

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 23 September 2015 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 2 September 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 48/15/0027 Application for approval of reserved matters following outline application for the erection of a 420 place primary school, incorporating a nursery facility with associated landscaping, access and parking and community facilities on land east of Bridgwater road, Monkton Heathfield.
- 6 42/15/0035T Application to fell one horse chestnut tree included in Taunton Deane Borough (Trull no.1) tree preservation order 2012 (td1100) at Amberd lane, Trull.
- 7 42/15/0020 Erection of 1 no 5 bedroomed detached dwelling with single garage and associated works in the garden to the side of the Old Rectory, Wild Oak Lane, Trull.
- 8 06/15/0020 Erection of a detached dwelling with double garage and driveway on land north of Hazelhurst, and erection of replacement garage west of Hazelhurst, Minehead Road, Bishops Lydeard.
- 9 38/15/0346 Conversion and extension to detached garage to form an Annex at 17a the avenue, Taunton.
- 10 27/15/0013 Removal of condition 3 of application 27/10/0011 to allow an open b1 use of barn 3 at Allerford farm barns, Norton Fitzwarren.
- 11 Latest Appeals and Decisions received.

Bruce Lang
Assistant Chief Executive

15 October 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 M Adkins	
Councillor W Brown	
Councillor M Floyd	
Councillor J Gage	
Councillor C Hill	
Councillor S Martin-Scott	
Councillor I Morrell	
Councillor S Nicholls	
Councillor J Reed	
Councillor N Townsend	
Councillor P Watson	
Councillor D Wedderkopp	
Councillor G Wren	

Planning Committee – 2 September 2015

Present: - Councillor Bowrah (Chairman)
Councillor Coles (Vice-Chairman)
Councillors M Adkins, Mrs J Adkins, Gage, Morrell, Nicholls,
Mrs J Reed, Ryan, Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Julie Moore (Major Applications Co-ordinator), Roy Pinney (Legal Services Manager) and Tracey Meadows (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

83. Apologies/Substitutions

Apologies: Councillors Mrs Floyd, C Hill and Martin-Scott

Substitutions : Councillor Ryan for Councillor C Hill;
Councillor Mrs J Adkins for Councillor Martin-Scott

84. Minutes

The minutes of the meeting of the Planning Committee held on 12 August 2015 were taken and read and were signed.

85. Declarations of Interest

Councillors M Adkins, Coles and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Townsend declared personal interests as he was Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association. Councillor Nicholls declared a personal interest as he was Clerk to Comeytrove Parish Council and a Member of the Fire Brigade Union.

86. 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:-

34/15/0020

Application for outline planning permission with all matters reserved for the erection of industrial units on land off Frobisher Way, Bindon Road, Taunton

Conditions

- (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) The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths, parking and turning spaces shall be provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The roads, parking and turning areas shall be laid out prior to the occupation of any unit or 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;
- (c) The development shall provide for covered and secure bicycle storage facilities, details of which shall be indicated on the plans submitted in accordance with condition (a) 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;
- (d) No development shall commence until a method statement for the protection of trees beyond the northern site boundary has been submitted to, and approved in writing by, the Local Planning Authority. The method statement shall indicate how the trees will be protected and how the development shall be carried out so as not to affect root structures. The approved method statement shall be strictly adhered to during the course of the development;
- (e) (i) Prior to implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (f) 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.

(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 and had imposed planning conditions to enable the grant of planning permission; (2) Applicant was advised that where works are due to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. This will entitle the developer to have their plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.)

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

04/15/0006

Change of use of 2 No. outbuildings to holiday lets with replacement of third outbuilding with recreational area at Mistletoe Cottage, Forest Drove South, Bickenhall

Reason

The buildings are not sited near a public road and existing services and are accessed by a poor quality private bridleway contrary to Policy DM2 of Taunton Deane Core Strategy. In addition, it is considered that the existing buildings are not of a size suitable for conversion to the proposed use and includes a significant extension to 'Drovers Cottage' that would be contrary to paragraph 7 (a) of the above policy.

35/15/0006

Erection of a single storey extension with garage to the front and relocation of access at Heywood Cottage, Church Lane, Stawley

Reason

The proposed development, by reason of its height relative to the public highway and projection from the front of the dwelling will be visually intrusive in the street scene and will be overbearing on the amenity of the neighbouring property to the east. The proposed new access does not provide adequate visibility splays in the interests of highway safety and, if provided, would require the removal of the established hedgerow which would be detrimental to the visual amenities of the area. It is, therefore contrary to Policy DM1 of the Taunton Deane Core Strategy, retained Policy H17 of the Taunton Deane Local Plan and emerging Policy D5 of the Site Allocations and Development Management Plan.

87. Appeals

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

Resolved that the report be noted.

