

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 29 April 2015 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 8 April 2015 (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 Miscellaneous item 38/14/0394 Erection of 2 No. detached bungalows with garages and the erection of 1 No. garage to serve the existing property in the grounds of 1 Wheatleigh Close, Taunton
- 6 21/14/0003 Outline application with all matters reserved for the development of 8 No. residential dwellings, comprising 4 No. affordable dwellings and 4 No. open market dwellings, on land adjoining the village hall, Langford Budville (resubmission of 21/13/0012)
- 7 38/13/0477 Outline planning permission for the erection of up to 99 No. dwellings, vehicular accesses and associated works at areas H and I, Firepool Lock, Taunton
- 8 38/15/0098 Demolition of 109 South Road, redevelopment (to include partial demolition) of 107 South Road and erection of student accommodation, comprising 63 No. student beds and two No self-contained flats, at 107-109 South Road, Taunton (resubmission of 38/14/0413)
- 9 The latest appeals and decisions received

01 June 2015

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

Planning Committee – 8 April 2015

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

Officers: - Bryn Kitching (Area Planning Manager), Tim Burton (Assistant Director
- Planning and Environment), Gareth Clifford (Principal Planning
Officer), Roy Pinney (Legal Services Manager), Maria Casey (Planning
and Litigation Solicitor) and Tracey Meadows (Democratic Services
Officer)

Also present: Councillor Hall in connection with application No.38/14/0394.
Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

37. Apologies

Councillors Gaines, Tooze and A Wedderkopp

38. Minutes

The minutes of the meetings of the Planning Committee held on the 12 and 18 March 2015 were taken and read and were signed.

39. Declarations of Interest

Councillors Coles and D 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 Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillor Mrs Reed declared a prejudicial interest in relation to application No.43/14/0137 and left the room whilst the application was presented and discussed. The Chairman also declared that he was the Ward Councillor for application No.43/14/0137. He stood down as Chairman for this item and the Vice-Chairman (Councillor Coles) took the chair.

40. Applications for Planning Permission

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

(1) That the **detailed plans be approved** for the under-mentioned development:-

05/14/0059

Reserved Matters application for outline application 05/13/0011 for a residential development on land adjoining Sherlands, Stonegallows, Bishop's Hull (resubmission of 05/14/0025)

Conditions

- (a) Prior to the commencement of the development hereby permitted, protective fencing shall be installed in the location indicated on drawing No. 11213/54 rev D to protect the trees along the western site boundary and details of similar protective fencing to the eastern boundary shall be agreed before construction commences. Such fencing shall be erected prior to the commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
 - (b) The materials proposed for use in the development hereby approved shall be as stated on drawing No. 11213/54 rev D with the exception that the roof material for plots 3, 5 and 7 shall be Redland 50 Double Roman (colour Breckland Brown), unless otherwise agreed in writing by the Local Planning Authority. The approved materials shall be installed prior to the occupation of the dwellings hereby permitted and shall thereafter be maintained as such;
 - (c) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
 - (d) Prior to their installation, full details of the proposed materials of the porches/porticos for plots 5, 6 and 8 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 dwellings to which they relate and shall thereafter be maintained as such;
- (2) That **planning permission be granted** for the under-mentioned development:-

42/14/0070

**Change of use of land from agricultural to parking area at The Barn,
Middle Sweethay Farm, Trull**

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A3) DrNo 01 Rev A Location and Site Plans;
 - (A4) Location Plan;
 - (A1) DrNo BR/03 Proposed Floor Plans;
 - (A3) DrNo BR/03 Proposed Floor Plans (Parking Spaces);
- (c) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out and shall not be used other than for the parking of vehicles in connection with the holiday let unless otherwise agreed in writing by the Local Planning Authority;

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

43/15/0004

**Variation of condition No. 04 (restricted opening hours) of 43/14/0103 at
20 Mantle 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 1484.101 Rev B Proposal Drawings;
 - (A3) DrNo 1484.100 Rev A As Built Survey Drawings;
 - (A3) DrNo 1484.099 Rev A Location Plan and Site Plan;
- (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;
- (d) The use hereby permitted shall not be open to customers outside the following times 23:00hrs – 08:00hrs;

- (e) Prior to the commencement of the use hereby permitted, full details of the proposed storage of refuse/waste shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the use commencing and shall thereafter be maintained as such. No waste shall be stored within the side passage that gives access to Laburnum Cottages at any time;
- (f) Prior to its installation, full details of any extraction equipment/flue shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment shall be installed in accordance with the approved details and shall thereafter be maintained as such.

41. Erection of a Terrace of 4 No. two bedroomed cottages and a terrace of 3 No. two bedroomed cottages on land to the rear of the former Three Cups, Fore Street, Wellington (32/14/0137)

Reported this application.

Resolved that subject to the applicant entering into a S106 agreement to provide off-site children's play equipment in the form of a climbing frame with slide and a roundabout, plus installation costs, at the Corner Close Play Area, the Assistant Director - 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) 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 07/05/154A Elevations;
 - (A3) DrNo 07/05/152 Elevations;
 - (A3) DrNo 07/05/153A Elevations;
 - (A3) DrNo 07/05/150 Floor Plans;
 - (A3) DrNo 07/05/250 Existing Site Plan;
 - (A3) DrNo 07/05/201D Proposed Site Plan;
 - (A3) DrNo 07/05/151A Ground and First Floor Plan;
 - (A4) DrNo 07/05/2000 Location Plan;
- (c) 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;

- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the development hereby permitted and shall thereafter be retained as such;
- (e) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (f) Prior to its construction, full details of the proposed boundaries between the dwellings and the access road/turning area shall be submitted to, and approved in writing. The approved details shall be implemented prior to the occupation of any the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration;
- (g) Prior to its construction, full details of the proposed boundaries between the public footpath and the access road/turning area shall be submitted to and approved in writing. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration;
- (h) (i) Prior to its installation, 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;
- (i) Prior to the construction of the access/turning area, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied and shall thereafter be retained as such;
- (j) Prior to the occupation of the dwellings hereby permitted, full details of the proposed bin and cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be provided prior to occupation of the dwellings hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority;

- (k) 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 shall be added, no additional windows shall be installed, no gates fences, walls or other means of enclosure shall be constructed and no outbuildings shall be erected other than those expressly authorised by this permission without the further grant of planning permission;
- (l) The access and turning head hereby approved shall be used for dropping off and turning only and shall otherwise be kept clear of obstruction at all times.

42. Miscellaneous Report - Application 38/14/0394 – Land at 1 Wheatleigh House, Taunton. Erection of two detached bungalows with garages and the erection of one garage

Submitted report previously circulated, which required Members to revisit its decision made at the last meeting of the Committee in connection with the above application to address a procedural and administrative issue which had been brought to officers' attention following the meeting.

On 12 March 2015, the Committee resolved to grant planning permission for a development proposal at 1 Wheatleigh House, Taunton consisting of the proposed construction of two detached bungalows with garages and the erection of a single garage to serve the existing property.

Prior to the meeting, each Member of the Committee had been sent a copy of a letter from the applicant's agent together with an artistic impression of the appearance of the proposed development.

On considering the application the Committee resolved that permission should be granted, with its reason for this decision being that the harm which would be caused to the listed building was less than substantial, and was outweighed by the public benefit which the development would bring in the form of the delivery of this type of accommodation in a highly sustainable location close to the town centre and other facilities.

On the 13 March 2015 an email was received by the Council's Legal Services Manager from a representative of Boon Brown Planning who had been acting on behalf of objectors to the proposal. He stated that he had not previously been aware of the content of the applicant's letter, as this had only appeared on the Council's website the morning after the Planning meeting.

Concerns had been raised about the letter, specifically the accuracy or otherwise of the artistic impression of the development proposal. The representative from Boon Brown stated that if he had had sight of these drawings in advance of the meeting he would have wished to include

representations about these drawings in his overall submissions to the Committee.

The Legal Services Manager had considered the matter and was of the view that it was necessary to provide Boon Brown with an opportunity to address the content of the letter and the accompanying drawing in further representations to the Committee prior to the application being formally determined.

The Committee received the further representations from Boon Brown but, after further consideration, Members indicated that they wished to adhere to the decision made at the previous meeting.

Further reported that it had also come to light that despite officers believing that English Heritage had been consulted on the application in December 2014, the consultation letter had not been sent.

A letter had now been forwarded and English Heritage had 21 days to make comments. As a result the application could not lawfully be determined until a response from English Heritage had been received.

Resolved that subject to English Heritage raising no new substantive issues (not previously considered by the Planning Committee), planning permission be granted.

43. Appeals

Reported that one appeal and was received details of which were submitted.

Resolved that the report be noted

(The meeting ended at 6.40 p.m.)

Declaration of Interests

Planning Committee

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

TAUNTON DEANE BOROUGH COUNCIL

Planning Committee – 29 April 2015

Miscellaneous Report

Application number 38/15/0394

**ERECTION OF 2 No DETACHED BUNGALOWS WITH GARAGES AND THE
ERECTION OF 1 No GARAGE TO SERVE THE EXISTING PROPERTY IN THE
GROUNDS OF 1 WHEATLEIGH CLOSE, TAUNTON**

PURPOSE OF REPORT

To update members on the situation surrounding the planning application at Wheatleigh Close.

BACKGROUND

At the Planning Committee meeting on 8th April, Members resolved to grant planning permission for the above development subject to English Heritage raising no new substantive issues.

UPDATE ON CURRENT SITUATION

At the time of preparing the agenda for this meeting, no response has been received from English Heritage. The consultation deadline is 28th April.

If English Heritage raise no new substantive issues, then planning permission can be granted without further consideration by the Committee and members will be advised of this.

In the event that substantive new issues are raised by English Heritage, then an update report will be presented to members to allow them to consider whether or not to grant planning permission in light of those comments.

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

21/14/0003

ALMA (SW) LTD

OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE DEVELOPMENT OF 8 NO. RESIDENTIAL DWELLINGS, COMPRISING 4 NO. AFFORDABLE DWELLINGS AND 4 NO. OPEN MARKET DWELLINGS, ON LAND ADJOINING THE VILLAGE HALL, LANGFORD BUDVILLE (RESUBMISSION OF 21/13/0012)

Location: LAND ADJOINING THE VILLAGE HALL, LANGFORD BUDVILLE

Grid Reference: 310701.122894

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to the applicant entering into a Section 106 agreement to secure the following:

- a. Provision of four dwellings to be Affordable in line with the size and tenure set out within the application.
- b. The provision of (or equivalent financial contribution of £17,424 towards) children's play facilities in Langford Budville.

RECOMMENDED CONDITION(S) (if applicable)

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

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning

Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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

3. Prior to their construction, 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 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 in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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

Reason: In the interests of highway safety, 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 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 habitats from damage and disturbance during and after the development process in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

6. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the NPPG, and the results of the assessment provided to the local planning authority. Surface water drainage works will require a Sustainable Drainage System; prior to its installation the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Include a timetable for its implementation; and
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In order to safeguard land and properties downstream of the site from an increased risk of flooding from development in an area of known ground and surface water issues, in accordance with Taunton Deane Core Strategy Policies CP8 and DM1.

7. 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), there shall be no extension, addition or other alteration to the dwellinghouses hereby permitted without the further grant of planning permission.

Reason: To prevent overdevelopment of the site in the interests of residential amenity and to ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. 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 gate, fence, wall or other means of enclosure shall be erected or constructed on or over the site, other than that expressly authorised by this permission, without the further grant of planning permission.

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

Taunton Deane Core Strategy.

9. The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 01 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

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

10. The development shall provide for covered and secure storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 01 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

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.

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. 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 comprises the erection of eight (8) dwelling houses on land to the North of Langford Budville Village Hall. The proposed dwellings will comprise four open market four bedroom dwelling houses and four affordable dwellings; two 1 bedroom dwellings and two 2 bedroom dwellings.

The original scheme submitted in March 2014 comprised the erection of twelve (12) dwelling houses; seven open market and seven affordable homes. Following the undertaking of a Housing Needs Survey for the Parish of Langford Budville, the application has been amended to comprise the eight dwellings now being determined. A financial viability assessment has been undertaken and its findings have been ratified independently by Savills (Exeter) at the Council's request.

The application seeks outline planning permission with all matters reserved. No indicative layout plan has been submitted and the original, indicating the layout for twelve dwellings has been withdrawn. Notwithstanding, it is taken that the existing road serving the village hall will provide the sole means of vehicle access to the development site. A Flood Risk Assessment has been submitted (March 2015) and concludes that the proposed development should not increase the risk of flooding downstream of the site. A SUDS scheme will be developed at the reserved matters stage, with surface water directed to a watercourse North of the site via an existing outflow pipe that currently serves the village hall. No connection to the detention basin adjacent to the site will be proposed.

As stated above, the application is supported by a Flood Risk Assessment, Langford Budville Local Housing Need Survey report and Financial Appraisal based on the principles of the Homes & Communities Agency Economic Appraisal Tool.

SITE DESCRIPTION AND HISTORY

The application site is located to the Western periphery of Langford Budville, immediately North of the village hall. The site is currently a disused area of

agricultural scrub land; it is unfenced and laid to grass. It is bound to the North by a public footpath and the highway known as Ritherdons Lane.

To the East of the site are residential dwellings arranged in a linear form fronting the public highway, with gardens and agricultural land generally to the South of these properties. To the West is an agricultural field and the South, the village hall with its associated parking areas and surface water detention pond. Accessibility to the centre of the village is limited to being along Ritherdons Lane and a combined private and public footpath that crossed the village hall site, moving East across agricultural fields to a point where it terminates with Ritherdons Lane.

The village hall was granted planning permission on a former greenfield site under LPA reference 21/04/0017.

Outline planning permission was previously sought for the erection of twelve dwelling houses on the site now being considered, LPA reference 21/13/0012. The application was withdrawn by the applicants.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LANGFORD BUDVILLE PARISH COUNCIL - A PC meeting was held to discuss this application. Councillors supported the application by a 3-1 majority. However there were concerns raised by the public regarding parking, drainage and there being no plans to view.

DRAINAGE ENGINEER - Original objection raised on lack of FRA. Final comments:

I refer to the FRA carried out by MBA Consulting dated March 2015 and comment as follows:

There is a history of flooding downstream of this proposal and any approved SUDS based scheme shall ensure that downstream flooding is not increased.

Wessex Water state that the surface water sewer has not been adopted and is private. Details of ownership and agreement on connection required before permission is given.

Current EA advice is that runoff rates are restricted to a 1 in 2 year greenfield runoff rate for all storm periods up to and including the 1 in 100 year plus climate change event or 2 litres per second per hectare whichever is lower. The attenuation scheme will need to comply with this standing advice.

The surface water drain referred to already has a flow control device installed. Any on site attenuated storage needs to reflect this limited outfall within separate on site detention facilities as the adjacent attenuation pond only provided for the existing village hall drainage etc.

Stating the proposal does not increase risk of flooding off site not strictly correct as any scheme that is not designed to current SUDS practice will be a risk from runoff from this steeply sloping site. Any design provided will have to show how exceeding

flows from this site will be dealt with.

Conditions provided to reflect these comments.

