application was subsequently refused by the Local Planning Authority on the 13th January 2012 in connection with sustainability. I would draw the Planning Officers attention to a recent Appeal Decision 2179423, for a similar proposal whereby there were issues regarding sustainability and access. Please note that the Highway Authority no longer provides observations on site sustainability.

The proposed development seeks planning permission for the of a six bedroom holiday chalet; it is noted that the application site has been relocated. My comments are made from onsite observations and the information submitted supporting the planning application specifically the *Design and Access Statement* and Drawing No. 1544/PL/01B.

Access Arrangements – Paye Plantation, Stapley

Notwithstanding the comments made by my colleague under planning application 10/11/0042 in connection with the site access; I have the following comments based on the information submitted.

The proposal seeks to utilise the existing access which obtains entrance onto Stapley Road, to which the vehicular access is utilised by the existing property known as Willow Lodge/Braken Lodge. On site observations indicate that the existing access is not properly consolidate nor provided with suitable drainage provision. However, the access is currently in use and I do not consider that the proposal would result in a significant impact in traffic generation and therefore it would be unreasonable for the Highway Authority to require the applicant to provide any alterations to the current access arrangements (design/geometry).

However, I would note that the submitted *Design and Access Statement* states the following; ...*The existing access has visibility splays in excess of 120m with a set-back of 2.4m...* yet no drawings have been provided to establish that these coordinates are achievable.

It is clear that vehicular visibility in this location is obstructed by overgrown vegetation encroaching on the existing highway verge. As a result it is considered that this should be dealt with by a suitably worded condition similar to that of my colleagues requirement dated 12th December 2011; 2.4m x 60m with no

obstruction over 900mm to the nearside carriageway edge in both directions. This will need to be maintained to be provided in perpetuity.

Trip Rate Information Computer Systems (TRICS), specify that a use class of Residential J – Holiday Accommodation would generate approximately two vehicle movements per day. However, given that this is a six bedroom unit with the capacity to accommodate up to 12 persons; it is likely that trip rates are to be greater than that of a single unit.

It is the view of the Highway Authority the proposal would not generate a significant level of vehicular movements as there will be an element of share trips with the users of this proposal (day trips). Peak hours are outside that of a standard residential use and a maximum of 1.4 movements within this period is considered negligible. As a result it is not considered that the proposal would result in any detrimental effect on the existing highway in terms of traffic generation.

It is noted, the red-line Drawing No. *1544/PL/06B* encompasses the development site; right off access and vehicular access. It is noted that there are numerous parking spaces outside of the application red-line although situated within the blue-line. The Highway Authority have no comments on the parking shown within the blue-line.

Drawing No. *1544/PL/01 B* details that the proposal is provided with nine vehicle parking spaces. The *Somerset County Council – Parking Strategy* (September 2013) does not provide optimum standards for the specific use of the site as a Holiday Let. As a result the site should be judged on its own merits.

Having dealt with applications of a similar nature, it would not be unreasonable to require one vehicle space per two bedrooms. However, in this instance and the nature of the holiday let it is considered that the onsite provision is acceptable. The site is also provided with an ample turning area allowing vehicles to manoeuvre within the site to exit the highway in a forward gear. A condition should be imposed to keep this area clear from obstruction at all times.

As a result the Highway Authority has no objection to the proposed development and in the event of permission being granted, I would recommend that the following conditions are imposed:-

There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

The area allocated for parking and turning on the submitted plan, Drawing No. *1544/PL/01 B*, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

BIODIVERSITY - The proposals will result in the clearance of an area of low

ecological value. Proposals include the provision of new wetland areas, the installation of a green roof and the provision of bird, bat and dormice boxes which will all maximise the biodiversity value of the site. I agree that a construction method statement will be required to ensure that the nearby retained habitats and Stapley Plantation Local Wildlife Site remain unaffected during the construction period.

NATURAL ENGLAND - Statutory nature conservation sites – no objection

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

Protected landscapes - Having reviewed the application Natural England does not wish to comment on this development proposal.

The development however, relates to the Blackdown Hills AONB. We therefore advise you to seek the advice of the AONB. 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 designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected species - We have not assessed this application and associated documents for impacts on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

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

Landscape enhancements - This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

ECONOMIC DEVELOPMENT - As the Council's Economic Development Manager I am in support of the application. The Economic and Commercial Viability Report is well researched and provides evidence of the likely demand for the proposed holiday unit as well as the likely impact and the multiplier effect on the local economy.

Tourism is an important and growing sector of Taunton Deane's economy, creating jobs and stimulating wealth creation. It is important that locations throughout the Borough have the infrastructure to develop this important sector, particularly when faced with the decline of other, traditional rural businesses. The proposal in question would provide high quality accommodation to attract visitors throughout the year to one of the most sparsely populated parts of the Borough.

The importance of a development of this nature to the local economy is difficult to directly quantify, but I have no doubt that it can be significant. The Economic and Commercial Viability Report gives a reasonable summary of the direct and indirect local economic benefits, including an analysis of existing local businesses of relevance in the area. The new accommodation would provide direct spend amongst a wide range of suppliers of services – on site and off site, including retailers, pubs and other service providers in the village.

Representations

Ward Councillor objection - In my opinion , whilst the positioning of the Development has changed slightly there is nothing different about the size , scope and potential impact it will have on the area. Our beautiful AONB , must be preserved at all costs and this sort of Development does not enhance it in any way , quite the contrary. As I said in my previous application, one of my big concerns is that of the infrastructure which comprises of very narrow, windy lanes which can be dangerous at the best of times . The safety of the local people who live in Stapley is another with regard to the potential of increased traffic along these lanes. I would urge the Planning Officers and Councillors who are members of the Planning Committee to refuse this application.

19 letters of OBJECTION raising issues of:

- chalet and parking will diminish local charm of AONB
- proposal is out of character
- outside village boundary,
- NPPF confers great weight to conserving the landscape and scenic beauty of an

AONB,

- the site is not suitable and is prone to flooding which will increase with woodland loss,
 - flooding has occurred around the lane entrance and Stapley Mill opposite,
 - will increase run off and flood risk,
 - no significant policy changes since previous refusal,
 - a grant and licence to replace conifers with broadleaved trees would not occur and another chalet would not enhance the landscape,
 - overdevelopment of holiday accommodation in the area,
 - will be detrimental to the letability of existing chalets,
 - size of development out of keeping with other houses in Stapley,
 - its mass is out of keeping and would dominate and detract from the natural environment,
 - no reference is made to a ground investigation report and the site will be close to the spring line and poor ground conditions,
 - the building lacks green credentials other than green roof and insulation,
 - the scheme does not incorporate sustainable construction techniques,
 - the design pays scant attention to character of properties in the area or existing chalets,
 - the size and use of modern materials will require a specialist contractor probably from outside the Blackdowns,
 - construction will create substantial spoil that will need disposing of
 - it would be contrary to Core Strategy policies CP8, DM1, DM2 and the Blackdown Hills Management Plan,-
 - harm to the heritage and landscape of the area,
 - existing chalets would not get permission under current policy and Council should preserve this special area of countryside,
 - no replanting of deciduous trees,
 - will have negative impact on wildlife,
 - there is more wildlife in the area than the report indicates,
 - will impact butterfly forest plantations,
 - facilities provided (such as swimming pool) are not in keeping with the area
 - chemicals could leak into local wetland,
-
- no public transport,
 - Stapley is a hamlet with no services,
 - visitors will come by car contrary to policy DM1
 - increased traffic,
 - will increase risk of accidents as car travel will be only means of access and visitors unlikely to be familiar with local narrow roads,
 - the access lane would need to be improved,
 - clarification of site access required,
 - lane into Stapley is a cycle route for the school children who could be endangered,
 - emergency services will need to travel from towns and would reduce service elsewhere,
-
- local disturbance at night from holiday makers
 - noise increase,
 - use for noisy parties,
 - increase in litter,
 - increased risk of fire,

- increased risk of stress to badgers and likelihood of increase in TB affecting nearby cattle,
- increase in light pollution with extensive glazed areas,
- will increase risk of crime increases,
- may lead to increase in police response times,
- lack of local amenities,
- will not benefit local economy,
- any economic benefit will be significantly outweighed by harm to the AONB,
- size of the new chalet will mean cutting a vast amount of the forest area,
- no need - current lodges are not fully booked for even peak holiday season,
- the policy DM2 allows for small scale development but the size of house takes it out of small scale,
- no overriding reason for the chalet to be located here in an unsustainable location,
- Devon bank adjacent to road should not be removed,
- no local community benefit,
- there is no high speed broadband contrary to policy DM1,
- would set precedent and make future permission easier.

12 letters of SUPPORT on grounds of:

- proposal meets needs for high quality accommodation to meet need and shortage of such accommodation
- site is discrete, screened from view and will have little impact on the natural surroundings
- lodge takes account of ecological and environmental issues
- it will preserve and improve ecology transforming a monoculture plantation into a diverse habitat
- the roads are not particularly narrow or dangerous
- scheme well designed
- provides work for local people, businesses and supports local economy
- holiday accommodation will support local facilities
- owner encourages use of local facilities, amenities and attractions.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP8 - CP 8 ENVIRONMENT,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 M4 - TDBCLP - Residential Parking Provision,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is

approximately £61,000

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)	£1,079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
Somerset County Council (Upper Tier Authority)	£1,619

DETERMINING ISSUES AND CONSIDERATIONS

In line with the previous appeal, although related to a site to the east of the current scheme, the main issues are the effect on the character and appearance of the area, bearing in mind the location within the Blackdown Hills AONB; the sustainability of the scheme and how this weighs against any benefits arising from the scheme such as to the local economy from tourism; and whether any identified harm would be outweighed by any positive aspects of the development.

Policy

Since that last refusal the Core Strategy has been adopted and the NPPF has come into existence. Policy CP8 of the Core Strategy seeks to conserve and enhance the natural environment and not to permit development proposals that would harm these interests. It also states that

"Unallocated greenfield sites outside of settlement boundaries will be protected and where possible enhanced. Development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. Development outside settlement boundaries will be permitted where it will:

be in accordance with national, regional and local policies for development within rural areas (including those for protected Natura 2000 and Ramsar sites); and be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements; and protect, conserve or enhance the interests of natural and historic assets; and not exacerbate, and where possible improve, flood risk (fluvial and surface water); and protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and enhance the biodiversity of the Plan Area; and provide for any necessary mitigation measures."

The plantation is a woodland estate within the AONB and the applicant's run two existing chalets off the road that runs through the hamlet. The applicant has sought to reassess the most appropriate location following the last refusal. The current location is set within an area of conifer planting which is not indigenous to the area and character of the AONB and offers limited habitat benefits. The site will not be visible from local rights of way, differing from the previous scheme, and the Landscape and Visual Impact Assessment concludes there will be no significant visual effects arising from the development and that there will be significant and beneficial effects in terms of natural beauty of the AONB landscape through enhancement and diversification of habitats in the locality. In light of the LVIA it is considered difficult to argue that the development would be unacceptably harmful to the character of the area as referred to under policy DM1d. The lack of high speed broadband is not considered necessary for the development, so this is not considered contrary to policy DM1.

Policy DM2 relates to development in the countryside and this policy supports certain uses outside of defined settlement limits and these uses include holiday and tourism. However under 3c the policy refers to "tourist and recreational facilities provided that increased visitor pressure would not harm the natural and man-made heritage." The accommodation is for holiday accommodation and while this has a recreational element in provision of a swimming pool, this is ancillary to the accommodation. The Core Strategy is clear that the policy limits holiday accommodation in permanent structure to the reuse of existing buildings. It can therefore be argued that the development would be contrary to this policy. The view of objectors is clearly that the development would harm the character of the area. The AONB Partnership consider the intensification of use and the associated noise, activities and comings and goings of visitors and holiday makers would have a detrimental impact on the character of the local area and tranquillity of the surroundings contrary to their policy PD5/A. The access to the site will utilise the existing and a further unit will increase traffic to the area and intensify the use. The previous refusal however did not specifically object on noise and disturbance grounds but on need in an unsustainable location. The Inspector accepted the need and economic benefits argument and considered it outweighed the sustainability issue. However the NPPF states great weight should be given to conserving landscape and scenic beauty in Areas Of Outstanding Natural Beauty which has the highest status of protection.

The new chalet would be located approximately 32m back from the road behind a historic bank, deciduous woodland and conifer wood and will be particularly well screened. The building will have lime rendered walls and will have a green sedum roof to the two wings 4.5m high, with the central section extending to 6m in height over the pool section at the rear. The roof over this section will be solid corrugated sheeting not glazing to prevent light spillage. a condition to control glazing and thus light spillage to conserve the area's dark skies is appropriate and in line with AONB guidance. It is considered that the building will blend in with its surroundings better than the previously refused scheme, however it would still be a substantial size with 6 double bedrooms, kitchens, living rooms, games room and swimming pool. The conifer wood to be removed could be enhanced and managed and a condition to this affect is considered necessary if otherwise acceptable. It is considered that this would be sufficient on balance to ameliorate the visual effect of the building on its local setting. No new access through the front hedgebank is proposed and access

would be via the existing gate. A condition to prevent breaching of the historic roadside hedgebank could be imposed.

Drainage

The site lies in a rural wooded location which is not in itself identified by the Environment Agency as an area at risk of flooding. In terms of foul drainage the intention is to utilise a treatment plant in a similar way that the existing holiday chalets are serviced. The surface water attenuation is intended to be via soakaways and drainage ponds around the building and would prevent an increase in surface water run-off as part of the scheme. The Drainage Officer has considered the proposal and recommends a condition to secure a suitable scheme for surface water drainage. It is clear from objections that there has been flash flooding in the area, however from pictorial evidence this would seem to originate from the highway running downhill rather than the application site. Suitable on site flood mitigation can be conditioned to ensure flooding is not worsened by the scheme.

Wildlife

The applicant has submitted an ecological survey with the scheme and this has been assessed by the Biodiversity Officer. The site lies within a conifer plantation which is not indigenous is of low ecological value and the Officer considers that there are opportunities to improve habitat in the area. It is not considered that the site would harm protected species or habitats including the conservation value of dormice. Improvements to biodiversity can be controlled through a wildlife management plan as well as a plan to ensure new broadleaved woodland planting. Control over lighting and glazing details are also considered appropriate to ensure no light spillage from the proposed pool area.

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

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" ;
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need for additional holiday accommodation is identified by the applicant as

having a potential economic and social benefit if it were granted. It is considered that such accommodation could be viewed to be in the public interest, and so therefore, if this development is considered on balance to be acceptable, then it would follow that this test would be passed.

(ii) That there is no satisfactory alternative

The need for holiday accommodation has been considered at alternative sites previously and the reason why this site can be considered for development has been considered at length in the policy sections of this report, above. It is considered that if the site is found to be suitable, then there would be no satisfactory alternative in terms of the overall location of development and for these reasons, the test would be passed. In the event of the development being refused the wildlife would not be affected and the test would not be required.

(iii) That the FCS can be maintained

The submitted ecological report outlines proposals for protecting wildlife during construction and for providing mitigation with habitat improvements. In terms of dormice, for which a license would be required, mitigation planting can be controlled within the applicant's ownership, and the Council's Biodiversity Officer believes that, subject to the additional planting and mitigation, favourable conservation status can be maintained with habitat improvements. The proposed development has not been objected to by Natural England and a suggested condition will ensure habitat enhancements are achieved.

I conclude that while the proposal will clearly have an initial impact, given the proposed mitigation, the proposal would not cause harm and would provide benefit in the longer term and therefore, it is considered acceptable and not to conflict with policies DM1c and CP8 of the Core Strategy which includes the aim to conserve and enhance the natural environment. It is also considered to comply with the NPPF (paragraph 109).

Economic Benefits

The application includes an economic and commercial viability report by Sturt & Company and this recognises the lack of swimming pool and accommodation for large families is a limitation to the current business and advises that the new accommodation will help improve occupancy and profitability of existing lodges. The Economic Development Officer is in favour of the scheme and considers the economic benefits to the local economy should be supported. The submitted report indicates that benefits will include a short term benefit of the construction, demand for local services and spending by tourists both on and off site. Based on previous statistics each staying visitor spends approximately £49 per night on accommodation, goods and services. Based on the occupancy of the existing accommodation the accommodation is expected to generate an additional spend of £126,126 per year. On the basis of the construction the development would result in 4 full time construction jobs.

The Inspector at the previous appeal recognised that the new chalet would develop and expand the existing business and was satisfied the investment would see a worthwhile return. He went on to state that the negative sustainability aspects of the proposal in terms of travel would be outweighed by the economic benefits and that

the proposal would accord with economic activity and tourism aims which are in line with a prosperous rural economy aims of the NPPF and so have considerable weight. While the current scheme is for a different design on a different site, the principles of the economic benefits of the accommodation versus the sustainability issues are considered the same.

Sustainability and Highway Safety

Stapley is a rural location where there are no services or facilities that could meet the needs of holiday makers staying in the new chalet and the next nearest settlements at Churchinford and Hemyock only offer basic local amenities. Taunton and Wellington are where holidaymakers might visit for leisure activities or shopping and there is little doubt such journeys would be made by private vehicles. However in determining the appeal the Inspector stated "Nevertheless, the distances involved in such journeys would probably be significantly less than the length of journeys undertaken by tourists coming from further afield to the south west for their holidays. Tourism is also an important part of the national and South West regional economies. The NPPF sets out support for a prosperous rural economy and the Government recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas."

The site lies in a rural location accessed by highways which serve the existing holiday lodges. The Highway Authority consider the proposal would not result in a significant impact in traffic generation and therefore it would not result in any detrimental effect on the existing highway. The access visibility is obstructed by overgrown vegetation however it can be made adequate by a suitable condition to provide visibility. The site has 9 parking spaces proposed and this is considered adequate to serve the development. The Highway Authority also consider there to be ample turning area to allow vehicles to manoeuvre within the site to exist the highway in forward gear. A condition in respect of this is therefore considered unnecessary. The view of the Highway Authority and previous Inspector leads to the conclusion that there would be no adverse highway, parking or traffic impacts contrary to policies CP6 and DM1 of the Core Strategy to warrant refusal of the scheme.

Summary

In conclusion while there is a general encouragement for holiday facilities and accommodation, ideally these should be located in sustainable locations, within settlements and buildings and not within sensitive landscapes where priority should be given to protecting the environment which attracts visitors. However the site is a site of an existing business and the previous appeal Inspector recognised that there were economic benefits here that outweighed the unsustainable nature of the location. The Inspector dismissed the previous appeal because he did not consider that the development conserved the landscape and scenic beauty of the AONB. It is considered that the revised location is better screened from public vantage points and will secure habitat improvements in what is currently non-indigenous conifer plantation and so there are considered to be environmental enhancements to the scheme.

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

17/14/0003

MR R C ELLICOTT

**ERECTION OF AN AGRICULTURAL BUILDING FOR LIVESTOCK ON LAND
ADJACENT TO GOULDS FARM, FITZHEAD**

Location: WESTERN GOULDS, WIVELISCOMBE ROAD, FITZHEAD,
TAUNTON, TA4 2RN

Grid Reference: 310315.129751

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 4/23/001A Site Plan
(A4) DrNo 4/23/002 Site Plan
(A3) DrNo 4/23/003 West and South Elevation
(A3) DrNo 4/23/004 East and North Elevation
(A3) DrNo 4/23/005 Floor Plan
(A3) DrNo 4/23/006 Roof Plan
(A4) DrNo 4/23/008 Cross Section Plan
(A4) DrNo 4/23/009 Floor Levels Plan

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

3. (i) 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.

4. Prior to implementation, details of the location and means of storing manure and waste material within the site shall be submitted to and approved in writing by the Local Planning Authority. The store shall be constructed in accordance with the approved details prior to the building hereby permitted first being brought into use and shall thereafter be so maintained.

Reason: In the interest of amenity and protection of groundwater from contamination, in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

5. An earth mound shall be constructed and maintained along the western boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be provided within three months of the commencement of any part of the development and shall thereafter be maintained as such.

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 entered into pre-application discussions to enable the grant of planning permission.
2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
3. All waste should be disposed of in accordance with the Code of Good Agricultural Practice to ensure protection of nearby water courses. Available from the DEFRA website.

PROPOSAL

The application seeks planning permission for the erection of an agricultural livestock building on land West of Goulds Farm, Fitzhead.

The proposed building will be located immediately South of an existing linear structure; it will measure approximately 10.97 m square and have a height to eaves and ridge of 2.89m and 4.1m respectively. The building will be of a portal frame construction, enclosed to the walls with timber boarding and Yorkshire boarding with a grey box profile sheet roof.

Additional information has been provided to indicate the means of disposing with surface water from the building, together with plans showing existing and proposed site levels and finished floor level for the building.

SITE DESCRIPTION AND HISTORY

The application site is a small holding located between Goulds Farm and Western Goulds Farm. The site is to the Western periphery of Fitzhead Parish.

The site currently consists of one linear storage building with rendered walls and profile roof sheeting. It is somewhat dilapidated and in need of some repair. The surrounding landscape is left to pasture, with topography generally descending to the North and rising sharply to the South. The public highway immediately abuts the Northern boundary of the site. Since the submission of the application, the applicant has undertaken some earth works on the site to provide a level base for the siting of temporary and moveable animal shelter.

There are three residential properties in the area; Goulds Farm some 50m East, Western Goulds 210m to the West and a barn conversion nearing completion some 80m West of the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

FITZHEAD PARISH COUNCIL - Initially supported the proposals subject to the following being taken into account:

1. To use the spoils at the east elevation side to landscape the bank with planting on top adequately between Goulds Farm and the field.
2. To take into consideration a provision for the foul water, even though the livestock will be on straw;
3. It is understood the level of the roof line is not allowed above the existing buildings - so to ensure this is built as low as possible;
4. The Councillors thought the barn was in the correct place and not large enough to make an impact, as it was being built lower into the ground.

Subsequently made the following comment after the receipt of additional and amended details:

- The Council would like to support Councillor Gwil Wren comments made in

his email dated 10 April 2014.

- It has further been brought to the notice of the Council that **ALL** feed, silage and bedding will have to be brought in and stored on site to feed the cattle which will be over wintered in this proposed agricultural building.
- Currently there is no suitable hard standing to store any feed or bedding outside, therefore it is likely that in due course additional works will be required on this small site.
- All Farm Yard Manure will have to be moved off site for disposal as the area around the proposed building is too small and too steep for muck spreading.
- The earth bank as shown on the plan is far too steep and should not finish at the foot of the building wall, over time the earth will slip or move through gravity.

Bearing in mind the above points, the Council would like the Planning Authority to carefully consider whether this particular site is suitable for a new building with so little existing infrastructure and on such a restricted acreage.

SCC - TRANSPORT DEVELOPMENT GROUP - No comment.

LANDSCAPE LEAD - The main view into the site is from the lane, to the north of the site, when travelling from the west in an easterly direction. Views from the east travelling west are limited given the existing group of trees to the east. There will need to be considerable 'cut' to bring the floor level down to the existing barn and I recommend that the spoil produced is used to provide a bank along the western boundary of the site with hedgerow and tree planting to provide additional screening. As no details of earthworks are provided I suggest condition NE06 be used to control the height and spread of mounding. Additional hedge and tree planting along the roadside on the existing bank will help to soften the impact of the development. I'm assuming that no vegetation or hedgerow needs to be removed to meet highway visibility splay requirements.

Representations

OBJECTION from Ward Cllr Wren, making the following comment:

The basic problem is that the site is on a significant slope. There is no information in the application about the fall across the site. There are no cross-sectional plans and therefore it is impossible to determine whether the building will be built on a level site. Common sense would dictate that it ought to be but to achieve that the applicant would have to either excavate a hole or build up one side. There is no information about this at all.

The drawings show no site detail other than the proposed position of the shed. The south and east walls of the shed are the boundary of the development but if the site is to be excavated then the site will have to expand beyond the red line in order to produce stable slopes. This is because the timber board walls would not be strong enough to resist the external forces if they were up against an earth bank.

It therefore seems clear that the applicant proposes to build the shed above ground. This will require the building up of the site either by cut and fill (which would probably expand the site of the proposal) or by the importation of materials which would need a license and also spread beyond the red line boundary. Either way this shed standing on a leveled site at 4.1m to ridge would provide a massive intrusion in that location. I therefore object to the application on the grounds that its size, scale and impact on the locality are in conflict with Policy DM1.

Despite what that Design and Access statement says about ventilation there are no details provided. The upper walls are closed boarding and there are no ridge ventilation details therefore the only openings for air flow will be the gates in the gable ends. If these are regularly kept open there will be a significant odour nuisance to neighboring properties and I think you need to ask the applicant how he will avoid this. I therefore object to this application on the grounds that this development will increase air pollution and odour in conflict with Policy DM1.

Despite the significant slope on the site down to the road there are no details about drainage other than in the application form. This says drainage will be to a soakaway and, rather alarmingly, to an existing watercourse. Discharging effluent from a cattle building to a watercourse I believe is illegal and a soakaway could well lead to groundwater contamination. In a small development like this the Environment Agency refer planning authorities to Standing Advice. Have you consulted its Standing Advice or sought the opinion of the Councils Drainage Engineer?

Given that the total site is about 1ha and applicant does not live nearby I have to question the sustainability of this proposal. The animals will have to be visited at least twice a day and the applicant lives several miles away.

As I have stated the drawings are very basic so if you approve this application any condition to build in accordance with the submitted plans will be virtually meaningless.

2 letters of OBJECTION received raising the following planning relates concerns:

- The building will be 80m away from Western Goulds which is being converted to residential;
- It will be above the skyline, barn and its garden;
- Concerned about smell, flies and noise from animals in the shed so close to this new home;
- The existing building is adequate for a holding of this size; there is no need or justification for this building;
- Lack of detail provided on construction including access, earth works and drainage;
- Unacceptable harm to the amenity of neighbouring residents and their ability to enjoy their properties; the development will be visible in views towards the West from client's property and Western Goulds and from several public view points;
- The building will have a landscape and visual impact upon the appearance of the wider area;
- The barn is unattractive and imposing on the landscape;
- The barn will be large and overbearing in nature, especially for neighbouring occupiers;

- Another barn on the small piece of land will exacerbate the visual impact of this unspoiled area of countryside.
- Not an appropriate location for a nucleus of farm buildings, on a small piece of land between two residential properties;
- The limitations imposed on new livestock buildings of 400m within the GDPO show the Government recognises that issues can occur between agricultural buildings and dwellings.
- Concerned about noise arising from a suckler herd at all times of the day and night, giving negative impact upon enjoyment of clients home;
- Odour will likely carry to clients property; cattle will attract flies, particularly in the summer when client will be using gardens more;
- Ventilation will allow prevailing wind to carry odour towards clients property;
- Removal of waste and drainage of foul water;
- Application provides no details on the disposal of waste and manure; no details about the number of cattle to be kept;
- Site is too small to allow manure and waste to be spread on fields and to do so would see waste washed towards clients property which has private water supply; proposals pose possible contamination issue for client;
- Storage on manure on site will give rise to odour concerns;
- If surface water is not dealt with adequately then flooding along highway could be exacerbated;
- No information provided to justify how proposal is commensurate with the role and function of the holding;
- Not stated why the existing building is not suitable for livestock use;
- Cattle to be kept on straw will raise need for another building in which to store the straw;
- Application does not show the totality of works necessary for the use of th building;
- Concerned about a lack of information for landscaping;
- Potential for future nuisance claims that will need to be controlled through Environmental Health.
- Request conditions be imposed is planning permission granted, to include noise limit to 30 dB(A), odour management plan, restrict species, age and numbers to be kept on site, landscaping, control cut and fill, and limit hours of construction work.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 CP8 - CP 8 ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are the impact of the proposed development upon landscape character and residential amenity.

Landscape Character and Appearance

The objections raised have included concern over an adverse impact from the building upon the character and appearance of the surrounding area, given its location, design and scale. Concern has also been raised as to the ability to assess the impact of the proposal given a perceived lack of detail. Additional detail was provided upon request and included site levels and cross sectional plans with drainage information.

The building is limited in scale in comparison to others within the locality, particularly one recently erected to the West adjacent to Western Goulds. The cross sectional details show the finished floor level of the building being at the same level as the existing linear structure that is sited parallel to the highway. The ridge height of the new building will be 4.1 metres to ridge, approximately 440mm higher than the existing building.