(The meeting ended at 6.45 p.m.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors, Coles D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Home Services Furniture Trust, Trustee to Bishop Foxes Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls

48/15/0027

REDROW HOMES (WEST COUNTRY), PERSIMMON HOMES (SOUTH WEST)

**APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING
OUTLINE APPLICATION 48/05/0072 FOR THE ERECTION OF A 420 PLACE
PRIMARY SCHOOL, INCORPORATING A NURSERY FACILITY WITH
ASSOCIATED LANDSCAPING, ACCESS AND PARKING AND COMMUNITY
FACILITIES ON LAND EAST OF BRIDGWATER ROAD, MONKTON HEATHFIELD**

Location: STREET RECORD, BISHOPS CLOSE, BATHPOOL, TAUNTON

Grid Reference: 326072.126763

Reserved Matters

RECOMMENDATION AND REASON(S)

Subject to the receipt of acceptable illustrative details of works to the A38 to show that the concerns over highway safety (as detailed within the report) can be overcome and consultation responses thereon raising no objections to those proposals the Planning Committee resolve that the Chair of Planning in consultation with the Assistant Director Planning and the Environment be authorised to grant condition planning permission the following conditions:

Recommended Decision: Conditional approval

RECOMMENDED CONDITION(S) (if applicable)

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

- (A3) DrNo AP(00)01 Site Location Plans
- (A1) DrNo AP(00)02 Rev C Site Location Plan
- (A1) DrNo AP(00)03 Ground Floor Plan
- (A1) DrNo AP(00)04 Elevations Sheet 1/2
- (A1) DrNo AP(00)05 Elevations Sheet 2/2
- (A1) DrNo AP(00)06 Perspectives
- (A1) DrNo AP(00)06 Perspectives
- (A1) DrNo AP(00)07 Sections
- (A1) DrNo 30814_LP(00)02 Rev K Proposed Landscape Plan
- (A1) DrNo 30814_LP(90)003 Rev E Boundary Treatment Plan
- (A1) DrNo 30814_LP(00)06 Rev C Landscape Materials Plan 1/2
- (A1) DrNo 30814_LP(00)07 Rev C Landscape Materials Plan 2/2
- Planting Schedule 30812_Y(90)_01_P2
- (A1) DrNo C-02 Rev P6 Drainage Strategy 2/2
- (A1) DrNo C-01 Rev P6 Drainage Strategy 1/2
- (A1) DrNo 30814_LP(00)008 Rev A Sprinkler Tank and Bin Store Enclosure

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

2. No commencement of use of the primary school hereby permitted shall take place until full details of alterations to the A38 are submitted to, approved in writing and fully constructed on site in strict accordance with the approved details. The alterations to the A38 shall be generally based upon the submitted sketch, plan no....., unless an alternative is first submitted to and approved by the Local Planning Authority

Reason: In order to ensure a safe access from the A38 to and in the vicinity of the primary school.

3. 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.

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

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

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

5. Within 2 months of the date of this permission full details of the proposed footpath cycle link lying at the north of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include proposed route and construction of the path, lighting, landscaping and boundary treatments. Prior to the commencement of works on site to provide the proposed footpath and cycleway shall be provided in strict accordance with the approved details and shall thereafter be maintained as such.

Reason: To ensure that a comprehensive footpath cycleway network is provided to enable sustainable links to the primary school with an acceptable impact on the amenity and security of the neighbouring residents in

accordance with Taunton Deane Core Strategy policies SS1 and DM1

6. There shall be no obstruction to visibility greater than 600mm 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 occupied and shall thereafter be maintained at all times.

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

7. The area allocated for turning on the submitted plan 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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway.

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

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

10. Notwithstanding the provisions of the Use Classes Order 19987(as amended) the community facilities shall be available for use by the general public and at no time shall be used solely for education purposes in connection with the adjacent primary school.

Reason: To ensure the provision of community facilities to serve the residents of the new development in accordance with the requirements of Taunton

Deane Core Strategy policy SS1.

11. Prior to the commencement of the use of the building hereby permitted the agreed drainage strategy shall be fully implemented and operational and shall thereafter be maintained as such.

Reason: To ensure the satisfactory drainage of the site.

Notes to Applicant

- . The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontager's affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the granting of planning consent and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.

PROPOSAL

Outline planning permission was granted in 2008 for the mixed use development of the Monkton Heathfield Local Plan allocated site which includes this site. The approved Monkton Heathfield development guide allocated this site for the provision of a school and community facilities and such a use was provided for in the masterplan attached to the outline permission and the requirements of the section 106 agreements with TDBC and SCC. This proposal is for a single storey building. The classrooms are housed within a curved design, curving away from the highway with a taller front section at the central point projecting forwards. The forward building is oblong and projects forward from the main body of the building and provides a visual focal point for the design. This front section would provide a central hall with wings on either side. One "wing" will house the kitchens for the school and the other the community facilities. The building will be set back between 34m and 90m from the A38. The boundary with the A38 will have a 1.4m high hoop top fence with secure gates. The existing hedge will be retained/reinforced along the rear of the new fencing. To the north of the vehicular access there will also be a row of trees and landscaped area. In order to ensure that the school provides a secure site there will be an additional fence line from the front and side of the school along the north and south boundaries which will comprise a 1.8m high weld mesh fence. This will rise to a 2.8m high weld mesh fence around the rear boundaries. The pupil entrance into the school will be to the front, via a separate, gated, pedestrian access. There are no proposed entrances along the rear or side boundaries as these are completely enclosed by the boundary fencing. To the north of the school grounds is a proposed footpath and cycle link which will form part of the strategic site wide network and enable residents to the east of the school to access the front via a sustainable route.