HOUSING ENABLING - Original objection to development as proposals did not reflect housing need. On amended scheme comments are as follows:

The previous Housing Enabling Comments made on this application raised concern that the results of the Housing Needs Survey did not reflect the current planning application and suggested a development of 4 affordable homes to minimise the risk of future void properties and taking into consideration existing affordable stock within Langford Budville.

This application now provides the suggested four affordable dwellings in the form of:

- 2 x 2bed houses for social rent; and
- 2 x 1bed apartments for social rent

This is considered an appropriate mix to meet the identified housing need, provided that the 1 bed apartments are of maisonette style with their own entrance and garden area.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3, or meet any subsequent standard which may supersede at the date of approval of the full application or reserved matters application.

The affordable housing should be an integral part of the development and should not be visually distinguishable from the market housing on site. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

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

BIODIVERSITY - Unable to make detailed comments as no wildlife survey was submitted.

The site is mainly rank grassland and the species likely to be impact upon are reptiles and amphibians.

A wildlife survey is required at some time, preferably the outline stage to inform a wildlife strategy.

Condition suggested.

PLANNING POLICY - Comment as follows:

Core strategy policy CP4 seeks the delivery of around 4000 new affordable housing units, a target of 25% of new housing should be in the form of affordable housing with contributions being sought on sites of 5 or more dwellings.

In relation to proposals at villages such as Langford Budville with a defined settlement limit, Core strategy policy DM2 states that:

“Outside of defined settlement limits the following uses will be supported:...”

The subsequent list includes:

“6. Affordable housing

Adjoining settlement limits, provided no suitable site is available within the rural centre;

In other locations well related to existing facilities and to meet an identified local need which cannot be met in the nearest identified rural centre.”

Comment: Milverton is the nearest identified rural centre, it is unclear whether or not there is a potential for sites at that settlement to meet the need identified in the Housing Needs Report submitted with the application or the development proposed, the planning application does not appear to address that question. Notwithstanding that, the application site is well related (albeit not adjacent to) the Langford Budville settlement limit, and the local facilities in the village.

Affordable Housing Supplementary Planning Document

The requirements of the SPD and comments on each aspect of the application are as follows:

The Council will expect such developments to be small scale and should:

Meet or help to meet a proven and specific local need for affordable housing in the Parish or adjoining rural Parishes, which would not otherwise be met. Local housing needs will need to be demonstrated via an up to date Parish survey. The cost of the survey is to be borne by the applicant.

Whilst the applicant has commissioned and submitted a Housing Needs Report with the application, I am concerned to know whether the Council’s Housing Enabling Lead is satisfied that the revised planning application properly responds to the need identified in the Report. If it does not then the application should be recommended for refusal.

Be within or adjacent to the settlement boundary, well related to existing community services and facilities and sympathetic to the form and character of the village.

The application site is close to rather than immediately adjacent to the settlement boundary, it is however well related to existing community facilities, lying in between the edge of the residential area of the village and the new village hall. The form of development proposed appears to be broadly consistent with the character of the settlement.

Consider all available sites around a settlement in order to identify the most suitable site. The development should be of an appropriate size as not to have an overbearing impact on the settlement or the countryside.

It is unclear whether any such exercise has been carried out.

Arrangements will be secured to ensure that initial and subsequent occupancy of the dwellings is restricted first to those having an identified local need for affordable

housing through the use of appropriate safeguards, including planning conditions or Section 106 obligations.

If planning permission is ultimately granted, this should be conditional on an appropriately worded S106 agreement ensuring that the affordable housing element is retained in perpetuity.

In the event that a small proportion of cross subsidy through open market housing is required to facilitate the provision of the remaining affordable housing to meet an identified local need, this will need to be discussed with the planning officer and housing enabling lead prior to submitting a planning application. A detailed statement, including viability information independently verified at the applicants cost by the Council's preferred independent assessor should be submitted with the planning application.

The proportion of cross subsidy open market housing proposed is 50% of the scheme total. From the information provided with the planning application it is difficult to assess whether this mix is essential to make the scheme viable.

Conclusion:

On the basis of the information provided, it is difficult to reach a firm conclusion as to whether the application has successfully met the tests in the Council's policies. In the absence of further detail on the points over which information is lacking I would suggest that it should be recommended for refusal.

WESSEX WATER - Standard advice on connections and ownership of systems provided. No objection raised for connection of mains sewers.

LEISURE DEVELOPMENT - Provision for play should be made in accordance with Policy C4. A contribution of £2,904 for each 2+ bed dwelling should be made towards off site childrens play. The contributions to be spent on additional facilities for the benefit of the new residents, within the vicinity of the development.

SCC - TRANSPORT DEVELOPMENT GROUP - I refer to the above mentioned planning application received on 18th March 2014 and following a site visit I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to an outline application for the development of 12 residential units.

In terms of vehicle movements the average dwelling would generate between 6-8 movements per day. As a consequence the site as a whole could potentially generate 96 movements per day which equates to additional movements every eight minutes. This is therefore considered not to be significant enough to warrant an objection on traffic capacity grounds.

The proposal will utilise the existing junction, which was built under a S278 agreement with the Highway Authority. From reviewing the legal file it is apparent that the proposed residential development was shown on the approved plans. As a

consequence the Highway Authority is satisfied that the junction has been constructed so that it is able to accommodate the additional traffic that would be associated with this development.

Turning to the internal arrangements the Highway Authority has the following comments to make. Firstly would the applicant be able to confirm whether the approach road to the site (which serves the village hall) will remain private or will it be offered for adoption? If it's to remain private then the Highway Authority would not look to adopt the proposed residential development. The Highway Authority's reasoning for this request is that the existing road has only been finished to gravel surface course and it would require it to be upgraded to a type 4 bituminous macadam carriageway if they were looking to have the proposed adopted.

In regards to the access to the site the Highway Authority would require that a 6.0m junction radii is provided. Where it is to tie into the existing carriageway allowances should be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. In addition the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with the adjoining road.

The 'Design and Access Statement' indicates proposed visibility splays across the site access of 2.4m x 33m in both directions. The lengths of the splays are commensurate of vehicle speeds of 25mph which is acceptable in this instance. However, the applicant will need to submit to Somerset County Council, a layout plan confirming that the full extent of the required splays will be contained within their red line site boundary for dedication purposes. The red site line boundary as indicated within the submitted drawing number AL/2013/10C does not appear of sufficient area to contain the required splays. The full extent of the visibility splays will be adopted by this authority and there shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above adjoining carriageway level.

From visiting the site it was observed that there is a level difference between the existing access road and the land contained within the application site. Therefore the applicant might be required to provide retaining walls. As a consequence Somerset County Council as the Highway Authority will need to be assured of the safety and durability of any retaining structure that is being offered for adoption, as well as private structures that will be constructed within 3.67m of the highway boundary and has retained height of 1.37m above or below the highway boundary. Any structure to be adopted by Somerset County Council or private walls with a retained height of 1.5m will require the submission of an Approval In Principle (AIP) report. The report shall be signed by a Chartered Engineer (Civil or Structural) and submitted before the commencement of the detailed design.

In terms of the internal layout the applicant would need to take on board the following points prior to any further submissions. Firstly the applicant should be aware that it is likely that the internal layout of the site will result in the layout of a private street and as such under Sections 219-225 of the Highways Act 1980, will be subject to the Advance Payments Code.

The application site lends itself to either a type 4 bitumen macadam carriageway

with 2.0m wide footways provided throughout, or a block paved shared surface carriageway with minimum width of 500mm service margins. Block paved shared surface carriageways should have a longitudinal gradient no slacker than 1:80 to aid surface water drainage. The applicant should note that no doors, gates, low-level windows, utility boxes, down pipes or porches are to obstruct the footways or shared surfaced roads. The Highway limits shall be limited to that area of the footway/carriageway, clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes and steps.

The Highway Authority would also require a continuous footway to be provided from the site access up to and including the existing footway that terminates at the top of the newly constructed access road that leads to the village hall. However from the red line plan it appears that any proposed footway would be on land outside the application area.

Turning to the site drainage the applicant has indicated that this residential site was included within the original Flood Risk Assessment (FRA) for the Village Hall. However this document has not been included in this submission. The applicant would need to provide the Highway Authority with a copy of this document to allow for an appropriate assessment of this proposal on the drainage.

Paragraph 4.05 within the 'Design and Access Statement' indicates proposal to discharge surface water from the application site via either a sustainable drainage system (SUDs) or connecting into an existing drainage system. The applicant must be made aware of the fact that any proposed SUDs system must be located outside of the prospective public highway limits and that any proposed connection into an existing drainage system not being maintained by the Highway Authority, will need to be supported by written evidence of the consent of the authority or owner responsible for the existing drain, with a copy forward to Somerset County Council.

The applicant should note that if the site drainage or the existing carriageway drainage is to be adopted then it would need to be subject to an easement to allow for maintenance access at all times.

Where works have to be undertaken within or adjoining a public highway a Section 50 licence will be required. These are obtainable from the Streetworks Co-ordinator on 0845 345 9155. In addition surface water from all private areas, including drives and parking bays, will not be permitted to discharge onto the prospective public highway. Private interceptor drainage systems shall be put in place to prevent this from happening.

Finally the application site appears to be contained within a Conservation Area. Therefore it will be necessary for the applicant to liaise with Somerset County Council's Conservation Officer in regard to proposed materials and street lighting columns.

Therefore to conclude the Highway Authority has no objection in principle to this proposal to this proposal. However the applicant will be required to submit further details. These include:

- Suitable drainage details for the site or the original FRA for the Village Hall;
- AIP report for the retaining walls;

- Confirmation from the applicant whether the access road will be adopted; and
- An amended plan showing the extent of the visibility splays and also a footway link between the site and the newly constructed access.

Until this information is provided the Highway Authority is not in a position to provide further comment on this proposal.

Representations

Somerset Wildlife Trust - Support the comments of the Biodiversity Officer. A wildlife survey is required before any site works can start.

CPRE Somerset - Object to the proposals. The CPRE believe that the countryside should be protected and that new housing should be restricted to areas identified by Local Planning Authorities in their Development Plans. Policy SP1 of the Taunton Deane Core Strategy identifies Langford Budville as a village where there should be no further allocation of land for housing development and where settlement boundaries will be maintained. The policy identifies land outside settlement boundaries as open countryside. The proposed site is located outside the confines of the settlement boundary in an unsustainable location where residents would be entirely dependent on motor vehicles to access services. Therefore this planning application should be refused.

11 letters of SUPPORT from 11 Households received in response to the original and revised proposals, making the following planning related comments:

- We have a wonderful school which will hopefully be supported by new families moving into the village;
- There is a need for affordable housing in the village and it is wrong that people are forced to move out of the communities they grew up in to the larger towns because of the lack of affordable housing;
- All villages have to be allowed to grow in a controlled way or they will stagnate and die. The eight houses proposed are not going to have an adverse impact on the village but will benefit it as a whole;
- Elder daughters and their partners are having significant trouble finding any affordable housing in this area; indeed one has just moved to rented accommodation in Waterrow which is very expensive and means more travel being required;
- The Parish is weighed down by elderly home owners and it is time the balance was addressed... with more young families in the village. More affordable dwellings will give the young a means to live in an area they wish to;
- The amended scheme is a good step forward. Local business is in need of seasonal labour during the Christmas period and a mix of properties to serve various financial circumstances can only be positive;
- Suitably sited on the edge of the village not to harm other properties;
- We need young people in the parish so the village does not turn into a retirement area;
- The site is very appropriate as there are few sites available;

- The village is in need of more housing like this;
- The position will have a minimal effect on the Parish and will be visible only to a small number of people.
- The survey has shown affordable housing is badly needed in the Parish;
- We need young families that can afford local properties to ensure the future of the Parish and its facilities.

37 letters of OBJECTION from 22 Households received in response to the original and revised proposals, making the following planning related comments:

- It is completely inappropriate to build in this once pretty village; will lovely views go on being spoilt by greed? We have enough new houses in this once lovely village and do not need any more;
- The site is outside the settlement boundary in open countryside;
- There will be more flooding;
- If existing sewage pipes are used, note I already have raw sewage coming into my garden when there is heavy rain as the system cannot cope; if connecting to main sewers the issue will be exacerbated;
- Proposals would equate to 17 additional cars based on 2011 Somerset census data; road through the village when turning right out of village hall is too narrow for two cars to pass and extremely limited visibility at Langford Court;
- Proposals would make the area around the school even more congested; even those residents walking will find it increasingly hazardous to do so; vehicles should not be allowed to turn right out of the village hall;
- Remote location outside the village will impact on the character of the neighbourhood; significant visual impact by building so many houses adjacent to farmland, woods and fields;
- Localised flooding has increased over the past 12 months. Adding more residential properties will further impact the effectiveness of natural drainage and increase the local water table. Clearly improperly assessed in allowing the village hall;
- Development will be out of keeping, over bearing, out of scale and out of character in terms of appearance, compared with other properties in the vicinity;
- Difficult to assess proposals without plans; question parking provision;
- Properties along Ritherdons Lane often suffer damage from vehicles; significant increase in vehicle movement causes serious concern, especially for lorries;
- Having concealed the village hall, cannot believe housing will be allowed along the skyline;
- Despite the water survey concerns over flooding; the field next to the site is very boggy; to allow family homes here is unacceptable.
- The village loses its bus service in May completely compounding travel problems for all villagers; eight extra homes and cars will add to existing dangers on the lanes;
- Since the building of the village hall Ritherdons Lane resembles a red river at times; run off water floods behind properties of Ritherdons Lane; it comes out of a wall at the bottom of Ritherdons acting like a waterfall; existing flood bund is inadequate at the hall site;
- The village hall pond has overflowed twice causing downstream damage; This cannot be added to.
- Each house should have two parking spaces;
- A footpath between the village hall along the road to the village should be

guaranteed;

- Light pollution should remain low so not to disturb wildlife on the adjacent SSSI;
- The application is contrary to Policy DM2 with no low cost housing need on the scale proposed;
- 3 buses per day (each way) are inadequate to serve new dwellings;
- Development is too intensive for this location;
- Development is out of keeping with the village atmosphere, being high density;
- Classes from the school regularly walk along the road to the village hall; increased vehicle movements will increase danger;
- Roadside drains are inadequate and water often rises out of them due to local flooding issues;
- The site is dotted with natural springs and has an underground reservoir to the North;
- Proposals contravene Policy SP1 and are not supported by the majority of residents and is not required;
- Development contravenes the Core Strategy which states that no further housing allocations should be made in Langford Budville;
- Ritherdons Lane is used as a rat run from Wiveliscombe to Milverton, Wellington and the recycling centre at Poole; majority of drivers ignore the speed limit and signs;
- Traffic calming measures should be considered and no access into Ritherdons Lane except for access;
- Access for emergency services has been difficult in last 18 months due to congestions on the lane;
- Near collisions and congestion occur at the junction between Ritherdons Lane and the highway by the Church; this will exacerbate the problem;
- As an exception site the need for housing needs to be proven in the current survey;
- Development here needs to improve the surface water drainage situation with SUDs and other measures and not exacerbate the current situation;
- Use of the path to the village hall is not suitable in wet weather or by those with difficulty walking at any time;
- In the past winter the village hall car park has been flooded and water constantly flowing through it;
- The village does not have any shops, doctors or mains gas or high speed broadband; the development would be better sited close to accessible and affordable amenities;
- The area has a nature reserve; there are Kestrels and owls in the area; new housing may drive them away; Frogs, toads and newts frequent many neighbouring gardens and may be on site;
- There remain vacant homes in the village built for those with a local need; development is therefore unacceptable;
- Modern design of dwellings will be a travesty in this rural setting;
- Will new residents tolerate the noise etc from the adjoining garden machinery maintenance business?
- Underground water pipe network was disturbed by excavation and works for the village hall;
- There has been no changes since the previous application in August 2013 and is unsuitable for any 'exception' description;
- The development includes freehold properties for private sale with no public access and no purpose but to fund development of agricultural land for non-social purposes;

- Vehicles already park along the road forming a hazard to primary school children;
- Question viability and cross subsidy; development in the centre of the village with similar subsidy plans resulted in properties attaining only 66% of the asking price;
- There are far better properties in the village coming onto the market regularly that will make the freehold dwellings in this development unattractive in comparison and unable to provide any cross subsidy;
- The development would be 1.375 km from the largest parish employment site compared to 1.925 km from housing being erected at Longforth Farm, Wellington; the second largest employment site is 0.75km from the site and 2.625km from new housing being built at Creedwell Orchard, Milverton; where is there a local exception need for housing in the parish?
- In the absence of a consultation response, I would draw your attention to the Highway Authority comments on 21/04/0017 and their address of drainage issues;
- Do not recognise the rationale in a planning department involving itself as to the commercial imperatives of an applicants scheme;
- Warning has been provided by the local PCSO about parking and the issuing of fines for vehicle sparked on the highway within the settlement.