The building will be set into the field through cut and fill; a rear bank will be created setting the building down by approximately 2.0m below the existing level of the field. This will significantly reduce the visual impact of the building within the wider landscape. With the exception of the public highway, there are no nearby public footpaths from which the building would be clearly visible. There is a footpath approximately 500m to the West and one 640m to the East of the site. From here, any view of the proposal would be in conjunction with the residential and agricultural buildings present within the landscape that surrounds the application site. From the North, any new view would be seen in conjunction with the existing building which will largely screen the structure; from the South the topography of the landscape and woodland will screen any wider view.

Notwithstanding the objections received, this is a building of modest in scale and of a modern design and appearance for general purpose agricultural buildings; these are commonly found in rural areas such as this and are, to a degree, part of the character of rural areas. The recently erected building at Western Goulds is significantly larger than this and received little if any objection. I do not agree that this is an unspoiled area of landscape given the degree of recent and more historic development that has taken place within the immediate vicinity.

Concern has been raised about the need for extra buildings and facilities within the site following this proposal. Whilst this may or may not be necessary, each development must be considered on its individual merits and what may or may not transpire in the future must be attributed very little weight.

I am of the opinion that the proposed development will not give rise to any significant adverse impact upon landscape character or appearance within the immediate and/or wider area and on this basis the application is considered to be acceptable.

Residential Amenity

The proposed development has attracted objection from neighbouring residents concerned over the adverse impact that the development will have upon their amenity, especially from noise, odour, flies and potential ground water contamination. The objections suggest that the GPDO sets a minimum separation distance of 400m between livestock buildings and residential properties. This is not so; the 400m is a limit within which planning permission is required in order to allow

the impact of a livestock building to be assessed.

The proposed building will be erected 30 metres from the adjoining residential curtilage of Goulds Farm. It is accepted that the proposed development will give rise to some level of additional noise and odour within the area, and such will at times, be detectable from Goulds Farm and to a lesser extent Western Goulds. That said, this is a rural area where agricultural development does occur and merely the keeping of cattle within the field and using the existing building will give rise to these issues.

The size of this building will itself limit the head of cattle that can be accommodated on the holding. This is also the case for the land surrounding the building that is within the applicants ownership. 1 hectare will not support a significant head of cattle either. It has been advised that approximately 6 suckler cows with 2 calves each will be on site at any one time; this totals 18 head of cattle. Whilst there will be some additional odour and noise from the development, at an intensity as low as this the impact upon adjoining residents will be limited.

Further, it has been queried why the existing building cannot be used. It should be noted that were the building used to house livestock, which would not require planning permission, similar issues would exist with regard to the impact of the development upon amenity. This fall back position for applicant carries some weight in determining the proposals.

On balance, the proposed development, being of a low intensity at present, is not considered to significantly harm the amenity of neighbouring residents to a degree that warrants the refusal of planning permission.

Other matters

Additional information has been provided to indicate that surface water from the building will be directed to a soakaway pipe. Soakaway are a traditional means of disposing of surface flows without directly impacting upon flood risk. Subject to the design being to British Standards, this is considered to be acceptable.

With regard to foul waste, the livestock will be kept on a straw based system, with waste removed and stored on site. Given the low number of animals to be kept on the site the amount of waste straw and manure being produced will be minimal. Whilst it is always preferable to store waste under cover, this is not yet a common agricultural practice. In order to ensure that waste is stored within an appropriate location, a condition can be applied to any permission in order for the location of any manure and waste storage to be agreed prior to the building being brought into use.

With regard to other conditions, it would not be reasonable to restrict the number of animals to be kept on the site or within the building and controlling odour and noise from the site/animals would not pass the text of conditions whilst it would be unreasonable to restrict construction hours.

Conclusions

Having regard to the above matters, it is recommended that planning permission be granted subject to conditions.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

24/14/0030

MR & MRS T SIDLEY

OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR THE ERECTION OF 1 NO. THREE STOREY DWELLING IN THE GARDEN ADJACENT TO WHITEWELL COTTAGE, 6 MOOR LANE, NORTH CURRY

Location: WHITEWELL COTTAGE, 6 MOOR LANE, NORTH CURRY,
TAUNTON, TA3 6JZ

Grid Reference: 331832.125724

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

RECOMMENDED CONDITION(S) (if applicable)

1. The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map). It would lead to ribbon development and the ad-hoc extension of North Curry in an unplanned way. The proposal is therefore considered to be an unsustainable development contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.
2. The application does not demonstrate that proposed development would not have a significant landscape impact as seen from the nearby public footpath (on the opposite side of the road running from east to west) and from Moor Lane. The feasibility study shows that the proposed house elevation from Moor Lane although set back from the edge of the property would be quite dominating to walkers and to a lesser extent drivers and would be locally prominent interfering with the attractive middle and longer distance views when looking in an easterly direction. Also, the proposed entranceway which would open up views into the site, which would have an urbanising impact on the entrance route into North Curry. All of this would have a detrimental impact on the appearance and character of this rural area and the open countryside beyond and is therefore considered to be contrary to policies CP1(g), DM1(d) and CP8 of the adopted Taunton Deane Core Strategy.

Notes to Applicant

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

PROPOSAL

This is an application submitted in outline for the erection of a single three storey dwelling on land currently within the curtilage of Whitewell Cottage.

SITE DESCRIPTION AND HISTORY

The site is located to the north of the village, just beyond the church, and is shown with access off Moor Lane. The site is currently garden space to Whitewell Cottage.

Planning History

There is no specific planning history for this site, but the following applications relate to recent applications for residential development within the village of North Curry.

- 24/14/0019 - Erection of 5 dwellings with garaging on land at White Street, North Curry. Refused partly on grounds of being unsustainable development outside of the village settlement boundary and currently the subject of an appeal (yet to be determined).
- 24/14/0011 - Residential development of land for up to 6 workplace homes at Knapp Lane Acre, North Curry, refused 22/05/2014 partly on grounds of being unsustainable development outside of the village settlement boundary.
- 24/13/0048 - Outline application for 20 dwellings at Overlands, North Curry. Refused 13/12/2013 partly on grounds of being unsustainable development outside of the village settlement boundary.
- 24/13/0037 - Outline application for residential development at Windmill Hill. Refused 18/10/2013 on technical highways grounds, for being premature within the SADMP process and for being unsustainable development outside of the village settlement boundary.
- 24/13/0032 - Outline application for 30 dwellings in 2 phases and ancillary facilities on land adjacent Overlands. Refused 4th September 2013 for policy reasons in relation to the SADMP and subsequently allowed on appeal by decision dated 12th March 201.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NORTH CURRY PARISH COUNCIL –

The P.C. objects for the following reasons

- The site is outside the village envelope and would set a precedent for other similar proposals outside the village envelope.
- There would be a negative visual impact on the surrounding area,
- Major concerns that access to the village would not be safe for pedestrians.

LANDSCAPE LEAD –

The proposal would have a significant landscape impact as seen from the nearby public footpath (on the opposite side of the road running from east to west) and from Moor Lane.

There is a potential loss of roadside hedgerow in a northwards direction to provide highway visibility from the proposed site access, however, it is garden hedgerow which has no planning protection and could therefore be removed or replanted at any stage without requiring the consent of the local authority.

The proposed entranceway would open up views into the site, as seen from lane, which would have an urbanising impact on the entrance route into North Curry.

The proposed house elevation from Moor Lane although set back from the edge of the property would be quite dominating to walkers and to a lesser extent drivers.

The view of the proposed house from PROW T17/40 which runs to the west of the property across higher ground in an open north facing field is likely to have the greatest visual impact as the proposed house and field are on a similar level and the house once built would be locally prominent and would interfere with the attractive middle and longer distance views when looking in an easterly direction.

I have some concerns regarding the wide windows on the first and second floor westerly elevation.

Where appropriate I always recommend slate or grey roofing which is less visually prominent in the wider landscape especially when compared to red tiled roofs.

WESSEX WATER -

New water supply and waste water connections may be required from Wessex Water. However the applicant has indicated that they propose to dispose of foul sewerage to a bio digester. DEFRA intend to implement new regulations that will require the adoption of all new private sewers, which will require a signed adoption agreement with Wessex Water before any drainage works commence.

DRAINAGE ENGINEER -

I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research digest 365 and made a condition of any approval. With regard to foul sewage disposal, I note a bio-digester is proposed. The Environment Agency should be consulted on this proposed disposal method as a consent to discharge will be required.

HERITAGE LEAD –

I do not consider that the proposal will detrimentally affect any historic asset or historic asset setting.

SCC - TRANSPORT DEVELOPMENT GROUP –

Standing advice applies. Under standing advice, the following criteria would need to be met.

- Appropriate visibility splays will be required.
- Adequate provision shall be made to ensure that surface water does not drain onto the public highway (and vice-versa).
- The access shall have a minimum width of 3 metres.
- Gradient of the driveway shall not exceed 1:10 for the first 6 metres.
- The access must be consolidated or surfaced for at least the first 5 metres.
- Any entrance gates shall be hung to open inwards and set back a minimum distance of 5 metres from the carriageway edge.
- Parking shall be in accordance with the adopted SCC Parking Strategy.
- Turning will be required independent of the necessary parking.
- The creation of the access will require a section 184 permit.

As part of a pre-application enquiry made this time last year directly to the Highway Authority, the Highway Officer noted the following. The application appears to have taken on board these comments:-

(1) It would need to be demonstrated on a submitted drawing at the application stage that the visibility can be achieved within land controlled by the application or over part of existing highway. The 30 speed limit begins 11m south of the southern property boundary, so it is clear that northbound traffic on Moor Lane is well within the 30 zone as it approaches what will be the proposed new access position. For this reason we believe that the Manual for Streets guidance applies and a minimum splay of 2.4 x 43m would be required. The available visibility is 2.4 x 100m+ so we believe this to be acceptable. The Highway Authority accepts that the available visibility splay to the north of 2.4 x 57m is also acceptable as visibility splays of 2.4m x 43m would apply in this location, given the nature of Moor Lane and proximity to the village.

(2) The proposed development will be for a single 3 bed house and it is intended that 3 parking spaces will be provided in the form of a double garage plus one additional space. The Highway Authority would have no objection to this. I would also mention that vehicle turning facilities would need to be segregated from the proposed parking area, given the classification of Moor Lane.

(3) The drive will have to be fairly steep due to the significant level difference above the road however the first 6m of the drive will have a gradient not exceeding 1:8 and will be 3m wide and surfaced in bitumen macadam. The Highway Authority seek that any access created complied with a gradient not steeper than 1:10. However, providing that all other highway safety measures can be implemented it may not be unreasonable to consider that the 1:8 gradient is acceptable in this specific instance. Based on your comments above, the Highway Authority considers that the proposed access dimensions would be acceptable.

(4) As part of the newly adopted Parking Strategy, new residential dwellings need to provide a minimum of one cycle space/storage facility per bedroom. These are based on dimensions of 2m x 1m or show provision within the site to allow the occupiers of the proposed dwellings to use alternative sustainable modes of transportation.

Representations

Representation has been received from Cllr. G. Slattery in her role as ward Councillor, and she makes the following comments -

- Having visited the site, seen the plans and the widespread support it has received from others living locally, I am happy to support the application.
- The proposal has been drawn up to be considerate of the view northwards, from neighbouring properties and also the nearby footpath
- I urge that this application is permitted which will assist North Curry in delivering the housing targets that Taunton Deane has set.

There have been 30 representations received from third party members of the public in connection with this proposal. Of these, there are 3 representations against the proposal and 27 in support of the proposal.

Of the 3 representations AGAINST this proposal, the following points are made:-

- The application is for a 3 storey dwelling outside of the designated settlement area and the site was not a preferred option under the recent Site Allocations and Development Management Plan.
- One property will not make a significant contribution to the up to 20 additional dwellings proposed for the village.
- Granting permission on this site may create a precedent which could then be applied to all other 'infill' sites which lie outside of the current permitted development area on roads such as Greenway, Stoke Road or Windmill Hill.
- If this development is to be allowed contrary to current local planning guidance then permission should be for a 2 storey dwelling.
- The plans show a dwelling with a roof line only marginally lower than one of the adjoining properties.
- The gable end of the proposed dwelling sits only 5 metres from the boundary with both properties to the south. There is a potential for both overlooking and overshadowing of both of these properties.
- There is no indication that a highways officer has visited the site and thus his statement that access would be acceptable appears to be based on the information provided by the applicant.
- The visibility splays given are based upon approaching traffic travelling at speeds of no more than 30 mph, but the road has a speed limit of 60 mph. The given visibility splay of 57 metres) is unsafe in this circumstance, given that the minimum stopping distance at 60 mph is 151 metres and still 79 metres at 40 mph.
- As the occupants of the only dwelling directly affected by the proposal we would prefer to see a building of lower overall structure.
- Moor lane is a very busy road, and extending the speed restriction zone would need to be investigated.
- I trust Taunton Deane Planning Department to fully consider all aspects of this development.

Of the 27 representations SUPPORTING the proposal the following points are

made:-

Principle

- It is clear that the proposed development is outside the designated village envelope and so should be refused as being contrary to policies SP1 and DM2 of the adopted Core Strategy. However, the Overlands decision, also outside of the settlement limit, sets a precedent enabling approval of this site.
- The Borough Council is appropriately and correctly intending to publish the SADMP. It is likely that the plan will include sites outside the current village settlement. It would be grossly unfair to refuse this application on the grounds that the SADMP has not yet been approved.
- Although falling just outside the settlement limits of the village, these have been breached several times by much more visible and intrusive applications.
- Three years ago this proposal may have been dismissed out of hand as the location is outside the village envelope. However, recent permissions have rendered this argument rather arcane, e.g. 30 houses at Overlands and firewood production in Moor Lane.
- There is a need to redraw the boundary of the settlement limits.
- There is a proven need for more houses.
- Developments of this nature will prove necessary if the demands for housing placed on the area by Government are to be met in a fashion that does not destroy the essentially rural character of the village and its conservation area.
- There is a need for more houses nationally and in the village.
- Self-build is high on the agenda of current housing objectives.

Design

- Despite the fact that there are 3 storeys, it fits well into the sloping hillside and will not compromise the surrounding area in any way.
- It will have no significant effect on the church or the conservation area.
- It is very sympathetic to the village.
- The proposed design is unobtrusive, fits sympathetically into its surroundings and is environmentally friendly.
- The style chosen is sympathetic to the general ambience of those close by, not like some of the designs submitted by the volume developers who are bidding for other sites in North Curry.
- It is an unobtrusive building.
- The design is in keeping with the surrounding area in terms of scale and materials.
- The dwelling will enhance the area.
- The proposed house is unique and doesn't have the regimented appearance of an estate.
- What a refreshing change to see a bold well thought design far removed from the stagnating boxes seen across the Deane in great profusion.

Amenity

- It will have no significant impact, visually or otherwise, on the surroundings - unlike some other proposed developments in this village.
- It will not alter the view of the church from Moor Road or the railway line into Taunton.
- It is obvious that the applicant has made every effort to avoid any visual impact either on his neighbours or the views from the Church or the moor.
- This house will not have an impact on the setting of the church or the moor and

will be attractive.

- The roofline is kept below that of adjacent properties.
- It is a well thought through design being below the sightline of the hillside and blends well into its location.

Other issues

- The applicant's current garage immediately fronts the road (Moor Lane) on a bend, so access has always been a little perilous. The new property would no doubt have better sight lines so minimising the risk.
- If carefully landscaped, the entrance would be an improvement over what is basically a fairly untidy slope and approach to the village.
- I am confident that the plans fulfil the criteria for self build, suitable expansion to the village, little impact as a single dwelling, and appropriate design.
- It would contribute well to local housing needs, without the issues associated with other larger schemes envisaged on the outskirts of the village.
- Development of this nature will have far less impact than larger housing estates proposed around the edges of the village.
- The application is in keeping with the Parish Council Plan and provides an infill plot within the confines of the village.
- The proposal is entirely suitable to the village.
- This is an infill plot entirely within the confines of the village and is within the present boundaries.
- It provides housing needs within the village.
- The house would have a positive impact on the local housing quota reducing the need for developer led estate type housing which is not suitable for the village.
- I feel this sort of carefully thought out development should be encouraged and would be a future asset to North Curry.
- The proposed house represents a good example of infill building.
- This proposal for small scale building fits much more closely with the preferences of North Curry Residents than the large scale developments proposed at other sites around the village.
- Infill dwellings are preferable to new housing estates on the edge of this lovely village.
- It will not extend the housing area of the village.
- Smaller new builds will not jeopardise the village's amenities and infrastructure whereas applications for multiple houses clearly will.
- The proposed style and size of the new house is in keeping with the Parish Council development plan.
- A low impact, quality, self-build development that keeps the village contained and in character must be preferable to the commercial developer led green field estate building that is appearing all around Taunton.
- It is hard to understand the objection that it may have an adverse effect on the village.
- The proposal is within the Parish boundary.
- The proposal has anticipated the Queen's speech earlier this month when Her Majesty announced that her government would encourage and help the provision of new houses on self-build sites.
- We feel this application will be the right sort of house, in the right position which will make a small but positive response to a national housing need.
- This application must be preferable to the proposed multi-house sites which will create problems with absorption into the community.
- The applicant has lived in North Curry for over 35 years and has contributed to

the community in many ways. I feel sure this should be taken into account when considering his application.

- This plot is an infill plot within the confines of the village, and will not increase the extension of the village onto the moor.
- We should encourage families to stay in the village.
- The Government supports self-build projects.
- It is designed as an infill within the boundaries of an existing property. This is in keeping with the village and would not be out of place.
- This is a family sized home in a decent plot.
- The building will be erected on land which is a garden at present so not affecting wildlife.
- The house would have a suitable area of garden for its size unlike most estate built properties.
- The design offers many advanced energy efficient features.
- The villages of the Taunton area ought to be viewed as an asset by the Deane Council.
- It is unfortunate that the planning register perhaps misleadingly describes this as a 3 storey dwelling when on examination the first floor or basement is built into the hillside.

PLANNING POLICIES

EN1 - Landscape and Biodiversity,
EN11 - TDBCLP - Special Landscape Features,
EN12 - TDBCLP - Landscape Character Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development would be approximately £11,600

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 1,079.00
Somerset County Council (Upper Tier Authority)	£ 270.00

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 6,474.00
Somerset County Council (Upper Tier Authority)	£ 1,619.00

DETERMINING ISSUES AND CONSIDERATIONS

Policy considerations - Local Plan Policy

Planning Policy and Government Guidance requires all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Taunton Deane Core Strategy contains policies for the development of the Borough. The policies are listed above. Within the document major sites for housing development have been identified in detail. Reference is also made for the need to allocate additional small scale housing within minor rural centres, such as North Curry, via a 'Site Allocation and Development Management Plan' – [SADMP].

The adopted Core Strategy policy SP1 states.....

*"Minor Rural Centres are identified as Cotford St Luke, Creech St Michael, Milverton, **North Curry** and Churchinford. New housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units and will be small scale allocations, **sites within the development boundary** (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries. For these settlements a total allocation of at least 250 new net additional dwellings will be made through the Site Allocations and Development Management DPD"*

The site lies beyond existing and proposed settlement limits as set out in the adopted Local Plan (2004), Core Strategy (2012) and the emerging SADMP. In this regard, it is clear that the proposal should be treated as being within Open Countryside (see Core Strategy Policy SP1).

From a Planning Policy perspective there are two issues that are relevant to this application. Firstly, the site is beyond the defined settlement limits, which means that the proposal should be treated as being within open countryside (stated in policy SP1). In such circumstances, the proposal should be determined in accordance with policy DM2, which list the types of development that are acceptable. Open market and self build housing are not within the list of uses that would be supported. The proposal therefore does not accord with the adopted development plan

Secondly, it is appropriate to consider whether or not the benefits of this proposal would outweigh the harm. The size of the site and number of dwellings proposed (1) would not make a worthwhile contribution to the 5 year land supply (which the Council meets with a 5% plus buffer) but could set a precedent elsewhere in North Curry and across the Borough for not conforming to the Development Plan. The LPA has an up to date Core Strategy which defines the settlement limits and countryside (policies SP1 and DM2). The site is too small for an allocation, which would normally have at least 10 dwellings (the size regarded as a 'major application' and of a scale to provide other benefits only deliverable through the Development Plan such as affordable housing). The site was considered for allocation after the Issues and Options stage of the SADMP. IT was considered that the site was some distance from the services and facilities in the village. The SADMP is about to reach publication stage following Preferred Option stage with allocations at Knapp Lane and Overlands. This site could not therefore be used as a 'trade-off' to reduce or replace the Preferred Options allocations.

It is noted that many of the letters of support for this application either state or imply that small developments such as this would be much more preferable to the village

than the larger planned developments. However it is important to understand that the proposals within the SADMP will proceed (in whatever form the Inquiry Inspector deems appropriate) in order to meet the requirements of the adopted Core Strategy and national housing policy advice. It is not a choice between small sites such as Whitewell Cottage and the larger sites proposed. If Whitewell Cottage were to be approved then that would have to be in addition to the sites allocated through the SADMP, not instead of.

In conclusion, from a policy perspective the proposal fails both of the above tests and is contrary to policies SP1, DM2 and CP8 of the Core Strategy.

Impact on the street scene and character of the area

The application site comprises a small square shaped area currently forming the garden to Whitewell Cottage. The site is approximately 0.10 hectare in size. Although the application is only submitted in outline, the plans show a property raised above the level of the street by approximately 0.75 metre at basement level, but because it is dug into the bank it is the ground floor that would appear as the visible start to the building from Moor Lane and this point would be up to 2 metres above road level. The building would be set back from the road frontage by approximately 5 metres. There would be the loss of hedging and tree screening along the roadside boundary in order to provide the required new point of access into the site. All of this would open up the site and give it a more urban feel. The submitted drawings do not demonstrate that a dwelling could be placed on the site without undue affect on the character and appearance of the rural setting of this site.

This is important because given its location, at the very edge of the village and well away from the centre, the site has more in common with the open countryside surrounding it than it does the built form of the village itself.

Impact on the Listed Building and Conservation Area.

The proposal site lies near to the church of St. Peter and St. Paul which is a grade I listed building, the vicarage at no. 5 Moor Lane which is a grade II listed building and Payne's Farmhouse at no. 4 Moor Lane, which is a grade II listed building. All of these buildings lie within the North Curry Conservation Area, but the proposal site does not. Despite the close proximity of these heritage assets, it is not felt that the proposal would unduly impact upon them or their settings.

Drainage

Whilst the site lies within the Somerset Levels and Moors, the site itself does not lie within a flood risk area as identified by the Environment Agency. That actually starts some 500 metres further northwards down Moor Lane. The drainage engineer does not object in principle to the proposal subject to an appropriately designed SUDS scheme and agreement of the Environment Agency regarding the bio-digester for sewage disposal.

Landscape issues.

The Council's Landscape Lead considers that the proposal would have a significant landscape impact as seen from the nearby public footpath (on the opposite side of the road running from east to west) and from Moor Lane, and on this basis he cannot give his support to it. He also notes that there would be a loss of roadside hedgerow in a northwards direction to provide highway visibility from the proposed site access. This is discussed below. The Landscape Lead was also concerned that the proposed entranceway would open up views into the site, as seen from Moor Lane, which would have an urbanising impact on the entrance route into North Curry.

The proposed house elevation from Moor Lane although set back from the edge of the property would be quite dominating to walkers and to a lesser extent drivers, and as such it cannot be said to have been assimilated appropriately into the landscape setting. It is considered that the view of the proposed house from PROW T17/40 which runs to the west of the property across higher ground in an open north facing field is likely to have the greatest visual impact as the proposed house and field are on a similar level and the house once built would be locally prominent and would interfere with the attractive middle and longer distance views when looking in an easterly direction.

Highways and access issues

The proposed dwelling is shown with an access onto the highway network (Moor Lane) has its own independent drive, surface parking to standard and appropriate manoeuvrability and turning space. In this regards the proposal meets the Highway Authority's standing advice. The proposed access is very close to the cut off line in Moor Lane between the National speed limit (to the north of the proposed access) which is 60 mph (max) and the village restricted speed limit (to the south of the proposed access) which is 30 mph. However, the Highway Authority's advice is that the visibility splays shown (following negotiations) is acceptable. There would need to be a significant loss of hedgerow in order to provide the required visibility distance, which would be unfortunate, because it would adversely impact upon the rural setting of the location. The Landscape Lead has already alluded to this in his comments. He does note that it is garden hedgerow which has no planning protection and could therefore be removed or replanted at any stage without requiring the consent of the local authority. However, there is a difference between what can be done without the need for consent and that which is being directly authorised. Either way, its loss would be regrettable given the importance of hedgerows at this point in Moor Lane and the wider countryside. It is true that a new hedge could be planted and set back from the road to protect the visibility splays, but this would be alien to the norm in a countryside road and would add to the urbanising appearance of the proposal. Given the applicant's right to remove the hedge (outside of the bird breeding season) it would be the planning officer's advice that this issue by itself would not be sufficient to justify a reason for refusal. However, given the other landscape concerns expressed above, a landscaping reason could refer to all of these issues and would be relevant and justifiable.

Conclusions

It is quite clear that there is a conflict with Planning Policy because the application

site lies outside of the settlement boundary for North Curry. Although the designated boundary lies close by, there cannot be a grading of emphasis on such a designation. The policy is quite clear in allowing justifiable infilling within the boundary limits, but outside any new development will be considered as being in open countryside. Allowing development on the edge of settlement boundaries can often lead to further ribbon development or ad-hoc expansion in an unplanned way. The Core Strategy is clearly not silent on residential development outside of settlement boundaries, and although the SADMP is only at preferred options stage, it has been the subject of extensive public participation and will be submitted to the Secretary of State in the late summer/early autumn of this year. It is contended therefore that the SADMP does carry some weight in planning terms. In any event there are technical difficulties with the impact of this proposal upon the landscape setting which would demonstrably outweigh the benefits. Of particular concern is the impact of a new structure within the landscape setting, its visibility and the potential loss of hedgerows. Although the application has been submitted in outline and therefore matters relating to design and appearance can be reserved for future consideration, the application has failed to demonstrate that a dwelling could be appropriately contained on the site without adversely impacting upon the setting and character of the surrounding countryside. Therefore it is recommended that the proposal should not be approved on this basis. Members are therefore recommended to refuse the proposal on policy grounds, impact on the character of the village and its landscape setting at this point.

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

CONTACT OFFICER: Mr J Burton Tel: 01823 356586

38/14/0175

MR & MRS S COOPER

ERECTION OF BALCONY TO THE FRONT OF 5 STREAMSIDE, TAUNTON.

Location: 5 STREAMSIDE, TAUNTON, TA1 2LY

Grid Reference: 324022.123754

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

(A4) Site Plan

(A3) DrNo 01.221117 Balcony Staircase Elevation

(A4) Exterior Staircase

(A3) DrNo 02.221117 Balcony Front Elevation

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

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority and details of the colour finish of the balcony supports shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out and retained as agreed.

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.

PROPOSAL

Erection of a balcony at the front of the property to replace the existing three Juliet balconies, which are in front of the first floor windows.

The application originally was submitted with an external staircase shown on the side elevation and the balcony across the full width of the property. The application has subsequently been amended with the staircase being deleted from the scheme and the balcony reduced in size to 8.5m. It is now set in from the external edge of the front elevation by 1m. The balcony will be supported by 2.9m steel support posts and frame and balustrade and is proposed to have a toughened glass walkway.

SITE DESCRIPTION AND HISTORY

5 Streamside is a three storey detached property that faces onto a tarmaced footpath and grassed amenity area with the hedging of Kings College along the boundary. It has a small front garden with a low brick wall with railings above and detached properties to both sides.