There would be two vehicular accesses off the A38 into the site. The northern most

access would be for servicing the recycling/bin area and water sprinkler tank. The southern "main" vehicular entrance would be gated and link to the entrance of the school and the staff car parking and general deliveries. There would be no access or parking designed for parents dropping off /picking up.

As the proposed school fronts onto the A38, where new accesses are not normally permitted, this proposal includes illustrative details of possible changes to the A38 which would be necessary in order to provide a safe access. These details will form part of a separate application linked to a new local centre, due to be submitted in the near future.

SITE DESCRIPTION AND HISTORY

The existing site is a single grass field approximately 135m x 200m fronting onto the A38 with existing hedgerows forming the west, north and east boundaries of the site. To the north west of the site are a pair of semi detached houses fronting onto the A38, in addition there is a newer dwelling situated to the rear of the closest semi (154 Bridgwater Road). This dwelling fronts the application site with the majority of its windows facing the garden in between the dwelling and the application site.

The south of the site backs onto the rear of Brittons Ash. Other than 2 pairs of semi-detached dwellings at the north west, the road comprises a row of detached bungalows with 20 - 45m long rear gardens. This boundary is, generally, more open to the field with a mix of fence, wall and hedge forming the boundary.

Outline permission was granted on appeal in 2008 for the mixed use development covering this site.

48/05/0072 - Outline Application for the proposed mixed use urban extension development comprising residential, employment, local centre, new primary school, A38 relief road, green spaces and playing fields at Monkton Heathfield. Permission granted 22/10/2008

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL - The Parish Council was pleased that the multi-purpose and out of hours use of the building has been addressed by the layout, entrances, and lockable areas to achieve separation of different user groups.

The security fencing specification appears fit for purpose. The Parish Council suggests sports fencing should be put around the hard play area to protect the school building and the other areas of the school grounds.

The Parish Council supports the use of fencing and natural vegetation to protect the school boundary and to prevent overlooking. The Parish Council has commented on previous applications in the proximity of this planning application that overlooking is not acceptable.

The Parish Council notes the space between the rear boundaries of the houses in Brittons Ash, and the boundary fence following the red line outline of the application. Although outside the application, the space between the schools boundary fence and the rear of the fences of Brittons Ash properties needs detail attached. Who will own and maintain the land? Its current appearance on the plans is contra to the Parish Councils efforts to design out crime; this has the potential to be a back alley either full of rubbish or used in an unauthorised way. The Parish Council suggests that the residents of Brittons Ash whose properties will back onto the Primary School boundary should be consulted on this matter.

The Parish Council suggests that the hedge on the A38, as it is mature, with well established native species, should be retained at the front of the school. The Parish Council suggests that individual specimen native trees are planted about 2 metres inside the boundary along the fence that is adjacent to the rear of Brittons Ash houses and Brittons Ash Greenway. The mature trees along the boundary of St Augustine's school site along Priorswood Road are an example of what the Parish Council hopes to achieve by the suggestion. These trees when grown will alter the micro climate in the school sports field and grass pitches in a positive way, as well as encouraging wild life. They will also reduce noise and lighting pollution for residential properties nearby.

The specification of the grass for the pitches should conform to playing fields standards. In view of the massive earthmoving associated with the urban extension, the Parish Council recommends that the pitches are constructed according to industry standards at minimum, and are made from graded topsoil ONLY, to a depth of 6 inches, to prevent injuries to children from rocks etc just below the surface being revealed when the pitch is played on.

The Parish Council notes that lighting of the school site is not shown on any of the plans submitted. In particular, lighting of the sports pitches is not indicated in the plans, but would there be lighting in the hard play areas, and reception and nursery play areas? On drawing number 30814_LP(00)06 there is a note reading 'Lighting Design to be confirmed by engineer'. If possible, the Parish Council would appreciate the opportunity to examine such plans.

In the event that there will be any kind of exterior lighting on the site, the Parish Council strongly requests that LED down-lighting is used to prevent pollution of the night sky – particularly in view of the multi-use function envisaged for the building and the proximity of dwelling houses.

The materials plans do not appear to indicate the use of photovoltaic tiles as was shown in the indicative drawings at the public consultation. That comment was made at the public consultation. There does not appear to be a plan submitted of materials to be used in the building apart from the elevations sheet stating through colour render, facing brick work and blue engineering brick. If not photovoltaic tiles, the Parish Council would wish to see roofs of materials in keeping with the surrounding structures and would observe that with such an amount of roof, the absence of any form of energy harvesting would seem to represent a missed opportunity.

The plans showing the internal layout seem to indicate the disabled WC in the

nursery is 3 square metres, which may not conform to disabled specification, - it was thought the minimum was 4 sq metres.