PLANNING POLICIES

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP4 - TD CORE STRATEGY - HOUSING,
 CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

Community Infrastructure Levy

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. Whilst the final floor space is not known, based on current rates, the CIL receipt for this development is likely to be approximately £41,000.

New Homes Bonus

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) £9753

Somerset County Council (Upper Tier Authority) £2438

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £58515

Somerset County Council (Upper Tier Authority) £14629

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues in the consideration of this application are the principle of the development, the impact on the character of the area, the impact on the highway network, the impact on existing neighbouring property, the impact on flood risk and ecology.

Principle of Development

Planning Policy

The application site lies approximately 55 metres outside the settlement limit of Langford Budville, within an area of open countryside where development plan policies do not support the provision of new residential development. That said, the site is very close to the settlement limit and existing dwellings along Ritherdons Lane and it relates physically to the village hall development.

Langford Budville is a small rural settlement of approximately 530 residents. The village provides a range of services and facilities, including a village hall, church, public house/restaurant and junior school. Whilst there is no retail outlet there is a small nursery on the periphery of the village with a small coffee house and there are a range of rural employers in the general locality.

The application comprises a 'cross-subsidy' residential development scheme; it is proposed to erect eight dwellings on the site; four 'open market' dwellings for private sale, together with four 'affordable' dwelling houses that will be restricted in their occupancy to people registered as being in need of affordable accommodation and who can also meet a local connection to the Parish of Langford Budville.

As a cross subsidy development, the sale of the open market units will provide funds to develop the four affordable dwelling houses. Policy DM2 of the Core Strategy supports the development of rural exception sites for 100% affordable housing developments. The submitted scheme constitutes a 50% provision of affordable units and thus fails to comply with the policy, or any other housing policy within the adopted Core Strategy.

Notwithstanding, Para 54 of the NPPF states:

"In rural areas, exercising the duty to cooperate with neighbouring

authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs."

Housing Need and Provision

Whether there is a need for additional affordable dwellings within Langford Budville has been questioned by local residents. From consultation responses there appears to be a section of the community in support of the proposed development, as it will allow young individuals and families to live within a village/parish to which they have a close local connection. There are also those individuals who do not see there to be a requirement and that existing housing stock should suffice.

In order to allow the development to be supported, it has been essential that the applicant demonstrate there to be a need for affordable housing within the Parish of Langford Budville. As such, a Local Housing Need Survey was undertaken, which concluded with the submission of the Housing Needs Report to the Council in April 2014. The submitted survey established there to be a need for six affordable homes for single persons, couples and families; three respondents required accommodation in 1-3 years and three in 4-5 years time.

The time frame was originally such that Housing Enabling Officers recommended four affordable units be developed so as to avoid the possibility of void and unoccupied affordable properties being provided. As such, a revised proposal for four affordable units was submitted, covering the size of units identified within the survey results.

Viability

The viability of an eight unit scheme has been assessed by the applicant, who has also paid for an external, independent source to assess the financial viability of the scheme for quality and security purposes, as requested by the Council. The proposed development, when taking into account all expected costs, is viable and it has been proven that four dwellings is the minimum number of open market dwellings needed to make the scheme viable. The provision of four open market dwellings will allow the construction of the four affordable dwellings and will provide the landowner with an acceptable return for the sale of the land, in the Council's opinion.

It is acknowledged that the proposed development is contrary to development plan policies for the provision of new residential development. Notwithstanding, wider policies support development that creates more sustainable, inclusive and socially cohesive communities. The provision of affordable housing through cross subsidy development is accepted by the National Planning Policy Framework as being an acceptable mechanism with which to satisfy an identified housing need. On the basis that a housing need has been identified and is supported by Housing Enabling

Officers and the Parish Council, and that the development is considered to be an acceptable proposal that is financially viable. These matters are considered to satisfy the concerns of the Planning Policy Officer and therefore, the principle of development is considered to be acceptable.

Impact upon character of the area

The site is sited adjacent to Ritherdons Lane to the North, beyond which the adjacent agricultural land continues to rise for some distance; the surrounding landform generally levels off to the West and descends to the South and East toward the village hall and neighbouring dwellings respectively. Despite the decimation of boundary hedgerow and trees when the village hall was constructed, there remains a relatively high level of screening to the West, which is primarily provided by the woodland at Langford Common.

Whilst it is set on a lower parcel of land and is a single storey building, the construction of the village hall has established the precedent for building on this site, in the sense that the visual impact of development is acceptable. Whilst no indicative plans or scale parameters are provided for the proposed dwellings, it is anticipated that the buildings will be two storey in scale with an element of road frontage to the layout.

The site is not, contrary to of some objections, located within an Area of Outstanding Natural Beauty or other designated landscape. It is considered that a scheme can be designed so as to reflect the traditional building styles present within the village and two storey form will not result in visually dominant buildings within the wider landscape; in fact they will only have a visual impact locally along Ritherdons Lane and from a few local vantage points in the village. Notwithstanding, the site is on the edge of the village with built development to the South and East. Within the area landscape, the construction of eight dwellings on this site is not considered to result in a significant visual impact, nor detract from the character or appearance of the area to a degree that warrants refusal. The proposals will therefore comply with Policies DM1 and CP8 of the Core Strategy.

Impact upon highway network

The application site would be accessed off Ritherdons Lane to the North, via the new road that leads to the village hall to the south. Detailed access arrangements are a reserved matter but it is necessary to consider the principle of accessibility of the site, particularly for motor vehicles.

The main access into the site off Ritherdons Lane is provided with a visibility splay across the site frontage that is considered to be acceptable and will provide for good inter visibility between highway users. Additional details requested by the Highway Authority can be submitted and dealt with under reserved matters.

A large proportion of objections relate to increased traffic along Ritherdons lane being unacceptable due to its narrow width, poor alignment and danger to pedestrians (including school children). The Highway Authority estimate that the eight dwellings will generate approximately 96 additional vehicle movements per

day, or one every eight minutes. They conclude that "this is therefore considered not to be significant enough to warrant an objection on traffic capacity grounds" and this point cannot be disagreed with.

Objectors are concerned about the suitability of Ritherdons Lane to carry additional movements however, one movement every eight minutes is of a low intensity and will not cause a significant impact upon highway safety. Whilst the road is used by pedestrians and school children, experience on site and having driven the lane on many occasions suggests that vehicle speeds are generally below the 30mph limit due to its restricted nature. It is also necessary to note that Ritherdons Lane is not the only means of accessing the site, which can also be made from the Western end of the village off the Wiveliscombe road.

In terms of technical detailing, the Highway Authority will require significantly more detailed plans and information in order to comment on the design of the road and parking layout serving the site. This can all be submitted for assessment at the reserved matters stage.

In conclusion, the proposed development of eight dwellings is not considered to significantly harm highway safety or the capacity of the local highway network to a degree that warrants refusal.

Flood risk and drainage

The application site is located within flood zone 1, where is it at the lowest risk of fluvial and/or coastal flooding. There have, however, been a number of objections relating to ground water conditions and surface water drainage both within the application site and on the adjoining village hall property. With regard to foul waste disposal, Wessex Water have not highlighted any reason as to why a connection to the public mains sewer cannot be made.

Having visited the site on a number of occasions since 2013 and having walked the local roads and footpath, groundwater and surface water is doubtless an issue that will require scrupulous detailing and accuracy in the designing of a surface water drainage scheme to serve the proposed development. The applicants have submitted a Flood Risk Assessment and proposes a means of disposing of additional surface water flows through on site detention within new stores and by disposing of flows into a water course on land to the North of Ritherdons Lane.

From the photographs and evidence provided by objectors, it appears at face value that the village hall drainage detention pond is not working as it should; that said, it is not proposed to connect the proposed development into this system other than to dispose flow into the nearby watercourse. The Drainage Engineer has provided detailed comments on the FRA and proposed drainage. It would now appear, contrary to when first submitted in 2014, that the development is acceptable in principle, subject to drainage being dealt with through the design of a SUDs scheme that can mitigate the surface water and ground water issues on site.

It is acknowledged that the site is somewhat boggy due to groundwater levels however this can be mitigated and will need to be in order to allow the development to commence. In line with the Drainage Engineers comments, it is concluded that a

suitable SUDs scheme can be designed to deal with drainage for the proposed development and that this can be done so as to ensure that additional surface water flows and existing groundwater within the site does not result in additional flooding issues to residents East of the site. Such a scheme will need to be submitted at the reserved matters stage for detailed assessment and such can be secured by condition.

Ecology

The site is in a poor condition for an parcel of land with an agricultural use, having remained un worked for a number of years. No wildlife survey has been submitted and the site is known to be close to an SSSI. Local objectors note that frogs, toads and newts are present within the area as well as many species of bird. Slow worms may also be present on the site. The site is sufficiently distant from the SSSI and Langford Common as not to directly or adversely impact upon its habitat.

It will be important to establish the presence of any wildlife on the site before development commences. Whilst this would usually occur at the outline stage, it is possible to undertake ecological surveys for the reserved matters application and the Biodiversity Officer does not object on this basis as there is no reason to suspect that protected species could be affected. With the site in the condition that it is, it is questionable as to whether any protected species are likely to be on the site., however a condition requiring the submission of a wildlife survey for the site is recommended in the absence of survey at this time. Any presence of protected species will require the design of a suitable mitigation strategy and such will also require submission before reserved matters can be approved.

Accordingly, it is recommended that survey and mitigation work be required and the condition recommended by the Biodiversity Officer should be imposed upon any grant of outline planning permission.

Amenity

The site is located immediately West of a small garden machinery maintenance business which operates out of a yard and building within a small site. The nearest residential property is East of this business along Ritherdons Lane.

The erection of eight units within the site will not adversely impact upon the amenity of nearby residential properties. The primary impact upon amenity, if any, will arise out of any noise generated by the neighbouring business unit. Experience from site visits suggests that high level noise is not a common output from the business, but even if it were to increase, any prospective occupant of the proposed dwellings will need to decide for themselves whether living next to a well established building is acceptable to them.

Notwithstanding, it is considered that the amenity of prospective occupants and adjoining properties will not be unduly harmed and that land uses within the area are generally compatible.

Conclusions

It has been accepted that the proposed development does not strictly accord with the Taunton Deane Core Strategy Policies for the provision of new residential development. However, the National Planning Policy Framework provides a proactive approach to providing affordable housing in areas where there is an identified needs and where the provision of open market housing is required so as to allow sites to be released.

The proposals are considered to accord with Para 54 of the NPPF and the wider aims of the Core Strategy in providing for sustainable, mixed and inclusive communities that provide housing for people in need. The application has established there to be a need within the Parish and that the cross subsidy scheme is financially viable, whilst ensuring that the land value is not excessive or unreasonably high. The proposals are supported by the Housing Enabling Officer and therefore the principle of development is supported.

Matters relating to the design, appearance, access and layout of the development are reserved, but these matters are thought to be capable of being achieved in a suitable manner in principle.

The proposed development, at the scale proposed, will not result in any significant adverse impacts upon highway safety and it is considered that an acceptable drainage scheme can be designed to deal with surface water and ground water flows within the site, without impact upon land and properties downstream of the site.

Taking the above matters into consideration, it is recommended that planning permission be granted subject to conditions and the applicant entering into a Section 106 Agreement to secure the retention of affordable units in perpetuity and a financial contribution towards off site childrens play.

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

38/13/0477

ABBEY MANOR DEVELOPMENTS LTD & CREST NICHOLSON OPERATIONS LTD

OUTLINE PLANNING PERMISSION FOR THE ERECTION OF UP TO 99 No. DWELLINGS, VEHICULAR ACCESSES AND ASSOCIATED WORKS AT AREAS H AND I, FIREPOOL LOCK, TAUNTON

Location: AREAS H AND I, FIREPOOL LOCK, TAUNTON, TA1 1PJ

Grid Reference: 323044.125365

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed strategic road will not be detrimental to the amenity of the occupants of the premises on the completed development.

The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied.

Reason. To ensure the amenity of residential premises is not adversely affected by noise from traffic and rail sources.

3. 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.

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall 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 nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented

Reason: To protect and accommodate wildlife

5. 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 before the buildings /are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

6. (i) Before any part of the development hereby permitted is commenced a phased landscaping scheme 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 development of the following phase 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 proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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

Reason - In the interest of highway safety

8. 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 - In the interest of highway safety

9. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason - In the interest of highway safety

10. 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.

Reason - In the interest of highway safety

11. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the site can be accessed by foot and cycle.

12. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing 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.

Reason - In the interest of highway safety

13. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason - In the interest of highway safety

Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- . Note. Re noise
Guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed

rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night (2300h) to 0700h). In addition a 45 decibel LAm_{ax} applies in all bedrooms during the night (2300h to 0700h).

The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a 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.

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

PROPOSAL

This is an outline application for residential development with only the means of access to be determined at this time. Appearance, landscaping, layout and scale are reserved for subsequent approval should planning permission be granted. Indicative plans have been submitted to show the type of development envisaged which is very similar to the Crest scheme that is currently under construction of the adjoining site to the East. The plans show apartment type accommodation on Area I – between the Northern inner Distributer Road (NIDR) and the railway line to the north. The plans show a mix of houses and apartments on Area H – to the north of the canal lock and on the site of the former Denmans Electricals building. In total, up to 99 dwellings are proposed.