The property has reconstituted stone at ground floor level and is finished in brick at first and second floor level. There are Juliet balconies in front of the windows at first floor level, that are a common design feature throughout the estate.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

Ward Councillor - Supports the local objections as the balcony and staircase will be out of keeping with the buildings on the estate

Representations

8 letters of OBJECTION received - raising concerns with regard to the inappropriate design of the balcony and staircase as it would mar the appearance of the buildings from the front and will be out of keeping with the development at Hillyfields. Also that it has the potential to cause unwanted noise

PLANNING POLICIES

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

LOCAL FINANCE CONSIDERATIONS

Not Applicable to this application

DETERMINING ISSUES AND CONSIDERATIONS

The deletion of the external staircase from the scheme and the reduction in size of the balcony will reduce the impact that the proposal will have on the existing property. There are no issues regarding overlooking towards neighbouring properties as the balcony is at the front of the property and overlooks the amenity area and playing fields. It is considered that whilst the provision of the balcony will (to a degree) change the appearance of the property, it will not significantly affect the integrity or character of the building or amenity of neighbours and is considered to comply with Policy DM/1.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

TAUNTON DEANE BOROUGH COUNCIL

CONSTRUCTION OF A SWIMMING POOL WITH ERECTION OF EXTENSION TO HEALTH SPA AT THE LEISURE CENTRE WITH ALTERATIONS TO THE MAIN ENTRANCE AREA AND PROVISION OF CAR PARKING AT BLACKBROOK PAVILION, BLACKBROOK WAY, TAUNTON

Location: BLACKBROOK PAVILION, BLACKBROOK WAY, TAUNTON TA1
2RW

Grid Reference: 324905.123927

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to the withdrawal of the objection by Sport England:

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo 1254-P-10 Rev F Ground Floor Plan
(A1) DrNo 1254-P-011 Rev B First Floor Plan
(A1) DrNo 1254-P-101 Rev B Section A-A
(A1) DrNo 1254-P-201 Rev A North and East Elevation
(A1) DrNo 1254-P-202 Rev A South and West Elevations
(A1) DrNo 1254-P-250 Rev A Aerial Perspective View
(A1) DrNo 1254-P-251 Rev A Perspective View
(A1) DrNo 1254-P-252 Rev A Spa Entrance Image
(A1) DrNo 1254-P-503 Rev B Proposed Pitch and PV Layout
(A1) DrNo 1254-P-504 Rev B Coach Turning Circle
(A1) DrNo 1254-D-502 Rev C Site Plan (Sports Pitches)
(A1) DrNo 1254-D-253 Visualisation from Playing Field
(A1) DrNo 1254-P-506 Rev A Surface Treatment to Overflow Parking
(A1) DrNo 1254-P-508 Rev C Proposed Site Plan

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

3. Prior to the commencement of the erection of any part of the building hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development 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.

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

4. Prior to the commencement of the erection of any part of the building hereby permitted, details and specifications of the lighting to be used on the building and car parking areas 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.

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

5. (i) The landscaping/planting scheme shown in the Landscaping Plan and Planting Specification document dated 30 July 2014 shall be completely carried out within the first available planting season from the date of the development hereby permitted being brought into use.

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

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

6. The tree protection strategy shall be completely carried out in accordance with the details set out in the Arboricultural Impact Assessment and Tree Protection Plan dated 7 June 2014 prior to the commencement of any development on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the long

term health of the trees or the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. 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 Michael Woods Associates submitted report, dated May 2014 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.

8. No development approved by this permission shall be commenced on site until a full operation and maintenance strategy for surface water has been submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme. This strategy shall be implemented prior to the development hereby permitted being brought into use and shall thereafter be adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory management of surface water disposal and flood risk and prevent discharge onto the highway.

9. No development approved shall commence on site until a surface water run-off limitation scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented prior to the development hereby permitted being brought into use and shall thereafter be adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory management of surface water disposal and flood risk and prevent discharge onto the highway.

10. Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11. The area allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

12. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access extending to points on the nearside carriageway edge 60m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall be maintained at all times.

Reason: To ensure sufficient visibility is provided at the site, in the interests of highway safety.

13. The development hereby approved shall not be brought into use until cycle storage facilities capable of accommodating 26 cycles has been provided within the site, details of which shall have been submitted to and agreed in writing with the Local Planning Authority. The cycle storage shall thereafter remain available and not be used for any purpose, other than for the storage of cycles in connection with the development hereby permitted.

Reason: To provide for the parking and storage of bicycles, in order to promote sustainable modes of transport.

14. Prior to the commencement of development, the overflow car parking as shown on Drawing 1254-D-506 shall be constructed and brought into use. This parking shall thereafter remain available for use in connection with Blackbrook Pavilion Sports Centre.

Reason: In order to ensure that parking continues to be provided within the site both during the works and thereafter, in the interests of highway safety.

15. The development hereby permitted shall not be brought into use until an amended travel plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote and encourage sustainable modes of travel and in the interests of highway safety.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. Notes at request of Council's Biodiversity Officer:

- 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.
 - Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
 - Dormice are known to be present on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.
 - NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.
 - 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.
 - Whilst it is considered unlikely that Great Crested Newts are present on site, a toolbox talk should be given to alert contractors of the possibility of Great Crested Newts being present.
3. Notes at request of Council's Drainage Officer:
- It is recommended that the use of Sustainable Drainage Systems (SUDs) be investigated for surface water drainage on site, in order to reduce the rate of run-off and to reduce pollution risks. The techniques involve controlling sources of increased surface water and include:
 - Interception and reuse
 - Porous pavings/surfacing
 - Infiltration Techniques
 - Detention/Attenuation
 - Wetlands
 - With reference to Conditions 8 and 9, the strategy/scheme should include full details identifying how flood risk and surface water disposal will be dealt with, following further design works.
4. Note at request of County Highways Authority:
- Having regard to the powers of the Highway Authority under the Highway Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Area Highway Office, Burton Place, Taunton, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

PROPOSAL

Blackbrook Pavilion lies between Blackbrook Way and the motorway. On the opposite side of Blackbrook Way is residential development, whilst land to the other side of the M5 falls within Flood Zones 2 and 3. The site comprises a range of buildings/structures, courts and various pitches and is allocated as recreational open space. The main section of the building is of buff brick and tile incorporating a mix of gabled and hipped roofs. Attached to this is a substantial metal clad building with a low pitched roof, accommodating the sports hall. A large area of car parking lies to the front (north) of the pavilion providing 66 spaces (including disabled), with further car parking to the west side adjacent to the bowling club and tennis courts. 16 cycle spaces and motorcycle parking for 10 is also provided adjacent to the parking area at the front. To the east are the sports pitches, separated from the motorway by well established trees. Further well established planting separates the site from Blackbrook Way and creates a break between the current car parking area to the front and the playing fields.

Following a review of swimming pool provision within Taunton Deane in the late 2000's, Sport England identified that Taunton was just meeting current demand and will not meet future demand. As a result of this, along with the pool at St James Street nearing the end of its viable life, in order to ensure that swimming facilities continue to be provided to schools and clubs, it was determined that a new pool was required. An extensive site selection process has been undertaken by the applicant, which concluded in utilising the site of the existing sports facilities at Blackbrook.

This application seeks planning permission for the erection of an extension to the existing leisure centre to provide a swimming pool and health spa, with alterations to the main entrance. The extension would be positioned on the north-east corner of the building, partly on the footprint of the existing car parking area, encroaching marginally into the playing field. It is proposed to provide 78 car parking spaces, of which 6 would be disabled spaces, to the north, west and east of the proposed extension. The parking to the north and west would be constructed of tarmac, whilst that to the east would be of grasscrete finish. It is proposed to retain the existing cycle and motorcycle parking and provide further cycle storage for 10 cycles. It is also proposed to provide overflow parking of a further 28 spaces to the rear of the building, which would be constructed of grasscrete and provide an extension to the existing roadway adjacent to this, in order to provide adequate space for coach turning within the site. A temporary access is provided to the north of the existing car parking area, to provide access during the construction works only

The extension would be constructed of rainscreen cladding with an aluminium roof in a stepped design. The frontmost section would be single storey and clad with a blue finish to reflect the water of the pools, whilst the remaining two sections would be two storey and clad with a red/orange finish to reflect the warmth of the spa. The cladding would not be of block colour but would instead incorporate varying shades of that colour turning lighter as the height increases, also with powder coated metal windows and louvres of a horizontal emphasis. The rearmost element would also incorporate glazed curtain walling to the stairwell. The extension would provide a 25m by 12.5m (6 lane) swimming pool; a 8m by 12m learner pool with changing village/toilets, and spa/treatment rooms and café above.

It is also proposed to make alterations to the entrance to the existing building, which would involve large elements of glazing under a flat roof.

The application is accompanied by a Dormouse survey; Flood Risk Assessment (FRA); Surface Water Drainage Strategy; Transport Assessment; Travel Plan; Arboricultural Impact Assessment and Tree Protection Plan; and Design, Access and Planning Statement.

During the processing of the application, additional information and revised plans have been received:

- Showing visualisation of the scheme from the playing fields.
- Re-configuring the car parking layout to retain more of the roadside buffer.
- Confirming that the overflow car park will be finished in grasscrete.
- Indicating that the 3m safety area surrounding the pitches will be maintained.
- Confirming that a new surface water outfall into the secondary river adjacent to the motorway will be provided.
- Confirming that the existing community use will be retained during the works through the use of appropriate fencing to segregate the pitches from the construction site and the provision of overflow car parking to the rear of the centre to provide appropriate parking.
- That the pool depth will be 0.9 – 1.2 metres and the spectator seating will be casual moveable seating.
- Confirming that the proposed replacement tree planting/dormice mitigation will extend to an area of 565m² and the number of proposed species is indicated.
- Confirming that there is no Community Use Agreement for the playing fields but TDBC are prepared to consider putting one in place.
- Confirming retention of the grasscrete parking over the longer term rather than just the period of construction works

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LANDSCAPE - Main concern is the potential impact of the northern most car parking areas impacting on the landscape belt root protection areas. Details of trees affected and methods of avoiding damage to any affected trees is essential. It is not clear what the proposed landscape treatment of the eastern boundary of car parking is. A native species hedgerow with tree planting would help soften the impact of the car parking from the sports field.

Subsequent comments following receipt of Arboricultural Impact Assessment and Tree Protection Plan:

If possible I would remove the two northern most car parking spaces nearest to T22 – i.e the one to the south and the one to the south west of it – as this will retain more of the roadside buffer. Otherwise fine. There is mention of a landscape scheme but I have not yet seen the details.

BIODIVERSITY - The application is for the erection of a swimming pool and health spa extension to the leisure centre at Blackbrook pavilion, Blackbrook Taunton.

The site comprises hard standing, an area of dense scrub, ornamental planting, and a wet ditch and beyond that a playing field with species poor hedges. An area of scrub, approx. size 600m² will be lost to the development. Michael Woods Associates carried out a Dormouse Survey for the site in May 2014.

Findings of the survey are as follows:

Dormice - The scrub and tree area, to be removed, was searched for dormouse nests and feeding remains. Several hazelnuts with gnaw marks were found indicating that dormice are present on site.

A European Protected Species licence will be required to remove the scrub. The removal of this vegetation will need to be carefully planned and supervised by an ecologist. The proposed mitigation should include an area of at least 600m² of new planting, connected to retained dormice habitat. Please liaise with the landscape officer on the proposed new landscaping.

Great crested newts - The standing water in the ditch has suitability for breeding GCN. However, as the purpose of the ditch is for storm water, it is likely that water levels fluctuate through the year. It is considered unlikely that GCN are present on site. As a precautionary measure, a toolbox talk should be given to alert contractors to the possibility of GCN being present.

Bats - The woodland and scrub was suitable for foraging bats, although none of the trees present were mature enough to contain cracks, etc. which would be suitable for use as a roost site. I support the proposal to place bat tubes in the new build.

Birds - The woodland and scrub was suitable for nesting birds. Clearance of vegetation should take place outside of the bird nesting season. I support the proposal to place nest boxes on site.

Subsequent comments following receipt of landscaping plan and planting specification – I confirm that the area of 565m² is acceptable, however request total number of proposed species.

Subsequent comments following receipt of confirmation of numbers of proposed species - Satisfied

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal relates to the erection of a swimming pool and health spa.

Traffic Impact - In terms of traffic impact the applicant held pre application discussions with the Highway Authority the culmination of this was the submission of a Transport Assessment (TA). The TA has looked at the impact of this proposal on the following junctions:

- Bridgwater Road/Ilminster Road/Hamilton Road signalised junction; and
- Lisieux Way/Blackbrook Way/Chestnut Drive roundabout junction; and
- Ilminster Road/Bridgwater Road signal controlled junction.

From the information provided the applicant has modelled these junctions for both

2014 and also 2019 scenarios to assess their capacity. In terms of the site access the applicant has demonstrated that in both scenarios the junction has spare capacity to be able to accommodate the increase in vehicle movements that would be associated with the development. As for the other two junctions from the information provided within the TA it clearly demonstrates that the proposal would result in an increase in vehicle movements however it does not appear to be significant enough to warrant an objection on the grounds of traffic impact. Although the applicant will need to clarify one point as it is noted in the Halcon Corner AM peak for the 2019 model indicates that there is an 87.1% degree of saturation. However the model that includes the development shows that the degree of saturation is 86.5%. Would the applicant be able to provide further information on this?

In terms of non-car modes the site would be accessed via the existing pedestrian footway which provides good connections to the rest of the footway network. In terms of cyclists the proposal is well integrated with existing cycle network. Although to achieve a modal shift to non-car modes the existing cycle storage facilities would need to be upgraded so that they are considered to be an acceptable alternative to the use of the private car.

The applicant has proposed to increase the number of parking spaces to 137. This clear over provision of parking would usually be a cause of concern to the Highway Authority however it is already apparent that based on Somerset County Council's Parking Strategy the site already has an over provision of parking. Furthermore it is apparent from the parking survey carried out as part of the TA that the site is already operating at capacity. The Highway Authority would not wish to see development cause the overspill of parking onto the surrounding residential roads. As a consequence the additional amount of parking is considered to be acceptable.

In addition to the above during pre-application discussions the applicant also proposed an overspill car park to the rear of the existing buildings. It is noted that this has been put forward by the applicant although it only appears to a short term measure whilst construction phase is being carried out. However the Highway Authority is of the opinion that this should be offered as a permanent parking facility in addition to the parking proposed to the front of the site.

As indicated in the Design and Access Statement one of the main functions of this site will be to replace the existing facilities that are currently provided at the pool in St James Street which includes the use by school groups. As such the Blackbrook site would need to be able to accommodate coaches picking up and dropping off. This issue was discussed with the applicant prior to the proposal being submitted and has culminated with the details found in the TA. It has been proposed that a coach drop off bay is provided alongside the existing centre. The coach will then proceed to the lower area of the site where it would be able to turn and wait for pick up. Drawing No. 14233-AT01 tracks a standard sized coach and shows that it is able to turn and leave the site in a forward gear. This approach is considered to be acceptable as the Highway Authority did have concerns that a coach dropping off and waiting could obstruct access to the other areas of the car park.

To cause minimal disruption to the site during the construction phase the applicant has proposed to provide a separate construction access onto Blackbrook Way. The Highway Authority had concerns over the potential highway safety issues of

providing an access in this location as a consequence the Highway Authority requested that details be submitted as part of the planning application showing that construction vehicles would be able to enter the highway in a safe manner. Drawing No. 14233/SKT02 indicates that the applicant is able to provide splays of 2.4m x 60m in either direction. Blackbrook Way is subject to a 30mph limit although due to the nature of the road vehicle speeds are higher. As such splays with a 'Y' axis of 60m is considered to be acceptable. The access has also proposed cycle splays of 2.0m x 2.0m either side of the access for cyclist visibility. This is considered to be appropriate as Blackbrook Way has a well utilised cycle route along its length and the Highway Authority would not construction traffic movements to cause conflict with cyclists.

The applicant has proposed an access width of 4.0m this is considered to be acceptable. Furthermore the applicant has proposed entrance gates set back 9.0m from the back edge of the footway. This should be sufficient to allow a vehicle to pull off the highway and not over hang the footway and cause obstruction to pedestrians and cyclists. Therefore the Highway Authority has no objection in principle to the location and layout of the construction access however if permission were to be granted the Highway Authority would require a more detailed plan to be submitted.

Travel Plan - A Travel Plan has been submitted as part of the planning application this has been submitted for audit this has been returned and a copy of the report has been attached. As an overview the Travel Plan is considered to be acceptable although there are some points that would need to be addressed.

The main issue is that the Travel Plan has not reflected the TA in terms of St James Pool, bus parking, grasscrete and staff numbers. This information would need to be included in any future submission of this Travel Plan. Other information that needs to be provided is the Travel Plan fee and safe guarding sum. Furthermore the measures element has not been included within the document.

These points will need to be rectified as part of any further submission of the Travel Plan. Please note that the Travel Plan would need to be secured via a S106 agreement.

Conclusion - Therefore to conclude the proposal would result in an increase in traffic movements although it is unlikely to have a detrimental impact on the surrounding highway network. Therefore a highway objection on traffic impact cannot be substantiated. In terms of the internal layout the parking levels are considered to be acceptable, although it is acknowledged that these levels are higher than what is set out in the Parking Strategy it is understood that there is a need for additional parking within the site.

The principle of a construction access has been accepted and the Highway Authority is satisfied that suitable visibility can be provided. Although a more detailed design would need to be provided prior to any commencement of development.

The Travel Plan is considered to be acceptable in principle although amendments would be required before any further submissions.

Consequently based on the information set out above the Highway Authority raises no objection to this proposal and if planning permission were to be granted the Highway Authority would require conditions to be attached.

SPORT ENGLAND SOUTH WEST - It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

“Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.”

The proposal is to construct a swimming pool and health spa extension to the leisure centre, with alterations to the main entrance area and the provision of car parking spaces. The proposed extension and the new parking spaces would be built on land to the north east of the leisure centre access road. This land forms part of the leisure centre’s present car park and the western edge of the playing field that lies to the east.

As set out in the Design and Access Statement accompanying the application, the proposed extension would accommodate:

- A 25m x 6 lane swimming pool
- An 8m x 12m learner pool
- Spa and treatment rooms
- Changing village
- Café/kitchen
- Associated storage/plant rooms/toilets etc.

The Statement and the drawing numbered 1254-P-503 Revision B also demonstrate that, despite there being an encroachment on the western edge of the playing field, it would still be able to accommodate the same number and size of playing pitches that are currently provided.

The Football Association (FA) understand the layout of the pitches is set to a standard layout that works well for the site. The area in question serves little purpose for the ability of the site to host the current number of pitches. If the applicant can confirm the following points then The FA don't wish to raise an objection:

1. The location of the new building won't compromise any of the existing pitches with them remaining the same size? – this includes the 3m Safety area from all touchlines of the pitch
2. The FA is aware that drainage at the site can be improved, can it be confirmed that the new build won't have a detrimental effect on the existing pitches?
3. This is a key multi-pitch site for local football in Taunton – can it be confirmed that all existing community use will be retained and what measures will be out in place to ensure the pitches are available during the build phase? Will there be enough car parking to serve all the proposed facilities?

Therefore, it is considered that the proposal has the potential to fulfil the circumstances described in exception E5 of Sport England's playing fields policy. That is to say:

“The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.”

However, in assessing the benefit to the development of sport, it is necessary to consider matters such as:

Whether the proposal is identified in any local sport and recreation strategy

Whether the proposal is identified in any NGB facilities strategy, and

Whether the proposal complies with Sport England's Design Guidance Notes.

The Design and Access Statement outlines how the proposal fits with the Taunton Deane Sports Facility Strategy and the Core Strategy development plan document.

The Amateur Swimming Association (ASA) has advised that the site is a priority in its facilities strategy. It has stated that the pool should serve the full range of customer demands that are currently being met by the existing pools, particularly with regard to the swimming lessons programme and increased participation. However, the proposed design will not achieve this.

There is a need for this swimming pool and it has been justified in a business plan submitted to both the ASA and to Sport England. The facility is intended to replace James Street Pool which will close.

The design of the proposed swimming pool though will not meet the needs of the customer base. The ASA's principal objection is to the constant depth of the main pool which is proposed to be 1.2m. This fits the profile of private fitness club pools rather than a community pool that requires a gradient of 0.9m to 1.8m to meet the demand for junior swimming lessons and exercise in water classes etc.

The design also features spectator seating at the end of the pool. Yet the proposed pool is not a competition pool, so the seating will serve no useful purpose. It is considered that a wider pool deck and casual moveable seating would be more appropriate.

In light of the above, Sport England objects to the proposal because it has not been demonstrated that the design of the proposed swimming pool would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field land on which it and the new car parking spaces would be built.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit.

Sport England is aware that there is continuing constructive dialogue between the Borough Council, Tone Leisure and the ASA to address the concerns that have been raised over the design of the proposed swimming pool. Upon the submission of amended plans that accord with the design guidance highlighted above and addressing the issues raised by the FA, Sport England will be able to consider a withdrawal of this objection.

Subsequent comments:

Can the applicant confirm the timeline for the new water outfall into the secondary river adjacent to the M5 motorway? Will it be in time to protect the pitches for this coming season (Sept onwards)?

Is the current community use secured through a Community Use Agreement (CUA) or simple hire agreements – if there is no formal CUA, would they consider putting one in place

DRAINAGE ENGINEER - I note the conclusions and recommendations made in the FRA regarding flood prevention. I also note the Preliminary Proposed Drainage Strategy as outlined in the Surface Water Drainage Strategy. Whilst these reports are only preliminary, full details of how flood risk and surface water disposal need to be provided following further design works and investigations. Suggest conditions.

COMMUNITY LEISURE – The proposed development will provide much needed replacement water space for the existing facility at St James Street which is nearing the end of its life. It will also provide for more flexible water space within the borough. The location of the proposed pool ensures the existing sports pitches are not compromised and as such, we fully support this application.

NATURAL ENGLAND – Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Statutory nature conservation sites – no objection - This application is in proximity to the Hestercombe House Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the

interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species - We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites - If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Impact Risk Zones for Sites of Special Scientific Interest - Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

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 - The proposed development will provide much needed replacement water space for the existing facility at St James Street which is nearing the end of its life. It will also provide for more flexible water space within the borough. The location of the proposed pool ensures the existing sports pitches are not compromised and as such, we fully support this application.

Further information received from application in response to comments from Sport England:

- Confirming that the location of the new building won't compromise any of the existing football pitches and that a 3m safety area from all touchlines will be maintained.
- There appear to be some limitations to the existing storm water drainage system at the site. The Surface Water Drainage Strategy submitted as part of the application seeks to provide a new surface water outfall into the secondary river adjacent to the M5 motorway. This should ensure that the new building doesn't have a detrimental effect on the existing pitches.
- Confirming that all existing community use will be retained. During the construction works the football pitches will be segregated from the construction site by the use of suitable fencing to ensure that both uses can continue side by side throughout the period of the works. Car parking provision has been discussed with the highway authority and a Transport Statement and Travel Plan provided. Additional car parking is being proposed in front of the centre and an area of overflow car parking is to be provided at the southern end of the site.
- Confirming that pool will now have a depth of 0.9m at the shallow end and 1.2m at the deep end and spectator seating will be in the form of casual moveable seating as requested.

Representations

None received

PLANNING POLICIES

T36 - TDBCLP - Blackbrook Recreational Open Space,
C3 - TDBCLP - Protection of Recreational Open Space,
C5 - TDBCLP - Sports Centres,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
CP8 - CP 8 ENVIRONMENT,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

Principle

Retained policy C5 of the Local Plan specifically refers to sports facilities and states that new, significantly improved or extended facilities will be permitted provided the proposed site is accessible to its intended users by a range of transport, a sequential approach has been followed in selecting the site, and where sites are outside of settlement limits, there is a clear and demonstrable need to use a site in the countryside. Retained policy C3 refers to the loss of playing fields and sports grounds. Whilst the proposal will encroach onto the edge of the playing fields, it is important to note that this will not encroach onto the pitches themselves.

The site lies within settlement limits on the south-eastern edge of Taunton. It lies to the south-east of the residential development, known as Blackbrook and there are a range of transport modes available at and serving the site. This matter will be covered in greater detail below.

The requirement for a new pool follows detailed studies, which have been ongoing since an initial review of swimming pool provision in 2004. Following various studies, along with the advice of Sport England and the future closure of the St James Street pool, it was identified that a new pool was needed. The site chosen has been the result of extensive studies over a twelve year period, which concluded that the provision of a pool at Blackbrook Pavillion would complement and enhance the existing dry sports facilities already offered at this site.

Impact upon the character and appearance of the surrounding area

The site is currently extremely well screened from Blackbrook Way with views being restricted largely to the access point itself. The buildings and car parking areas are not otherwise clearly visible in the street scene.

The proposed extension to the lobby would be flat roof and largely glazed. Whilst this is a different design approach to the current style of the property, it would add a modern and contemporary element to the building that is not deemed to harm its character.

The scheme to form the swimming pool and spa comprises a substantial extension, separated into three distinct sections. The separation into these sections would add interest and differentiation, whilst also reducing the bulk and mass of an extensive building. The existing building incorporates a mix of roof styles, albeit angular, whilst the proposed extension introduces a curved roof, which softens and adds further interest to an otherwise vast roof expanse, in a contemporary style. The building is a substantial structure and consequently has a large expanse of roof, although the pitch has been kept low, which results in a height that is not deemed to excessively dominate the existing building.

The sports hall element of the existing building is constructed of large elements of profiled metal cladding and there is therefore already evidence of such material on the site. The use of rainscreen cladding with aluminium roofs is considered to reflect this principle, albeit in a more modern way. Again, the use of different colours to the different sections of the building would add interest, whilst the use of varying tones and large elements of powder coated glazing breaks the potential monotony of the substantial structure.

The proposed car parking will lie partly on the footprint of the existing parking, but will encroach out onto the edge of the playing fields. The car park is currently bounded to the east by well established planting, separating and screening it from the playing fields. Due to the close proximity of the proposed parking to the sports pitches, there is no landscaping proposed between the two. Whilst this is not ideal, this would result only in the car parking being viewed from the playing fields, whereas the established planting along the roadside to the north-east will continue to prevent views of the car parking from public viewpoint. As such, the lack of planting in this location is not deemed to cause harm to the overall appearance of the area. The overflow parking to the rear of the site would be closely related to the existing building and would be surfaced in grasscrete, as is the line of parking to the east of the proposed extension. As such, the surfacing would continue to appear as a grass finish, limiting the impact on the appearance of the area.

The site is well screened from Blackbrook Way and despite the removal of some elements of planting, the main screening along the roadside boundary will remain, retaining a reasonable landscape screen. As such, the proposals would not be clearly visible from Blackbrook Way. There is also extensive planting along the motorway, which limits views into the site, particularly at certain times of the year. At other times, it is acknowledged that the extension will be seen. It is however set some distance back from the motorway, whereas there are many other buildings along this stretch in much closer proximity and therefore more visible. The most visible part of the building would be that of large elements of different tones of orange/red cladding and these tones are considered to blend in with the appearance of the brick of the existing building. By virtue of the well established planting and proximity from the motorway, it is not deemed to result in harm to the visual amenity of the area.

Impact upon highway safety

The proposed scheme would utilise an existing access and it has been demonstrated that the local highway network is capable of accommodating the increase in traffic without any detrimental impact. Whilst the level of parking provided within the site significantly exceeds the levels set out in the Somerset County Council Parking Strategy, it is acknowledged that the current level also represents an overprovision, yet is already operating at capacity. On this basis, the County Highways Authority raise no objection and are in fact of the opinion that the overflow car parking to the rear of the building should be made available as a permanent parking facility. This has now been confirmed by the applicant. The site is well related to both the footway and cycleway network and cycle storage is provided within the site to encourage such sustainable modes of travel, although the current cycle storage should be improved in order to encourage potential users and a condition requiring details to be submitted is recommended.

In order for the facility to be utilised by schools and clubs, as per the situation at St James Street pool, it was deemed necessary to provide adequate space within the site for a coach to pick up/drop off and turn to enable it to leave in a forward gear. Details of this have been provided and there are therefore no concerns regarding coaches obstructing other areas of the car park.

During construction, a temporary access point is proposed for construction traffic.

Details have been provided to demonstrate that adequate visibility splays can be provided for the vehicles speeds along this stretch of road. As such, the County Highways Authority raise no objection to this in principle, subject to receiving additional details.

In terms of the Travel Plan, whilst this is broadly acceptable, it is noted that there are some changes required, along with the Travel Plan fee and safeguarding sum. The County Highways Authority also suggested that the Travel Plan should be secured through a Section 106 agreement. However, this is not considered appropriate in this instance, in view of the fact that the applicants are the Local Authority. It is instead considered that this can be dealt with by means of a condition, which is recommended.

Impact upon existing sports facilities and suitability of proposed pool

Sport England/The Football Association initially queried whether the existing pitches, including the 3 metre safety area from all touchlines would be compromised and whether all pitches and sufficient car parking would remain available during the build phase. They also queried whether the drainage associated with the new build would result in any adverse impact on the pitches. Following this, a revised plan was submitted by the agent showing clearly that the 3 metre safety margin is maintained around each pitch. It was confirmed that the community use will be retained as the pitches would be segregated by appropriate fencing and overflow car parking provided to serve the facilities whilst the works are being undertaken. It was also identified that the new surface water outfall into the secondary river adjacent to the M5 motorway would also ensure that the new building would not have a detrimental effect on the existing pitches. As such, it is considered that the use of the existing pitches is safeguarded and would not be adversely affected by the proposal.