It is noted that no supporting traffic assessment or plans were submitted. It must be emphasised very strongly that this school will front onto the current A38. Whilst there are other plans to traffic calm the A38 by means of a bus gate near to the Canal roundabout where the A38 joins the ERR, they are not part of this application, so comments on this application must be based on what IS, rather than what may be. The Parish Council would not be able to support the opening of this school without appropriate traffic calming measures being in place. Thus the Parish Council would wish to see a right hand turn lane for access into and out of the school, 20mph zonage in accordance with local practice outside schools, and extra temporary parking for parental drop off provided by the developer until the other plans fall into place. It would be entirely inappropriate to expect, or even allow parents to park their vehicles on a major trunk route in order to drop their children off at school.

The Parish Council notes that the trigger for the school to be up and running, road tested and fully functional is 401 houses, which is very close.

There has been some indication that the school would be opened in September 2016. At the start of the new term in September 2016, it would not be acceptable to have contractors remaining on the site.

SCC - TRANSPORT DEVELOPMENT GROUP - The principle, location and traffic impact of this proposal formed part of the outline permission 48/05/0072.

The lack of suitable off-site works are a cause of concern to the Highway Authority. In the worst case scenario, the A38 remaining open and the proposed traffic calming scheme not being implemented, there will still be a significant volume of traffic utilising this route and the impact of the proposed school would be contrary to highway safety. In particular the Highway Authority have considerable highway safety concerns over pick up and drop off times in this location.

The Highway Authority have been working with the developer to identify works along the A38, opposite the school, which would reduce highway safety concerns and provide an acceptable proposal. The developer has been requested to submit these with this application as they will need to be approved and in place prior to the use of the school commencing. In addition the Highway Authority would require the applicant to enter into a S278 agreement with SCC to deliver suitable off-site highway works along the frontage of the school site, based on these initial plans.

In detail, the proposal will provide two vehicular accesses onto the existing A38. The applicant should note that each of these accesses should be a minimum of 5.0m in wide to allow two-way vehicle flow. It's noted that both points of access have entrance gates please note that these will need to open inwards and set back a minimum of 5.0m from the carriageway edge. In terms of visibility the site is located within a 30mph speed limit consequently the Highway Authority can apply the design standards set out in Manual for Streets for splays of 2.4m x 43m in either direction, which should be achievable.

Turning to the internal site arrangements the applicant has proposed a total of 44 parking spaces, which can be broken down into 40 spaces for the school and 3 disabled spaces and 1 visitor space. No details have been provided within the

Design and Access Statement as to whether they have complied with the requirements of Somerset County Council's Parking Strategy. No details of the internal dimensions or staff numbers have been included on the application form as a consequence the Highway Authority currently has no way of checking whether this level of parking provision is correct. Consequently the Highway Authority would urge the applicant to check whether they conformed to the required standards. It is noted that there is a community element attached to the school, will the applicant be providing any community parking on site?

The plan indicates a vehicle turning area within the site has been proposed. Has this been tracked for the largest vehicle that can use it? The likelihood is that this will be a coach as such the standard length that would need to be tracked for is 12.0m. In addition during pre-application discussions the Highway Authority noted the proximity of the pedestrian access to this turning area and recommended that a suitable partition is put in place between the pedestrians and turning vehicles. However no details have been provided as part of the application and the applicant is urged to provide a suitable barrier between the turning vehicles and pedestrians on the grounds of highway safety.

The maintenance vehicles will have access via the A38. From the details provided it is apparent that this will be kept separate from the rest of the school traffic. The applicant has provided a turning area to allow vehicles to turn and leave in a forward gear which is acceptable. Although like the coach turning area the Highway Authority would ask that this area is tracked to make sure that vehicles are able to turn and leave in a forward gear.

The strategic cycle network runs across the northern boundary of the site providing a strategic link between the proposed commercial land and the A38. This link has been secured via a separate application. The Highway Authority understands that the Local Planning Authority has discussed the possibility of a separate cyclist entrance to allow access for pupils from the east of the Monkton Heathfield development. The Highway Authority would see the merits of providing this as it would reduce the need for cyclists exiting onto the A38. Please note that any entrance gates onto the cycleway would need to open inwards and the access would need to be a minimum of 3.0m wide.

Views on amended details awaited.

SCC - CHIEF EDUCATION OFFICER –

WESSEX WATER -scheme agreed but revised plans required to reflect agreement.
DRAINAGE ENGINEER - No comment

POLICE ARCHITECTURAL LIAISON OFFICER - 1. Location & Layout – the school fronts the main A38 road which should provide good passing surveillance opportunities. However, currently this boundary comprises thick hedgerow and trees severely restricting natural surveillance of the site. I will comment further on this below. The remaining boundaries back onto existing or future housing development which should restrict unauthorised access to the school via these boundaries. The building itself is of a simple rectangular design with a central block connected to the main school building at the front. Apart from the two recessed areas between this central block and the main school building, there do not appear to be any recessed

potential areas of concealment which could assist a potential intruder. As there is only one entrance to a store in the front recesses, it may be worthwhile considering enclosing them in some way in order to deter unauthorised concealment.

2. Perimeter – . The proposed perimeter security fencing are appropriate for this purpose. Weld mesh fencing or railings allow good surveillance through them and are difficult to climb or cut.