Access to Area I would be from the existing access to Area J from the NIDR, with the access road running along the northern boundary of the site and adjacent to the railway. Access to Area H would also be from the NIDR where the proposed access to the existing Pumphouse is located. A central access road is proposed in Area H which has apartment blocks facing onto the NIDR and semi-detached houses facing onto the lock.

As part of the processing of the application, it has been necessary to commission a viability appraisal with regard to affordable housing and other Section 106 contributions. Both the applicant and the Council jointly commissioned an independent viability report and as a result of its findings, no affordable housing or other S106 financial contributions are proposed. Community Infrastructure Levy (CIL) is not negotiable through the viability assessment and would be due, should development be granted permission and proceed.

SITE DESCRIPTION AND HISTORY

The site is in the central area of Taunton and crosses both the allocated Firepool and East Goods Yard sites. Through the centre of the site, between areas H and I, runs the constructed part of the NIDR that accesses both Waterside House and the

Crest Firepool Lock site. The Crest development is under currently under construction with 3 storey semi-detached houses fronting onto the canal and 3 and 4 storey apartment blocks facing the NIDR.

East Goods Yard was previously operational railway land that has since been decontaminated, levelled and developed in part. All buildings have been removed from Areas H and I other than the listed Pumphouse which has consent for a change of use to a Public House and Restaurant.

Relevant Planning History

An outline application was submitted in 1999 to redevelop the former East Goods Yard for a mix of uses including residential, B1 employment, conversion of pumphouse, access road and new canalside walkway. Permission was granted in August 2004 (ref 38/99/0394).

In 2006 a further application to vary the time limit and masterplan conditions was submitted and subsequently approved. This extended the time period for the submission of reserved matter applications for 6 years until 19 May 2012 and required the submission of an indicative masterplan. (ref 38/06/0135).

In 2007, following a public consultation and presentation to the Regional Design Review Panel, a masterplan was submitted and agreed by TDBC. This document was referred to as the Design and Access Statement and allocated/zoned 10 areas for a mix of uses that were predominantly residential. It proposed 460 dwellings comprising 443 apartments and 17 houses at an average density of 140 dwellings per hectare.

In April 2007 a reserved matters application for B1 office development on Area I (with additional surface level car parking on Area J) was submitted. This included 7,200 sq m of B1 office space in a building ranging from 5 to 7 stories. Permission was granted in December that year but has not come forward. (ref 38/07/0193).

A reserved matters application for 100 apartments and 4 town houses was submitted in 2008 for Area A. This had a Planning Committee resolution to approve subject to a variation in the Section 106 Agreement, but was subsequently withdrawn once planning permission was granted for an alternative development.

In 2009 a reserved matters application was submitted by Knightstone Housing Association for 108 apartments that was compliant with the approved masterplan and is under construction. This provided the affordable housing element of the outline planning permission. (ref 38/09/0190)

In December 2011, two applications for 240 houses and apartments were submitted by Crest on Areas A,B,C,D and J. Planning permission was granted and these are currently under construction.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

The proposal is for outline application for 99 residential units.

Traffic Impact

The proposal was accompanied by a Transport Statement (TS), which has been assessed by the Highway Authority and our observations are set out below.

From the information provided it is understood that TRICS datasets have been used to calculate trip generation. Table 5.1 shows the calculated trip rates for the 12 houses. Having studied the output, the AM departure rate seems slightly low. This seems to have been caused by the dataset used in TRICS, which is not the fault of the report. However given these rates apply to 12 residential units this is not considered to be an issue for the Highway Authority. Table 5.2 shows the forecast trip rates for the 87 flats, these trips are considered to be acceptable to the Highway Authority.

The total vehicle trips for the 99 dwelling development is shown in Table 5.3. This shows that in the AM peak there will be 37 two-way trips (8 arrivals and 29 departures) and the PM peak shows 43 two-way trips (28 arrivals, 15 departures).

In terms of trip distribution this is covered in section 5.3 of the TS. Although there appears to be very little information actually provided. It is accepted that traffic travelling to/from the development will utilise the Northern Inner Distributor Road (NIDR). Paragraph 5.3.3 states that the development distribution would have been reflected in the Atkins modelling for the NIDR however this is a little misleading as the development types tested were different. Paragraph 1.2.8 states that Area I has reserve matters consent for offices whilst paragraph 1.2.9 states that Area H has reserved matters consent for pub/restaurant.

Regarding traffic impact paragraph 5.3.3 have not provided any modelling as this would have been considered in the Atkins modelling for the NIDR. However as with trip distribution this was based on the assumption that the site would be used for different development types. The volume of traffic is unlikely to be worse as a result of the land use changes given the offices would have been likely to generate similar volumes of traffic. The effects on nearby junctions would not be expected to be significantly different from that shown in the SATURN modelling.

Paragraph 3.2.1 states that the site is located in close proximity to a comprehensive network of footways and footpaths. In addition the site is located within 800m of the town centre. Therefore the Highway Authority is satisfied that there is the potential for a modal shift. Paragraph 3.4.1 states that the nearest bus stops are located outside Taunton Railway Station, which is approximately 480m walk from the application site. The existing bus service, which is located outside the station, is shown in Table 3.1 and provides a regular service. This is likely to encourage a modal shift through both rail and bus services.

As this is an outline application the applicant has not provide definitive parking numbers. However specific parking standards have been correctly identified from the Somerset County Council Parking Strategy. Furthermore the applicant has indicated that the final parking layout might be below the required standards. The

applicant should be aware that any deviations from the Parking Strategy would need to be justified as part of any future submission.

Therefore to conclude the proposal is unlikely to have a significant impact on the surrounding highway. As a consequence it would be hard to object to this proposal on traffic impact grounds.

Travel Plan

The proposal would need to provide a Travel Plan as part of a reserved matters application. This would need to be in accordance with Somerset County Council's Travel Plan guidelines and secure via a S106 agreement.

Layout

It is appreciated that this proposal is for an outline application as a consequence the internal layout of the site has not been finalised. As such at this stage the Highway Authority is not in a position to provide detailed comments on the layout. However there are some generic points that they should take account of.

Firstly in terms of topography the Design and Access Statement indicates that Area 'H' will have a significant slope from North to South across the site. As a result the construction of this phase might require retaining/sustaining walls to be provided. Somerset County Council as the Highway Authority will require assurances as to the safety and durability of any form of structure, whether it is to be offered for adoption or remain within private ownership, built within 3.67m of the highway boundary or which has a retained height of 1.37m. The applicant will be required to submit any drawings/calculations for approval prior to any works commencing on site.

It is noted that vehicle access to Area 'H' will be via the recently constructed access that serves the pumphouse. This access will be required to provide adoptable visibility splays based on minimum dimensions 2.4m x 43m in both directions. The full extent of which will be adopted by Somerset County Council as the Highway Authority. Furthermore the gradient of the access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with the NIDR. Detail drawings of the access arrangements will need to be submitted to the Highway Authority for approval.

The statement indicates that the southern boundary of the site will contain bat flight paths. As a result, the appropriate specification of highway lighting will need to be designed into the scheme that will not effect the movement of bats within the site boundary.

Where both areas will tie into the NIDR a S171 licence will be required. These are obtainable from the Highway Authority and would need to be obtained prior to works commencing on site.

The applicant should make allowances for the resurfacing of the full width of the NIDR where it has been disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the NIDR to ascertain the existing depths of the bituminous macadam layers. In terms of sewer connections where works have to be

undertaken within or adjoining the public highway a Section 50 licence will be required. These licences can be obtained from the Streetworks Co-ordinator on 01823 483135.

Regarding the design detail the applicant should take note of the Highway Authority's design standards. The Design and Access Statement indicates that the proposed internal estate road will be 5.5m with 2.0m wide footways provided through out. This design approach is considered to be acceptable. However please note any block paved shared surface carriageways should be constructed to a minimum width of 5.0m with 500-1000mm wide margins provided. The longitudinal gradients with channel lines of shared surface carriageways should not be slacker than 1:80. It is noted that a proposed carriageway width of only 3.7m will be provided for the lowest category roads. The Highway Authority will require that this is amended to a 4.1m wide carriageway, which would be in keeping with the design guidelines set out in Manual for Streets. Finally all proposed adoptable carriageways must include turning heads designed to the dimensions as set out within 'Estate Roads in Somerset – Design Guidance Notes (Section 3.15). The swept path of an 11.7m long 4 axle refuse vehicle should be tested throughout all turning heads and carriageway bends.

Paragraph 5.3.3 of the Design and Access Statement indicates that the existing Winkworth Way cycleway route will be extended through the site. At points where the proposed cycleway will intersect with the existing carriageway suitable adoptable visibility splays based on dimensions of 2.0m x 20m will be required. The full extent of the splays will be adopted by Somerset County Council and there shall be no obstruction to visibility within these areas than exceeds a height greater than 300mm above ground level. In addition proposed cycleways should be constructed to a minimum width of 3.5m.

Although the applicant has confirmed that parking levels will be in accordance with the Parking Strategy no details have been provided on parking layout. They will need to note that private drives serving garage doors should be constructed to a minimum length of 6.0m as measured from the back edge of the public highway. Tandem parking bays should be 10.5m in length, again this will need to be measured from the back edge of the public highway and parking bays that abut any form or structure (planted, boundary walls of footpaths) should be 5.5m in length.

Finally any planting within adoptable areas will require a commuted sum payable by the developer. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage services and 1.0m from the carriageway edge. Root barriers will need to be approved by Somerset County Council and would be required for all trees that are to be planted within or immediately adjacent to the back edge of the prospective public highway. Any planting either within or immediately adjacent to the highway must be supported by the submission of comprehensive planting schedule to Somerset County Council for approval.

Flood Risk Assessment and Site Drainage

In terms of surface water drainage strategy the applicant has indicated that the surface water sewer installed as part of the NIDR would serve to collect the surface

water runoff. This approach is considered to be acceptable to the Highway Authority. In regards to the contaminated land, it is understood that this was remediated as part of the NIDR development. As a consequence the Highway Authority would hold all the relevant documentation relating to this should the proposals extend to include adoptable roads on these development areas.

Conclusion and Recommendation

To conclude the traffic impact on this proposal would not be significant enough to warrant an objection on highways grounds. The applicant is urged to take account of the comments relating to the internal site layout. Finally the Highway Authority is satisfied that that the proposed drainage system, which has been proposed.

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

LANDSCAPE –

No masterplan or detailed landscape plans provided. However there are significant areas of open space and difficult levels to plan and I would recommend that these are considered at an early stage so that opportunities for exciting landscape spaces are not lost.

No details of boundaries have been included.

It is not clear at this stage how much open space will be provided and who will manage it.

Analysis: the level of landscape detail provided is poor. Given the opportunity for significant landscape benefit I would recommend that this is addressed as early as possible.

If the application is to be approved I recommend the conditions:

HOUSING ENABLING –

Comments on original submission prior to viability study being carried out:

The Housing Enabling Lead does not support this application. 25% of the new housing should be in the form of affordable homes on areas H and I, the current application, within the affordable housing statement advise 12 of the dwellings will be affordable equating to 12% affordable housing provision.

The offsetting of the affordable housing obligation against Parcels E and F within the Firepool Lock development is not acceptable.

Area E did provide 95 affordable homes, which was based on the planning

application at the time covering housing parcels A,B,C,D and E. To facilitate the delivery of the site in difficult economic times the affordable housing was delivered in two blocks of flats in one area of the site in advance of the open market housing with the assistance of public subsidy.

Subsequent to the completion of these homes a revised application for the remaining open market housing in parcels A,B,C and D was submitted reducing the number of flats within the scheme in response to the change in the housing market resulting a reduced density. The proactive building of the affordable housing and agreement to the affordable housing unit types to initiate the Firepool Lock development should not result in the loss of affordable housing on Phases H and I.

A planning application has not been determined for Firepool Area F. Discussions have taken place between Knightstone and the Housing Enabling team resulting in public funding being secured to provide additional affordable homes over and above the S106 planning obligation. These units can not be offset against the affordable housing planning obligation.

The affordable housing tenure split is 60% social rented 40% intermediate housing. The unit mix should be predominately 2 and 3 bed houses with a smaller proportion of 1 bed units with individual access to each unit.

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 reserved matters 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.

LEISURE DEVELOPMENT –

I have the following observations to make on this application:-

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

Area H

- A contribution of £2,904.00 for each 2 bed+ dwelling should be made towards the provision of children's play. The contribution to be spent on additional facilities for the benefit of new residents within the vicinity of the development.
- A contribution of £1,571 .00 for each dwelling should be made towards the provision of facilities for active outdoor recreation.
- A contribution of £209.00 per dwelling should be sought for allotments provision along with a contribution of £1 .208.00 towards local community

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

Area I

- I have no observations to make as there is signed Section 106 Agreement in place for this area.

WESSEX WATER –

Thank you for the consultation in respect of the above proposed development. Drainage Strategy is in development for the area and as such we have no specific comments on this site.

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

THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) – no comments received

ECONOMIC DEVELOPMENT –

This development will form another crucial “link in the chain” to create a natural extension to the town centre at Firepool, therefore I am happy to support the application.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION –

Thank you for consulting on the above application.

Noise

The site is close to the railway line and the Northern Inner Distributor Road and so there is the potential for noise to disturb any future residents. Some of this site (Area I) has the railway less than 20m to the north, and the road immediately to the south.

The developer should provide a noise assessment to determine what will be needed to minimise any disturbance to future residents from noise from the railway and road. I attach a condition that could be used.

The report should determine the likely noise level on the site from the railway and the road, and identify what measures may be necessary to ensure an acceptable noise level in the proposed apartments. Noise should be taken into account in the design and layout of the buildings. It is likely that a high standard of noise attenuation may be required which could include higher specification windows and

attenuated ventilation to avoid residents having to open their windows. Noise mitigation should be considered in the design and layout of the development.

Even with noise mitigation it is very likely that noise from the railway and road will be audible inside the flats on this site.

I am aware that noise assessments have been submitted for other parts of the development at Firepool. However, the developer should be aware that the modelling/assessment for some of these reports assumed that the areas of the site closest to the railway line were to be used as offices, rather than housing.

Contaminated Land

Information regarding contamination has been provided with the application:

- Contamination Statement, December 2013, JE Gannon Property Solutions.
- Detailed Remediation Method Statement, October 2008, Hydrock

The Statement confirms Area I and part of Area H are subject to the outline planning consent 38/99/03984 and that a detailed remediation method statement was prepared for these areas and has been implemented, with the exception of the construction phase capping layer where the site has yet to be developed. The larger part of Area H has not been intrusively investigated.

The 1999 development did include a number of conditions relating to contamination, most of which have been met, although, as mentioned, the capping of some areas of the site needs to be carried out. The developer of any areas covered by the 1999 application will still need to provide a validation report confirming that the required works have been carried out in line with the remedial method statement (as required by part g) of planning condition 32). It would be acceptable for the developer to provide a validation report for each stage of the development rather than one report on completion of the whole site.

As a large part of the site is not covered by the previous application of conditions I would recommend that a planning condition is used to ensure that a suitable investigation and risk assessment is carried out (suggested condition attached). It would be acceptable to use information previously submitted regarding the areas of the site covered by the 1999 application.