In terms of the proposed pool, whilst the Amateur Swimming Association, through Sport England, regard the new pool as a priority, they did raise concerns over the constant 1.2m depth of the main pool and considered this should have a varied gradient to meet the demand for junior swimming lessons/exercise in water classes. They were also of the opinion that the fixed spectator seating at the end of the pool should be replaced with casual moveable seating leaving a wider pool deck. Following this, an amended plan has been received confirming the pool depth to be 0.9 to 1.2 metres, with informal/movable seating to the end.

The proposal would provide much needed water space to replace that of St James Street Pool, resulting in a positive impact on the sports facilities available within Taunton as a whole. The proposal is supported by the Council's Leisure Manager, who is not of the opinion that the existing sports pitches would be compromised. Further views of Sport England have been sought following the receipt of amended plans and the final recommendation will be subject to that response.

Impact upon wildlife

In order to facilitate the proposed extension and car parking, it is proposed to remove an area of dense scrub between the existing car park and playing fields and reduce the depth of planting between the car park and Blackbrook Way. This would extend to some 600 m² of scrub in total.

The application is supported by an ecological survey of wildlife within the site, which concludes that the proposed development, through the removal of the scrub, will impact upon dormice. It should be noted that dormice are a European Protected Species and the proposed development would result in the deliberate disturbance of a protected habitat as described within the Habitat and Species Regulations (2010), which is an offence unless a license is obtained for the works from Natural England.

Regulation 9 (5) states that the Local Planning Authority is a 'competent authority' and must have regard to the requirements of the Regulations in consideration of any of its functions, including the determination of planning applications that impact upon protected species. The Local Planning Authority must therefore consider:

- (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" or whether it is required for "scientific or educational purposes". None of the other reasons within the list are relevant in this situation;
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural environment is maintained.

These tests are dealt with in turn below:

(i) Overriding reasons of public interest for disturbance

The proposed development provides for the provision of a much needed sports facility within Taunton. As set out above, the pool is required in order to meet the educational requirements of schools and clubs, due to the imminent closure of an existing pool within the Town Centre. This stance is supported by Sport England, which are of the opinion that without a replacement pool, Taunton would fail to meet future demand. Furthermore, the provision of a pool is deemed to be in the public interest to ensure that alternative forms of exercise are encouraged and a community facility to undertake such exercise and meet the long term demand of the town is provided.

(ii) That there is no satisfactory alternative

The application site is an existing well established sports centre and an extensive range of studies have been undertaken in determining this site. Due to the nature of the use, it is deemed of significant benefit, both in transport and environmental terms, to provide the pool alongside an existing sports facility, rather than a new site. There are limited other sports centres within Taunton that could accommodate a facility of this scale and it is consequently deemed that there is no appropriate alternative.

(iii) That the Favourable Conservation Status (FCS) can be maintained

The Council's Nature Conservation and Reserves Officer raised no objection subject to the careful removal of the existing vegetation and appropriate mitigation in the form of planting of at least the amount removed, to be connected to the retained dormice habitat. Further details have been provided from the ecologist indicating

proposed planting of 565m², which they consider is sufficient due to the increased quality of the planting, specifically selected to provide suitable structure for dormouse foraging and nesting, as well as providing a food source over much of the year. This would be well connected to the existing habitat and improve the species poor hedgerow to the north, whereas elements of the planting to be removed comprise non-native species of little benefit to the dormice.

Whilst this is less than the amount being removed, the Nature Conservation Officer considers the mitigation of 565m² of planting of appropriate species, as shown on the drawings, to be satisfactory. It is therefore considered that the FCS for dormice can be maintained at the site. It was also recognised that the site was suitable for nesting birds and foraging bats. As such, the Nature Conservation Officer supports the proposal for bat tubes within the new build and nest boxes on the site. It is therefore considered that, subject to the recommended conditions, the appropriate wildlife habitats are provided, which will secure the continuing conservation of the protected species and other wildlife within the site.

Natural England refers to their standing advice as a method of identifying whether there is a likelihood of protected species being present. A wildlife survey has however identified that this is the case and the Council's Biodiversity Officer has confirmed that the proposed mitigation is acceptable. As such, standing advice has not been directly applied in this instance. The scheme would have no impact on any designated wildlife site, reserves or SSSI's. Natural England also seek biodiversity enhancements and it is considered that the proposed species of landscape planting, which are much more appropriate for dormice than the scrub it replaces, achieves this.

Impact upon residential amenities

The site is set a reasonable distance from residential properties, separated by Blackbrook Way. The extensions are set well within the site, away from boundaries. Whilst it is acknowledged that the proposed scheme will bring the building closer to properties on Redlake Drive and Marden Grove, it would still remain some distance away, separated by a main road and extensive planting. As such, it is deemed a sufficient distance from these properties to avoid any loss of light or overbearing impact. The closest element to these properties is the pool element with windows at ground floor level only, whilst the windows at first floor level are set some distance from these properties so as not to result in any loss of privacy. The site accommodates a well established and well used sports centre and it is not considered that the proposed scheme would lead to a significant adverse impact upon the living conditions of the occupiers of nearby dwellings. It is important to note that no representations have been received from any local residents.

Other matters

The Environment Agency Standing Advice states that the application must be accompanied by an FRA that meets requirements set out in the standing advice table and all flood management measures will need to be supported by plans and drawings that form part of the FRA. The application is accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy, which outlines preliminary proposals. The Council's Drainage Officer has made an assessment of these and raises no objection to the scheme, although as these reports are preliminary, further

investigations and full details of how flood risk and surface water will be managed are required. As such appropriate conditions have been recommended. Subject to these conditions, it is not considered that the proposals would result in an adverse impact upon drainage and flood risk.

The application is supported by an Arboricultural Impact Assessment and Tree Protection Plan and this, as amended, is considered to provide suitable protection for the trees. The landscape officer initially raised concern regarding the close proximity of some of the new car parking spaces to the tree belt along Blackbrook Way. As a result, it was suggested that some spaces were repositioned to reduce this impact. Amended plans have now been received showing minor reconfiguration of the car park, which removes the closest spaces to the tree belt. As a result, the scheme would result in sufficient landscaping remaining along Blackbrook Way to provide adequate screening and would not result in any adverse impact on the long term health of trees within the site.

Conclusion

The need for a new pool in Taunton has culminated from lengthy studies over some years and the site at Blackbrook is considered to be an appropriate solution. The pool would complement and enhance the existing sports facilities offered at the site and it is considered that a range of sustainable modes of transport are available to access the site. Although the building is of a modern and contemporary design, very different to the existing buildings present, it is not considered to result in harm to the character and appearance of the area. An appropriate amount of car parking is provided on the site and subject to conditions, the proposal is not deemed to result in a significant adverse impact upon highway safety. Whilst the building and car parking will encroach onto the playing fields, both have been carefully positioned so as not to compromise the actual sports pitches and following the reconfiguration of a small amount of car parking spaces, will have no significant impact upon the health of existing trees on the site. The scheme lies a sufficient distance from neighbouring properties to avoid a significant increased impact upon their living conditions and subject to further details, it is considered that flood risk and drainage can be appropriately managed. Although Dormice, a protected species are present at the site, it is considered that the mitigation proposed provides appropriate habitat to conserve and enhance this protected species, along with other wildlife within the site. The application is therefore recommended for approval, subject to Sport England withdrawing their objection.

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

43/14/0058

CATER DAY ARCHITECTS

ERECTION OF 4 NO. 2 BEDROOM DWELLINGS TO THE REAR OF 14 HIGH STREET, WELLINGTON

Location: LAND TO THE REAR OF 14 HIGH STREET, WELLINGTON

Grid Reference: 313970.120663

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:

(A3) DrNo 001 Site, Location and Roof Plan
(A1) DrNo 002 Ground Floor Plan as Proposed
(A1) DrNo 003 rev A First Floor Plan as Proposed
(A1) DrNo 004 Cross Section as Proposed
(A1) DrNo 005 Elevations as Proposed
(A1) DRNo 006 Drainage Plan

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

3. 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 include:

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

places of rest for the species.

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

Reason: To protect wildlife and their habitats from damage and to accommodate wildlife within the development.

4. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the building and the hard surfaces within the site of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, 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. Prior to the occupation of the dwellings hereby permitted, the surface water drainage scheme indicated on drawing 006 hereby permitted shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the disposal of surface water.

6. Prior to the occupation of the dwellings hereby permitted, the parking area indicated on drawing 002 hereby permitted shall be laid out and marked in accordance with that drawing and further details showing the method of marking out the parking spaces that shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, the parking area shall thereafter be maintained as such in accordance with those details.

Reason: To ensure that parking is arranged in such a way as to facilitate on-site turning and that the method of marking out the spaces does not detract from the character and appearance of the conservation area or the setting of nearby listed buildings.

7. Prior to the occupation of each of the dwellings hereby permitted, provision shall be made for the secure storage of two cycles for each dwelling in accordance with details that shall previously have been submitted to and

approved in writing by the Local Planning Authority. Once provided, the cycle provision shall thereafter be maintained as such.

Reason: To encourage travel to the site by means other than the private car.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions or new windows shall be added to/inserted into the dwellings hereby permitted other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To protect the amenities of nearby residents and to safeguard the character and appearance of the Conservation Area and the settings of nearby listed buildings.

Notes to Applicant

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

PROPOSAL

This application seeks full planning permission for the erection of 4no. 2 bedroom dwellings. They would be built as terraced dwellings, but arranged in a horseshoe shape around a small central courtyard. The dwellings would be finished in a mixture of red brick and render under a slate roof. Storage for bins would be provided to the front and sheds within the private gardens would include cycle storage.

The drawings indicate that parking could be provided for 4 cars.

SITE DESCRIPTION AND HISTORY

The site comprises an area of land to the rear of 14 High Street Wellington. It is accessed via a low, narrow arch from High Street, under no. 12. The part of the site giving access to the site includes two brick-built warehouse buildings and is likely to be a former Burgage plot associated with number 14 or 16. To the north western end of the plot – closest to High Street – an area is given over to parking, currently used by Stags estate agents for their staff. To the southeast, beyond the application site is a parcel that appears to be given over to private/domestic parking and a small garden area, albeit detached from whichever dwelling it serves.

The main part of the site, proposed for development of the dwellings themselves, sits to the northwest of the narrow Burgage Plot – behind number 16-18 High Street and the Friends meeting house, but accessed only from within the site. An existing

wall that forms the old Burgage Plot boundary would be incorporated into the development with access to the dwellings remaining through this gap.

To the northeast, a public footpath runs alongside the site boundary connecting High Street and Brooks Place/Scotts Lane.

The site has previously received planning permission for the development of up to 8 dwellings:

In 2008, applications 43/08/0121 and 43/08/0122 respectively granted permission for the erection of 2 flats on the site of the building now proposed to be retained on the site and 6 flats on the site of the currently proposed dwellings. These permissions were renewed in 2011 (applications 43/11/0123 and 43/11/0124 respectively) and expire on 10th October 2015.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL - Concern was expressed regarding the availability of car parking for the proposed development and access on to High Street.

Recommended that permission be GRANTED subject to no objection from the Highway Authority.

HERITAGE - This site is in a sensitive position, behind a number of Listed Buildings along the High Street. It is, however, (just) outside of the Conservation Area boundary. In the context of this area of town it is difficult to argue that the proposals would have a negative impact on the character, appearance or setting of the designated heritage assets.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST –

BIODIVERSITY - Wildlife surveys had previously been carried out on the site in 2008 and 2011 when no evidence of bats was found although the surveyor conceded that birds have used the building .It would be useful to have sight of these surveys.

As the habitat on site remains the same and the site is of limited ecological value, an assessment of the biodiversity of the site has been included in the Design and Access statement rather than a separate survey being carried out.

I support the findings of the assessment and am pleased that the intention is that site clearance and demolition will be undertaken by hand at the appropriate time of year.

In accordance with NPPF, I would like to see wildlife protected and accommodated

in this development

A condition is recommended.

SCC - TRANSPORT DEVELOPMENT GROUP - The site has been subject to numerous planning applications for a residential use (43/07/0113, 43/08/0122, 43/11/0124/REX). Planning application 43/07/0113 sought the erection six dwellings; a decision of conditional approval was issued on the 6th December 2007 by the Local Planning Authority. The Highway Authority recommended a suitable condition for the provision of cycle storage accommodation. The site was then subject to planning applications 43/08/0122 and 43/11/0124; extant permissions.

It is noted that the previous planning applications were 'car-free'.

The current planning application seeks the erection of four; two-bedroom; dwellings and vehicle parking. My comments are made from onsite observations (22nd July 2014) and the information submitted supporting the planning application.

Site Location – Rear of 14 High Street, Wellington

The site is located within the centre of Wellington to which vehicular access is obtained via High Street a Class 2 highway to which a 30mph speed limit applies. Pedestrian footway and street lighting is available either side of the carriageway.

Having consulted Planweb 3.5.5, I can confirm that there has been a recorded accident within the last five years directly opposite the development access:

Ref: 101000555 date: 16/01/2010 – V1 (Vehicle 1) was travelling along the High Street when a young female pedestrian ran in front of it. V1 hit pedestrian causing injury.

Whilst the above mentioned accident is not in connection with the development access it should be noted that High Street is well utilised pedestrian route and the introduction of new/additional vehicular movements in this location is likely to exacerbate the situation.

Access Arrangements – Rear of 14 High Street, Wellington

The vehicular access is sub-standard in terms of width and visibility (Two-way vehicular flow is not possible and pedestrian visibility is not available – in a location where pedestrian movement is considered high).

No information has been submitted indicating the previous use of the site and therefore it is considered that the proposal will result in the intensification of an existing sub-standard access onto High Street.

For the scheme to be considered acceptable by the Highway Authority it is recommended that the parking provision for the scheme is removed and the suitable cycle storage facilities are made available onsite.

Parking Provision – Rear of 14 High Street, Wellington

The Somerset County Council adopted Parking Strategy (September 2013), states the following provision for new residential dwellings, to which Wellington has been identified as a 'Zone B' region for vehicle parking [requiring 2 spaces per bedroom]...

Parking provision onsite does not adhere to the standards within the Somerset County Council – Parking Strategy. I am not aware of any information submitted supporting the planning application to justify a reduction in vehicle parking for the proposed development.

The site is situated within the centre of Wellington where there are suitable services and facilities within walking distance to consider that a 'car-free' or reduction in vehicle parking could be applied to the proposal. However, the Highway Authority no longer provides comments upon sustainability; therefore it is a matter for the Local Planning Authority to decide whether a 'car-free' development in this location is considered to be acceptable in sustainable planning terms.

Additionally as High Street is a designated Class 1 (Classified) highway segregated vehicle turning is required, the area for parking and turning on Drawing No. 006 is contrived as it is likely to lead to excessive manoeuvres when exiting the site (Turning within the site needs to be provided so that vehicles can enter, turn and leave all within a three point turn: if any more movements are required then it is likely that drivers will just reverse into/out of the site. A vehicle turning area would need to be segregated from the parking area within land controlled by the applicant); this would result in vehicles having to reverse approximately 70metres onto a classified highway, which is considered detrimental to highway safety.

Given the previous applications it would be considered acceptable for the development to be considered 'car-free' given the town centre location and the accessibility to suitable services, facilities and public transport links within walking distances. As a result the Highway Authority requires the vehicle parking element of the scheme is removed and replaced with suitable cycle storage facilities. If these amendments to the scheme are not forthcoming, the Highway Authority would recommend refusal of the planning application.

ENVIRONMENTAL PROTECTION CONTAMINATED LAND – No comments received.

Representations

2 letters of SUPPORT raising the following comments:

- It is time these disused brownfield sites in the town centre were improved.
- The scheme looks attractive and should give four good quality homes if highways can be persuaded to give the go-ahead over such a narrow entrance.

Although being 'broadly in support' one of the representations raises concern over the access with the following comments:

- It is wrong to say that there are 4 parking spaces. The hard standing may fit 3 cars, but it is not often used.
- There will be additional vehicle movement through the blind narrow exit directly onto Wellington High Street.
- Query whether the access will be adopted and how it will be maintained.
- Access from Clifford Terrace or Scott's Lane would be preferable.

PLANNING POLICIES

W7 - TDBCLP - Primary Shopping Area,
 W8 - TDBCLP - Restrictions on Change of Use from Class A3,
 W1 - TDBCLP - Extent of Wellington,
 STR2 - Towns,
 STR4 - Development in Towns,
 EN14 - TDBCLP - Conservation Areas,
 EN23 - TDBCLP - Areas of High Archaeological Potential,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

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)	£4,316
Somerset County Council (Upper Tier Authority)	£1,079

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£25,898
Somerset County Council (Upper Tier Authority)	£4,474

DETERMINING ISSUES AND CONSIDERATIONS

The site is located in the centre of Wellington where the development is acceptable in principle. The main issues in the consideration of this application are the impact on neighbouring property, the impact on heritage assets and the impact on the local highway network.

Neighbouring property

The most affected dwellings are the 3-storey dwellings in Cubits Place immediately off the south-western site boundary.

The development proposes just one ground floor window facing Cubits Place and it is not considered to cause any unacceptable overlooking. There are a couple of first floor windows in projecting bays a little further back, but these are very small and would only serve bathrooms. A larger bathroom window also sits back within the courtyard of the proposed dwellings, but at 19.5m from Cubits Place and predominantly overlooking the courtyard, it is not considered that any adverse overlooking would result even if the future occupiers chose to install plain glass in this location.

The scheme has also been designed so as not to overlook the Friends Meeting House to the northwest, nor the other proposed dwellings at close range across the courtyard. There are first floor windows in the southeast elevation, but these will predominantly overlook the public footpath; it is not considered that there would be a significant impact on the amenity of the private garden area that lies off the site to the southeast.

With regard to these matters, the impact on neighbouring dwellings is considered to be acceptable.

Heritage assets

The part of the site to be developed lies just outside the Wellington Conservation Area – the access is within. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area when deciding whether to grant planning permission.

Whilst the site is outside the conservation area itself, it does appear to form part of the historic Burgage plot pattern characteristic of central Wellington. The development largely seeks to preserve the status quo here, retaining the strong walls that define the plots within the site. Indeed, it is proposed to build the dwelling into these walls, clearly retaining their visual presence in the site. The loss of the small brick built building is not considered that harm the character and appearance of the conservation area.

The buildings fronting High Street are listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when deciding whether to grant planning permission. This land was probably former curtilage to the listed buildings. However, whilst the boundary walls are largely retained, it generally takes on a detached character and appearance, and no longer reads as part of or contributes positively to their settings'. Indeed, the Friends Meeting House is itself in clearly defined 'backland' and the development site does not obviously impact upon its setting. It is considered that the settings of the various nearby listed buildings would be preserved by the development.

Design

The development proposes a fairly modern design approach, with clean lines between the changes in material and fenestration. The use of projecting bays and narrow slit windows in their returns is considered to be an imaginative approach to prevent overlooking on a tightly constrained site. The use of red brick and, in particular slate roofs, is representative of the local vernacular as is render and the retention of the stone wall is welcomed. The inclusion of some timber cladding adds a modern twist to the development. Subject to final clarification over proposed materials, the application is considered to be acceptable in design terms.

Highways

The application proposes 4 parking spaces within the application site; previous proposals for the development of the site have provided no on-site parking. The Local Highway Authority have raised objection to the proposal in that they consider that the increase in traffic would cause a detriment to highway, particularly pedestrian, safety. The Town Council raise no objection provided that the Highway Authority are happy with the arrangement – and by extension would appear to object to the proposal in light of Highways' comments.

The highways position is understandable given that the access is very poor indeed – it is narrow and the tunnel through which one must pass to access and exit the site is flanked by buildings that are built right on the back edge of the footway. Pedestrian visibility is practically non-existent as a consequence and vehicular visibility is poor and often hampered by parked cars.

The existing traffic generation of the site is unclear. The applicant's agent suggests that the site has historically been used for parking and the previous owner was a builder/carpenter. It is suggested that the builders operated from the site with a van and pick-up truck. He has produced an up-to-date 'Yell.com' entry showing that the site has Goodways Builders listed at the address and states that the premises is registered as business premises. Certainly the existing building has a set of garage doors installed with a 'no parking' sign which would appear to indicate that the building was in use for parking and that parking regularly occurred on the adjoining land to some degree. Unfortunately, it is now impossible to determine the historic use, but there would be nothing to stop the continued use for parking continuing, nor some form of business use within the buildings together with their own traffic generation. Given the Yellow Pages entry, it further appears that business could be carried on without permission; it appears that up to four cars could be parked on the site and this is commensurate with the proposed level of use. Given the location of the site, the use of the car for accessing day to day services would be unlikely and this would reduce potential traffic movements from the site.

In addition to the historic and potential traffic generation of the site, it should also be noted that the access also serves adjoining land either end of the site – the private residential parking to the southeast and commercial parking for Stags estate agents to the northwest. There is already a certain amount of traffic that uses the access on a daily basis and, therefore, even with the uncertainties over the historic use of the site, it is unlikely that the increase in traffic over the access as a whole would be significant.

The Highway Authority have also raised concern that the standard turning head could not be accommodated on site and, therefore, vehicles are unlikely to be able to undertake a 3 point turn. This is noted, but is considered that it would be possible to turn on the site, even if this took more than the accepted 3 manoeuvres on some occasions. Given the length of access from the highway it is unlikely that residents would seek to reverse and, importantly, given the very limited visibility and nature of High Street it is hard to believe that any car driver would seek to reverse back through the tunnel and onto the highway.

With regard to these matters, it is considered unlikely that the proposed development would not have an unacceptable impact on highway safety.

Other matters

The site has the potential to accommodate wildlife, both in the unkempt scrubland and within the buildings. Whilst no survey has been submitted with this application, previous surveys have consistently indicated that there is limited wildlife on the site. Nevertheless, given the passage of time, it is possible that wildlife occupies the site and it is recommended that a condition is imposed that requires a further up to date survey and submission of a mitigation strategy.

The development proposes to incorporate underground surface water attenuation with some infiltration. This is considered to be appropriate in this location.

Conclusion

The development is considered to be acceptable in principle and would not impact on the amenities of nearby property nor heritage assets in the vicinity. With regard to the existing and historic uses of the site, it is unlikely that the development would have an adverse impact on highway safety sufficient to warrant refusal of the application. On balance, the proposal is considered to be acceptable and 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

STRATEGIC LAND PARTNERSHIPS

OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT UP TO 320 DWELLINGS, GREEN INFRASTRUCTURE INCLUDING PUBLIC OPEN SPACE, ASSOCIATED WORKS AND DEMOLITION OF BUILDINGS WITH ALL MATTERS RESERVED ON LAND AT HARTNELLS FARM, MONKTON HEATHFIELD

Location: HARTNELLS FARM, MONKTON HEATHFIELD ROAD, MONKTON HEATHFIELD, TAUNTON, TA2 8NU

Grid Reference: 325615.127233 Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the applicants entering into a legal agreement to secure:

- 25% affordable housing to be split 60% social rent and 40% intermediate
- Drainage contributions to enable (i) the completion of a flood risk option study to identify an appropriate solution to overcome the drainage restrictions for this site (£50,000 max) (ii) the delivery of the agreed surface water drainage solution (£450,000 max)
- Various highway works as outlined in the application
- Travel plan to reduce vehicular traffic movements from the new dwellings
- Provision and maintenance of public open space and children's play areas
- Contributions based on 170 dwellings towards the provision of the western relief road (actual level to be determined following legal advice from QC)
- On site provision of Integrated Public Art

RECOMMENDED CONDITION(S) (if applicable)

1. (i) Before any phase of the development hereby permitted is commenced detailed drawings of the layout, scale, appearance, access and landscaping of the development shall be submitted to and approved in writing by the Local Planning Authority as required for each phase (hereinafter called "the reserved matters")The development shall thereafter be carried out in accordance with the agreed drawings.
- (ii) Application for approval of the reserved matters under (i) above relating to the first phase of development shall be made to the Local Planning Authority within three years of this planning permission and application for approval of reserved matters under (1) above relating to the remaining phases shall be made to the local planning authority within 10 years of the date of this permission. Phases are

as shown on the submitted **phasing plan**

- (iii) The development hereby permitted shall be begun, not later than the expiration of three years from the date of this permission, or before the expiration of 2 years from the date of the approval of the final reserved matters whichever in the later.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. No development shall take place within the site until there has been submitted to and approved in writing by the Local Planning Authority, a design code for the site in its entirety (herein after called the "Design Code". The design code shall be submitted prior to the submission of any applications for reserved matters. The design code shall include detailed codings for :

- Architectural and sustainable construction principles;
- Character areas, street types and street materials;
- Block types and block principles;
- Internal highways, cycleways and footpaths;
- Cycle and car parking principles
- Building types, heights and materials
- Surface treatments for all areas and
- Boundary treatments.
- Landscaping principles
- Children's play areas, public open space and allotments

The Design Code shall be based upon the illustrated layout no STRA2004/4011

Reason : To ensure a comprehensive, co-ordinated and well planned development with a high standard of design reflecting the character of the local area.

3. Applications for reserved matters shall accord with the approved design code unless an alternative is first agreed in writing by the Local Planning Authority

Reason : To ensure a comprehensive, co-ordinated and well planned development with a high standard of design reflecting the character of the local area.

4. The development hereby permitted shall be carried out in strict accordance with the details of the approved Flood risk assessment (FRA – prepared by WSP consulting and dated 20th December 2013).

Prior to any reserved matters approval, a detailed drainage scheme for that phase, plot or parcel of land shall be submitted to, and agreed in writing by the

local planning authority. The scheme shall include details of the phasing and maintenance of all drainage infrastructure. The development shall be carried out in strict accordance with the approved details and thereafter maintained in full working condition.

Reason : To ensure that flood risk is not exacerbated through the use of SuDs

5. No more than 149 dwellings and the roads to serve those dwellings shall be constructed on site until a surface water drainage solution, to cater for the surface water run off generated by the additional development of the land, has been submitted to and approved by the local planning authority, delivered in accordance with the approved details and fully functional.

Reason: To ensure that flood risk is not exacerbated through the development of the 320 dwellings increasing the risk of flooding for third parties downstream of the development.

6. (i) Before any phase of the development hereby permitted is commenced details of the landscaping scheme for that phase, which shall include details of species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) Each phase of the landscaping scheme shall be completed before the following phase of the development commences unless otherwise agreed in writing by the Local Planning Authority.

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

Reason : To ensure that the development can be successfully assimilated into the surrounding landscape and create a high level amenity for the proposed development.

7. Prior to the commencement of each phase of development a landscape strategy and management plan shall be submitted to and approved in writing by the local planning authority. The landscape strategy and management plan shall include details of the proposed structural and internal landscaping, the maintenance of all open spaces including flood attenuation features and the proposed timings for the provision of the landscaping works. The landscape management plan shall include details of the extent and timing of grass cutting, shrub pruning and tree maintenance. The landscape strategy and management plan shall thereafter be implemented on site in accordance with the approved plan unless otherwise agreed in writing by the local planning authority.

Reason : To ensure that the development can be successfully assimilated into the surrounding landscape and create a high level amenity for the proposed development

8. Prior to the commencement of the first phase of development details of the Children's play areas and public open space shall be submitted to and approved in writing by the local planning authority. Such details shall be in compliant with the requirements of Taunton Deane Local Plan saved policy C4 and include details for the timing of the provision of those facilities and their subsequent maintenance. Once approved the Children's play areas and public open space shall be provided in and maintained in strict accordance with the approved details

Reason : to ensure an appropriate level of Children's play equipment and public open space to serve the residents of the development.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the public open space and children's play areas remain open and available for public use at all times and in the interests of the visual amenity of the area.

10. 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 Local Policy and the National Planning Policy Framework.

11. Prior to the commencement of construction works on site a foul and surface water drainage strategy and timetable for its provision shall be submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be thereafter be completed in accordance with the approved details.

Reason: To ensure that proper provision is made for the sewerage generated from the development and that the development does not increase the risk of sewer flooding to downstream properties.

12. Prior to the commencement of works on site detailed plans showing an open area adjacent to Hartnells Farm listed building shall be submitted to and approved in writing by the local planning authority. The plans shall be based on the details on the illustrative masterplan no 3201 and shall include the timing for its provision on site. Once agreed in writing the open area shall be laid out in accordance with the approved details and thereafter be maintained as such.

Reason: To protect and enhance the character and amenity of the listed building and its setting.

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

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

14. No more than 150 dwellings shall be constructed and occupied until the western relief road, as required by the Taunton Deane Core Strategy, has opened for use or an alternative which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure that the development does not result in an unacceptable overloading of the existing highway network.