3. Entrances – a single segregated entrance is preferred, is indicated in the Concept Plan, as this is easier to access control. However, I can understand why three separate vehicular, pedestrian and services are proposed in this development. The main vehicular gate appears to be subject to good surveillance from the front of the school. However, the pedestrian entrance at the south west corner and service entrance at the north west corner both have more limited surveillance opportunities. I note from the DAS that pedestrian/cycle gates will be unlocked at school arrival/departure times, however, no mention is made of the vehicular gates and these should also be locked outside normal school hours.

4. Signage – appropriate signage should be provided directing visitors from the entrances to Reception.

5. Car Parking – the School Car Park at the front of the school is limited to staff only and is barrier controlled via intercom connected to Reception. The car park itself is in an area of good visibility from one wing and the central block at the front of the school building. Limited Disabled and Visitor parking is also provided at the front.

6. Cycle Stores – the proposed Scooter/Cycle Store Shelter at the south west corner of the site is in an area of very limited surveillance from the school building and I recommend it be moved to an area with much better visibility. The Staff & Visitor Cycle and Pupil Cycle Parking areas are much more visible from the school building.

7. Recycling Store – should be of substantial construction and lockable to prevent use of ‘wheelie’ bins as climbing aids or for arson

8. Play Areas – the proposed hard and soft play areas are immediately adjacent to the front and rear of the school and clearly visible from occupied classrooms/offices, which is recommended.

9. Planting/Landscaping – is encouraged to soften boundaries etc, however, care should be taken in areas where visibility is important from school buildings to ensure that shrubs are selected which have a mature growth height of no more than 1 metre and trees are devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. As mentioned above, this is particularly important along the front boundary where, presumably, the existing thick hedgerow will be removed and replaced with a number of trees.

10. External Furniture – such as seating, planters, litterbins etc should be securely fixed and constructed of vandal-resistant material to deter vandalism and their use as climbing aids.

11. Roof – appears to incorporate glazed areas and skylights which should be suitably protected to deter vandalism and any climbing aids should also be avoided.

12. Doors/Windows – all external doors and windows should comply with PAS24:2012.

13. External Lighting – when the building is unoccupied, lighting is recommended for main entrances/exits and any observable building elevations and should be sufficient to cater for any lawful after dark activity around the site. Lighting concealed areas, such as the sports pitches, can encourage unlawful after dark intrusion.

14. CCTV – is not mentioned and should be considered to enable monitoring of potentially vulnerable areas.

15. Intruder Alarm – similarly, is not mentioned and a monitored intruder alarm should be installed.

16. Internal Issues – the main entrance appears to be well monitored from Reception with an internal airlock arrangement and access-controlled inner door. No other internal security issues are apparent.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No response.

Representations

1 letter of objection has been received and one petition with 21 signatures (from residents of Brittons Ash who back onto the site) raising the following issues:

- 154a has not been shown on the site plans but windows of the main living /sleeping room front the applications site and the only garden and amenity associated with the dwelling is between the dwelling and the proposed footpath.
- the proposal will result in noise disturbance to existing residents due to the children in the day time and the use of the proposed footpath and cycleway in the night time
- any lighting of the footpath may result in light pollution of the residents of properties adjacent to those lights
- public use of the proposed footpath may result in a loss of privacy for existing residents
- the proposed footpath could have an impact on current levels of security for residents adjacent to the route
- Bats currently roost in outbuildings and will be affected by the new footpath and cycleway

Petition

- The site is not large enough for the size of the school
- The proposed playing fields seem cramped, do they meet Government Standards?
- There is insufficient car parking to cater for the drop off and picking up of children from the site, not all children will cycle or walk
- Lack of drop off/pick up provision will result in congestion of the A38 nearby streets, including Brittons Ash where there are no footpaths and this will be detrimental to highway safety
- the 2.8m high boundary fence around the football pitches should be higher
- there are no details for the height of the internal hedge running along the boundary with the rear of Brittons Ash, this needs to be high enough to avoid overlooking of private gardens and invasion of privacy
- The proposed school is likely to result in a high level of noise which will have a detrimental impact on existing residents within a quiet residential area, a mound or specialist fencing should be provided.
- There is an existing sewer pipe running along the southern boundary of the field and assume right of access for maintenance in the future
- How much space will be available to existing residents to maintain their rear boundaries
- The developer has not undertaken consultation on traffic calming in the area as promised.

1 letter of support has been received from the West Monkton C of E Primary School

The current Primary School has been the subject of continual expansion as a result of the development in the area involving internal restructuring and the addition of an additional portakabin. The Governors do not believe that the school will continue to be a safe environment conducive to go learning beyond September 2016. As a result the proposed school (which will relocate the existing Primary School with an additional 7 classrooms) is needed no later than the 2016/17 academic year. In addition we have a number of detailed matters for consideration