HERITAGE –

Whilst the application is in outline only, illustrative street scenes and 3D's have been submitted.

Layouts appear acceptable and buildings near the river, appropriately make the most of this asset.

The majority of the buildings however, consist of large tall blocks, with flat roofs, which appear brutal and out of character with the area.

Whilst the important grade 2 listed pumping station is mentioned in the Design and

Heritage Assessment, I intend to make more detailed comments on the impact of adjacent development at the reserved matters stage, when specific details can be considered.

DRAINAGE ENGINEER – no comments received

BIODIVERSITY –

There is no wildlife survey submitted with this application so I cannot comment in detail. Usually I would request an up to date survey, but in this instance, following a site visit, I agree with the statement in the Ecology Section of the Design and access Statement (2.5) that there is very little of ecological interest on site. I would like to see an element of biodiversity gain in the new development so suggest the following condition.

NATURAL ENGLAND – no comments received

NETWORK RAIL – no comments received

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST –

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

ASC - CRIME PREVENTION DESIGN ADVISOR –

Having reviewed the application and associated documents, I would make the following comments:-

- Crime Statistics – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/02/2013-31/01/2014 is as follows:-

Arson - 1 Offence

Burglary - 3 Offences (all dwelling burglaries)

Criminal Damage - 4 Offences (comprising 2 damage to dwellings and 2 damage to vehicles)

Theft & Handling Stolen Goods - 4 Offences (incl. 1 theft of motor vehicle)

Violence Against the Person - 4 Offences

Total - 16 Offences

This averages just over 2 offences per month which are low crime levels. Anti-social behaviour reports for the same period and area total 25, which are also fairly low levels.

General Observations

- Layout of Roads and Footpaths – vehicular and pedestrian routes appear to be open and direct and likely to be well used. Where it is desirable to limit access to residents and their visitors, the use of features such as rumble strips, change of road surface by colour or texture, brick piers, or similar features can help define the defensible space of the development and giving the impression that the areas beyond are private.
- Footpath Design – where possible, public footpaths should be as straight as possible, wide, well lit, devoid of potential hiding places and overlooked by surrounding buildings and activities.
- Layout & Orientation of Dwellings – dwellings should be positioned to face each other to allow neighbours to watch over each other and create the conditions where the potential offender feels vulnerable to detection. Particularly in the case of the apartment blocks, optimum natural surveillance should be incorporated whereby residents can see and be seen. This includes all external spaces and neighbouring homes, external paths, roadways, communal areas, landscaping, garages and parking areas.
- Dwelling Boundaries – it is important that boundaries between public and private areas are clearly indicated providing good defensible space. Dwelling frontages should be open to view to assist resident surveillance of the street and public places, so walls, fences, hedges etc should be kept low, maximum height 1 metre. Vulnerable areas such as side and rear gardens need more robust defensive barriers by using walls, fences or similar to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fencing, minimum 1.8 metres, and lockable.
- Climbing Aids – a number of the houses and apartments appear to incorporate balconies and enclosures to balconies at all levels should be designed to exclude handholds and eliminate the opportunity for climbing up, down or across between balconies.
- Car Parking – in-curtilage car parking arrangements are preferred but where communal car parking areas are necessary, they must be in small groups, close and adjacent to the owners which they serve and open to view of the residents from regularly habitable rooms.
- Planting/Landscaping – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. In areas where visibility is important, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.
- Lighting – street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks must comply with BS 5489. Appropriate lighting should also cover potential high risk areas including main site access, garages, car parking areas, footpaths associated to main buildings and any other secluded areas.
- Physical Security of Dwellings – all physical security specifications for the dwellings i.e. doorsets, windows, security lighting, cycle storage etc should comply with the police approved ‘Secured by Design’ award scheme, full details of which are available on the SBD website – www.securedbydesign.com
- Cycle Storage – secure cycle storage for residents and visitors should be provided.

Area H

- Apartment Blocks – security is enhanced by discouraging casual intrusion by non-residents. An access control system should be provided comprising audio/visual door entry phone system, proximity card or similar in respect of each of the blocks. Good signage should also be provided to deter unauthorised access and assist emergency services, trades persons etc.
- Defensible Space - both the houses and apartment blocks appear to have little or no defensible space around them, as referred to above. I recommend that this be considered even if only in the form of low-level planting/landscaping, surface changes or similar measures.
- Side Access Alleys - I have some concerns regarding the security of the proposed side alleys between the pairs of houses, as this could enable unauthorised access to the rear of premises where the majority of burglaries occur. If these side alleys are essential, they should be gated as near as possible to the front building line of the houses.
- Parking Courtyards – access to the parking courtyards appears to be gated, which is recommended.

Area I

- Apartment Blocks/Defensible Space/Parking Courtyards – same comments as Area H.
- Rear Boundary Fencing – appears to comprise 1.8 metre palisade fencing, which is appropriate for crime risk.

I trust you find the above comments helpful, if I can be of any further assistance please do not hesitate to contact me.

Representations

3 letters have been received:

One of these letters is from a resident in Canal Road requesting that consideration is given to existing residents lack of car parking facilities and security measures. Currently there is very poorly lit and insecure parking open to commuters and shoppers, and highly restricted parking outside dwellings. We have had a lot of trouble with car crime and ticketing of residents cars in the area. Canal Road will be re-developed during this process, and we ask that a secure car park for current residents or at the very least permit parking be included in the plans.

Comments have also been received from Bruton Knowles who are acting as agents for Taunton Deane as land owner of some of the surrounding site:

"As agent for the Taunton Deane BC (landowner in the above scheme), I write to make representations as to the granting of permission for this residential development when the terms of the 2010 s.106 agreement are in dispute regarding TDBC's ability to cross the Connection Land. It is assumed at this moment by ourselves that either:?"

- TDBC's ability to cross the Connection Land will not be granted due to the wording in the 2010 agreement now that FP1 has changed in it's Use category

- delivery or
- that the ability for TDBC to seek delivery of the access at a time and exact location of the bell mouth across the Connection land by TDBC will not be able to be actioned in a manner that would allow comprehensive development of the Firepool site as currently envisaged.

It is requested that the LPA seek additional s.106 provisions in any grant of permission for residential development on the North East quarter of the Firepool site from AMD (or the applicant if different) for TDBC to have unrestricted access (as already agreed to in the 2010 s.106 agreement) but with revised wording that allows the bringing forward of comprehensive development within the Firepool site. It is suggested that the Connection Land should be conveyed to TDBC under revised s.106 terms, as it may ultimately have to be so done under any successful CPO application if a resolution to use such powers is sought, as it was for the Southern (Viridor) site, if this is possible. Alternatively, at the least, to grant access to TDBC over the Connection Land in an undisputed manner. I state the desire of TDBC to see ALL development brought forward promptly and comprehensively on the Firepool site and trust that this request can be accommodated."

The RSPB have commented that brownfield sites are seldom totally devoid of life and that the canal provides opportunities for wildlife which should be enhanced as a result of development. They suggest the inclusion of permanent internal nesting cavities.

PLANNING POLICIES

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,
CP4 - TD CORE STRATEGY - HOUSING,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
CP8 - CP 8 ENVIRONMENT,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM4 - TD CORE SRATEGY - DESIGN,
FP1 - TTCAAP - Riverside - Development Content,
FP2 - TTCAAP - Riverside - Transport Measures,
FP3 - TTCAAP - Firepool Lock,
TR2 - TTCAAP - Parking in New Development,
TR3 - TTCAAP - Smarter Choices,
ED1 - TTCAAP - Design,
ED4 - TTCAAP - Density,
IM1 - TTCAAP - Priorities for Developer Funding,
IM2 - TTCAAP - Approach to Viability,
C4 - TDBCCLP - Standards of Provision of Recreational Open Space,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development in partly in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre and partly in Taunton Town Centre where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates and an assumed split in floorspace between the two charging zones, the CIL receipt for this development is approximately £218,000

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)	£106,828
Somerset County Council (Upper Tier Authority)	£26,707

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£640,966
Somerset County Council (Upper Tier Authority)	£160,242

DETERMINING ISSUES AND CONSIDERATIONS

Principle of Residential Development

This is a town centre site which is allocated for a mixed development of employment and housing in the Taunton Town Centre Area Action Plan. Area I has had reserved matters consent for office development which has not subsequently come forward despite it being marketed. Residential development on this site would result in the loss of the opportunity for employment to be provided on any of the FP3 site other than the conversion of the Pumhouse to a public house or restaurant. However, keeping the site empty in the hope that employment may come forward at a later date is not considered to be appropriate in the current climate and with a much larger employment site on FP1.

Area H overlaps into the Town Centre Area Action Plan allocation FP1 which allocates the Livestock Market site and surrounding parcels of land for a mixed use development of approximately 400 dwellings, 8,000 sq m of retail, and 47,000 sq m of office space. The application only covers a small part of the larger allocation and the residential use of this part of the site is considered to be appropriate and not conflict with the policy in principle.

Residential development is therefore considered to be acceptable on Areas H and I in principle.

Affordable Housing

As part of the original submission, the applicants claimed that as the larger site had

resulted in a greater provision of affordable housing than the 21% required by the Section 106, then this should be offset against the affordable housing requirements of this current application. This approach is not accepted by officers who consider that affordable housing that has already been provided with public subsidy should not be considered as the affordable housing contribution of future open market development sites.

As it was claimed that the development would not be viable - and therefore not come forward – it was agreed that the correct approach would be to commission an independent viability appraisal. This was jointly commissioned by the applicants and the Council. It was undertaken by Belvedere Vantage who provided a detailed report setting out what the development could afford in terms of affordable housing and Section 106 contributions.

The viability report set out the costs of development on the site and the likely open market values that could be achieved. The modelling shows that any affordable housing would render the development unviable and therefore this important town centre site would not come forward.

National Planning Policy Guidance on viability states that:

“In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.

Assessing viability should lead to an understanding of the scale of planning obligations which are appropriate. However, the National Planning Policy Framework is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development.”

Based on the above, it is clear that a judgement has to be made whether the non-provision of any affordable housing on this site results in an unacceptable development. In this case, your officers consider that the provision of housing on a town centre brownfield site can make a positive contribution to the Council's 5 year housing supply that should be given positive weight in the planning balance.

Other Planning Contributions and Community Infrastructure Levy

The comments from the Leisure Development Officer predate the introduction of the Community Infrastructure Levy (CIL) and refer to types of infrastructure that is to be provided through CIL and the Council's Schedule 123 list. Only Children's Play is not provided through CIL and the independent viability study has assessed whether this could be provided as part of the development. It concluded that nil Section 106 contributions would be justified on viability grounds.

The majority of Area H is within the Town Centre Boundary where the Community Infrastructure Levy (CIL) is £0 per square metre, however part of Area H and all of Area I are outside of the town centre where the higher rate of £70 per square metre is charged. As this is an outline application where floorspaces are not finalised, an estimate has to be made with regard to the likely CIL contribution. Based on the indicative details submitted with the application, it is estimated that the chargeable floorspace is likely to total CIL payments of £218,000. As no affordable housing is proposed and a development such as this would not be self-build, it is unlikely that any CIL relief would be granted. It is considered that the CIL contributions would go some way to providing for the infrastructure needs of the development and therefore should be given weight in favour of the proposal.

Design and Layout

The design and layout of the proposal is reserved and does not form part of the submitted application. Indicative plans show a similar form of development to that which has previously been granted on East Goods Yard and is currently under construction by Crest. This approach is welcomed as it would provide a continuity in scale and form with the larger apartment buildings facing onto the NIDR and 3 storey houses facing onto the canal lock. This would be appropriate to the area where higher densities are expected on previously developed town centre sites. It would also be appropriate in terms of scale adjacent to the listed pumphouse and potential future development on the former livestock market site.

Landscaping is reserved for subsequent approval and any detailed application would be expected to be accompanied by an appropriate landscaping scheme. Given that this is a high density site, it is unlikely to include any large areas of green open space, but it overlooks the river and canal, where occupants would have access to both green and blue space. It is also considered that the adjoining site has demonstrated that landscaping an urban site can be achieved in a satisfactory manner which compliments the development. I am satisfied that a suitable landscaping scheme can be achieved as part of the development.

Other Issues

With regard to the potential for improving biodiversity on the site, including nest boxes and bricks, it is considered that the condition suggested by the Biodiversity Officer can achieve this.

Parking is not detailed in this outline application but it is suggested that 1 parking space would be provided for 1 and 2 bedroom properties and two spaces provided for 3 and 4 bedroom properties. Given the location of the site, this level of parking would be achievable and acceptable.

The comments received by Bruton Knowles who are acting on behalf of the Council – as landowner of the adjoining site – are noted, however this relates to land that is not in the application site, but within the ownership of the applicant. It is considered that allowing this site to come forward for housing in advance of the larger Firepool site is unlikely to adversely prejudice the larger site coming forward in a comprehensive manner. Any negotiations between the Council and the applicant with regard access to the larger site should remain outside of the remit of this

application as the proposed development would not physically stop the ability to provide vehicle access from the NIDR to the larger site.

Conclusion

The development is not fully in accordance with the adopted policies in the Taunton Town Centre Area Action Plan with regard to the loss of the potential to provide 7,000 sq m of office space on Area I, and the absence of affordable housing. However, there are benefits in terms of providing a mix of housing in a sustainable, brownfield, town centre site that has clearly stalled since the adoption of the Taunton Town Centre Area Action Plan. Viability has been independently assessed as required by policy Im2 of the Taunton Town Centre Area Action Plan, and it is accepted that this development would not come forward if it were required to contribute to affordable housing or other Section 106 contributions. It is therefore recommended that planning permission be granted.

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

CONTACT OFFICER: Mr B Kitching Tel: 01823 358695

38/15/0098

RICHARD HUIISH COLLEGE

DEMOLITION OF 109 SOUTH ROAD, REDEVELOPMENT (TO INCLUDE PARTIAL DEMOLITION) OF 107 SOUTH ROAD AND ERECTION OF STUDENT ACCOMMODATION, COMPRISING 63 No STUDENT BEDS AND TWO No SELF CONTAINED FLATS, AT 107-109 SOUTH ROAD, TAUNTON (RESUBMISSION OF 38/14/0413)

Location: 107 - 109 SOUTH ROAD, TAUNTON, TA1 3EA

Grid Reference: 323725.123591

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 01 Location Plan

(A4) DrNo 02 Site Plan

(A1) DrNo 03 Existing Topographical Survey

(A1) DrNo 06 107 South Road Existing Elevations & Floor Plans

(A1) DrNo 07 109 South Road Existing Plans, Elevations & Section

(A1) DrNo 08 Proposed Site Layout Showing Ground Floor Plan

(A1) DrNo 09 Proposed Site Layout Showing First Floor Plan

(A1) DrNo 10 Proposed Site Layout Showing Second Floor Plan

(A1) DrNo 15 Existing & Proposed Street Elevation Option A

(A1) DrNo 17 Proposed Elevations (1 of 3)

(A1) DrNO 18 Proposed Elevations (2 of 3)

(A1) DrNo 19 Proposed Elevation & Section A-A (3 of 3)

(A1) DrNo 22 Proposed Roof Plan

(A1) DrNo 26 Sunlight Diagrams Depicts Existing & Proposed Site on Mar/Sept 21 @ 9AM, 12 Noon & 3PM Survery Drawing

(A1) DrNo 27 Sunlight Diagrams Depicts Existing & Proposed Site on June 21 @ 9AM, 12 Noon & 3PM Survey Drawing

- (A3) DrNo 28 Proposed Bin Store
- (A1) DrNo 29 Proposed Site Layout Depicting Bat Box Positions
- (A1) DrNo 30 Proposed Elevations Depicting Proposed Bat Roosts
- (A1) DrNo 1906-01 Tree Survey

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

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

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

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

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

6.
 - (i) Before any part of the new construction 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.