15. Prior to the commencement of construction work on site details of a roundabout junction between the proposed service road and the A3259 highway, based on the submitted plan number 1492-PHL-107-A shall be submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby approved shall be occupied until the approved junction has been constructed in accordance with those details and is open for use by traffic.

Reason: In the interests of highway safety.

16. No dwelling shall be occupied until that part of the service road or drive which gives access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

17. No dwelling shall be occupied until space has been laid out within the site for cars to be parked off road and where appropriate for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: To ensure that cars generated by this permission can be parked safely.

18. Prior to the commencement of construction works on site full details of the proposed cycle parking for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include covered and secure storage facilities for cycles. Prior to the occupation of any dwelling hereby permitted the approved covered and secure storage facilities for cycles shall be provided in accordance with the approved details and shall thereafter be maintained unless an alternative is first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles.

19. The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

20. No part of the access drive shall be laid out at a gradient steeper than 1 in 10.

Reason: In the interests of highway safety.

21. No work shall commence on the development hereby permitted until details of the proposed off-site highways works shown on drawings 1492-PHL-107-A & 1492-PHL-101 A have been submitted to and approved in writing by the Local Planning Authority.

These works shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use.

Reason: To ensure an appropriate junction with the A3259 in the interest of Highway Safety

22. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local

Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

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

Reason: To ensure that the proposed development is carried out in a well planned and safe manner in order to ensure highway safety throughout the construction phases.

23. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of

the contaminants.

- An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial

works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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.

24. Prior to the commencement of works on site details of a wildlife mitigation scheme (Construction Environmental Management Plan (CEMP) and a Landscape and Ecology Management Plan (LEMP)) shall be submitted to and approved in writing by the local planning authority. Such plans shall be based on the Ecological Environmental Impact Statement and indicate the following:

- the creation or enhancement of a minimum of 1.88 Habitat Units of woodland planting using the methodology described in the Ecological Environmental Impact Statement based upon the current site boundary and habitat data provided in the submitted ecology reports (Thurley Associates, 2013a). It shall also include the locations, planting schedule and layout of the proposed habitat creation /enhancement will be agreed with Taunton Deane Borough Council prior to planting.
- The provision of a minimum of 20 metre buffer of woodland with an associated Somerset bank, as set out by Thurley Associates (2013a), around the northern and western boundaries of the site. Once the details are approved the Somerset bank shall be installed before commencement of the proposed built development.
- Retention of the existing hedgerows on the boundaries of the development facing open countryside. These can be incorporated into the buffer planting

Reason: To protect Lesser Horseshoe bats and their habitats from damage

bearing in mind this species and its habitat is protected by law.

25. Prior to the commencement of works on site a wildlife management plan for the whole development site shall be submitted to and approved in writing by the local planning authority. The wildlife management plan shall include the appropriate management of the woodland planting areas for lesser horseshoe bats and shall include measures to promote the establishment of the planting to a favourable structure for lesser horseshoe bats, such as future thinning and the replacement of 'nurse crop' species (such as poplar and Norway spruce) with oak and other native species to give a more diverse age range.

The wildlife mitigation planting areas shall thereafter be managed in accordance with the approved wildlife management plan.

Reason: To protect Lesser Horseshoe bats and their habitats from damage bearing in mind this species and its habitat is protected by law.

26. Prior to the commencement of works on site full details of the paths and cycleways into and through the woodland areas shall be submitted to and approved in writing by the local planning authority. The details shall ensure that all paths and cycle ways from outside the habitat buffer / corridor shall be constructed diagonally rather than at right angles and are not be lit. Such paths / cycle ways will not exceed 3m in width and that the paths and cycleways within the woodland areas are unlit by artificial lighting at all times.

Reason: To protect Lesser Horseshoe bats and their habitats from damage bearing in mind this species and its habitat is protected by law.

27. Prior to the commencement of works on site full details of a lighting strategy shall be submitted to and approved in writing by the local planning authority. This strategy shall follow the design suitable for lesser horseshoe bats produced by Somerset County Council (Bennett, 2012) and incorporate the following measures:

- There will be no routine night-time working during the construction stage of the development.
- Street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive bats. All bat corridors shall not exceed 0.1 Lux which is the recommended light level for horseshoe bats in corridors through development (Natural England, 2010)
- Lighting will be of the LED type which is highly directional.

Reason: To protect Lesser Horseshoe bats and their habitats from damage bearing in mind this species and its habitat is protected by law.

28. The gable ends of dwellings or other buildings facing woodland habitat creation will not have windows in order to reduce any artificial lighting affecting the behaviour of bats in new and existing habitat .

Reason: To protect Lesser Horseshoe bats and their habitats from damage bearing in mind this species and its habitat is protected by law.

29. There shall be no external artificial lighting on ends of dwellings or other buildings facing the woodland habitat creation areas or gardens adjacent to woodland habitat creation areas unless details have first been submitted to and approved in writing by the Local Planning Authority .

Reason: To protect Lesser Horseshoe bats and their habitats from damage bearing in mind this species and its habitat is protected by law.

Notes to Applicant

- . There is limited available capacity in the existing water supply network to accommodate development. Network modelling will be required to determine the nature and cost of off site network re-enforcement required to maintain levels of service
- . 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

This is an outline application for residential development of up to 320 dwellings on 16.1ha of agricultural land in the vicinity of Hartnells Farm.

The proposal includes the position of a new access for the development off the A3259. It would be located and just to the east of the current settlement limits. The details are reserved for subsequent approval. The new access is likely to take the form of a mini roundabout (to cater for the proposed new access to the south associated with the existing outline permission and reserved matters application 48/14/0016). The proposal also includes the provision of a new footway linking west to the existing footway along the A3259 and east to the boundary of the site.

An illustrative concept plan has been submitted with the application. This indicates the likely layout for future development of the site and includes the areas required to provide wildlife mitigation, (to the west and north of the site) and a central open space and play area. To the south of the site lies Hartnells Farmhouse and barns, Grade 2 listed buildings. Whilst these have been specifically excluded from the application site the impact of future development on the setting of those buildings has been considered and as a result an open area of land is indicated to the north, west and east of the listed complex.

The outline application is accompanied by an Ecological Environmental Impact Assessment in particular considering the impact of the development on the Lesser

Horseshoe Bats present at the site and likely to originate from the SAC at Hestercombe House.

It is proposed to split the development of the site into two phases. Phase 1 will comprise the provision of 150 of the dwellings to the south of the site. It will include, highway access off the A3259 and internal access roads, surface water attenuation works, foul drainage works, A3259 highway works, ecological planting, children's play areas and public open space. Phase 2 would develop the northern section of the site when the current highway, surface water drainage and ecological objections have been overcome or adequately mitigated (detailed in the report).

The site is part of a larger Core Strategy allocation (SS1) but extends approximately 70m beyond the northern limit identified in the Core Strategy and as such has been advertised as a departure from the development plan.

SITE DESCRIPTION AND HISTORY

The application site is located to the north east of the settlement of Monkton Heathfield outside but adjacent to the current settlement limits. The site is approximately 5 km from Taunton town centre. The site comprises 16.10 ha of grassland used for arable or grazing and is approximately 372m west-east x 615m north-south (largest dimensions) and stretches northwards from the A3259. There are a number of hedges around and crossing the site. The site rises gently from the south to north. The limit of development to the north is marked by a steepening of the slope towards the Hills beyond.

To the south of the site is the A3259 with residential properties beyond and to the east of the site are existing residential properties. The A3259 runs west – east through Monkton Heathfield and is one of the main links between Bridgwater and Taunton with a frequent bus service.

There is no relevant planning history for this site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL -

Amended application Original application

This application is outline only and so it is understood that the site plan and a substantive part of the documents presented are indicative only. This response is presented in two sections, comments on the outline and a wish list for the detailed. Following the experience and involvement (CEP) of the first 1000 house application, the Parish Council now would seek and expect full involvement at every stage through the process towards and including the detailed application. The Parish Council consider that these major applications require considerable consultation. The Parish Council has repeatedly sought for greater consultation, and this request will continue to apply as the development of 4500 houses

progresses. TD Planners have been consistent in their promise to involve WMPC in regular minuted meetings. Two meetings have been convened, no minutes have been circulated subsequently, and the Parish Council is concerned that its involvement has been restricted. Under new legislation, collaboration and consultation is essential so that CIL is spent in the best possible way conforming to the 'Inclusive Community Objective' expressed by TDBC in the Core Strategy.

The Parish Council is aware that this application has come forward earlier than expected in order to satisfy the 5 year supply of deliverable building land and would argue that this strengthens the case being made by the Parish Council, that all the MH sites within the Core Strategy should be considered as phases within a development. As such, the applications that come forward are part of a whole, and the outcome will be a 'small town the size of Wellington' (quote from the Core Strategy). WMPC submits the argument that consideration of applications within the MH Core Strategy has to be done holistically, and that if there is no overall plan then this application could be considered as premature. The current practice of only considering the application on the table denies the opportunity of building a sustainable community, which contravenes the NPPF.

In broad principles the Parish Council endorses the provision of the following:

- Public Open Space:
- 25% Social and Affordable Housing giving preference to local families, not for just the first application, but that a percentage of the rented property should be considered for local applicants every time in perpetuity, conforming to the principles of the Communities legislation keeping families together:
- Allotments, although the indicative plan has placed them centrally rather than on the periphery of the development.
- Crime prevention principles in accordance with the Crime and Disorder Act 1998.

The quality of the Parish of West Monkton as a place to 'Live, work, travel and leisure' (quote from SLP application) applies to the existing population as well. The Parish Council notes that the quality of the environment currently is affected by the very major building works currently underway, site traffic, site noise, disruption of roads access and services. This is work associated with only the first 500 of the 4500 house settlement envisaged in the Core Strategy, the downside indicates that MH will be a major building site unremittingly for the years ahead to 2028 or the completion of the delivery of the Core Strategy.

Planning application

The application is outline and much of the additional supporting documentation is therefore indicative only apart from '...highway access at land at Hartnells Farm, Monkton Heathfield', which is for detailed.

The consideration of this application should be part of broader infrastructure considerations because other sites within the Parish are identified in the Core Strategy which will come forward, and some are already in the system. Unlike previous practice, an holistic approach is needed. Therefore an overall strategic plan for the whole area is required. Without such a clear infrastructure plan and an uncompleted Western Relief Road, this application is premature.

The Western Relief Road (WRR) is critical to serve the existing population and the

population that will come with the Persimmon/Redrow and Strongvox developments south of the A38. Outline permission has been granted for 900 (327 Persimmon/Redrow and 51 Strongvox have detailed permission and are under construction). The Peter Evans Transport Assessment Report (TAR) submitted for the Persimmon/Redrow 900 house application judged that the trigger by which the WRR would be required was at 651 dwellings. It would therefore be entirely inconsistent for a further 320 houses to be built before the WRR; i.e. it needs to be in place before the Hartnells development begins. Without the WRR, traffic movements on, off, and through the A3259 will be considerably in excess of the figures presented in the WSP Traffic Assessment Report for the Hartnells application.

In the WSP UK Ltd TRA p27 para 5.7.3 states ‘...SCC has advised that until such time as the ‘western relief road’ is built, and *for which there is currently no commitment from them or a developer* (WMPC Italics) to do so, traffic calming on the A3259 through Monkton Heathfield will be ‘low key’ and will not act as a deterrent to through traffic’. The Parish Council takes serious issue with this statement since there is a S106 requirement, further reinforced by a Memorandum of Agreement between TDBC and Persimmon/Redrow, signed March 2007. Hard copy of this will be provided to TDBC Planners. It is of note that section 7 of this MoA reads ‘the Consortium agrees to pre-fund the Highway cost and associated administration costs relating to the making of any CPO relating to the WRR’. The Peter Evans TAR shows clearly that there is a need for the WRR and SCC has produced various plans in preparation of the WRR.

Despite the figures produced by computer modelling by WSP and demonstrated at the public exhibition, the volume of traffic and data about waiting times described in the WSP TA is considered to be on the light side by residents who use the road on a daily basis. Traffic calming **DOES** need to be in place and an example should be taken from the requirements imposed just up the road at Monkton Elms Garden Centre where a huge visibility splay and road widening was needed with supporting road markings. The Hartnells proposal does not include a safe middle lane, which potentially puts drivers turning right into Hartnells in a hazardous position since WMPC does not believe that traffic calming can be achieved by the proposed traffic lights and two pedestrian crossings. WMPC’s position is based on real life real time experiences turning onto and off the A3259 at various times of the day. The Parish Council believes that the traffic modelling produced in support of the application has been based on either, out of date, or flawed statistics.

In the absence of an overall strategic plan detailing access points, the proposed location for traffic lights on the A3259 could cause vehicular conflict and problems for a potential access to the west of Greenway site. Furthermore, when the development at Prockters comes forward under the Core Strategy, the only access shown will be through the Hartnells development. Are the proposals for the junction on A3259 and the estate roads designed to accommodate the additional traffic?

The absence of a completed WRR agreed and required at 651 dwellings on the Persimmon/Redrow site, must call into question the traffic plans for the proposed layout in the Hartnells application.

In conclusion: For the proposed layout to work i.e. no safety reservation for the right turn into Hartnells, the WRR has to be in place first. Without the WRR, the

application is premature and could not be supported.

Comments on proposals

The PC endorses:

- The suggestion of an Energy Centre. However the indicative site plan does not show it.
- The Public Open space and Landscaping and the proposed green drainage schemes is endorsed. The acreage should be maintained – Landscaping 3.9Ha and POS 1.52Ha – despite any subsequent variations of housing in the detailed application. The Bat survey supports the acreage. The surface of the footpaths should be permeable and accessible for disabled.
- The indicative plans for 2 storey houses only and no flats, in keeping with other dwellings on the north side of the A3259 is endorsed. The Parish Council would have difficulty supporting the 'coach house' style of dwelling on the northern side of the A3259; and in any event these buildings have been a source of concern and fear of crime by neighbours.

The PC also consider that

- There must be provision of adequate space for parked cars
- There must be provision of access for refuse and emergency vehicle access
- A holistic highway solution within which details of traffic lights along the A3259, access to Hartnells farm and buildings and access to the Prockters Farm site are included and future proofed
- There must be provision of 11 – 17 year old leisure with consideration of litter, behaviour, demographics in line with the Crime and Disorder Act 1998.
- The underground water retention tanks would be an ideal site for tennis courts or MUGA type provision. Bearing in mind the Elderly demographic, the Parish Council would like to see some ground floor single storey accommodation. Drainage on the site is proposed to relieve the flooding in (adjacent) Greenway and Prockters Farm and the PC would like this to be a firm requirement for the development of this

SCC - TRANSPORT DEVELOPMENT GROUP - no objection subject to conditions (as shown within the recommendation above). The applicant is still intending to deliver 320 residential units in this location. However they have now proposed to amend this to a phased approach. So that the first phase will only consist of 150 units but provide all the mitigation measures, which would include the off-site highway works. The remaining 170 units will not be delivered until the appropriate highway infrastructure has been completed i.e. the Eastern Relief Road (ERR) and Western Relief Road (WRR).

The Highway Authority is satisfied that based on the modelling provided and the incorporation of the proposed mitigation measures the provision of 150 residential units will not have a detrimental impact on the highway network. Therefore the Highway Authority can no longer hold their objection to this proposal on traffic impact grounds.

Notwithstanding the above a robust Travel Plan will need to be secured through the appropriate legal agreement to generate a modal shift away from the use of the private car.

In terms of the internal layout it is appreciated that this only an outline application

with full internal details to follow as part of the reserved matters scheme. However the applicant will need adhere to the Highway Authority's design guidance for estate roads. In regards to the point of access onto A3259 it has become apparent as part of the wider discussions relating to the delivery of residential development in Monkton Heathfield that the access to Hartnells Farm site would be opposite a link road that will be delivered as part of the Monkton Heathfield extension. The Highway Authority would have concerns over two junctions being located in close proximity to each other and has been in discussion with both parties to find a solution. These discussions have culminated in the provision of a mini-roundabout in this location. The Highway Authority is currently auditing a drawing based on this scheme and any highway works in this location would need to be secured as part of the legal agreement.

Therefore to conclude the applicant's proposal of limiting the level of development to 150 units and the provision of all the mitigation measures means the Highway Authority are unable to uphold our objection to this proposal.

LANDSCAPE - No objection subject to relevant conditions including the need to maintain and manage all open spaces, swales and flood attenuation areas.

The proposed impact meets with the landscape requirements of the Local Plan allocation and subject to detailed landscape proposals is considered to be acceptable.

HERITAGE - I have no objection to the above application proposals provided that the open areas to the NW and SW of the farm complex, as shown on the Illustrative Masterplan Dr No 3201 are secured.

POLICE ARCHITECTURAL LIAISON OFFICER - none received

DEVON AND SOMERSET FIRE & RESCUE SERVICE - none received

HOUSING ENABLING - supports this application based on need . 25% of the new housing should be in the form of affordable homes. The required tenure split is 60% social rent and 40% shared ownership. As a broad indication the units should comprise of 10% 1b2p units, 40% 2b4p houses, 40% 3b5p and 3b6p and 10% 4 b6p.

The shared ownership units should be located within their own block / terrace and should primarily be 2b4p houses with a few 3 bed 5p houses.

10% of the total affordable housing provision should be in the form of disabled units for social rent.

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 supersede at the date of approval of the full

application or reserved matters application.

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

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

DRAINAGE ENGINEER - Agrees to the initial comments of the Environment Agency.

WESSEX WATER - No objection subject to conditions - Sewers will need to be constructed to the proposed new Mandatory Build Standard and Sewers for Adoption 7th Edition. There is limited capacity within the downstream sewerage system to accommodate additional flows from this development.

The drainage proposals illustrated in Appendix E of the Flood Risk Assessment appear to be in accordance with pre-application discussions between Wessex Water and the applicant's consultants. We have yet to fully appraise and agree, however, measures to reduce the risk of downstream flooding and pollution and suggest a planning condition to ensure agreement is made prior to connection to the sewerage system:

There is limited available capacity in the existing water supply network to accommodate development. Network modelling will be required to determine the nature and cost of off-site network re-enforcement required to maintain levels of service

LEISURE DEVELOPMENT –

On site Children's play - Policy C4 requires 20 sq m of equipped and casual play space per family sized dwelling. In the event that all dwellings are family sized then an area of 6,400 sq m would be required. The CPA should be centrally located as indicated on the illustrative masterplan, with natural surveillance. The dwellings surrounding the play area should front onto and overlook it. No dwelling shall be in excess of 400m walking distance from the play area. The illustrative plan indicates two play areas either side of the access road and I have concerns about children crossing the road between the two areas.

Outdoor Recreation - On site provision of 45sqm of public open space per dwelling is required. The proposed Arboretum and woodland would appear to be sufficient on site provision.

Allotments - The illustrative plan shows land to be provided for allotments. This will need to comply to the relevant standard (15.4sqm per dwelling).

Community Halls - The development will not trigger the need for a new hall but contributions are required towards community hall provision for future residents.

Public Art - Either a contribution 1% of development costs shall be provided in the

public realm or the integration of public art into the scheme shall be provided.

SCC - CHIEF EDUCATION OFFICER - As you will be aware, there is a severe shortage of places at all education levels in Monkton Heathfield, so contributions should be sought please through Section 106 of the Act.

The contributions required would be calculated for 30 primary school places per 150 dwellings; 30 secondary places per 210 dwellings; 3 pre-school places per 100 dwellings.

320 dwellings / 150 x 30 = 64 primary school places; @ £12,257 per place = £748,448

320 / 210 x 30 = 46 secondary school places; @ £18,469 per place = £849,574

320 / 100 x 3 = 10 pre-school places; @ £12,257 per place = £122,570

BIODIVERSITY - No objection subject to conditions.

The proposal is an outline but the development will involve the loss of 350 m of hedgerow and some trees. Proposed landscaping seeks to retain wildlife habitats and includes off sett habitat creation for Lesser Horseshoe bats.

The Ecological Environmental statement findings were as follows:

Bats- The site supports an extensive assemblage of bat species -a minimum of 11 species, but probably 12 or 13, with high levels of commuting and foraging by common and soprano pipistrelles; a reduced, but still common level of commuting and foraging activity by Myotis and long-eared bats, as well as noctule and serotines, and additional but lower levels of use by greater horseshoe, lesser horseshoe, barbastelle and Leisler's bats.

There was no evidence of roosting within the farm buildings within the development site, however evidence indicates that locally breeding populations of both common and soprano pipistrelles are present in areas of residential housing around the site. Noctule bats probably breed in trees on site particularly woodland trees in the north east corner of the site. The hedgerows within the site are important at a local level providing corridors and feeding habitat for bat populations.

The northern boundary of the Assessment Site is c.1.7km from Hestercombe House SAC. Hestercombe House SAC "constitutes a summer maternity roost and winter hibernacula for a colony of lesser horseshoe bats. In the '*Hestercombe House SAC Appropriate Assessment Final Report*', prepared by Larry Burrows, Ecology Officer at Somerset County Council parts of the site were shown to lie within either the 'Combined Area' (CA) or 'Inferred Area' (IA) for this important bat roost. Site mitigation and off sett compensation planting for Lesser horseshoe bats was identified for proposals in these areas. This proposal includes new woodland/scrub planting to be concentrated around the western and northern boundaries of the proposed development. This has been designed to provide long-term foraging habitat for a range of bat species (including the lesser

horseshoe bats which use nearby Hestercombe House SSSI/SAC), and to limit the potential for illumination of land outside the proposed Development area and within the bat mitigation areas.

The Appropriate assessment calculates that 6.26 hectares of off sett planting is required. The amount of proposed planting for this proposal appears to be less than this figure and Larry Burrows views on the proposal are awaited (see SCC Ecologist comments below).

Monitoring - A strategy for assessing the success of the mitigation measures and enhancements will be essential as part of the proposed development of the site.

The monitoring proposed should focus on bats as a key 'indicator' species.

I support the following recommendations

- Bat activity surveys in summer to monitor the use of the offset habitat creation areas by commuting and foraging bats. This will be especially important for lesser horseshoe bats, as it has to clearly be demonstrated (by means of observations or static recordings) that these planted areas are 'functional' for this species. Without functional lesser horseshoe bat habitat being present within the Assessment Site, no development of land in the Combined or Inferred Areas can take place.
- These activity surveys to commence in the first summer following planting, and to continue on an annual basis for another five years – or until such time that lesser horseshoe bat activity has been confirmed

Badgers - Whilst the site includes or is adjacent to good foraging habitat for badgers, including herb rich unimproved grassland, cereal crops, orchards, gardens etc. there was only limited evidence of badger activity in this study area. From the limited signs of badger activity, it appears this site is not a significant foraging area.

A walk over badger survey should be carried out prior to any development to confirm that badgers have not moved into the area and built any setts in the period between 2011 when the survey was carried out and the start of development

Dormice - There was no evidence of Dormice and they are unlikely to be present due to lack of significant hedges and poor connectivity.

Amphibians - Although there are no watercourses or ponds on this site there are several ponds in the area where small numbers of common toads within the field margins and smaller fields on the far western side of the Assessment Site

(Common toad is listed as a 'Species of Principal Importance' under Section 41 of the NERC Act 2006) were identified.

Reptiles - There was evidence of adult male/female as well as juvenile slow worms using the site as well as some common lizards and a grass snake.

Birds - There is no indication of the presence of Schedule 1 species within the Assessment Site. No detail breeding surveys were undertaken as the majority of the site comprises of habitat that is likely to be used by relatively common birds.

Given the generally poor habitat types present within the site, it is reasonable to assume that it will not be used by more than 25 breeding bird species. The farm buildings to the south of the site are used by swallows

The findings and recommendations for mitigation in the Ecological Environmental statement appear sound.

The surveys are already over a year old so I would expect new up to date surveys to be undertaken at detail planning stage.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - This site was archaeologically evaluated in 2007 as part of a pre-planning proposal. The evaluation showed that there are remains relating to Bronze Age settlement on the site. Therefore, following NPPF and saved Local Plan policies the site will require archaeological excavation in advance of any development taking place.

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

SCC - ECOLOGY - A test of likely significance has been undertaken on behalf of TDBC by the County Ecologist. This identified that the likely impacts of the development affecting lesser horseshoe bats are:

- Loss of hedgerows which act as flight lines, providing access to foraging areas
- Fragmentation of hedgerows preventing access to feeding areas or causing increased energy consumption through taking alternative routes and thereby reducing fitness
- Loss of prey producing habitat, particularly for those insects which breed on grasses or in open fields
- Street or other uncontrolled lighting causing fragmentation of flight lines or resulting in increased energy consumption through taking alternative routes and thereby reducing fitness
- Street or other uncontrolled lighting causing migration of prey away from areas accessible to lesser horseshoe bats and thereby reducing prey availability

These changes could result in a decline in numbers of a breeding colony, and potentially its eventual loss.

The applicant has proposed mitigation for these likely impacts including the provision of on site mitigation and Offset off site habitat creation. Subject to these mitigation works and other safeguards being achieved with planning conditions the proposed mitigation is unlikely to result in a significant effect on the population of the Lesser Horseshoe bats at Hestercombe House SAC. (A copy of the full report is available to read on the Taunton Deane Borough Council web site).

ENVIRONMENT AGENCY - no objection based on the Flood Risk Assessment (prepared by WSP and dated 20 December 2013) and its accompanying

appendices.

The developer has undertaken significant investigation and we are really pleased to see that the FRA provides a comprehensive overview of the issues and design measures in respect of surface water drainage that we have discussed over the past few months. We are satisfied that the principles set out in the revised FRA (discussed in “determining issues” below) will be sufficient to ensure that any risks of increased flood risk as a result of the development will be minimal. These principles are more stringent than the national planning policy because of the specific existing and potential flood risks posed by the development along the Allens Brook and Dyers Brook catchments. It is therefore important that in the unlikely even of any changes to the principles of the FRA are carefully considered under a variation of condition application – hence the suggested wording in the condition.

We will need to see the detailed design proposals for each phase / parcel of development prior to each coming forward, and we would envisage these details, along with phasing and maintenance, to be submitted when seeking to discharge the condition recommended in this letter.

S106 Obligations

It has been recognised within our previous consultation letter for this application, during discussions with the applicant and their agent, and subsequently in the approved FRA that there is a need to provide off-site strategic flood alleviation infrastructure to improve the existing situation at Bathpool and to mitigate for increased volumes of surface water discharging from the developed site. To this end, the Hyder Flood Risk Study (Appendix G of the approved FRA) was commissioned by the applicant. This Study demonstrates that there are a number of solutions of varying cost and magnitude.

The Section 106 Agreement attached to this permission will need to provide for further studies to determine which off-site strategic flood risk option within the Study should be progressed (or indeed whether there are further options which have not yet been considered, or a mixture of several options). The cost of these studies must be borne by the developer and capped at a maximum figure of £50,000. We would want the trigger for this contribution to be within 1 year of the signing of the Agreement to allow a solution to be identified as soon as possible, and for such a solution to be able to be delivered alongside the wider development of the Monkton Heathfield allocation.

The Section 106 Agreement will also need to provide for further financial funds for the delivery of the identified solution; however, the trigger for these funds to be paid can be later within the implementation of the development, as risks of increased flooding rise due to the number of houses on the ground. We recommend that no more than 149 dwellings should be constructed until a sum of £450,000 has been paid by the developer.

The Environment Agency will need to be a signatory to the Agreement because it is likely that we will physically deliver any strategic solution paid for by the developer. The nature and location of the solution selected will determine the appropriate maintenance regime which we would anticipate being taken on by one of the flood

risk management authorities under their own powers

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

A preliminary risk assessment based on a desk top survey did not identify any significant geo-environmental issues. The report recommends that as no significant issues were identified it should not be necessary to carry out an intrusive site investigation prior to planning approval, however, it would be prudent to undertake a limited assessment when a geotechnical investigation is carried out and I recommend that such a condition is attached to any planning permission and that the investigation should include an assessment of the farm yard and buildings lying to the south of the site. .

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.

PLANNING POLICY -

The site forms part of the Core Strategy allocation SS1 for around 4,500 new homes, 22 ha employment, district centre, community facilities, green necklace, relief roads, contributions towards country park, etc.

As such, the principle is acceptable although it is disappointing that the consortium and other parties have not progressed the masterplan as to how the individual elements will all fit together in an integrated and coordinated fashion.

In this regard, the timing of this development and any contribution towards infrastructure could have been progressed as a whole rather than through an incremental approach. From a planning policy perspective I would thus have to rely on other parties (including our legal advice) as to the extent, if any, Hartnells would contribute towards the relief road or the flood prevention measures required for example.