- The school name on the plans is incorrect – this should read West Monkton Church of England Primary School;
- The school should be provided with a scaffolding tower to facilitate the cleaning and maintenance of high windows; *Response : any cleaning of high windows has been assessed during the design risk assessment process. A mansafe system is proposed and specified to facilitate safe access for window cleaning at high level. A portable access platform is provided for in the specification agreed with SCC.*
- The nursery disabled toilet is not the standard 4m2; *Response: The disabled toilet will comply Building Regulations Approved Document Part M*
- Flooring in the main corridors should be anti-glare; *Response: flooring in the main corridors is carpet*
- Provision for blinds should be made; *Response: roller blinds are provided to all classrooms, group rooms and Specialist Practical (Technology) Room windows and all rooms where required to control solar glare. Room darkening blinds are provided to hall and studio*
- The server room needs to be adequately ventilated; *Response: The server room will be air conditioned*
- As much of the existing natural features, such as tree lines and hedgerows should be preserved as is possible;
- The hard surface sports area adjacent to the hard surface play area needs to be fenced in; *Response: the hard play courts are not fenced in for the model school as the area may be used informally during break periods. And as agreed with Somerset County Council. Should fencing be required this can be offered at cost to SCC or the school*
- Access to money and resources to develop the external habitat should be provided;
- Soft play areas identified as sports facilities should be properly landscaped to sports level surfaces, minimum 150mm (6") graded topsoil; *Response: playing fields will be constructed to ensure a minimum statutory requirement of seven hours play per week and will be constructed by a specialist playing fields contractor in line with Sport England guidance.*
- Consideration needs to be given to the security of the outward facing windows; *Response: All openable windows will have security locks and restrictors limiting opening. Windows will be lockable. Glazing will be safety glazed in accordance with Building Regulations requirements*
- Photovoltaic tiles should be used to provide sustainable energy; *Response: the provision of PVs will be determined though compliance with Building Regulations. Should PVs not be required in order to comply with Building Regulations, the school or local authority may make alternative arrangements with Mi-Space for the provision of PVs.*
- Lighting provision should be provided to building perimeter to light hard play areas adjacent to building and route to and from staff cars; *Response: a lighting scheme will be provided to ensure safe access to and from the school building and perimeter and in accordance with SCC standards for schools, all as the outline specification agreed with SCC.*
- Developer to maintain trees / shrubs for a minimum duration of five years;

Response: planting maintenance is for a period of one year from practical completion

• Provision of additional avenue of trees along inner edge of HV cable easement to improve environment of school and increase screening to Brittons Ash properties;
Response: a new native hedgerow is proposed along the entire boundary with Brittons Ash which will provide screening. The boundary also accommodates the diverted u/g powerline and associated 4m easement. Any additional planting within the boundary will restrict flexibility of use of the playing pitches which SCC have indicated is to be avoided

Planner note - the majority of these points are not material planning considerations but will need to be discussed by the Education Department as part of the detailed provision

PLANNING POLICIES

SS1 - TD CORE STRATEGY MONKTON HEATHFIELD,
C1 - TDBCLP - Education Provision for New Housing (HISTORIC),
T12 - TDBCLP - Community Developments (HISTORIC),
NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

This development is for an Education and Community facility and will not result in payment of monies under NHB or CIL

DETERMINING ISSUES AND CONSIDERATIONS

The Local Plan allocation of the Monkton Heathfield development included the requirement to provide a 1.6 hec site for the provision of a new primary school in association with the residential development. The S106 agreement established that the school would be required prior to the occupation of the 401st dwelling. The application site was identified for a new primary school and community provision in the 2004 Monkton Heathfield Development Guide (SPD). An outline application for mixed use development including the school and community facilities was permitted on appeal in 2008 and the masterplan attached to this permission identified the application site for this use. As a result there is no planning objection to the principle of the use of this site. The Section 106 agreements attached to the 2008 permission identify the detailed requirements for the school and community provisions. The applicant has worked closely with SCC Education department to ensure that the education facilities, including the hard and soft play facilities, comply to the National and County requirements and with TDBC Leisure Officer to ensure that the community facilities comply with the provisions within the S106.

The building design comprises a single storey arrangement of classrooms with an asymmetric roof raising to two storey in height over the central corridor area. This allows for natural lighting and ventilation of the internal areas. To the front of the building is an oblong building, linked to the classroom area, which provides a taller internal space for the assembly hall. This fronts the A38 with an impressive gable elevation that should focus the attention when viewed along the A38. The building

will be faced with a mix of render and facing brick work. This is especially important on the main road elevation where the school facilities will be render and the community facilities differentiated in brick. The roof is to be a milled finished, stuccoed aluminium standing seam which will oxidise to provide an appropriate colour and it require minimal maintenance. It will be important to ensure that good quality materials are used. The building will be set back from the A38 frontage and this allows for a more landscaped boundary retaining and reinforcing the existing hedge and new trees. To provide adequate security for the site the building and play areas have to be within a securely fenced area. Setting the building back allows the higher security fencing to be set back from the A38 footpaths and highway so that the areas closer to the road in a more prominent location can have a more sensitive setting. As a result the boundary with the A38 would be a 1.4m high hoop topped fencing. The only exception to this arrangement is the protective fencing for the reception and nursery play areas which are located to the front of the classroom. These areas will be surrounded by a 1.8m high secure fence but trees will be added to soften the impact of this when viewed from the street. The games courts and pitches will be located to the rear of the school abutting the proposed open spaces associated with the residential development. These areas will be surrounded by a higher continuous 2.8m high fence. To the north of the site a new footpath and cycle link will be provided. This will allow for permeability west to east through the allocated site. This will be especially important as it will enable direct access to the school and community entrances located along the eastern boundary with the A38. There are two existing dwellings to the north of the proposed new footpath/cycleway and care will be required to ensure that an appropriate boundary treatment is provided to protect their amenity and security There will be no direct access off the open space to the east as the headmaster has expressed the need to welcome all children at the front as they enter the school and is not willing to have second entrance to the rear as this will be difficult to manage/control for security reasons.