- 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 Greena Ecological Consultancy's submitted reports dated September 2011, October 2014 and February 2015, 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 bats

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

Reason: To protect and accommodate wildlife.

- 8. Details of the means of surface water disposal on site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter provided as agreed prior to the occupation of the buildings.

Reason: To prevent flood risk in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

- 9. No demolition shall begin until a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that the redevelopment follows relatively soon after demolition, to avoid the creation of an unsightly gap in the street, to the detriment of the character and appearance of the Conservation Area in accordance with guidance contained in Section 12 of the National Planning

Policy Framework.

10. The premises shall be used for student accommodation associated with Richard Huish College only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To limit the use and need for parking in this location.

11. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Core Strategy policy DM1.

12. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 14844/T02A, and shall be available for use before any of the dwellings or accommodation hereby permitted are first occupied. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety.

13. The area allocated for parking and turning on the submitted plan, drawing number 1415/08G, 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.

Reason: In the interests of highway safety.

14. All recommendations of the submitted Travel Plan shall be implemented in accordance with the timetable therein. Thereafter the development shall

operate the Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority.

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

15. The windows in the side elevation serving bedrooms 1-4, 39 and 53 shall be partially glazed with obscure glass to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with retained Policy H17(A) of the Taunton Deane Local Plan.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. 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.
3. **Bats** are known to use the building(s) as identified in Greena Ecological Consultancy's bat reports, dated October 2014 and February 2015. The species concerned are European Protected Species within the meaning of The Conservation of Habitats Species Regulations 2010. 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 a derogation from the Habitats Directive is justified prior to issuing such a licence.

4. **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.

PROPOSAL

The proposal is an amended scheme for the demolition of 109 South Road and redevelopment to provide an extension of one and a half storey to the rear of 107 and to erect student accommodation comprising 63 student beds and two flats for a housemaster and housemistress for Richard Huish College. Cycle parking would be provided to the side of the site and parking and turning space is provided off a new central access onto South Road. The scheme would provide purpose built accommodation within walking distance of the College to allow it to compete with other colleges. Existing students requiring boarding facilities are currently housed in a network of homestay providers across Taunton. This service is close to capacity and the number of provider families is dwindling while the student demand is growing. The College is committed to providing a high quality boarding accommodation for students and it considers it essential to provide such a service to enable its aspirations for growth. The scheme would allow an increase in committed bed spaces to enable an additional revenue stream that can be invested into course offerings. This will help the College's long term future and also directly invest in the local economy. It would generate construction jobs, education sector jobs and also indirect employment. The applicant calculates that the students could generate over £1 million into the local economy over a 40 week academic year. The economic role has to be assessed in conjunction with social and environmental dimensions when assessing sustainable development and the presumption in favour.

SITE DESCRIPTION AND HISTORY

The site consists of two residential properties set in large gardens within the South Road Conservation Area. 107 is a traditional villa design reflective of the character of the area while 109 is a more modern infill which is considered to be out of character with the conservation area.

Previously an application for DEMOLITION OF 2 NO. DWELLINGS AND ERECTION OF A 52 BEDROOM NURSING HOME WITH ALTERATIONS TO THE ACCESS AND PROVISION OF 23 CAR PARKING SPACES AT 107 AND 109 SOUTH ROAD was submitted in 2011 ref. 38/11/0676. This was subsequently refused in February 2012.

An application for DEMOLITION OF 109, REDEVELOPMENT (TO INCLUDE PARTIAL DEMOLITION) OF 107 AND ERECTION OF STUDENT ACCOMMODATION, COMPRISING 67 No STUDENT BEDS AND TWO No SELF CONTAINED FLATS, AT 107-109 SOUTH ROAD, TAUNTON was submitted in 2014 ref. 38/14/0413 and was withdrawn on 17 February 2015.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

HERITAGE - My comments on the earlier scheme also apply to this revision, but in

my view the degree of harm to the significance of the Conservation Area is further reduced in this version. The deficit that needs to be outweighed by the public benefit (as set out in section 134 of the National Planning Policy Framework) is therefore also proportionally reduced.

Regarding design and materials, these appear in-keeping with the Conservation Area, although if the application is approved further details, for example for windows and external doors, will need to be submitted.

PREVIOUS COMMENT

In conservation terms, the principal consideration is whether the proposed development preserves or enhances the character and appearance of South Road Conservation Area. It is noted that while there is no appraisal for the Area, the applicant has submitted a heritage assessment that has informed this application.

The proposed scheme has been designed to mirror the existing settlement pattern in South Road with the new 'villa' (replacing 109) maintaining the established building line and property spacing and with a frontage in keeping with the architectural character of the area. It is my view that this building represents an improvement over the existing building that occupies this plot and as such can be seen to enhance the Conservation Area.

The proposed linking structure and the new blocks to the rear of both 107 and 109 are more problematic. These elements are clearly not in keeping with the historic character of the Conservation Area, although it is noted that the link is set back and subservient. The rear blocks are large and while these would not dominate the existing and new building fronting South Road when viewed from the road, they cannot be seen as subservient to the frontage buildings. The buildings are sufficiently set back in their plots to minimise this impact, but there is no doubt that in terms of scale and massing these blocks represent a negative presence.

I would not, however, view this harm as substantial and, partly balanced by the positive outcome of removing the existing 109, it could be considered under Section 134 of the National Planning Policy Framework to be outweighed by the public benefits of the proposal.

DRAINAGE ENGINEER - It would appear that the impermeable areas have not changed significantly from that shown on previous application 38/14/0413. The drainage arrangements are also the same therefore my observations raised for 38/14/0413 apply to this proposal. The requested surface water disposal condition should apply to this proposal.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comments received.

DEVON AND SOMERSET FIRE & RESCUE SERVICE - No comment received.

SOMERSET & AVON CONSTABULARY - POLICE LICENSING OFFICER - I would make the following comments in respect of designing out crime:-

Crime Statistics – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/04/2014-31/03/2015 is

as follows:-

Burglary - 1 Offence (dwelling)

Criminal Damage - 5 Offences (incl. 1 criminal damage to dwellings and 3 criminal damage to vehicles)

Drug Offences - 2

Theft & Handling Stolen Goods - 1

Violence Against the Person - 5 Offences (incl.. 4 common assault & battery)

Total - 14 Offences

This averages just over 1 offence per month which are very low crime levels.

Peak offending day is Friday and peak times around midnight.

Anti-Social Behaviour reports for the same area and period total 4, which are also very low levels.

Public Access – the security of the development is enhanced by deterring casual intrusion by non-residents. An access control system should be provided for the building i.e. proximity card or similar system. There should be no unnecessary paths which could be used to gain unobtrusive access and escape. Good signage should be provided to deter unauthorised access and assist emergency services. From the Site Layout Plan the front vehicular and pedestrian routes appear to be visually open and direct.

Natural Surveillance – optimum natural surveillance should be incorporated whereby students can see and be seen, including an unobstructed view from the building, its external spaces and neighbouring dwellings including paths, communal areas, cycle storage area and parking spaces. In this regard, the building shell incorporates a number of recesses, particularly along the southern elevation and a very large and deep recessed area to the rear. Such areas can become hiding places for potential criminals and police advice is that, where possible, recessed areas should be avoided. The large deep recessed area at the rear of the building, if essential, should be enclosed by fencing/gate or similar across both rear wings, as this area provides access to a large glazed area at the rear of the kitchen.

Lighting – appropriate lighting should be designed to cover potential high risk areas including main site access, car parking area, footpaths and associated areas to main building, bin store, cycle store and any other secluded areas around the site. All lighting should be automatically controlled by photo-electric cell or time switch and fixtures and fittings should be vandal-resistant and located to minimise vulnerability to vandalism.

Landscaping – should not impede opportunities for natural surveillance and must not create potential hiding places for intruders, especially adjacent to footpaths or close to the building where it may obscure doors and windows. The frontage should be kept open to view, so walls, hedges etc should be maximum height of 1 metre. Mature trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

Building Boundary – more vulnerable areas such as the side and rear need more robust defensive barriers so the wall/fence and gates to the front of the northern and southern elevations should be minimum height 1.8 metres, as should the remainder of the side and rear boundary treatment. The Bin Store to the front of the development should be of substantial construction and lockable to prevent wheelie bins being used as climbing aids or for arson. The Cycle Storage area along the southern boundary should also be under cover and secure.

Car Parking – the communal parking area at the front of the building, although fairly small in relation to the building, appears to be well overlooked.

Building Shell – the minimum number of entrances compatible with student

convenience and fire safety should be provided and this appears to be catered for. As previously mentioned, an access control system should be provided and entrances should be well lit externally and internally. The main Entrance Hall appears to incorporate an 'air lock' type system and is well supervised from Reception.

Roof – the roof above the kitchen appears to incorporate a number of skylights and these should be suitably protected by alarm or physical measures.

Internal Security – internal circulation areas should be well lit with recesses, blind corners and hiding places eliminated wherever possible. From the ground, first and second floor plans, generally speaking this appears to be the case. Consideration should also be given to the installation of an intruder alarm in appropriate areas of the building i.e. office, kitchen/restaurant etc. Similarly, CCTV coverage of appropriate areas should also be considered.

Doorsets/Windows – all ground floor doorsets and all ground floor or easily accessible windows (including the skylights) should comply with PAS 24:2012.

Secured by Design – further additional crime prevention advice is available on the Secured by Design website – www.securedbydesign.com

SCC - TRANSPORT DEVELOPMENT GROUP - I have reviewed the material for the new submission and there are no changes to the Transport Statement or the Travel Plan compared to the last application. Because the new application represents a reduction in the number of bedrooms being proposed, there is no change to the view of the Highway Authority. The response made on 13 Jan 15 is still relevant and will suffice for the new application. The Highway Authority would like the conditions requested to be retained but with the drawing numbers updated. The access details and parking layout conditions should reference drawing 14844/T02A from the Transport Statement.

PREVIOUS COMMENT

The site lies on South Road, which forms part of the B3170, in a residential area of Taunton. A 30 mph speed limit applies past the site. There is a wide footway fronting the site of 2 metres and the existing 2 properties have separate accesses. One of these accesses will be closed and the other will be used for pedestrian access. Vehicular access will be via a new central access which benefits from good geometry and plenty of visibility.

The Highway Authority accepts the conclusions of the Transport Statement which states that the traffic impact will be low and that no further mitigation is required. The parking level has been justified and the Highway Authority is content to accept that level of parking.

A Travel Plan has been submitted with this application but as mentioned in the Transport Statement it is difficult to categorise this development in terms of parking requirement and Travel Plan thresholds. The proposal is part of the wider Richard Huish College operation and the Travel Plan is designed to fit in with the main college's successful Travel Plan. The measures proposed are sensible and the Highway Authority accepts that the proximity of the college to the accommodation will help to encourage sustainable travel, chiefly walking and cycling, for future occupiers of the accommodation.

In light of the above, the Highway Authority raises no objection to this application subject to the following conditions:-

The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 1415/22, and shall be available for use before any of the dwellings or accommodation hereby permitted are first occupied. Once constructed the access shall be maintained thereafter in that condition at all times.

The area allocated for parking and turning on the submitted plan, drawing number 1415/22, 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.

All the recommendations of the submitted Travel Plan shall be implemented in accordance with the timetable therein. Thereafter the development shall operate the Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority.

SOUTH WESTERN AMBULANCE SERVICE - No comment received.

WESSEX WATER - Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

Public sewers crossing site will need to be diverted under agreement with Wessex Water.

The site plans appears to indicate new tree planting on the north east boundary which will be over the existing public sewer. This is not acceptable. There will be no tree planting within 6 metres of the public sewers to prevent damage caused by root ingress.

The existing system can be used such that no new offsite link sewers are required.

The existing system is combined and has adequate capacity to accept flows from the development, subject to the observations below.

The site should be assessed for soakage and a system installed where conditions are suitable.

Storm water flows must be attenuated back to green field rates with associated storage requirements

It is anticipated that water supply pressures may be an issue for this development.

On site storage tanks are recommended particularly where fitted with fire prevention sprinkler systems and where buildings are greater than two storeys.

I trust that you will find the above comments of use.

BIODIVERSITY - Further to comments made in connection with 38/14/0413 which are still relevant, the applicant has carried out a hibernation survey. The survey concluded that 109 South Road has low to medium hibernation potential, whilst 107 has low hibernation potential. This latest survey can be used to inform the EPS licence which will be required to develop the site. note bat mitigation is now shown on the drawings. I suggest the following condition:

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 Greena

Ecological Consultancy's submitted reports dated September 2011, October 2014 and February 2015, 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 bats

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

Reason: To protect and accommodate wildlife.
Informative Notes re birds, protected species and bats.

SOMERSET WILDLIFE TRUST - We note the past use of the premises by bats as ongoing use of the gardens for foraging and commuting. We would fully agree with the proposals for bat boxes in the trees as well as the creation of bat roosts in the building elevations. This should be a condition of planning permission if granted. We would also like to see a stipulation that any external lighting should be designed so as to minimise light pollution. In addition in view of the fact that the bat survey report is based on a single evening's surveying we consider it would be sensible to request a further bat survey is carried out in the near future to confirm the findings. We would also like to see additional proposals for enhancements for the benefit of wildlife. This should include the provision of bird boxes and the opportunity could be taken to build in sparrow terraces and the stipulation that all landscaping should be native species that are rich in nectar, fruit and nuts so as to support wildlife.

ENGLISH HERITAGE (ALL CONSULTATIONS) - As explained within our response to the previous application our concerns relate to the impact of the proposed development on the South Road Conservation Area. To summarise, within this portion of South Road the majority of the houses are of semi detached, constructed in the late 19th century. In contrast number 107 was built as a detached house on a particularly wide plot. In the mid 20th century the large plot was split and a new detached house built on the south side of the plot. In line with the previous application the scheme considered now proposes the demolition of the mid 20th century building and the construction of a period style property to mirror the retained house. To the front there would be a single central vehicular access point. At the rear both properties would have two storey projecting wings that would substantially extend the footprint of the buildings.

Key to our advice to local authorities is the requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act which states that in considering applications within conservation areas the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the NPPF states that in considering the

impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Paragraph 134 of the NPPF explains that where the harm does not constitute substantial harm the harm should be weighed against the public benefits of the proposals. It is important that the benefits are public and not solely private.