I would however wish to reiterate earlier comments that design and community involvement in the process of form, scale, massing etc remains of vital importance (to a masterplan and/or application) as was the case with the 2004 Development Guide. I am not aware of the extent, if any, that the community have been involved in the emergence of an integrated site solution, including for example, the orchard fronting the A road towards Prockters Farm which should still be retained as a community asset.

SOMERSET WILDLIFE TRUST - We have noted the above mentioned Planning Application and also Ecological Environmental Statement submitted by Turley Associates. We would fully support the comments and recommendations which have already been made by the District Council's Biodiversity Officer and we would

request that those recommendations are incorporated into the Planning Conditions if it should be decided to grant Planning Permission. We also understand that the County Council's own Wildlife Officer is preparing a response to the proposals and we fully support this.

Representations

38 Letters of OBJECTION have been received raising the following points:

- The development in this area should be considered holistically and not on a piecemeal basis to minimise developer costs
- The site is not suitable for additional development without the adequate infrastructure improvements if the finances and opportunities are not available to achieve this development should not proceed
- The development already underway is threatening village identity where is local democracy and why is the community voice not being heard?
- The area has significant development proposed already and does not need any more this should stop now.
- The Core strategy allocation includes the provision of significant key elements which are required in advance of any more development
- The proposal represents a significant overdevelopment of the area without the necessary infrastructure in place
- There is enough new development already in the area and additional development will be detrimental to the balance between countryside and development which characterises the area at present
- There is no point starting another site when there is already development taking place nearby
- Rather than developing here development should take place to the south of the motorway where a new self contained community could be created
- Monkton Heathfield should have been nominated as a pilot for a neighbourhood plan
- Housing should not be allowed on good quality farmland such as this
- The proposal does not include any contributions for the provision of the Western Development Spine Road (WRR) identified in the Taunton Core Strategy policy SS1 as an integral element for the delivery of a new sustainable neighbourhood
- The western relief road should be in place prior to any additional development in the area
- The allocated site requires a co-ordinated approach to development. The necessary infrastructure and its delivery need to be determined before additional development takes place rather than afterwards, as a result of problems
- If the new roundabout is provided before the Western Relief Road the development will result in mayhem along the A3259 and with a blind corner at Richards Crescent and Suningdale cottages there will be a further increase in the risk of accidents
- It is difficult to exit Mead Way at peak times already and traffic from an additional 320 houses will exacerbate this
- There should be a pedestrian crossing (or 1/2) at the south of Mead Way for use by children going to school

- The A3259 is a very busy road and road improvements are essential to avoid significant road safety issues
- The existing road needs to be traffic calmed to safely accommodate additional levels of vehicular traffic and pedestrian movements
- There are currently limited employment opportunities and future residents will need to commute to work placing increased pressure public transport leading to an increase in car trips
- Traffic volumes seem to have increased with recent development at Stockmoor Village at North Petherton/Bridgwater has account been taken of this?
- The existing cycleway network at Yallands Hill is in poor condition and dangerous and needs upgrading if it is to encourage use by future residents
- The effect of the pedestrian crossings on the flow of traffic will be dependent on people pressing the buttons and stopping the traffic which is unlikely at peak hours (5pm – 6pm)
- The additional traffic will exacerbate current capacity issues at Priorswood, Creech Castle and the M5 junctions and early road infrastructure improvements are necessary
- The design and access statement states that new residents will be encouraged to walk and cycle but where to if necessary infrastructure is not in place locally?
- The footpath/cycle link through Meads Way will change a quiet cul-de-sac into a thoroughfare to the detriment of the amenity and safety of existing residents/pedestrians. The link should be for a locked emergency access only.
- The proposal indicates a link from the application site into Mead Way. This is a cul de sac and there was no suggestion that this quiet backwater would change into a thoroughfare and potential playground for children for over 300 homes causing unacceptable amounts of noise and nuisance
- We welcome the puffin crossings but this will not overcome the congestion which will get worse with additional dwellings. (puffin crossings will only work if people want to cross the road but on a winters evening, 5.30 there is no sign of pedestrians and the traffic will neither be slowed or stopped and it will be extremely difficult to take a right turn from Mead Way to Taunton.
- Additional traffic will worsen the bottlenecks at Creech Castle and Priorswood roundabouts and junctions 24 and 25 of the M5 motorway
- Cycle and pedestrian links are no solution if they have no where to link to for local services and jobs
- There is inadequate information regarding traffic flow or transport in the transport assessment for the proposed development nor do the figures appear to include additional traffic generation from committed development
- There is no contingency plan for the closure of the M5 motorway and its re-route through Monkton Heathfield/Bathpool
- The figures do not take account of the effects of bottlenecks on the A3259 Obridge viaduct during peak times and their effect on the A3259 and the data appears flawed
- It is not clear what mitigation proposals are suggested to help facilitate the increased use of public transport across the Borough(important as 25% of new homes will be affordable houses where residents may not be able to own a car
- All estate roads need to be wide enough to cater for both cars and pedestrians to avoid any conflicts between users as well as emergency vehicles
- Adequate provision of visitor parking should be included
- There should be reference to crime and order statistics (traffic offences,

antisocial behaviour crime etc)

- Full consideration should be given to the safe routes to primary schools at Cheddon Fitzpaine, via Greenway and Pritchards Hill and to Creech St Michael via the A38 and Langaller Bridge
- The proposed link from the development site onto Greenway is too narrow with little street lighting
- There is inadequate street lighting on the A3259 between Yallands Hill and the Crown Industrial Estate
- The problems of congestion will get worse with three additional traffic lights along the A3259
- The emergency access via Mead Way will go past an existing play area and would be unsuitable and should be relocated elsewhere.
- the emergency access/ pedestrian and cycle link through the existing play area onto Mead way should be re-thought
- Gardens backing onto the site are under water for most of the winter and further development at a height level will exacerbate this
- The proposed development will be at a higher level (3 – 4m) to existing properties and surface water is likely to make the existing ground conditions worse is not adequately dealt with
- Drainage from this site must be dealt with properly to avoid additional flooding of land and or properties downstream
- The surface water storage pond and Mead Way has been at capacity in the recent months and has no capacity for additional water from the adjacent site
- The Blundells Lane ditch should be re-instated as a result of these proposals – a community benefit
- The A3259 floods between Greenway and Monkton Elm and between Yallands Hill and the Crown Industrial Estate roundabout and this should be addressed as additional traffic will have problems using the roads, which access the railway station and Taunton town centre
- Prior to construction an assessment of the existing drainage must be submitted with a proposed drainage scheme that will have the capacity to cater for existing and proposed surface water demands to reduce the risk of flooding
- A drainage ditch must be created between Hartnell Farm and Mead Way
- Where will new residents work? Which doctors and schools will they use? What will be the social impact of the development?
- The dwellings should take account of the level differences with Mead Way and avoid undue overlooking
- The development should be in keeping with the Mead Way estate
- Three storey houses would be out of keeping with and detrimental to the area
- The proposed levels of development in the area will change the village forever and it will lose its identity
- The development will result in the loss of the rural setting and wildlife experienced by existing residents to the detriment of the village
- Monkton Heathfield will become an urban area rather than rural
- the development will result in the loss of views and reduction in the peace and quiet currently enjoyed by existing residents
- Care should be taken in the relationship between the type and proximity of market and social housing to Mead Way
- The proposed tree planting is shown close to the boundary with existing properties and this would reduce the amount of light entering those properties
- The development is high density and will result in noise and air pollution for existing residents

- Development at the north of the site will tower above the skyline due to their elevated position
- The percentage of affordable housing is too high and should be reduced
- There should be a wedge of undeveloped land between the new development and the existing community
- Primary and secondary schools are already at capacity and new schools are required
- The existing medical services are 15 minute walk away is there really spare capacity when it is already difficult to get an appointment?
- In order to cater for the additional development the area needs extra services such as a post office, dentist, food store, modern recreation facilities, open spaces and a sports centre
- Insufficient consideration has been given to wildlife in general (other than the Lesser Horseshoe)
- A green area should be included adjacent to the boundary of the site with Greenway and the hedges and trees protected
- Who will maintain the footpaths to the rear of the existing properties
- The hedge running to the back of Mead Way should be protected in the future as it is approx 3m in width and has a healthy wildlife - nesting birds, toads, frogs etc. New properties should not be allowed to remove this feature.
- The planting to the rear of Greenway will reduce light into existing houses and gardens
- A high density of housing in such close proximity to existing housing will result in noise and air pollution
- What is the proposed border with the existing houses backing onto the green areas?
- The increased development in the area will result in a change of Monkton Heathfield from a village to an urban area where increased rates of crime/graffiti etc are likely but there are no plans of how to deal with this in the future
- There are concerns from residents in properties adjacent to the area of woodland planting that there may be problems of security and access as a result of the unlit area adjoining their boundary
- The proposed footpath running to the rear of the existing dwellings will be a serious security risk for residents

PLANNING POLICIES

SS1 - TD CORE STRATEGY MONKTON HEATHFIELD,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 DM4 - TD CORE STRATEGY - DESIGN,
 NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£367,702
Somerset County Council (Upper Tier Authority)	£91,925

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£2,206,211
Somerset County Council (Upper Tier Authority)	£551,553

The Community Infrastructure Levy is applicable to this application. The current rate for this would be £70 per sq. m residential floorspace. Based on average density and housing mix, the CIL receipt for this development is approximately £1,113,000

DETERMINING ISSUES AND CONSIDERATIONS

Policy

The development plan comprises the newly approved “Taunton Deane Core Strategy”. The Core Strategy allocates land at Monkton Heathfield for a mixed use urban extension for approximately 4,500 dwellings, district centre etc. (see full policy above). Urban Initiatives formulated a draft masterplan to guide the development of the site but this remains in draft form with the need for further alterations, in particular regarding the transport solution on the A38. The Core Strategy policy requires a masterplan to guide new development in a co-ordinated and comprehensive manner. Whilst the draft masterplan has not been agreed in its entirety, there are some principles for this site that I would not expect to change moving into the future namely

- The use of the Hartnells Farm site for residential development ;
- The need for buffer planting and off site planting to the north in order to mitigate for the impact of the development on the Lesser Horseshoe bats based at Hestercombe House, a European Special Area of Conservation
- The need to contribute site specific infrastructure i.e. contributions towards affordable housing (25%), playing fields and open space, children’s play areas, surface water drainage
- The need to contribute towards wider strategic infrastructure for the whole allocated site including education, bus rapid transport etc via CIL contributions.

The application site lies within the northern area of the allocated site. A small section would project beyond the northern limit shown on the Core Strategy and draft masterplan plans, into unallocated land beyond the northern limit. For this reason the application has been advertised as a departure from the Core Strategy allocation.

This planning application is for a residential development of the site and proposes acceptable mitigation measures for the Lesser horseshoe bats and other ecology effected by the development and therefore conforms to the first two points above. S106 Head of terms have been suggested which, in principle would cover the affordable housing; surface water drainage and leisure.

The division of the site into 2 separate phases is consistent with the need to establish the wildlife buffer before the northern part of the site can be developed; the need to undertake additional surface water drainage investigation and works and the need to provide a highway solution to cater for the traffic from the additional 170 dwellings.

Highways

Principle - This proposal forms part of the Monkton Heathfield urban extension site. It has been included within the Taunton Deane Core Strategy and subject to providing acceptable highway and drainage solutions was regarded as an interim site in order to provide additional housing development prior to the development of the larger Core Strategy site.

The previous local plan allocation at Monkton Heathfield required the provision of a new southern relief road which was made up of a new eastern relief road (east of the A38) and new western relief road (west of the A38 and linking the A38 to the A3259). These new relief roads were required in order to overcome the highway junction capacity issues associated with additional traffic along the A38 and A3259 as a result of the development and also to remove the through traffic from the centre of the development area to aid community cohesion. An outline application was submitted by the Consortium for the land to the east of the A38 and this included the provision of an eastern relief road. A Section 106 agreement, between Somerset County Council and the developer consortium, requires the eastern relief road to be completed prior to the occupation of the 301st dwelling. The application did not include proposals for a new western relief road but a memorandum of understanding was agreed with the consortium whereby the consortium undertook to provide the WRR. During discussions with SCC highways it was agreed that approx 650 occupations would be acceptable before the impact of the traffic from the new development was unacceptable and the S106 agreement included a limit of 650 dwellings before the ERR and WRR were provided and operational traffic generation would limit of 650 occupations before the completion of the western relief road.

One of the junctions where serious over capacity issues were identified was the junction of Milton Hill and the A3259 and the expected traffic from this proposal is likely to have an impact on the functioning of that junction. In order to mitigate against that impact the submitted transport assessment proposes a series of signalized crossings along the A3259 in order to provide gaps in the traffic flow along the road thereby enabling the traffic to cross the A3259 to gain access into the School Road/Milton Hill and reduce the queues along the A3259 as a result. After detailed scrutiny by the County Highway officers it was agreed that these measures would be insufficient to cater for the traffic associated with an additional 320 dwellings. The applicant has therefore reconsidered the effect of the signalized crossing proposals on the junction capacity and now proposes a limit of 150

dwellings with the mitigation measures in place before the provision of the western relief road. Subject to the mitigation measures being installed prior to any occupation of the site and a maximum of 150 dwellings the County Highway Authority have withdrawn their objection to the proposal.

The Core Strategy also proposed a new rapid bus transport link along the A3259 to enable a faster and more sustainable link to be provided from North Petherton to Taunton town centre. This would improve sustainable transport options for the Monkton Heathfield area and encourage the use of buses thereby reducing the use of the car. The proposal does not include any specific measures to cater for this requirement. However since the application has been submitted Taunton Deane has introduced CIL payments for the provision of strategic infrastructure such as this and as a result the provision will be funded either by CIL monies, Central Government grant or similar and will be provided by SCC.

Detail - The proposed development lies to the north of the A3259 and would be accessed via a new highway junction. The location of the proposed junction is directly opposite to the new road associated with the masterplan attached to the outline planning permission for the land to the east of this site (Local Plan allocation) and as indicated in the planning application 48/14/0016. This was considered to create an unacceptable junction arrangement and as a result, the junction has been redesigned as a mini-roundabout. The final detail of the junction will depend on whether or not the A3259 has been traffic calmed and closed to through traffic as a result whilst the applicant has submitted details for the worse case scenario. A reduced junction arrangement might be possible if the traffic calming has already taken place. The application has now been amended to a full reserved matters application

The developer of the land to the east of the A38 and subject to the limited occupation agreement has objected to the proposal on the basis that the additional capacity ought to be used to remove the limit currently applied to their development. Unfortunately that developer has not proposed traffic works along the A3259 which would mitigate for the concerns associated with the junction of the A3259 and School Road/Milton Hill and therefore they have not proposed such an acceptable alternative solution. In any event the need for the completion of the southern relief road is also linked to the need to remove traffic from the centre of Monkton Heathfield for improved community cohesion and must be linked to the development in this area which creates the problem.

The proposed recommendation requires the additional 170 dwellings permitted by this permission to make an equitable contribution to the cost associated with the provision of the WRR and this will be determined following legal guidance from Queens Counsel.

Drainage

The development site drains into the Dyers Brook/ Maidenbrook and Allensbrook catchment which runs through Bathpool and into the River Tone. Currently there are flooding problems at Bathpool which would be exacerbated by the development of the Hartnells Farm site, in particular in respect of volumes of surface water from the site as well as flow rates. Initially the applicants designed attenuation ponds to cater

in excess of the greenfield runoff rates for development of the whole site but as this does not reduce the volumes of water this is not acceptable for this development even though it is usually acceptable in principle. In this case, the surface water drainage of this catchment is complex with discharge from the catchment being locked whilst the River Tone is in flood conditions (remaining up to 17 hours after the rainfall). Water cannot discharge and therefore backs up into the Bathpool area and an additional volume of water is likely to exacerbate this leading to increased flooding. An investigation into the potential solutions to this has identified a number of possible solutions including: 1) pump the surface water from the catchment at Bathpool into the River Tone, above the flood level. 2) divert the surface water downstream to a point where the levels of the River Tone are sufficiently low to enable discharge.

In view of the above the applicant proposes to phase the development so that phase 1 (150 dwellings) would be developed with the provision of improved on site surface water attenuation thereby reducing the amount of water running off the site to below greenfield rates and volumes which should result in a reduction to the existing flooding at Bathpool.

In addition the applicant has had to undertake surveys of the existing drainage route from the site to the receiving watercourse to ensure that there is a complete and adequate route for the surface water.

In regards to foul sewage from the site there are known capacity issues in the current foul pipe system. Whilst it is hoped that an upgrade in the capacity can be provided in the future this development is proposing a tank at the south of the site (to the north of the listed farmhouse) to store the sewage at times of peak flow and allow for their discharge when there is spare capacity in the pipe work. Provided the tank is operational prior to first occupation the foul drainage proposals are considered to be acceptable.

Landscape

The National Planning Policy Framework requires development to protect and enhance valued landscapes. This site does not lie within any national or local landscape designations and there would therefore be no impact on any designated landscapes. However, the site does include gently sloping land rising up to the hill behind and the development has the potential to have an impact on the landscape, amenity and character of the surrounding area.

The application site is currently composed of agricultural and grazing fields surrounded and divided by hedgerows with trees within them. Development of the land will completely alter the landscape character of the site and it is considered important to assess that impact and ensure that the landscaping of the proposed development will limit those impacts and help to assimilate the development into its surroundings. A full landscape assessment was undertaken and the results submitted in support of this application. The assessment of the landscape was undertaken in accordance with the accepted guidelines for Landscape and visual assessment and visual receptors were agreed with the Landscape Officer prior to the assessment works taking place.

The landscape approach for the development of this site is to retain as much of the existing hedgerow and trees on site and complement this with a landscape structure that promotes additional planting throughout the site. This would begin at the entrance to the site which would create a well landscaped area of land adjacent to drainage ponds either side of the highway going northwards into the site. Using street trees it is proposed to create north – south lines of street trees breaking up and softening the blocks of housing. These street trees would link to a landscaped central open space which would combine landscaping with children’s play area, public open space, wildlife mitigation and drainage ponds. The site rises up from the south to the hills further to the north. Areas of woodland planting are proposed on the higher northern boundary and this should serve to frame the housing development and provide a wooded backdrop when viewed from the A3259. It is considered that the proposed landscape structure would be acceptable subject to the agreement of the final details at the reserved matters stage.

Ecology

An Ecological Environmental Statement was submitted (under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011) in support of the planning application. To inform this document a suite of detailed ecological surveys were undertaken, including phase 1 habitat surveys, and detailed surveys for bats, Dormice, reptiles, amphibians and hedgerows. The results of the surveys were used to assess the impact of the development on the ecology (fauna and flora) of the site and to devise a mitigation scheme which would ensure that the proposal does not have a long term negative impact on the ecology. The Ecological Environmental Statement identifies that the site is of local value to breeding birds and common bat species and of site value for reptiles, amphibians and badgers. Of particular importance is the presence of Lesser Horseshoe bats, which in the absence of evidence to the contrary, are presumed to come from the Hestercombe House SAC site which lies approximately 1.7 km to the north-west. The colony at Hestercombe House is considered to be of national significance.

Ecological mitigation and compensation measures are identified as an integral part of the development scheme design and include off site offset woodland planting to replace the lost habitat for the wildlife and in particular for the Lesser Horseshoe bats. In addition the outline proposals are to retain and enhance existing wildlife habitats, particularly to the west and north of the site and link them within green infrastructure areas and street design. The detailed design of these areas is a reserved matter but is likely to include a design and lighting strategy that will enable the hedgerow and woodland areas to remain unlit and suitable for all wildlife.

In accordance with the Conservation of Habitats and Species Regulations 2010 the County Ecologist (on behalf of TDBC) has undertaken a Test of likely Significance of the development on the population and habitat of the Lesser Horseshoe bats (Hestercombe House SAC) for the proposed development. Based on the submitted details, the SCC Ecologist identifies the mitigation measures that are considered necessary to ensure that the development is unlikely to have a significant effect and requires conditions to ensure the measures are agreed in detail and in place at the appropriate time and appropriately maintained in the future. Subject to the imposition of those conditions Natural England raise no objection to the proposal.

Heritage

The National Planning Policy Framework, Section 12 requires “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”

The development site is known to contain Archaeological Heritage Assets as well as the Grade 2 listed building complex at Hartnells Farm. A Heritage Statement and Archaeological Assessment were submitted in support of the planning application.

The Archaeological Assessment includes details of desk top investigations into the potential for archaeology at the site and this is supported by a limited amount of on-site trial trenches. Following this the site was archaeologically evaluated in 2007 as part of a pre-planning proposal. The evaluation showed that there are remains relating to Bronze Age settlement on the site. The evidence suggests that these are likely to be of local value and in those circumstances an archaeological excavation is required prior to the commencement of development. The application is in outline and I suggest a condition to ensure that a programme of archaeological excavation is submitted to and approved by the Local Planning Authority and implemented in accordance with the approved programme.

The Heritage Statement considers the impact that the development will have on Hartnells Farm listed building complex and its setting. The statement identifies that the listed complex is a good example domestic vernacular architecture "a substantially intact late-C17 through-passage farmhouse with C18 and C19 extensions". The listed building also forms part of a wider complex of historic farm buildings and structures; located to the north west of the farmhouse and attached barn. The presence and appearance of these older buildings, in particular the stone built barn immediately to the north west of the farmhouse within the yard, contribute to the significance of the listed building and an understanding of the historical development of the farm over time. The barn may be contemporary with the house although with later additions and alterations of the 18th/19th century.

A development of this size will completely transform the agricultural landscape which surrounds the listed complex. The site has been included within the Core Strategy for development. It is therefore important to ensure that the impact on the setting of the listed building is balanced against the development potential of the site. As a result the submitted masterplan suggests that the built development can be kept away from the listed complex with the use of open grassed areas of public open space (above a submerged foul drainage tank) and open land surrounding a highway access. It is considered that the proposal, as outlined in the masterplan will retain a limited open setting for the listed complex which is considered to be sufficient given the Core Strategy allocation.

Leisure

The Taunton Deane Local Plan saved policy C4 and Taunton Deane Core Strategy Policy SS1 set the requirements for open space for development. This is separated into general public open space, children's play areas (Local Equipped Area for Play - LEAP and Neighbourhood Equipped Area for Play - NEAP), allotments, and playing fields. A development of this size is required to contribute towards the provision of all types of open space. For a development of this size children's play and general public open space should be provided on site. The proposed number of dwellings does not justify the provision of a playing field on the site but contributions are required in order to provide new playing field facilities or improve existing playing field facilities in the vicinity of the site. This would be secured via CIL as sport and recreation is contained within the Regulation 123 list.

Whilst this application is in outline and details of open space are reserved matters, the submitted masterplan indicates the provision of open space located throughout the site. In the southern area, to the north of Hartnells Farm and the southern surface water drainage pond, areas of general open space are suggested (the area of the open space provision does not include attenuation ponds as they are not suitable).

Running west – east, across the “middle” of the site is a belt of open space, which would include some of the bat mitigation and surface water attenuation ponds as well as the LEAP and NEAP requirements. To the north of the site significant areas of tree planting are proposed as part of the mitigation measures for the Lesser Horseshoe bats. These areas would also have informal footpath links running through them.

Policy SS1 envisages the provision of a multi purpose green necklace around the allocated site to provide for public open space including allotments, outdoor recreation and wildlife habitat. Crucially it is suggested that the types of use within the green necklace would vary around the necklace depending on circumstances. In particular sites to the north have to provide a belt of planting in order to protect the Lesser Horseshoe Bats from Hestercombe House SAC.

Allotments - In accordance with Taunton Deane Borough Council policy this development will generate a requirement for the provision of allotments. The illustrative masterplan for the site indicates the provision of land for allotment purposes within the central open space area.

As mentioned above the leisure proposals are reserved matters and I therefore propose conditions to ensure that adequate on site children's open space and public open space are provided in accordance with the requirements of policy C4. I also propose that contributions towards the maintenance of these areas are secured via a S106 agreement unless alternative private maintenance is agreed.

Education

The proposed residential development would introduce additional numbers of pupils for pre-school, primary and secondary schools. Taking into account the committed development in the area, Somerset County consider that there is no spare capacity and new school places need to be provided. The developer is required to contribute towards the cost of the provision of those new places. Education contributions are

now covered within the CIL payments along with provisions for Community Hall facilities.

Sustainability _

The Taunton Urban Extension study and Taunton Sub Area Study, which informed the Regional Spatial Strategy (now revoked) and the Taunton Deane Core Strategy, identified Monkton Heathfield as the most sustainable location for a strategic urban extension for Taunton hence the site's allocation in the Taunton Deane Core Strategy as a strategic site covered by Policy SS1.

It is envisaged that, when complete, the allocated site will be developed into a sustainable urban extension providing key services, leisure facilities and employment within walking and cycling distances of new residents. These improvements would be provided in a phased manner as the development of the Strategic Site progresses and either funds become available for key infrastructure improvements or works on key infrastructure improvements are undertaken. All development, including the current application, will be expected to fund their share of those costs via CIL and/or Section 106 contributions. The provision of over £1m in CIL payments and over £2m from New Homes Bonus as a result of this development carries significant weight in favour of the application.

The application site has a range of wildlife that will be affected by the development including Lesser Horseshoe Bats from the Hestercombe House SAC. In order to ensure that the site is sustainable and does not have a detrimental impact, ecological mitigation is proposed as detailed above.

This application is only for a residential development and, in order to provide sustainable development of the whole strategic allocation, it would be required to make proportional contributions to the provision of all other necessary transport improvements, services and facilities required to ensure that the site is sustainable.

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

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

49/14/0021

GADD PROPERTIES (SOUTH WEST)LTD

DEMOLITION OF WAREHOUSE AND ERECTION OF 4 NO. 3 BEDROOM TERRACED DWELLINGS, 4 NO. 1 BEDROOM APARTMENTS AND OFFICE/COMMERCIAL ACCOMMODATION WITH ASSOCIATED CAR PARKING AT CROFTWAY/HIGH STREET, WIVELISCOMBE (AMENDED SCHEME TO 49/13/0041)

Location: 1 CROFT WAY, WIVELISCOMBE, TAUNTON, TA4 2JX

Grid Reference: 308113.127717

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:

(A3) DrNo A2013/02/PL101 Site and Location Plans
(A3) DrNo A2013/02/PL102 Rev A Overall Ground Floor Plan
(A3) DrNo A2013/02/PL103 Floor Plans/Terraced Houses
(A3) DrNo A2013/02/PL104 Elevations/Terraced Houses
(A3) DrNo A2013/02/PL105 Rev A Floor Plans - Apartments
(A3) DrNo A2013/02/PL106 Rev A Elevations 1 of 2/Apartments
(A3) DrNo A2013/02/PL107 Rev A Elevations 2 of 2/Apartments
(A3) DrNo A2013/02/PL108 Elevations
(A3) DrNo A2013/02/PL109 Site Survey Plan

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

3. Prior to application, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall first 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 in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of the conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies DM1 and CP8 of the Taunton Deane Core Strategy.

5. No dwelling shall be occupied until the approved means of vehicular access, parking and turning areas have been constructed and fully surfaced in accordance with the plans hereby permitted.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. 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.

7. Prior to their installation, details of all guttering, downpipes and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The materials shall be fully implemented in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the proposed development does not harm the character and appearance of the Conservation Area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

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

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

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the occupation of any dwelling hereby permitted and thereafter maintained as such.

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.

10. (i) Prior to implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The 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.

11. A period of 14 days notice shall be given in writing to the Development Control Archaeologist, Somerset Heritage Centre, Brunel Way, Taunton, TA2 6SF, before any demolition or excavation on site commences.

Reason: To enable a nominated archaeologist or representative to visit works in progress 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.

12. The ground floor commercial/office premises shall not be used other than for the purposes falling within Class A1 or A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to ensure the premises are used for purposes appropriate for the town centre location and in the interests of neighbouring amenity.

13. No work shall be carried out on the site on any Sunday or Bank Holiday or other than between the hours of 0800 and 1800 hours Monday to Friday and 0800 and 1300 on Saturdays.

Reason: To minimise the impact of the development upon the amenities of neighbouring properties in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
3. New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page at www.wessexwater.co.uk/developerservices. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
4. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
5. Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Somerset West Police District, Police Station, Shuttern, Taunton, TA1 3QA.
6. 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. 0845 1300 228). 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 application seeks planning permission for the erection of eight dwellings on land at 1 Croft Way, Wiveliscombe. The proposed development, which also includes the demolition of a stone built business premises, will provide for the dwellings together with four car parking spaces within two separate buildings on a section of land North of Croft Way and West of High Street.