The proposal is situated to the east of the A38 and proposes 2 vehicular and 1 pedestrian access directly off that road. The A38 is a major route linking Taunton to Bridgwater via North Petherton. As such it is heavily used and provides an alternative route should the motorway become blocked. It would not be appropriate to develop a primary school with new access points off such a heavily used road. A new relief road has recently been built to the east of the existing road and it is intended that the A38 will be re-routed along that road. The road requires some minor alterations before it can be open to the public and this is expected by the end of October 2015. As the relief road is a less direct route than the current A38 there is a danger that traffic will continue to use the existing road. In order to discourage this the existing A38 would be bus gated at the south to prevent a through route. In addition the existing S106 between the developer and SCC also provides for the potential traffic calming of the old stretch of the A38 and this is expected to include alterations in the vicinity of the proposed school. This longer term solution is expected to significantly reduce the quantity and type of traffic using the old A38 so that the provision of the proposed school entrances off and onto the highway would be acceptable. However at the present time none of these measures are in place and it has been important to develop an interim solution that will calm traffic movements to the front of the school and create an acceptable access prior to the provision of the bus gate and traffic calming outlined above. The developer has recently submitted details for changes to the A38 at the front of the school which will introduce a raised platform with road narrowing and bus stops outside of the school. This would slow traffic down and cater for buses/coaches to the site as well as a

traffic calmed area for dropping off and picking up children. The Highways Officer has agreed to this in principle although the final details will be approved with the Highway Authority separately as part of a later application. This solution will need to be provided on site prior to the opening of the school. I am currently awaiting the submission of these sketch proposals for an interim arrangement on the A38 outside of the proposed school and will want to consult the public on those proposals before a final decision can be reached.

The outline planning permission identified the need to provide a comprehensive footpath and cycleway network throughout the site. This proposal includes a west - east link from School Lane, the Local Centre, A38 in the west to the open space/amenity land situated to the east, residential development and through to the employment allocation to the east of the ERR. In addition to the site wide need for the link, the footpath is also necessary in order to provide a safe and convenient foot and cycle access to the front of the school for pupils. The school will not agree to a direct link from the east via the play area for security reasons. There are two existing residential properties fronting the proposed footpath and it is important to ensure that the impact on their privacy and security is protected especially as the property to the rear relies on the land adjacent to the proposed footpath for its amenity area. Currently there is a hedge boundary between the sites and this will need to be upgraded to ensure that an adequate separation is achieved.

Initially the proposal included the provision of 44 spaces to be provided for school staff and to be contained within a gated area. An additional 2 disabled spaces and 1 additional space were provided outside of that parking area. The proposal contained no specific provision for the users of the community facilities. Following concerns from the Highways Officer that the level of provision is in excess of the County parking requirements and comments from the Leisure officer the developer has revised the parking arrangements to provide 5 spaces for the community facilities and 27 spaces for the staff (including a disabled space) plus motorcycle parking which is generally in line with Somerset County parking standards. There will also be an additional 2 disabled spaces plus 5 cycle racks and motorcycle space to the front of the school. There will be a further 10 cycle racks located within the secure school grounds for pupil use. The proposals do not include any parking spaces for parents on the school grounds as there is insufficient land. Discussions with the highway authority indicate that spaces provided in association with the local centre could be designed to enable some parking, dropping off and picking up facilities for parents during the morning and afternoon periods. Finally, as a sustainable development, the footpath and cycle network should enable easy access to the school without the need for the private car.

The proposed development includes a landscaping scheme covering the western area of the site which fronts onto the A38. In this area new hedges and tree planting is proposed to soften the development and assimilate it into the street scene giving a positive contribution to the local centre. Concern has been expressed regarding the retention of the existing boundary hedge so the proposals have been altered to retain and reinforce where necessary the existing boundary hedge. Landscaping is also proposed to the north, south and east of the site has been used to reduce the impact of the development on neighbouring properties at 154, 154a Bridgwater Road and Brittons Ash. Final details for the proposed cycleway and footpath along the northern boundary (with 154 and 154a Bridgwater Road) will be a condition of the current application.

There has been public concern that the site is currently frequented by wildlife including bats which have been seen in the vicinity. A phase 2 habitat survey has been submitted and agreed. This includes measures to mitigate for the loss of habitat for the phase 2 part of the site and the proposals are therefore considered to be acceptable as part of the wider development.

Neighbours have expressed concerns about the potential level of noise associated with the school use and have requested an acoustic fence along the southern boundary with Brittons Ash. Discussions with the Environmental Health Officer suggest that school noise is not considered to be of a level that creates a statutory nuisance and I am therefore unable to insist on the provision of such fencing along the boundary. Residents have also requested that trees are planted along the boundary with Brittons Ash but that such trees should be 7m from their boundaries and of a type that would not grow more than 7m wide. I have requested the agent to look at this request if possible but I suspect that site restraints will prevent this. I do however support the provision of trees along the boundary as currently proposed.