The benefits of the scheme, as set out within the recent report from Cotswold Archaeology, are not disputed. We note that the eastern elevation has been designed in an attempt to reflect the existing street pattern, maintaining the building line and adopting a villa form and design. That said the general character of South Road is of a suburban development. The suburban nature of the area is characterised by substantial residential plots. The character cannot and should not be pinned down solely to the eastern elevations. When looking down South Road views are clearly channelled. When driving this will be the sole way in which the area is appreciated. The appreciation of the conservation area will however not be based solely upon this one view but also upon views between houses also and from within the rear plots. The proposals will harm the suburban nature of the conservation area as they will impinge specific views off South Road and from elsewhere, at the rear, and will lead to an increase in density. Beyond this the expanse of paving to the front garden, which contrasts with other gardens along the road, will be amplified when in use.

In line with Paragraph 134 of the NPPF the harm to the conservation area should be weighed against the public benefits of the proposals.

Recommendation

We recommend that the application be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

DESIGN REVIEW PANEL - Summary of Pre-application recommendations made in November 2014

In summary the main recommendations of the Panel were:

Subject to the concerns raised in this report being addressed generally the panel was supportive of the proposals

However the panel felt that a better design solution existed and that the proposals represented a missed opportunity

Based upon a traditional vernacular the success of the scheme will be dependent upon the use of high quality materials and traditional detailing. Currently the proposals were falling between two stalls in regards to style and aesthetics, the proposals require further resolution to ensure the aesthetic authenticity.

The panel was supportive of the approach taken in regards to the proposed 'building line'

Concerns over the proposed location and accessibility of the proposed amenity space

Supportive of the cycle provision and suggested that a small number of additional uncovered additional bicycle racks could be provided by the main front entrance

Proposed vehicular & pedestrian access to be combined & narrowed into a shared surface

Shadow study to be carried out in regards to neighbouring properties

Concern in regard to overbearing impact on neighbouring property to the north east

Concern expressed in regard to the close proximity & overlooking between the two blocks

Concern that the form of the building does not appear to be driven by or generated by its proposed function & or site constraints such as orientation

Encouraged exploration of a more contemporary built form, behind the traditional facade, that is more appropriate to & generated by the buildings proposed use.

The rear garden/amenity space requires further design development to ensure accessibility and usability.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - CIL Rate is £70. Existing 107 and 109 total 491sqm. New development is 1760sqm so 1269sqm is CIL liable and CIL liability equates to £88,850

Representations

Ward Cllr (Cllr Herbert) objects –

As ward Councillor I continue to object in the strongest possible terms to this proposal. My previous objection remains as per my submission on the earlier applications and I will add. There has only tiny changes to the floor plans and elevations compared to the original and I therefore continue to support the view of English Heritage that the proposed new development will have an adverse impact upon the character of the conservation area. The primary impact will be the significant increase in density of development which would contradict the overtly suburban character of South Road. The reduction of bedrooms from 69 to 63 is minimal and has not changed the overbearing presence that the building would have in this important conservation area. The conservation area covers the whole site, something that appears to have been overlooked by the applicants. The impact on the neighbouring properties would be significant, especially taking into account the changes in levels across the area and that the adjacent properties all have basement living accommodation and gardens that are lower than the buildings appear from the front. The sheer size and scale of this proposal would cause unacceptable impact on light to the properties, their privacy and amenity of their gardens that are an integral part of the conservation area. The proposal tries to portray itself as an extension to 107, under Taunton Deane's own planning guidelines extensions are required to be subservient to the original property, there is no way that increasing the footprint of the original buildings to 4 times the size can be dressed up as subservient. The design of the sides and rear elevations are also poor and do not enhance or add to the setting in any way, I would point out that English Heritage note that views from adjacent properties are important as the conservation area extends across the whole site right back to Kings College property. This is a pure commercial development that does not protect or support the conservation area, the addition of this type of accommodation in a residential area of family homes will be out of character in any suburban location, but within a precious, significant conservation area it is totally unacceptable. It is interesting how the applicant's heritage report focuses on some aspects that they deem important - yet totally ignore any that are inconvenient. The applicant attempts to use the letter from the LEP to add weight to the application, but having read the LEP economic growth plan I feel this is misleading. The LEP is about increasing investment and growth for the South West, transport, infrastructure, floods, energy, improving skills

and accessibility to education, all very laudable aims. However the important thing to remember about the LEP is that it is about the SW of England, its purpose is not to ignore what is best for people in the SW for the benefit of students from foreign countries.

In short this proposal is NOT suitable for the area. Its appearance and size is NOT in keeping with its neighbours or the surrounding area. External alterations to the existing building are NOT in character. Adjoining residents WILL suffer overshadowing, overlooking and loss of privacy. There WILL be an increase in noise and disturbance. The building does NOT appear to be DDA compliant. The development WILL cause issues for pedestrians and road users. The proposal DOES conflict with TDBC planning policies. I therefore trust that this application will be refused.

99 letters of objection raising issues of

- the building is too big and will cause damage to the Conservation Area,
- building not in keeping and is out of scale and out of character,
- building too big for plot, will increase density,
- change of character to commercial use in residential conservation area,
- not a suitable building for this suburban area,
- negative impact and does not preserve or enhance the area,
- will detract from character of existing residential form contrary to policy DM1 and CP8,
- rear build line not respected,
- the use is unsuitable,
- inappropriate to hall of residence in quiet residential area,
- external alterations are not in character,
- loss of trees and hedges and historic building lines,
- archaeological importance of 107 would be in jeopardy,
- unsatisfactory disabled access,
- fails to demonstrate it is sustainable and contrary to policy SD1 and CP1b
- materials do not match,
- landscape impact and loss of trees,
- proposed bin store position,
- 109 is preferential to the replacement,

- adverse impact on neighbour's amenity,
- overshadowing,
- too overbearing and detrimental impact,
- overlooking,
- loss of amenity, contrary to DM1 and H17,
- loss of privacy and light,
- will affect right to light at 105 and 111 contrary to BRE guidelines,
- will impact on daylight to 113,
- shadow study inadequate,
- extension not subservient,
- night lighting would unduly affect residential amenity,

- lack of student parking
- insufficient parking,

- will increase traffic and create a hazard for pedestrians,
 - parking is an issue in surrounding streets, like Stoke Road and Mountfields Road and residents will use these areas,
 - site on bend,
 - development is at narrowest part of South Road,
 - details of road width are inaccurate,
 - no pavement on one side of road,
 - service vehicles will disrupt traffic flow
 - increase in accidents, particularly as foreign students may not be aware of British regulations,
 - unsuitable access,
 - the road narrows making crossing hazardous,
 - turning circle not sufficient,
 - cannot stop students having cars,
 - impact on public footpath,
 - problem of construction traffic.
-
- use as conference facility,
 - will set an unacceptable precedent,
 - no proven case for accommodation,
 - provision for foreign students,
 - not believed the boarding accommodation meets the required standards and floor area will need to be increased,
 - increase in noise and disturbance,
 - sewers won't cope,
 - litter,
 - anti-social behaviour,
 - nuisance to neighbouring properties,
 - pressure on flood management,
 - increase in erosion,
 - adverse impact on neighbours due to amenity impact and noise pollution,
 - detrimental impact on wildlife,
 - bat box positions,
 - alternative areas should be developed,
 - College not tied to development only signing a short tenancy agreement, so RHC are not committed to the site,
 - reasons given to local community for accommodation have not been transparent and have misled the public,
 - should there be a covenant restricting the building to educational use only,
 - threat to harmonious nature of habitation by existing residents and intimidates elderly and residents with learning difficulties,
 - concern over future use,
 - construction noise and disturbance,
 - a full and independent economic report should be submitted by a qualified economist,
 - consideration is premature,
 - report will not take account of all representations and any decision will be challengeable,
 - if granted conditions should include a BREAAAM assessment, a detailed environmental performance statement and energy efficiency improvements in accordance with the Building Regulations,
 - will negatively effect property values.

4 letters of support on grounds that the design compliments the area and the location is close to the College, walkable avoiding the need to drive.

Letter from Local Enterprise Partnership advising the College sector is important to the future success at the heart of the south west economy and the supply of future skills for businesses. Suitable weight should be given to the economic growth aspects of the proposal and its contribution to the objectives in the LEP strategic economic plan.

1 letter of support from Taunton Forward on basis that it will be a significant positive factor in drawing business and people to Taunton, students will play apart in the well-being of the local community, be ambassadors for re-generation of the town and contribute to economic growth.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP2 - TD CORE STRATEGY - ECONOMY,
CP4 - TD CORE STRATEGY - HOUSING,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
SD1 - SD 1 TDBC Persumption in Favour of Sustain. Dev,
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,

LOCAL FINANCE CONSIDERATIONS

In the event that planning permission is granted for this development it would be liable for CIL at a rate of £70 per square metre. The current scheme indicates the gross internal area of 1760sqm but 1269sqm of new floor space and so the CIL charge applicable would be around £89,000.

The development of this site would not result in payment to the Council of the New Homes Bonus.

DETERMINING ISSUES AND CONSIDERATIONS

There are a number of considerations with the proposal including the impact on the character of the conservation area, access and highway safety, amenity impact, wildlife impact, drainage and sustainability.

Policy and conservation area

The site lies within the built up area of Taunton and consequently is considered a sustainable location for development that would comply with policies SD1, CP1 and

CP6 of the Core Strategy. The use of the site for student accommodation is considered an appropriate use that is not out of keeping with the character of the area. It is accepted that the applicant has a need to house foreign students. Other properties in the vicinity house students of Kings College.

The Council has a duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to preserve and enhance the character or appearance of conservation areas. Policy CP8 of the Core Strategy also applies and states that the Borough Council will conserve and enhance the natural and historic environment, and will not permit development proposals that will harm these interests or settings of the towns and rural centres unless other material factors are sufficient to override their importance. A heritage assessment of the site and the character of the area has been submitted by Cotswold Archaeology.

No. 107 South Road is a substantial late Victorian detached villa constructed in red brick with a slate roof. It has been added to with single storey extension at the rear and internally it is largely unaltered. It is considered of heritage significance, although it is not worthy of being listed. 109 is a mid twentieth century dwelling constructed within the confines of the former landholding of 107. Although modern in design the scale and position of the house follows the characteristics of earlier properties on South Road by being set back within the plot and maintaining a distinct distance from the adjacent structures. The building is not considered of heritage significance and is considered neutral in its impact on the conservation area. The Council's Conservation Officer considers the new 'villa' (replacing 109) maintains the established building line and property spacing and has a frontage in keeping with the architectural character of the area. The replacement building is considered an improvement in design and one that could be seen to enhance the character of the South Road conservation area. English Heritage raise concern that the suburban character of the area derives from the low density building, which is appreciated by taking in the views of the large house plots, substantial front gardens and also views through and between buildings. They consider these views will be lost and the extent of the rear projecting wings increases the density of development of the plot to the detriment of the character of the area. They also raise an issue with parking in the front garden. However on this latter point, the parking in front of properties off South Road is a common occurrence and the treatment of the proposed drive, grasscrete turning area and parking spaces and replacement planting would blend in with the character of the area and is not considered a detrimental impact on the character of the area. The main issues here therefore is whether the extent of the rear projecting wings of the new buildings have an adverse impact on the character of the conservation area to warrant a refusal. The Conservation Officer's view is that this would not warrant a reason for refusal. The development will result in a degree of change to a localised area of the South Road conservation area, however it would not alter the character and appearance of the area as a whole, would not detract from its legibility as an area of historic suburban development and so would not cause substantial harm to the character and appearance of the conservation area. Any harm also has to be balanced against any public benefits of the proposal in accordance with paragraph 134 of the NPPF. In this instance there are considered to be public benefits to the College as a local educational facility.

Access

The access to the site is currently two separate points of access, one either end of the site with limited visibility in each direction. The proposed scheme provides a central access with suitable visibility in both directions. A central access drive will have permeable pavers and the 8 parking spaces proposed will be in grasscrete. Landscape planting will be proposed to replace that removed and help screen the site from the road frontage. As the accommodation is largely for foreign students the provision of limited parking is considered acceptable. It allows parking for the housemaster and mistress and for deliveries. The site is easily walkable from the College and is on a bus route into town. The Highway Authority is satisfied with the means of access and visibility and consider the traffic and parking proposed to be justified. The Authority raise no objection to the scheme subject to conditions to ensure implementation of the access, parking and travel plan.

Amenity

The proposed extension and new build on the site provide a replacement development of student accommodation with flats for staff. The accommodation has been amended to provide 63 student bed spaces and this has entailed reducing the extent of the first floor projection on the rear of 107. In terms of upper floor accommodation the design provides no first floor windows in the rear wings facing the neighbours to avoid any direct overlooking to the south or north. Consequently the issue of loss of privacy and overlooking is not considered to be grounds to object to the scheme. The development at 109 is set 3.5m off the boundary and projects for a depth of approximately 35m. There will be an impact on the outlook from existing side windows at 111 but will not result in direct overlooking. The new build at 109 extends around 8m beyond the end of 111 however given the orientation of the building the impact on 111 is not considered such to warrant a refusal. Obscure glazing to limited windows towards the front of 109 and ground floor side of 107 is proposed to be controlled by condition to address privacy concerns.

On the opposite side of the site 105 South Road projects out in line with the rear of the two storey section of 107. The new development projects 20m to the rear of the existing floor plan of 105 and is 3.4m off the boundary wall. The revised scheme deletes the third floor section altogether. The lowered rear section now extends to 7.4m in height but at 10m off the boundary and projects 20m down the garden beyond 105. The applicant has submitted sunlight diagrams for March - September and Mid June indicating sunlight impact on 105 South Road as a result of the scheme. This shows the impact on 105 occurs minimally at 9am and decreases during the morning. The same would be the case for the winter period which is not illustrated by the submitted plans while there is no impact at the height of summer. The neighbours have had undertaken a right of light assessment which considers the Building Research Establishment guidelines are breached. While rights of light are not a material planning consideration, the impact of any scheme in terms of it being overbearing and an unneighbourly impact on amenity is material. The overshadowing issue was raised as a concern by the Design Review Panel. In this instance the agent has reduced the height and length of the northern wing, and hence its impact on the neighbour, where the rear projection is now 20m. The projection to the south is 8m beyond no.111. This impact is not considered to be so detrimental to amenity to warrant an objection and is not considered contrary to policy DM1d of the Core Strategy and draft policy D7 on design quality of the Site Allocations and Development Management Plan.

Wildlife

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

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

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need for the student accommodation is recognised in the College submission and is considered to be in the public interest and it would be a potential economic and social benefit if it were granted. It is considered to be in the public interest to secure the future of boarding students at the College and this is considered to outweigh the limited harm to habitat during the construction phase of the scheme and so it would follow that this test would be passed.

(ii) That there is no satisfactory alternative

The need for the student accommodation and the reason why this site can be considered for development has been considered in the policy section of this report, above. As previously discussed, given the current local planning policy framework, it is considered that there is no identified satisfactory viable alternative in terms of the overall location of the development and for these reasons, the test would be passed. In the event of the development being refused the wildlife would not be affected and the test would not be required.

(iii) That the FCS can be maintained

The submitted ecological impact assessment outlines proposals for protecting wildlife during construction and for providing mitigation with habitat improvements. These include additional bat roosts within the new building and native species planting to mitigate against the impact of loss of trees. The Council's Biodiversity Officer has not objected to the proposals, believing that, subject to condition, favourable conservation status can be maintained.