The corner plot rounding High Street and Croft Way will comprise a three storey building built above street level and partially behind an existing retaining stone wall. It will provide a single ground floor commercial unit with 2 no. one bedroom apartments at first and second floor level. The building, which will provide for a rounded facade, will be built of self coloured render walls, stone cill and lintels with natural roofing slates, white upvc heritage sash windows and white GRP doors. The building will, to the South elevation, have a height above the adjoining footpath to ridge of approximately 11.5 metres. The design of the corner building will incorporate traditional pitched roofs and gable ends, a regular pattern to the arrangement of window openings and minor detailing of a stone string band.

The second element of the proposed development comprises the demolition of a stone building to the West of the site and the erection of a two storey terrace of four, three bedroom dwellings. The building would have a depth of 7.6 metres and a length of 21.6 metres; its height to eaves and ridge would be 5.5 metres and 7.8 metres respectively. The building would have a uniform design and regular fenestration arrangement to the North and South elevations; it would be finished with red facing brick, a stone string course and cills, facing brick lintel detailing and painted render plinth. The roof would be of natural made slates and fenestration white uPVC. The building would be set back from the highway and approximately 1.0m above the level of the adjacent footway. A retaining wall with a metal balustrade would be to the front of the building. The dwellings would benefit from modest rear gardens with a depth and width generally measuring 5m x 5m; the rear gardens would be bound by 2m high close board fencing.

The application is supported by an Ecological survey which found no evidence of bats or birds within the building. The historic and archaeological report concluded that there was no features of historic or archaeological significance worthy of

preservation.

SITE DESCRIPTION AND HISTORY

The application site is located within the centre of Wiveliscombe, on a prominent site to the North of Croft Way and West of High Street. The land currently comprises a parking and turning area associated to the building to the West, which is used for general storage and a funeral directors. The car park is bound by a stone wall to the South and East; access is derived off High Street to the East and the land generally rises slightly to the North. The existing building is of various external finishes, including natural stone, render and brick work; the visible element of the roof is of clay tiles; the building is of a linear form to the South, but extends to the North also. There are residential units within the building immediately to the North, taken to comprise ground and first floor flats.

The site, which is a key feature on the approach road to and through Wiveliscombe, is located within the designated Conservation Area. The immediate vicinity comprises a range of buildings, which are largely historic and of render, stone or brick facades; slate roof and timber fenestration is also dominant within the area.

Planning permission has previously been refused at the site for an alternative development (planning reference 49/13/0041); the proposals comprised a terrace of four dwellings and the erection of a corner building containing 2 flats. Permission was refused due to concerns over the impact upon Conservation Area and visual amenity, parking provision, viability and a lack of affordable housing and impact upon neighbouring residential amenity.

Following the previous refusal of planning permission, the applicant has engaged with the Council through pre-application discussions and, on the Council's recommendation, put the revised proposals through the Devon and Somerset Design Review Panel in January 2014.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE TOWN COUNCIL - object to this application for the following reasons:

- Highway access is dangerous on to the High Street because of the visual splays. Pedestrians using the footpath will be in danger of vehicles entering and leaving the proposed site.
- There is no turning area in the car park and vehicles will need to reverse on to the highway.
- The appearance and height of the proposed building is not in keeping with other buildings in the area and with the heritage of a conservation area.
- The site is on the edge of a conservation area and the original buildings stone should be reused rather than new brick.
- There is no travel plan.
- The site is being overdeveloped.
- Adjacent residents will be overshadowed by the height of the new dwellings.

- There is a total lack of parking for residents and there is no capacity for the public car parks to take the overflow. The proposed development will have a residual cumulative impact on the businesses and residents of Wiveliscombe and this impact will be severe.

HERITAGE - This site occupies a particularly sensitive part of the Conservation Area and is situated at the main 'gateway' into the town from the east and west.

Existing site

Although there has been some pre-application archaeological investigation of the site, it would appear from the consultation response received from the Somerset Industrial Archaeological Society that there is some scope for further recording should the scheme proceed. As this would be the last opportunity to shed further light on this key site and would potentially contribute to our understanding of the development of the town, I suggest that, on the advice of the County Archaeology Service, additional recording work is made a condition of any approval. Also the 17th century window identified in the submitted historical and archaeological assessment has historic significance in its own right and I suggest it is carefully removed and deposited with the County museums service or donated to the national Brooking Collection – who would no doubt be keen to acquire it.

Design of new buildings

Given the prominence of this site, particularly the High Street and Croft Way corner frontage, the design of the proposed buildings is critical. Although the scheme has benefited from the input of the Design Review Panel since originally submitted, I still consider that it lacks some of the architectural flourish worthy of such an important site in the town. Some of the less satisfactory elements are due to the constraints caused by the provision of car parking – such as the wide entrance creating a long break between the proposed building and 18 High Street, and the unbalanced treatment of the Croft Way frontage caused by the integral car parking. I am also not overly keen on the proportions of the rear windows to the main block but understand that there are intervisibility issues governing this.

My main concerns, however, are the three-storey height and continuous roofline of the main block, although my views on this are contrary to the clear advice of the Design Review Panel.

Following my consultation response to the earlier application (49/13/0041), it is disappointing that the applicant is proposing to use PVCu for the windows and external doors. That they would countenance using this material does not give me confidence that the scheme would be executed to the high quality which is required at this key site. In any event, I strongly recommend that no PVCu is used for the windows, doors, rainwater goods or any other external elements. Conditions to ensure the submission and approval of materials and details of doors and windows should, in any event, be included if the application is approved.

Summary

To be acceptable in conservation terms the scheme must preserve or enhance the character or appearance of the Conservation Area. The High Street has an almost unbroken line of historic buildings, mainly with 19th century frontages, and while the proposed buildings would obviously represent a modern introduction into the

streetscape, they would be broadly in keeping with this character. I am, however, concerned that the mass of the three-storey building would dominate this corner site and the immediate surroundings.

This is finely balanced and may come down to whether (in terms of Para. 134 of the NPPF) any perceived harm to the significance of the designated heritage asset (Conservation Area) is outweighed by the public benefits of the scheme, which would provide housing in what is now essentially an area of 'dead space' occupying a prominent position in the town.

BIODIVERSITY - No evidence of bats, birds or other ecological sensitivity found within building. Support recommendation for ecological gain and suggest condition be applied to this extent.

WESSEX WATER - Standard response received with no objection to proposal. Advisory notes to developers provided.

WIVELISCOMBE CIVIC SOCIETY - Various Emails received from Chair raising the following comments:

Here is another application from Gadds for the Croft Way/High Street site in Wiveliscombe, little different other than there are more flats proposed and less parking! The existing objections will still stand both from the Civic Society and residents and businesses in Wiveliscombe.

There are now 8 properties proposed for this site, with office space on the ground floor. There are four car parking spaces allowed for a possible population of 24 residents if you take each flat to be a double and each house to be for a family of four. How on earth can this parking proposal be in any way acceptable? There is no car parking close by. Croft Way car park is not there for the use of residents who have moved into newly built houses but with no garage provision. It is for visitors, shoppers, workers and shop keepers. I find it bizarre that a development could even be considered with this in mind.

The fact that Gadds have used some better quality materials such as "Heritage" windows? and some painted fascia boards does not answer the bigger question. Is this many windowed block of flats acceptable for this gateway site?

Unless there are firm measures which any developer would have to adhere to, they will try again and again. In the absence of any Neighbourhood Plan as yet, we have few teeth with which to fight, but this site deserves better than this proposal.

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 affordable housing scheme, including details of the unit mix, layout, tenure and location of the affordable housing 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.

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

ECONOMIC DEVELOPMENT - Increased rural office availability will help drive growth in micro and rural businesses, therefore I am happy to support this application.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - No comments received.

SCC - TRANSPORT DEVELOPMENT GROUP -

Drawing No. *A2013/02/PL102*, indicates that the proposal will utilise the existing vehicular access, which obtains access onto High Street, which does not provide a minimum width of 5.0 metres to accommodate two-way vehicle flow.

The reason for this provision is so that vehicles when entering and exiting the site do not come into conflict resulting in manoeuvres on the public highway in close proximity to the signalised traffic junction. Furthermore, I have concerns that a pedestrian access associated with the proposed development, appears to be positioned at the point of access, where vehicular movement is somewhat problematic, given its constraints.

With regards to vehicular visibility, this is a location where I would consider that Manual for Streets (March 2007) guidance applies, given the urban location of the development, street lighting and pedestrian footway either side of the carriageway.

It is likely that vehicle movements associated with the proposal (residential) utilising this access would be less intensive than the existing use of the site. As an open ended B8 use, there is no control over the level of vehicle movements associated with the existing use of the site compared to a regularised residential use.

NPPF (National Planning Policy Framework) (March 2012) states the following within paragraph 32 (p10):

“safe and suitable access to the site can be achieved for all people.”

“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

It is the view of the Local Highway Authority that the proposed development access compared to the previous application now provides a lower level of vehicular visibility, due to the positioning of the building frontage. As a result I do not consider

that satisfactory visibility can be achieved from the point of access (north-bound traffic). Furthermore, drawing No. *A2013/02/PL102* does not provide pedestrian visibility splays at the point of access.

No information has been submitted to indicate trip rates for the existing use of the site.

With regards to vehicle movements/traffic generation, TRICS (Trip Rate Information Computer Systems) estimates that vehicle movements for a single residential unit are approximately 6-8 movement per day. Therefore, the proposed development is likely to generate approximately 48-64 vehicle movements per day, which would result in approximately a maximum of five vehicle movements within the peak hour.

Whilst the movements within the peak hour maybe considered low, it is the view of the Local Highway Authority that the substandard access serving the proposal provides insufficient vehicular visibility and is within proximity to the signalised traffic junction and would warrant a refusal on highway safety grounds.

The Somerset County Council adopted Parking Strategy (September 2013), states the following provision for new residential dwellings, to which Wiveliscombe has been identified as a 'Zone B' region for vehicle parking.

Drawing No. *A2013/02/PL102*, indicates that four vehicle parking spaces will be made available onsite. It should be noted that the parking spaces have not been allocated to an individual dwelling.

The levels of parking per dwelling house, have a clear shortfall in vehicle parking provision. I am not aware of any information submitted supporting the planning application to justify a reduction in vehicle parking for the proposed development.

The site is situated within the centre of Wiveliscombe where there are suitable services and facilities within walking distance to consider that a reduction in vehicle parking could be applied to the proposal. However, I have concerns that the likelihood of a three bedroom dwelling would not merit that of a car free development as opposed to a one to two bedroom apartment/flat.

It is noted that there is a public car park in proximity to the site, however, this is not within the applicants control and therefore cannot be dealt with by condition. Based on the Somerset County Council – Parking Strategy the development is likely to displace a minimum of 12 No. of vehicles associated with the development either onto the highway or into the public car park.

Furthermore, the application seeks to include 200m² of B8 (storage or distribution) and 51.5m² of B1 (a) (Office) use. The proposed scheme does not appear to have incorporated any parking provision for these uses of the development.

The Planning Officer would need to come to the decision whether the Local Highway Authority's objection on lack of vehicle parking can be overcome in terms of sustainability due to the proximity to services, facilities and transportation links within Wiveliscombe.

Based on Drawing No. *A2013/02/PL102*, vehicle turning appears to be achievable

onsite on the basis of four vehicle parking spaces. It is of the opinion of the Highway Authority that it is likely that any additional vehicle parked within this area would result in insufficient vehicle turning and could potentially lead vehicles to reversing out onto High Street, which would be detrimental to highway safety.

In addition, as part of the newly adopted Parking Strategy, new residential dwellings need to provide a minimum of one cycle space/storage facility per bedroom. These are based on dimensions of 2m x 1m or show provision within the site to allow the occupiers of the proposed dwellings to use alternative sustainable modes of transportation, this has not been shown on the submitted drawings and therefore requires amending.

In conclusion, the Highway Authority take the view that insufficient information has been submitted to warrant the consideration to allow for a significant reduction in vehicle parking provision, given the scale of development. As the proposal has a considerable short fall in vehicle provision. Furthermore, the alterations to the previous scheme have resulted in a reduction in vehicular visibility from the point of access. As a result, I would recommend that this application be refused on highway grounds for the following reasons:-

The proposal is contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy and Paragraph 32 of the National Planning Policy Framework, since the proposed access to the development does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2012).

The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2012).

Representations

SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY -

I refer to the above planning application and wish to make the following representations on behalf of the Somerset Industrial Archaeological Society (SIAS). Our attention focused on the Historical & Archaeological Assessment (H&AA) and how matters raised were dealt with in the Archaeological Field Evaluation (AFE).

The H&AA describes a raised brick platform, the base of a small engine, in association with evidence for bearings and shafting. It was suggested that these would benefit from specialised inspection and record in order to understand the type of engine installed and how the system functioned probably in the late 19th century. However, we could not find that this examination had been carried out in the AFE.

The H&AA rightly stresses the importance of the woollen industry and its major contribution to the local economy over several hundred years. There is also the specific reference to a late dyehouse on this site. Yet again the AFE fails to address

this.

Given the site's relationship to the medieval settlement and its likely occupation of two burgage plots, SIAS considers that the four small trenches were inadequate to fully interpret the building's industrial functions. We would therefore like to see a planning condition requiring archaeological monitoring during and after the demolition phase of this development.

MANAGER OF KINGSMEAD COMMUNITY SCHOOL -

Our concern regarding this application is one of safety for our students. A large number walk past this site on a daily basis and we feel the additional traffic this proposal would bring could be dangerous to the students.

7 letters of OBJECTION received raising the following planning related comments:

- Would be a massive overdevelopment of a critically important site in regard to the historic street line of the town;
- The existing buildings could be much better used by being refurbished into a visitor centre and museum to provide another interesting tourist attraction for the town;
- Exit from the site will be blind and a danger to anyone coming from Church Street; vision will be impaired by parking bays on High Street; the buildings will block all views of the pavement;
- The new build is on too great a density of housing on this junction; altering the pleasant open nature of the site, becoming overcrowded;
- Parking in Wiveliscombe is limited and there will be insufficient provision for intended residents of the houses;
- There is rarely any parking opportunity in either Croft Way or High Street; thus any application that does not provide commensurate parking spaces according to property size is not feasible in this community;
- Consider the design to be boring; could there be variation in the roof line of the terrace and some feature on the corner roof line to give it character?
- Support the principle of redeveloping the warehouse, but locating the houses closer to boundaries of 18 and 18a High Street is not acceptable;
- Strongly disagree with a three storey redevelopment of the corner site due to loss of light, outlook and privacy from property;
- Neighbouring property will be dwarfed by the 3 storey building;
- The development is unsightly and unsympathetic for a site in the middle of Wiveliscombe;
- There is a right of access alongside the wall of 18/18a High Street as shown in the deeds. The side wall and rear archway of 18/18a High Street are shared responsibility with the current owners of the car park and warehouse, and the occupiers of 18/18a High Street. How will this situation be resolved with the proposal?
- Who will be responsible for the communal areas i.e. upkeep of the car park, bin area and footpaths?
- With most properties having more than one vehicle we are concerned as to how the proposer is planning to stop additional vehicles parking in the car park and along the side wall, right of way of 18/18a High Street;
- This development on the car park will only add to the shortage of car parking

spaces in Wiveliscombe with the people who currently use the car park having to park elsewhere, and the new occupiers of the properties having to find parking. Parking on double yellow lines around this area will become even more of a problem;

- Concerning the rear right of way at the back of 18/18a. The proposal is to use this for rear access to two of the new terrace properties. More detail is requested about the finishing of the party walls to the rear of the property. We have received no information as to how these building works will affect our property even though the property to be demolished is joined to 18/18a High Street;
- Concerning the current right of way arch at the back of the 18/18a, this is to be demolished and to be replaced by an alley. What are the plans to maintain this right of way and the safety of residents during work in progress and the security of our properties in the future?
- The entrance to Wiveliscombe should not include a 'new-build', it's a historic

town with beautiful old buildings and regardless of the finish - a new-build is a

new-build and would not be a true representation of Wiveliscombe;

- Car park is currently used by 8 regulars, plus a monitored 10+ additional cars over the last two weeks alone;
- Only 4 spaces for 8 additional properties – therefore forcing at least 18 cars into the already overcrowded public car park in Croft Way;
- The public car park in Croft Way is very busy, purposefully adding more residential cars to will potentially have a negative effect on the local trades and businesses;
- There will be no visibility for cars using the proposed access nor for pedestrians using the footpath if a building on this location is built. It will be an accident waiting to happen, this area is currently open giving both drivers and pedestrians lots of visibility;
- Personally, we will suffer from major loss of light/sky and will lose all views from our windows. This side of our house is our kitchen/diner and sitting room (first floor) – our main living accommodation;
- We will have windows directly facing ours, so as well losing light we will lose all privacy;
- We are currently re-modelling the interior of our property to make use of the main light source and with this building we fear our property will become even darker;
- We would very much appreciate a member of the planning department to visit us so that you can appreciate what we are set to lose;
- You cannot put a three storey building in front of a two storey, especially when

the property is split in two and living accommodation is on the first floor – it simply isn't fair;

- Houses are too close to 18/18a – they have moved back since original plans submitted last year.
- Privacy will be lost from a bedroom, conservatory and family room;
- We have not received any communication from the proposed developers about the rear wall of the warehouses which are supporting our garden. We need confirmation that this wall will be remaining in place. Looking over the top of the wall it would appear that this wall will need significant work to keep it stable;
- We are concerned that the removal of these buildings and related ground works could cause significant ground movement and damage to our property and garden;
- The end of the warehouses are attached to our building, again we have received no communication about how this could potentially affect our property and what works will be carried out to ensure any damage is avoided/rectified.

PLANNING POLICIES

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP2 - TD CORE STRATEGY - ECONOMY,
CP4 - TD CORE STRATEGY - HOUSING,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
NPPF - National Planning Policy Framework,
EN23 - TDBCLP - Areas of High Archaeological Potential,
M4 - TDBCLP - Residential Parking Provision,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £38,000

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£8,633
Somerset County Council (Upper Tier Authority)	£2,158

6 Year Payment

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

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are the principle of development and viability, the impact of the proposed development upon visual amenity and the character and appearance of Wiveliscombe Conservation Area, highway safety, parking provision and residential amenity.

Development principles and viability

The application site is located within the settlement limit of Wiveliscombe, which is a town identified as being a Major Rural Centre within Policy SP1 of the Core Strategy. This location is considered to be sustainable and in general, planning policy supports the principle of new residential development in areas such as this.

Policy CP4 sets out the Council's policy for the delivery of housing within the plan period and notes that housing should be delivered in accordance with the settlement hierarchy established in Policy SP1. The Policy states that 25% of new housing should be affordable units and that contributions will be sought on sites of five or more dwellings. It is acknowledged that in exceptional circumstances, the viability of a scheme may be affected by the need to provide affordable housing and where this is the case a developer will be expected to provide full developmental appraisal demonstrating the level of affordable housing that would be appropriate.

The developer has indicated that viability is an issue at this site due to extenuating ground work and preparatory costs together with increased build costs that would be result of necessary design features that the Council require for the corner plot. A viability assessment of the development has been prepared by Three Dragons Ltd on the request of the Council. Officers are satisfied that the assumptions used within the report and the information provided by Gadd Properties are acceptable, and where there is a difference in costs between Gadds information and CIL Viability Appraisal (or other data), these are the result of site and development specific variations. The report demonstrates that the development would not be viable come forward if a 25% affordable housing requirement was insisted upon.. Officers consider that as specific evidence has been put forward and subsequently tested, that no affordable housing contribution should be made on this particular application.

Design, Scale and Impact upon Conservation Area

As has been noted within responses from statutory consultees and members of the public, the application site is located at an important gateway into Wiveliscombe; it is a prominent site and one that must be carefully designed if it is to be redeveloped. As with the previous application, there are strong concerns from local residents with regard to the design and impact of the building upon visual amenity, the street scene and the character and appearance of the Conservation Area.

In terms of design, the applicant has made every attempt to improve upon the previous scheme, which was a somewhat utilitarian style of design. The applicant has actively engaged with the Design Review Panel as promoted by the Council. Not all recommendations of the Design Review Panel have been incorporated within this latest design scheme.

The corner of the site at the junction between Croft Way and High Street is the most important part of the site from a design perspective, as it will be one of the key features of the town at this prominent cross road junction. The Council was previously concerned with the scale of the building and its dominance within this part of the Conservation Area, however one key recommendation from the Design Review Panel was that the building should be at least three storeys in scale, in order to make a statement upon entering the town. It also suggested that ridge and eaves heights should be continuous, adopt traditional fenestration proportions, to use high quality materials and to investigate the possibility of there being no parking provision given the central location of the site; parking appeared to be a driver in the design approach which the panel felt was inappropriate.

The Council's Conservation Officer continues to have reservations over the three storey height of the corner building, but acknowledges that this is contrary the clear advice and guidance provided by the Design Review Panel. Despite this opinion and the concern raised with the previous application over the scale of the building, the guidance of the Design Review Panel is an important material consideration that should carry some weight. It is also important to consider that on a site immediately West of the existing warehouse building, planning permission was previously granted for a large three storey building. That permission has now lapsed and the site is less dominant but it provides a demonstration that three storey development along Croft Way has been accepted previously. The facade of the corner building now provides for traditional window openings of a scale that reflects those along High Street and the opposite corner. The elevation is broken up with two small steps rounding the corner. In all the revised design and scale is, taking on board the professional recommendations of the Design Review Panel, considered to be more appropriate for the site.

Having regard to the terrace of new dwellings, the revised approach is considered to be far more appropriate to the previous scheme. The removal of the Southern projecting gable is positive and the use of traditional fenestration proportions likewise gives a better appearance to the buildings. Whilst there is a design concern regarding the brick soldier course above the windows and doors, it provides a contrast in appearance with the corner plot; utilising different finished materials will also break up the massing of the two buildings when seen from along Croft Way to the South. In all, whilst the loss of the original building is regrettable, the revised design of the terrace is considered to be appropriate. A watching brief can be put in place for the demolition of the building and subsequent works as to ensure that any archaeological finds are appropriately recorded.

Whilst I agree with the Conservation Officer that the design of the development continues to lack real zest, it is now considered to be of a standard that is unlikely to significantly harm the character and appearance of the Conservation Area. The site in it's current form currently detracts from the appearance of the Conservation Area and the impact of the proposed development is considered to be an enhancement to the area.

Highway safety and parking

One of the key objections raised to the proposed development from members of the

public concerns highway safety, a perceived increase in vehicle movements over the access and pavement, and a reduction in visibility at this busy junction. It is noted, and it has been observed, that the footpath and highway along High Street are well used by both adults and children. The Highway Authority similarly object to the proposed development.

The application provides for 4 parking spaces with 1 space being allocated to each of the two bedroom terrace dwellings. When compared against the SCC Parking Strategy there is a shortfall of 12 spaces whilst against retained Policy M4 of the Local Plan there is a shortfall of 8 spaces. Due to concerns over an increased use of the access, a balance must be struck between the numbers of vehicles parked on site and utilising the access onto High Street and the impact that substandard parking provision will have upon highway safety and the free flow of traffic. The access has been widened since originally submitted so as to allow two vehicles to pass at any one time.

The previous application was refused due to the lack of parking and no justification being provided for car free or lowering parking thresholds for the development. It is therefore disappointing that the latest submission continues to provide very little analysis of transport and parking provision, especially a capacity assessment of the Croft Way and North Street public car parks to ascertain what level of surplus space may be available. From the Planning Officer's own visits to both car parks, which have been numerous, it has always been found that there is space available, particularly at Croft Way Car Park.

Wiveliscombe has a wide range of employment opportunities and services required for day to day living, but it is remote from any other major urban area and despite the bus service, there will likely be a certain level of dependency upon private car. The town centre already has a number of historic properties that do not benefit from private off road parking. That said, it should be capable of accommodating a small number of one bedroom flats that do not benefit from parking.

Notwithstanding the above, Wiveliscombe is identified as being a Major Rural Centre within Policy SP1 of the Core Strategy. This location is considered to be sustainable and in general, planning policy supports the principle of new residential development in areas such as this. With this in mind, a certain level of self-containment may be possible and it may therefore be reasonable to allow four car free one bedroom properties to be provided. Since the previous refusal, the site has been discussed at length and the Design Review Panel were of the opinion that parking should not be a driver towards resisting development of this important site. It has since become apparent that there are limit areas within the town centre where additional roadside parking can be achieved without flouting double yellow parking restrictions. The lack of parking for the terrace properties can, in my opinion, be consumed within public car parks so as not to result in additional roadside parking that would cause significant detriment to highway safety.

Having regard to the access and its use by up to four motor vehicles, it is acknowledged that visibility to the North and South along High Street will be reduced by the development. That said, the number of vehicle movements are likely to be significantly less than those associated with the use of the existing building and by those with permission to park their vehicles in the car park. Whilst again no details of trip movements have been provided, the development will, in my opinion, reduce

vehicle movements over the access. The reduction in visibility is not a great scenario but if the site is to be delivered then there must be some flexibility. Overall, the harm to pedestrian safety is not considered to be significant given the low level of vehicle movements involved with the proposed use. Additional parking and any subsequent reduction in turning area within the site can be controlled by way of condition.

Amenity

Objection to the development has been raised regarding private rights of access to neighbouring properties. It should be noted that such is a civil matter that would, if there was an issue, need to be resolved aside from planning. That said, there appears to be unrestricted access through the rear courtyard that will allow access to neighbouring properties.

Objection has also been raised with regard to loss of light, privacy and outlook to neighbouring flats, especially 18 and 18a High Street, which are within the building immediately North of the site. The proposed development has the potential to have an adverse impact upon the amenity of neighbouring properties in two forms; firstly the proposed building to the corner plot will reduce the amount of natural daylight and outlook to the first floor and ground floor windows of 18 and 18a High Street. However, officers do not consider privacy to these two flats to be adversely affected.

Secondly, the proposed terrace of four dwellings will give rise to the possibility of some overlooking of neighbouring gardens at the rear which are currently well enclosed due to the proximity of the existing warehouse building, which abuts the neighbouring garden. With regard to overlooking and privacy, four bedroom windows will face North; the four bathroom windows will be obscure glazed and controlled by condition. In addition, there is quite a change in site levels between the proposed terrace and gardens to the North; at first floor level it is likely that the erection of new boundary fencing will ensure that the privacy of the neighbouring property can be protected to an appropriate level and such could be secured by way of condition. I do not consider the adverse impact and loss of privacy from the four bedroom windows at first floor level to be significant.

These were issues also with the original application. At the time, the benefits of the development were not considered to outweigh the adverse impact upon amenity. The principle element of concern with regard to neighbouring amenity remains the loss of light and outlook to the windows of the flats at 18 and 18a High Street. Here, the built form and mass of the corner building, virtue of its proximity to the existing building, will result in an impact that cannot be overcome through conditions or amendments at this time. That said, as with the previous application, the harm is not considered to be significant and the property fronting onto High Street has another window at first floor level serving a room that would be affected through the loss of outlook and light to its South facing window.

The proposed development has now been revisited and its design improved upon following guidance from the Design Review Panel. It is considered to be an important site worthy of development and, on the basis of the good design now being employed, the benefit of the development to the wider area and community is considered to outweigh the adverse impact upon neighbouring amenity.

Conclusions

The principle of providing development at the site remains acceptable and the revised design scheme, whilst still lacking in architectural zest, is now considered to be acceptable. The principle recommendations of the Design Review Panel have been taken on board and incorporated within the revised proposals. The development will provide for a feature building of an appropriate design, scale and finished appearance that will, in my opinion, maintain the character and appearance of Wiveliscombe Conservation Area.

There remain issues with parking provision and amenity, however not all matters can be overcome with development and in weighing this proposal up, it is considered that the benefits of the scheme outweigh the harm described above. It has been demonstrated that the provision of affordable housing would make the development unviable and therefore the absence of affordable units must regrettably be accepted.

Having regard to the above matters, it is recommended that planning permission be granted subject to conditions.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

E/0033/35/14

ALLEGED UNAUTHORISED DEVELOPMENT ON LAND AT APPLEBY, STAWLEY

OCCUPIER:

OWNER: MR S OWEN
APPLEY ORCHARD FARM, BISHOPS HILL, STAWLEY
WELLINGTON
TA21 0HH

PURPOSE OF REPORT

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

RECOMMENDATION

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

The Enforcement Notice shall require :

- The removal from the land all the stacks of timber positioned along the side of the access track and around the agricultural barn.
- Cessation of the occupation of the mobile home for residential purposes and remove the unit from the site.
- Remove from site the unauthorised timber building sited adjacent to the unauthorised mobile home.

Time for compliance after the notice comes into effect :

- 6 months for the cessation of the residential occupation of the mobile home.
- 3 months for the removal of the timber stored on the land and for the removal of the timber building.

SITE DESCRIPTION

The entrance to the site is located off the road from Greenham to Tracebridge opposite the Pavilion south of Appley Cross. The site is accessed via a long track leading to an area of land to the East of Appley. This part of the site contains the mobile home, the recently constructed agricultural storage building and a further timber building. Stacks of timber are stored around the boundary of this area together with along the western side of the access track.

BACKGROUND

The agricultural access was granted permission on 10 February 2010. In March of 2010 an Agricultural Notification was submitted for the erection of an Agricultural storage building and access track. The access track was commenced in January 2011 but construction on the storage building did not commence until 2014.

A mobile home was brought onto the site for the purpose of overseeing the construction of both elements of the Notification but at the time was not being occupied. Late 2013 saw a new 'park home' type mobile home arrive on site and occupation commenced. Justification for the occupation of the mobile home was that it was necessary during the course of construction of the storage building. This is permitted development under Part 4 Temporary Buildings and Uses Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Complaints were received regarding the large quantities of timber being stored on the site. This was investigated and the owner informed that Planning permission would be required. The owner said he wanted to operate a logging business and understood that would fall under an agricultural operation. This is not the case so a meeting was arranged to discuss what type of business would be acceptable from the site. This meeting was arranged but then cancelled. The timber remained on site but the Council was informed that it would be removed over the next few weeks. Nothing further happened so a visit was made to the site in April 2014 where it was found that the storage building was under construction and the amounts of timber stored appeared to have increased. The mobile home was occupied and an additional timber building had been constructed. This visit prompted the owner to contact the Planning Officer to rearrange the meeting to discuss the way forward.

Further complaints have been received as the owner brought a mobile wood chipper to site on 24 July and commenced a day of chipping some of the timber stored on site. He confirmed that this would only occur on one day a month.

DESCRIPTION OF BREACH OF PLANNING CONTROL

The occupation of the mobile home was only permitted under part 4 Temporary Buildings and Uses whilst the Storage building was under construction. This structure is now complete but the mobile home continues to be occupied. No justification for the occupation of the mobile home for agricultural purposes has been forthcoming therefore its occupation is considered to be unauthorised. The large quantities of timber stacked around the storage building and along the side of the access track have been brought to the site from elsewhere and stored on site. The purpose would appear to be for the production of wood chips for the biomass fuel market. The storage of the timber would constitute a change of use from agriculture. The large timber storage building sited adjacent to the mobile home is unauthorised, its purpose appears to be storage and wc facilities. The wood chipping operation is considered to fall within Part 4 Temporary Buildings and Uses Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) provided that it is restricted to 28 days in any one calendar year which appears to be the current intention.

RELEVANT PLANNING HISTORY

35/09/0008AGN Erection of an Agricultural Storage building and Track at land at Appley, Stawley. approved on 24 February 2010.

35/09/0009 Formation of Agricultural access on land at Appley (ST 307225. 121005) approved 10 February 2010

RELEVANT PLANNING POLICES

National Policy Framework

3. Supporting a prosperous rural economy;

6. Delivering a wide choice of high quality homes;
11. Conserving and enhancing the natural environment.

Taunton Deane Core Strategy

Policies SP1, DM1, DM2, CP2, CP4, CP8.

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are whether the unauthorised development is acceptable, having regard to development plan policies for the area in relation to housing and sustainability, highway safety and landscape impact.

Residential Occupation of Mobile Home

The site is located within open countryside, outside of the villages of Appley and Stawley, where Policies SP1 and CP4 of the Core Strategy, together with guidance provided within Para 55 of the NPPF, make it clear that new residential development will not be permitted unless there is an essential need for accommodation to support a rural/farm worker. At present there is no functional requirement for there to be a dwelling at the site. The operation of the timber storage and processing business does not generate a functional need for the operator and their family to live on site and at present there is very little in the way of agricultural activity taking place over the surrounding land. For these reasons, allowing the retention of the mobile home and its occupancy would constitute an undesirable development within the open countryside, contrary to planning policy. The occupation of the mobile home would result in an unsustainable pattern of development, increasing the reliance of occupiers upon the private motor vehicles to access services that are not well provided for within the area.

Highway Safety

The ongoing timber storage and wood chipping operation sees cut timber logs brought to the site from a variety of private (approx 20%) and Forestry Commission (approx 80%) sites across the South West. From information provided by Mr Owen, approximately 105 lorry movements occur per annum; 60 delivering large timber logs for storage and seasoning and 45 for the transportation of chipped timber to wholesale distributors off site.

An average of 105 lorry movements per annum is considered to be relatively low in transport terms. The highway network connecting the site to the A38 comprises a series of narrow rural lanes that are generally single carriageway and poorly aligned with limited forward visibility. Access out of the site onto the public highway is considered to be safe, and the level of movements generated is far less than an agricultural operation might expect to generate. Notwithstanding, whilst access onto the highway network may not harm highway safety, any future intensification in the number of lorry movements along the local highway network may well adversely impact upon highway safety to an unacceptable degree. Unless a planning application is submitted, such would be difficult for the Council to control.

Landscape Impact

The primary concern over the unauthorised use of land arises from the stacking of logs in piles along the access track. The log piles can be readily seen from the public highway to the South and their appearance is at odds with that of the rural

landscape. Logs stored adjacent to the previously approved agricultural building and mobile home are better screened by existing mature hedgerow and trees that bound the site and surrounding fields.

The log piles adjacent to the stone track are considered to have an unsatisfactory appearance to the detriment of the surrounding landscape. It is therefore considered necessary to enforce against their storage.

Conclusions

It is expedient to take enforcement action against the unauthorised use of land and occupation of the mobile home for residential purposes due to conflict with the development plan policies and harm to visual amenity. Further, a failure to provide control over any future intensification of the logging business would likely result in an unacceptable impact upon the local highway network and safety.

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

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

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

Planning Committee – 13 August 2014

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

Officers: - Bryn Kitching (Development Management Lead), Matthew Bale (Area
Co-ordinator - West), John Burton (Major Applications Co-ordinator),
Gareth Clifford (East Area Co-ordinator), Julie Moore (Major
Applications Co-ordinator), Tim Burton (Assistant Director, Planning
and Environment), Maria Casey (Planning and Litigation Solicitor) and
Emma Hill (Corporate Support Officer)

Also present: Alison North (Community Leisure Manager) in connection with
application No 38/14/0178, Councillor Cavill in connection with
application No 48/13/0008 and Mrs A Elder, a Co-opted Member of the
Standards Committee.

(The meeting commenced at 5.00 pm)

80. Apologies/Substitutions

Apologies : Councillors Tooze and Wren

Substitutions : Councillor Horsley for Councillor Tooze and Councillor
Ms Webber for Councillor Wren

81. Minutes

The minutes of the Planning Committee meeting held on the 16 July 2014
were taken read and were signed.

82. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal
interests as Members of Somerset County Council. Councillor D Wedderkopp
also declared that he was the Ward Councillor for application No 48/13/0008.
Councillor Gaines declared that he had attended a Parish Council meeting for
application No 49/14/0021. He felt that he had not 'fettered his discretion'.
Councillor Mrs Hill declared a personal interest as an employee of Somerset
County Council. Councillor C Hill declared that the applicant for application
No E/0033/35/14 was his neighbour. He felt that he had not 'fettered his
discretion'. Councillor Nottrodt declared a personal interest as a Director of
Southwest One.

83. Applications for Planning Permission

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

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

10/14/0024

Erection of six bedroom holiday chalet with associated garden pond and parking areas at Pay Plantation, Stapley

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 1544/PL/05B Elevations and Sections;
 - (A1) DRNo1544/PL/01B Location Plan;
 - (A1) DrNo 1544/PL/02B Plans;
 - (A1) DrNo 1544/PL/03B Plans;
 - (A1) DrNo 1544/PL/04B Elevations and Section;
 - (A4) DrNo 1544/PL/06B Location Plan;
- (c) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works had been submitted to, and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the details and timetable agreed;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority;
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority;
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife in the form of a Construction Method

Statement (CEMP) and an ecological management plan has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Tyler Grange LLP submitted report, dated May 2014 and include:-

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

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

- (f) Details of the external glazing to roof lights and the swimming pool area shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation and shall be carried out as agreed and thereafter retained;
- (g) There shall be no obstruction to visibility greater than 900millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;
- (h) There shall be no removal of the roadside hedgebank to the north of the site at any time;
- (i) The chalet shall be occupied for holiday purposes only; The chalet shall not be occupied as a person's sole or main residence; The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of the building on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority;
- (j) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2, Part

1, Classes A to F of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

38/14/0175

Erection of balcony to the front of 5 Streamside, 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) Location Plan;
 - (A4) Site Plan ;
 - (A3) DrNo VPH-COOP-03 Rev 002 Floor Plans;
 - (A3) DrNo 02 221117 Balcony Front Elevations;
 - (A3) DrNo VPH-COOP-01 Rev 002 External Balcony and Stairs;
 - (A3) DrNo VPH-COOP-02 Rev 002 Existing and Proposed Elevations;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority and details of the colour finish of the balcony supports shall be submitted to, and approved in writing by the Local Planning Authority and thereafter carried out and retained as agreed.

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

38/14/0178

Construction of a swimming pool with erection of extension for Health Spa at the Leisure Centre with alterations to the main entrance area and provision of car parking at Blackbrook Pavilion, Blackbrook Way, 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:-
- (A1) DrNo 1254-P-10 Rev F Ground Floor Plan;
 - (A1) DrNo 1254-P-011 Rev B First Floor Plan;
 - (A1) DrNo 1254-P-101 Rev B Section A-A;
 - (A1) DrNo 1254-P-201 Rev A North and East Elevation;
 - (A1) DrNo 1254-P-202 Rev A South and West Elevations;
 - (A1) DrNo 1254-P-250 Rev A Aerial Perspective View;
 - (A1) DrNo 1254-P-251 Rev A Perspective View;
 - (A1) DrNo 1254-P-252 Rev A Spa Entrance Image;
 - (A1) DrNo 1254-P-503 Rev B Proposed Pitch and PV Layout;
 - (A1) DrNo 1254-P-504 Rev B Coach Turning Circle;
 - (A1) DrNo 1254-D-502 Rev C Site Plan (Sports Pitches);
 - (A1) DrNo 1254-D-253 Visualisation from Playing Field;
 - (A1) DrNo 1254-P-506 Rev A Surface Treatment to Overflow Parking;
 - (A1) DrNo 1254-P-508 Rev C Proposed Site Plan;
- (c) Prior to the commencement of the erection of any part of the building hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development 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;
- (d) Prior to the commencement of the erection of any part of the building hereby permitted, details and specifications of the lighting to be used on the building and car parking areas 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;
- (e) (i) The landscaping/planting scheme shown in the Landscaping Plan and Planting Specification document dated 30 July 2014 shall be completely

carried out within the first available planting season from the date of the development hereby permitted being brought into use;

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

- (f) The tree protection strategy shall be completely carried out in accordance with the details set out in the Arboriculture Impact Assessment and Tree Protection Plan dated 7 June 2014 prior to the commencement of any development on the site, unless otherwise agreed in writing by the Local Planning Authority;
- (g) 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 Michael Woods Associates submitted report, dated May 2014 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;

- (h) No development approved by this permission shall be commenced on site until a full operation and maintenance strategy for surface water has been submitted to, and formally approved in writing by, the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme. This strategy shall be implemented prior to the development hereby permitted being brought into use and shall thereafter be adhered to unless otherwise agreed in writing with the Local Planning Authority;
- (i) No development approved shall commence on site until a surface water run-off limitation scheme has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be implemented prior to the development hereby permitted being brought into use and shall thereafter be adhered to unless otherwise agreed in writing with the Local Planning Authority;
- (j) Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be

provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to, and approved in writing by, the Local Planning Authority;

- (k) The area allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (l) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access extending to points on the nearside carriageway edge 60m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall be maintained at all times;
- (m) The development hereby approved shall not be brought into use until cycle storage facilities capable of accommodating 26 cycles has been provided within the site, details of which shall have been submitted to, and agreed in writing with the Local Planning Authority. The cycle storage shall thereafter remain available and not be used for any purpose, other than for the storage of cycles in connection with the development hereby permitted;
- (n) Prior to the commencement of development, the overflow car parking as shown on Drawing 1254-D-506 shall be constructed and brought into use. This parking shall thereafter remain available for use in connection with Blackbrook Pavilion Sports Centre;
- (o) The development hereby permitted shall not be brought into use until an amended travel plan has been submitted to, and approved in writing by, the Local Planning Authority.

(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 entered into pre-application discussions 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.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). Dormice are known to be present on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. Natural England requires that the Local Planning Authority must be satisfied that derogation from the

Habitats Directive is justified prior to issuing such a licence. 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. Whilst it is considered unlikely that Great Crested Newts are present on site, a toolbox talk should be given to alert contractors of the possibility of Great Crested Newts being present; (iii) Applicant was advised that the use of Sustainable Drainage Systems (SUDs) should be investigated for surface water drainage on site, in order to reduce the rate of run-off and to reduce pollution risks. The techniques involve controlling sources of increased surface water and include:-

- Interception and reuse
- Porous pavings/surfacing
- Infiltration Techniques
- Detention/Attenuation
- Wetlands

With reference to Conditions (h) and (i), the strategy/scheme should include full details identifying how flood risk and surface water disposal will be dealt with, following further design works; (iv) Applicant was advised that having regard to the powers of the Highway Authority under the Highway Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager. Application for such a permit should be made at least four weeks before access works are intended to commence).

43/14/0058

Erection of 4 No. two bedroom dwellings to the rear of 14 High Street, Wellington

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 001 Site, Location and Roof Plan;
 - (A1) DrNo 002 Ground Floor Plan as Proposed;
 - (A1) DrNo 003 Rev A First Floor Plan as Proposed;
 - (A1) DrNo 004 Cross Section as Proposed;
 - (A1) DrNo 005 Elevations as Proposed;
 - (A1) DrNo 006 Drainage Plan;
- (c) 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 include:-

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

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

- (d) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the building and the hard surfaces within the site of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (e) Prior to the occupation of the dwellings hereby permitted, the surface water drainage scheme indicated on drawing 006 hereby permitted shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority;
- (f) Prior to the occupation of the dwellings hereby permitted, the parking area indicated on drawing 002 hereby permitted shall be laid out and marked in accordance with that drawing and further details showing the method of marking out the parking spaces that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Once provided, the parking area shall thereafter be maintained as such in accordance with those details;
- (g) Prior to the occupation of each of the dwellings hereby permitted, provision shall be made for the secure storage of two cycles for each dwelling in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Once provided, the cycle provision shall thereafter be maintained as such;
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions or new windows shall be added to/inserted into the dwellings hereby permitted other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

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

17/14/0003

Erection of an agricultural building for livestock on land adjacent to Goulds Farm, Fitzhead

Reasons

- (a) The proposed development would create an unacceptably intense livestock enterprise given the small area of land available which would cause unacceptable harm to the amenity of neighbouring residents in terms of noise, odour and general disturbance of residential dwellings by reason of the close proximity of those dwellings, contrary to Policy DM1 of the Taunton Deane Core Strategy;
- (b) Insufficient information has been submitted to demonstrate that the development would not lead to ground water contamination and in particular contamination of the private water supply at Western Goulds Farm. The proposal is, therefore, contrary to Policy DM1 of the Taunton Deane Core Strategy;
- (c) Insufficient information has been submitted in terms of proposed landscaping to satisfy the Local Planning Authority that the proposal would not cause unacceptable harm to the landscape and visual amenities of the area, contrary to Policy CP8 of the Taunton Deane Core Strategy.

24/14/0030

Outline application with some matters reserved for the erection of 1 No. three storey dwellings in the garden adjacent to Whitewell Cottage, 6 Moor Lane, North Curry

Reasons

- (a) The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map). It would lead to ribbon development and the ad-hoc extension of North Curry in an unplanned way. The proposal is therefore considered to be an unsustainable development contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy;
- (b) The application does not demonstrate that proposed development would not have a significant landscape impact as seen from the nearby public

footpath (on the opposite side of the road running from east to west) and from Moor Lane. The feasibility study shows that the proposed house elevation from Moor Lane although set back from the edge of the property would be quite dominating to walkers and to a lesser extent drivers and would be locally prominent interfering with the attractive middle and longer distance views when looking in an easterly direction. Also, the proposed entranceway which would open up views into the site, which would have an urbanising impact on the entrance route into North Curry. All of this would have a detrimental impact on the appearance and character of this rural area and the open countryside beyond and is therefore contrary to policies CP1 (g), DM1 (d) and CP8 of the adopted Taunton Deane Core Strategy and retained policy EN11 [Special Landscape Feature – North Curry Ridge] of the Taunton Deane Local Plan, adopted November 2004.

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

49/14/0021

Demolition of warehouse and erection of 4 No. three bedroom terraced dwellings, 4 No. one bedroom apartments and office/commercial accommodation with associated car parking at Croftway/High Street, Wiveliscombe (amended scheme to 49/13/0041)

Reasons

- (a) The proposed development fails to make adequate provision on the site for the parking of vehicles. There is insufficient capacity for additional car parking within the Croft Way and North Street public car parks and additional residential parking in these areas would reduce the space available for visitors to the town which would have a negative impact on local businesses. In addition, the proposed development would therefore be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point and, therefore, the proposal is considered to conflict with Policy DM1 of the Taunton Deane Borough Council Core Strategy, retained Policy M4 of the Taunton Deane Local Plan and guidance provided by the Somerset County Council Parking Strategy;
- (b) The proposal does not incorporate the necessary visibility splays at the access which are essential in the interests of highway safety. It is, therefore, contrary to Policy DM1 of the Taunton Deane Core Strategy and Paragraph 32 of the National Planning Policy Framework;
- (c) The proposed development, by reason of its scale, massing and layout, will adversely impact upon the residential amenity of neighbouring properties with regard to day light and outlook. The proposed development

is therefore considered to conflict with Policy DM1 of the Taunton Deane Core Strategy.

84. Outline planning application for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved including the point of access on land at Hartnells Farm, Monkton Heathfield (48/13/0008)

Reported this application.

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

- (a) 25% affordable housing to be split 60% social rent and 40% intermediate;
- (b) Drainage contributions to enable (i) the completion of a flood risk option study to identify an appropriate solution to overcome the drainage restrictions for this site (£500,000 max) (ii) the delivery of the agreed surface water drainage solution (£450,000 max);
- (c) Various highway works as outlined in the application;
- (d) Travel plan to reduce vehicular traffic movements from the new dwellings and financial contributions towards the implementation of a personalised travel plan for the existing community;
- (e) Provision and maintenance of public open space and children's play areas;
- (f) Contribution's based on 170 dwellings towards the provision of the western relief road (actual level to be determined following legal advice from QC);
- (g) On site provision of Integrated Public Art;

the Assistant Director for Planning and Environment 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) (i) Before any phase of the development hereby permitted is commenced detailed drawings of the layout, scale, appearance, access boundary treatments and landscaping of the development shall be submitted to, and approved in writing by, the Local Planning Authority as required for each phase (hereinafter called "the reserved matters") The development shall thereafter be carried out in accordance with the agreed drawings:-
 - (ii) Application for approval of the reserved matters under (i) above relating to the first phase of development shall be made to the Local Planning Authority within three years of this planning permission and application for approval of reserved matters under (1) above relating to the remaining phases shall be made to the local planning authority within 10 years of the date of this permission. Phases are as described in the applicants e-mail dated 16th July and attached phasing plan;

(iii) The development hereby permitted shall be begun, not later than the expiration of three years from the date of this permission, or before the expiration of 2 years from the date of the approval of the final reserved matters whichever is the later;

(b) No development shall take place within the site until there has been submitted to, and approved in writing by, the Local Planning Authority, a design code for the site in its entirety (herein after called the "Design Code". The design code shall be submitted prior to the submission of any applications for reserved matters. The design code shall include detailed codings for:-

- Architectural and sustainable construction principles;
- Character areas, street types and street materials;
- Block types and block principles;
- Internal highways, cycleways and footpaths;
- Cycle and car parking principles;
- Building types, heights and materials;
- Surface treatments for all areas;
- Boundary treatments;
- Landscaping principles; and
- Children's play areas, public open space and allotments.

The Design Code shall be based upon the illustrated layout no STRA2004/4011;

(c) Applications for reserved matters shall accord with the approved design code unless an alternative is first agreed in writing by the Local Planning Authority;

(d) The development hereby permitted shall be carried out in strict accordance with the details of the approved Flood risk assessment (FRA – prepared by WSP consulting and dated 20th December 2013).

Prior to any reserved matters approval, a detailed drainage scheme for that phase, plot or parcel of land shall be submitted to, and agreed in writing by, the local planning authority. The scheme shall include details of the phasing and maintenance of all drainage infrastructure. The development shall be carried out in strict accordance with the approved details and thereafter maintained in full working condition;

(e) (i) Before any phase of the development hereby permitted is commenced details of the landscaping scheme for that phase, which shall include details of species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority;

(ii) Each phase of the landscaping scheme shall be completed before the following phase of the development commences unless otherwise agreed in writing by the Local Planning Authority;

- (iii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) Prior to the commencement of each phase of development a landscape strategy and management plan shall be submitted to, and approved in writing by, the local planning authority. The landscape strategy and management plan shall include details of the proposed structural and internal landscaping, the maintenance of all open spaces including flood attenuation features and the proposed timings for the provision of the landscaping works. The landscape management plan shall include details of the extent and timing of grass cutting, shrub pruning and tree maintenance. The landscape strategy and management plan shall thereafter be implemented on site in accordance with the approved plan unless otherwise agreed in writing by the local planning authority;
- (g) Prior to the commencement of the first phase of development details of the Children's play areas and public open space shall be submitted to, and approved in writing by, the local planning authority. Such details shall be in compliant with the requirements of Taunton Deane Local Plan saved policy C4 and include details for the timing of the provision of those facilities and their subsequent maintenance. Once approved the Children's play areas and public open space shall be provided in and maintained in strict accordance with the approved details;
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (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) Prior to the commencement of construction works on site a foul and surface water drainage strategy and timetable for its provision shall be submitted to, and approved in writing by, the local planning authority. The approved drainage scheme shall be thereafter be completed in accordance with the approved details;

- (k) Prior to the commencement of works on site detailed plans showing an open area adjacent to Hartnells Farm listed building shall be submitted to, and approved in writing by, the local planning authority. The plans shall be based on the details on the illustrative masterplan no 3201 and shall include the timing for its provision on site. Once agreed in writing the open area shall be laid out in accordance with the approved details and thereafter be maintained as such;
- (l) The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority;
- (m) No more than 150 dwellings shall be constructed and occupied until the western relief road, as required by the Taunton Deane Core Strategy, has opened for use;
- (n) Prior to the commencement of construction work on site details of a roundabout junction between the proposed service road and the A3259 highway, based on the submitted plan number 1492-PHL-107-A shall be submitted to, and approved in writing by, the Local Planning Authority. None of the dwellings hereby approved shall be occupied until the approved junction has been constructed in accordance with those details and is open for use by traffic;
- (o) No dwelling shall be occupied until that part of the service road or drive which gives access to it has been constructed in accordance with the approved plans;
- (p) No dwelling shall be occupied until space has been laid out within the site for cars to be parked off road and where appropriate for vehicles to turn so that they may enter and leave the site in forward gear;
- (q) Prior to the commencement of construction works on site full details of the proposed cycle parking for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include covered and secure storage facilities for cycles. Prior to the occupation of any dwelling hereby permitted the approved covered and secure storage facilities for cycles shall be provided in accordance with the approved details and shall thereafter be maintained unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;
- (r) The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling

before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath;

(s) No part of the access drive shall be laid out at a gradient steeper than 1 in 10;

(t) No work shall commence on the development hereby permitted until details of the proposed off-site highways works shown on drawings 1492-PHL-107-A & 1492-PHL-101 A have been submitted to; and approved in writing by; the Local Planning Authority; These works shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use;

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

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

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation - An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.

- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above);

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority;

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;

(v) Prior to the commencement of works on site details of a wildlife mitigation scheme (Construction Environmental Management Plan (CEMP) and a Landscape and Ecology Management Plan (LEMP)) shall be submitted to and approved in writing by the local planning authority. Such plans shall be based on the Ecological Environmental Impact Statement and indicate the following:

- the creation or enhancement of a minimum of 1.88 Habitat Units of woodland planting using the methodology described in the Ecological Environmental Impact Statement based upon the current site boundary and habitat data provided in the submitted ecology reports (Thurley Associates, 2013a). It shall also include the locations, planting schedule and layout of the proposed habitat creation /enhancement will be agreed with Taunton Deane Borough Council prior to planting;
- The provision of a minimum of 20 metre buffer of woodland with an associated Somerset bank, as set out by Thurley Associates (2013a), around the northern and western boundaries of the site. Once the details are approved the Somerset bank shall be installed before commencement of the proposed built development unless an alternative timing is first submitted to, and approved in writing by, the Local Planning Authority;
- Retention of the existing hedgerows on the boundaries of the development facing open countryside. These can be incorporated into the buffer planting;

(w) Prior to the commencement of works on site a wildlife management plan for the whole development site shall be submitted to and approved in writing by the local planning authority. The wildlife management plan shall include the appropriate management of the woodland planting areas for lesser horseshoe bats and shall include measures to promote the establishment of the planting to a favourable structure for lesser horseshoe bats, such as future thinning and the replacement of 'nurse crop' species (such as poplar and Norway spruce) with oak and other native species to give a more diverse age range; The wildlife mitigation planting areas shall thereafter be managed in accordance with the approved wildlife management plan;

- (x) Prior to the commencement of works on site full details of the paths and cycleways into and through the woodland areas shall be submitted to, and approved in writing by, the local planning authority. The details shall ensure that all paths and cycle ways from outside the habitat buffer / corridor shall be constructed diagonally rather than at right angles and are not be lit. Such paths / cycle ways will not exceed 3m in width and that the paths and cycleways within the woodland areas are unlit by artificial lighting at all times;
- (y) Prior to the commencement of works on site full details of a lighting strategy shall be submitted to and approved in writing by the local planning authority.
This strategy shall follow the design suitable for lesser horseshoe bats produced by Somerset County Council (Bennett, 2012) and incorporate the following measures:
- There will be no routine night-time working during the construction stage of the development;
 - Street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive bats. All bat corridors shall not exceed 0.1 Lux which is the recommended light level for horseshoe bats in corridors through development (Natural England, 2010);
 - Lighting will be of the LED type which is highly directional;
- (z) The gable ends of dwellings or other buildings facing woodland habitat creation will not have windows in order to reduce any artificial lighting affecting the behaviour of bats in new and existing habitat;
- (aa) There shall be no external artificial lighting on ends of dwellings or other buildings facing the woodland habitat creation areas or gardens adjacent to woodland habitat creation areas unless details have first been submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (i) Applicant was advised that there is limited available capacity in the existing water supply network to accommodate development. Network modelling will be required to determine the nature and cost of offsite network re-enforcement required to maintain levels of service; (ii) 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).

85. E/0033/35/14 – Alleged unauthorised development on land at Appley Orchard Farm, Bishops Hill, Stawley

Reported that complaints had been received regarding large quantities of timber being stored and the occupation of a mobile home on the site of Appley Orchard Farm, Bishops Hill, Stawley.

This complaint had been investigated and the owner of the land was informed that planning permission would be required to operate a logging business and to retain the mobile home.

As a result, the owner had indicated that the timber would be removed from the site.

However, a site visit in April 2014 found that a storage building was under construction on the land and the amounts of timber stored appeared to have increased. The mobile home was occupied and an additional timber building had also been constructed all without planning permission.

Resolved that:-

- (1) An enforcement notice be served for the removal from the land at Appley Orchard Farm, Bishops Hill, Stawley all the stacks of timber positioned along the side of the access track and around the agricultural barn; Cessation of the occupation of the mobile home for residential purposes and its removal from the site; and the removal of the unauthorised timber building sited adjacent to the mobile home;
- (2) Any enforcement notice served should have a six month compliance period for the cessation of the residential occupation of the mobile home and a three month compliance period for the removal of the timber stored on the land and for the removal of the timber building; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

(The meeting ended at 10.15pm)