I conclude that while the proposal will clearly have an impact, given the proposed mitigation, the proposal would not cause harm and therefore, it is considered acceptable and not to conflict with policy CP8 of the Core Strategy which includes the aim to conserve and enhance the natural environment. It is also considered to comply with the NPPF (paragraph 109). The provision of mitigation and enhancements for the site is considered a necessary condition and would also address points raised by the Wildlife Trust.

Drainage

The proposal will utilise and link to Wessex Water foul drainage infrastructure and there has been no objection to the proposed drainage scheme. In terms of surface water this is proposed to be dealt with by way of soakaways and details of a suitable means of disposal can be secured by condition and the Drainage Officer is satisfied with this. The site does not lie in a flood risk zone and the development is not considered to cause a risk of flooding elsewhere.

Sustainability and other matters

The development is considered to be in a sustainable location and is close to the College campus. The NPPF assesses sustainability in terms of economic, social and environmental impacts.

The construction of the scheme would provide employment and the end use would also provide employment through servicing the site as well as the housemaster/mistress jobs. The development is also seen as an investment in the long term future of the College and would bring an economic benefit to the town. It is recognised that there is a need for such student accommodation and this is accepted. The student units would add to the range of accommodation in the area and the use for boarding students for Richard Huish College would not set a precedent for other development in the area. The site is within the town and is considered a sustainable location. The proposal would increase the built development of the site and would impact on the built form, however the Conservation Officer considers the development to be acceptable in terms of its impact on the character of the area and the Biodiversity Officer considers there is adequate mitigation to address impact on wildlife. Consequently it is considered that the development can be considered sustainable.

Concerns have also been raised in respect of noise, litter and anti-social behaviour. However all these are issues that are down to management of the site and are not automatic outcomes of allowing the development. While they are clearly concerns they are not considered to be of significant weight to warrant a planning objection to the scheme. Similarly the fact that the College do not own the site is not a reason to object to the scheme. The College are the applicant's and they have put forward a scheme based on the need for additional student accommodation.

Summary

In conclusion the applicant, Richard Huish College has put forward a scheme based

on need to accommodate future students in a sustainable location close to the College. The development is not considered to cause a flood risk or an adverse impact on wildlife or highway safety. The development is located within the conservation area and will have an impact on its character, although the Council's Conservation Officer is satisfied that the impact is an acceptable one. The impact of the scheme due to the scale of the rear projecting wings, will have an impact on the neighbour at 105 and to a lesser extent 111. Members have to determine if this impact is an acceptable one. The height, orientation and distance off the boundary is not considered to result in a scheme that would be overbearing and cause a significant loss of light and as such the development is considered a sustainable development that does not cause substantial harm to warrant a refusal as contrary to policies of the Core Strategy and development plan and the application is recommended for approval.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

APPEAL DECISIONS FOR COMMITTEE AGENDA –29 April 2015

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/E/14/2 228525	DEMOLITION OF OUTBUILDING AND ERECTION OF EXTENSION AT HIGHLANDS MANOR, 55B TRULL ROAD, TAUNTON	The proposed single storey extension by reason of its design and location would have a detrimental impact on the integrity of the building and its setting to the detriment of the character and appearance of the Conservation Area. It is contrary to Policies CP8 and DM1 of the Taunton Deane Core Strategy, Section 72 of the Planning (Listed Buildings and Conservations Areas) 1990 and Section 12 of the National Planning Policy Framework.	38/14/0291	The appeal property is a well proportioned, pleasingly elevated, detached two storey Victorian villa that has been subdivided to create two dwellings. It is located on a corner plot within the Haines Hill Conservation Area. The Conservation Area is residential in character, with large Victorian villas in substantial gardens, which creates a very agreeable street scene. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of a designated

				<p>heritage asset. Taunton Deane Borough Council Core Strategy 2012 (Core Strategy) Policy CP8 states that the Council will conserve and enhance the natural and historic environment and will not permit development proposals that would harm these interests. Furthermore, Core Strategy Policy DM1 provides a criterion based approach for development proposals. Criteria (d) states that the appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development proposals. I find that these policies are in general conformity with the Framework. As I saw on my site visit there is an existing two storey rear extension, with a single storey sunroom attached. The proposed development would extend this sunroom, forming an 'L' shape running in a north/south direction along the rear elevation, which fronts Trull Road. As part of the proposal an</p>
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				<p>existing outbuilding would be removed.</p> <p>7. The proposed extension would not be open to wide views due to the extensive boundary landscaping but nevertheless with a property of this elevational quality within a Conservation Area it is important to ensure that any additions would harmonise with the host dwelling. The proposal here would have an awkward visual relationship to the main building. It would obscure some of the picturesque gothic style architectural features of the rear elevation, in particular it would impinge upon the extremely attractive casement door.</p> <p>Furthermore the gable roof would be a bulky addition and would awkwardly cut across the windows at first floor level. Accordingly, the proposal fails to fully appreciate and relate to either the site or its immediate surroundings. I consider that it would be an</p>
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				<p>inappropriate form of development which would detract from and result in harm to the character and appearance of the host property and the Conservation Area.</p> <p>8. In reaching this opinion I acknowledge the comments regarding the quoin detailing and whether the property is the work of the local architect Richard Carver. However, these matters do not add weight either in favour of or against the development. The absence of harm in one respect cannot outweigh harm in another. Such factors are essentially neutral in the final balance.</p> <p>9. I have had regard to the removal of the existing outbuilding. I note that the Council has not raised any specific objection to its removal and I see no reason to disagree with its stance. However, the appellants have not indicated that they would wish to implement this part of the scheme in</p>
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				<p>isolation.</p> <p>10. Whilst the proposal would result in less than substantial harm to the significance of the Heritage Assets, it has not been demonstrated that any public benefits would outweigh the harm identified. It would, therefore, conflict with paragraph 134 of the National Planning Policy Framework.</p> <p>11. This leads me to conclude on this main issue, that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area and that the proposal would be contrary to the Framework and Core Strategy Policies CP8 and DM10, the objectives of which are set out above.</p> <p>Conclusion</p> <p>12. I conclude, for the reasons set out above, and taking into account all other matters raised, that the appeal should be dismissed.</p>
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Planning Committee – 29 April 2015

Present: - Councillor Bowrah (Chairman)
Councillors Mrs Allgrove, Gaines, Hayward, C Hill, Mrs Hill,
Miss James, Morrell, Mrs Reed, Watson, A Wedderkopp and Wren

Officers: - Bryn Kitching (Area Planning Manager), Matthew Bale (Area Planning
Manager), Gareth Clifford (Principal Planning Officer), Roy Pinney
(Legal Services Manager), Maria Casey (Planning and Litigation
Solicitor) and Tracey Meadows (Democratic Services Officer)

Also present: Councillors Hall and Mrs Herbert in connection with application
Nos.38/14/0394 and 38/15/0098. Mrs A Elder, a Co-opted Member of
the Standards Committee.

(The meeting commenced at 5.00 pm)

44. Apologies/Substitution

Apologies: Councillor Coles (Vice-Chairman) and Councillors Bishop, Tooze
and D Wedderkopp

Substitution: Councillor Hayward for Councillor Bishop

45. Minutes

The minutes of the meeting of the Planning Committee held on the 8 April
2015 were taken and read and were signed.

46. Declarations of Interest

Councillor A Wedderkopp declared a personal interest as a Member of
Somerset County Council. Councillor Mrs Hill declared a personal interest as
an employee of Somerset County Council. Councillor Wren declared a
personal interest as he was Clerk to Milverton Parish Council. He also
declared that he was also the Firepool Champion. The Chairman declared
that he had received various correspondence concerning application No.
38/15/0098 which he had sent to all Planning Committee Members.

47. Applications for Planning Permission

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

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

38/13/0477

Outline planning permission for the erection of up to 99 No. dwellings, vehicular accesses and associated works at areas H and I, Firepool Lock, Taunton

Conditions

- (a) Approval of the details of the layout, scale, appearance, and landscaping of the site or any phase thereof (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced; Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted or any phase thereof, shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed strategic road will not be detrimental to the amenity of the occupants of the premises on the completed development; The applicant shall submit to the Local Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Local Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied;
- (c) 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 someone 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;

- (d) 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 buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) Before any part of the development hereby permitted is commenced a phased landscaping scheme 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 development of the following phase 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) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the use of the site discontinues;
- (g) 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;

- (h) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (i) 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;

- (j) In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (k) No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to, and approved in writing by, the Local Planning Authority. A drainage scheme for the site showing 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;
- (l) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant to enable the grant of planning permission; (2) Applicant was advised that noise Guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night (2300h) to 0700h). In addition a 45 decibel LAmx applies in all bedrooms during the night (2300h to 0700h); (3) 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 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. 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.)

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

38/15/0098

Demolition of 109 South Road, redevelopment (to include partial demolition) of 107 South Road and erection of student accommodation, comprising 63 No student beds and two No self-contained flats, at 107-109 South Road, Taunton (resubmission of 38/14/0413)

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 plans:-
- (A4) DrNo 01 Location Plans;
 - (A4) DrNo 02 Site Plan;
 - (A1) DrNo 03 Existing Topographical Survey;
 - (A1) DrNo 06 107 South Road Existing Elevations and Floor Plans;
 - (A1) DrNo 07 109 South Road Existing Plans, Elevations & Section;
 - (A1) DrNo 08 Proposed Site Layout Showing Ground Floor Plan;
 - (A1) DrNo 09 Proposed Site Layout Showing First Floor Plan;
 - (A1) DrNo 10 Proposed Site Layout Showing Second Floor Plan;
 - (A1) DrNo 15 Existing & Proposed Street Elevation Option A;
 - (A1) DrNo 17 Proposed Elevations (1 of 3);
 - (A1) DrNO 18 Proposed Elevations (2 of 3);
 - (A1) DrNo 19 Proposed Elevation and Section A-A (3 of 3);
 - (A1) DrNo 22 Proposed Roof Plan;
 - (A1) DrNo 26 Sunlight Diagrams Depicts Existing & Proposed Site on Mar/Sept 21 @ 9AM, 12 Noon and 3PM Survey Drawing;
 - (A1) DrNo 27 Sunlight Diagrams Depicts Existing and Proposed Site on June 21 @ 9AM, 12 Noon and 3PM Survey Drawing;
 - (A3) DrNo 28 Proposed Bin Store;
 - (A1) DrNo 29 Proposed Site Layout Depicting Bat Box Positions;
 - (A1) DrNo 30 Proposed Elevations Depicting Proposed Bat Roosts;
 - (A1) DrNo 1906-01 Tree Survey;
- (c) The materials to be used in the construction of the external surfaces of the extension and new build hereby permitted shall be as specified on the submitted schedule unless otherwise agreed in writing with the Local Planning Authority;
- (d) No construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including details for blocking up the existing accesses, have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;

- (e) No wall construction works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (f) (i) Before any part of the new construction 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;
- (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 Greena Ecological Consultancy's submitted reports dated September 2011, October 2014 and February 2015, 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 bats.

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

- (h) Details of the means of surface water disposal on site shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter provided as agreed prior to the occupation of the buildings;
- (i) No demolition shall begin until a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides;

- (j) The premises shall be used for student accommodation associated with Richard Huish College only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);
- (k) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
- (l) The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 14844/T02A, and shall be available for use before any of the dwellings or accommodation hereby permitted are first occupied. Once constructed the access shall be maintained thereafter in that condition at all times;
- (m) The area allocated for parking and turning on the submitted plan, drawing number 1415/08G, 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;
- (n) All recommendations of the submitted Travel Plan shall be implemented in accordance with the timetable therein. Thereafter the development shall operate the Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority;
- (o) The windows in the side elevation serving bedrooms 1-4, 39 and 53 shall be partially glazed with obscure glass to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission;
- (p) Details of the windows and doors hereby permitted shall include sections, mouldings, profiles, working arrangements and finished treatment and shall be submitted to, and agreed in writing by, the Local Planning Authority prior to their installation and thereafter maintained as such;

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

entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that the protection afforded to species under UK and EU legislation was 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; (3) Bats are known to use the building(s) as identified in Greena Ecological Consultancy's bat reports, dated October 2014 and February 2015. The species concerned are European Protected Species within the meaning of The Conservation of Habitats Species Regulations 2010. 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 a derogation from the Habitats Directive is justified prior to issuing such a licence; (4) 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.)

48. Miscellaneous Report – Application 38/14/0394 – Erection of 2 No detached bungalows with garages and the erection of 1 No garage to serve the existing property in the grounds of 1 Wheatleigh Close, Taunton

Reference Minute No 42/2015, considered further report in respect of the above application.

The Historic England response had now been received and circulated. This had provided a very detailed objection which lent considerable support to the Conservation Officer's original advice set out in the report.

Historic England had framed its objections with reference to some specific points that had not been addressed in previous reports and discussions.

In the circumstances, the Area Planning Manager felt that it was prudent that Members were asked to consider this advice before deciding on whether they still wished to grant planning permission in accordance with the Planning Committee's previous resolutions.

After careful consideration, the Committee decided that its previous stance with regard to the proposed development could not be maintained and therefore felt the application should not be approved.

Resolved that the application be refused for the following reason:-

The proposed dwelling to plot 2, by virtue of its prominent position and proposed elevated boundary treatment, exacerbated by the design and mix of materials, is considered to result in an incongruous addition to the street scene, to the detriment of the character and appearance of the surrounding area and the setting of the adjacent grade II* listed building. The proposal is therefore

deemed contrary to Policies DM1 (d) (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had 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. Outline application with all matters reserved for the development of 8 No. residential dwellings, comprising 4 No. affordable dwellings and 4 No. open market dwellings, on land adjoining the Village Hall, Langford Budville (resubmission of 21/13/0012)

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

- a) Provision of four dwellings to be Affordable in line with the size and tenure set out within the application; and
- b) The provision of (or equivalent financial contribution of £17,424 towards) children's play facilities in Langford Budville;

the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if outline planning permission was granted the following conditions be imposed:-

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

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

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

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

- (f) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have previously been submitted to, and approved in writing by, the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the NPPG, and the results of the assessment provided to the local planning authority. Surface water drainage works will require a Sustainable Drainage System; prior to its installation the following details shall be submitted to, and approved in writing by, the Local Planning Authority:-
- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - Include a timetable for its implementation; and
 - Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any

public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime;

- (g) 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), there shall be no extension, addition or other alteration to the dwelling houses hereby permitted without the further grant of planning permission;
- (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 gate, fence, wall or other means of enclosure shall be erected or constructed on or over the site, other than that expressly authorised by this permission, without the further grant of planning permission;
- (i) The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 01 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (j) The development shall provide for covered and secure cycle storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 01 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that the developer must agree a point of connection to the foul sewage network with Wessex Water; (3) Applicant was advised that the 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. 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; (4) Applicant was advised of the following - WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant

and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.)

50. Appeals

Reported that one appeal was received details of which were submitted.

Resolved that the report be noted

(The meeting ended at 8.30 p.m.)