The section 106 agreement, linked to the outline planning permission, establishes the quantum of accommodation required for community provision. This has been accommodated within the proposed scheme and lies to the north of the school hall. In addition to the various meeting rooms and kitchen for community use is intended that the school hall will be made available when not required for educational purposes. The details of this dual use will need to be negotiated between TDBC Leisure and SCC Education in a separate legal agreement.

With regard to the above, the proposal considered to be acceptable.

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

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

STRONGVOX HOMES

APPLICATION TO FELL ONE HORSE CHESTNUT TREE INCLUDED IN TAUNTON DEANE BOROUGH (TRULL NO.1) TREE PRESERVATION ORDER 2012 (TD1100) AT AMBERD LANE, TRULL

Location: STREET RECORD, AMBERD LANE, TRULL, TAUNTON

Grid Reference: 321620.121631

Felling of Tree(s) covered by TPO

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The proposed work shall be completed before the expiration of two years from the date of this permission.

Reason: To ensure that the works hereby approved are carried out in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012

2. The following replacement tree shall be in accordance with British Standard BS3936 and be planted within two months of felling (unless otherwise agreed with the Authority) and in accordance with British Standard BS4428 (1989):

1 x English Oak (*Quercus robur*), planted as a 'standard' tree or larger, minimum trunk girth 8-10cm. The planting location of the new tree must be agreed in writing prior to planting.

If within a period of 5 years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed, or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent. A new Tree Preservation Order may be served to protect the new tree. Please inform this office when the new tree has been planted (356493).

Reason: To maintain visual amenity in accordance with Taunton Deane Local Plan Policy EN8.

Notes to Applicant

1. **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 proposes to fell and replace one mature horse chestnut tree included in Tree Preservation Order TD1100, on the grounds that it is in poor condition.

SITE DESCRIPTION AND HISTORY

The tree is growing on the north side of Amberd Lane, in the corner of a field that was previously farmed. It is now adjacent to land currently being developed by Strongvox (42/12/0013 and 42/12/0072), and will be within an area proposed to be public open space. It is one of a number of mature trees that line Amberd Lane on both sides. There is intermittent hedgerow on the north side.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TRULL PARISH COUNCIL - Objection - the tree should be pruned, not felled.

Representations

There have been seven representations **OBJECTING** to the proposed felling, on the grounds that:

- The loss of the tree will harm the character of Amberd Lane, which has already been harmed by the new housing development;
- The tree was not identified as being diseased in the tree survey of 2012, in which it was classed as a category 'B' tree;
- The tree helps to soften the impact of the new development;
- The tree should be pruned to remove dangerous branches;
- The tree is protected by a Tree Preservation Order;
- The tree makes a significant contribution to the local landscape and amenity even though it is 'less than perfect';
- The tree has taken over a century to grow, and its removal will contribute to the suburbanisation of the area.

PLANNING POLICIES

LOCAL FINANCE CONSIDERATIONS

DETERMINING ISSUES AND CONSIDERATIONS

The tree is a mature horse chestnut. It is growing adjacent to Amberd Lane and is just outside the south east corner of the new Strongvox housing development. As a consequence it now overhangs the road, the garden of one of the new houses, and the area of land to the east which is to be public open space.

The tree was protected by a Tree Preservation Order (TPO) in 2012, in anticipation of the adjacent development. It was considered that it had amenity value because of its prominent location, its age and its health, which at the time was considered to be good enough to merit a TPO. A tree survey carried out by Swan Paul (Landscape Architects) in 2012 placed the tree in category 'B' - of moderate quality and value.

Unfortunately, since 2012 the tree has seriously declined. This decline is thought to have been caused by Horse Chestnut Bleeding Canker (*Pseudomonas syringae* pv. *aesculi*), which is a disease that has been affecting horse chestnut trees nationally for some years. The progress of the disease may have been hastened by the fact that a central limb has split and fallen in the past, causing a serious wound.

The visual signs that the tree is in decline are:

- a) black slimeflux ('bleeding') observed on the main stem;
- b) extensive bark death (lifting and cracking) that can be seen on the main stem and principal limbs and branches, showing dysfunctional xylem tissue;
- c) a thinning crown, with foliage that is smaller, sparser and yellower than is normal for a horse chestnut of this age;
- d) minor deadwood throughout the higher crown.

The current extent of the decline suggests that the tree now has a very short life expectancy. Although it could be pruned to reduce the likelihood of limbs failing, it is considered that this would only hasten its demise due to the resulting pruning wounds which would, by necessity, need to be quite significant.

Given the tree's current condition, the case officer considers that the proposal to remove and replace the tree at this stage is the most sensible course of action. The

adjacent mature trees to the east along Amberd Lane, which are to be retained, should help to lessen the impact of this horse chestnut's removal, as will the replacement oak tree (to be planted as a 'standard' nearby) and the new trees that are proposed for the public open space.

Although a number of good points have been raised by representation, it is true that trees are dynamic organisms that can change rapidly if affected by disease. Where trees are adjacent to roads, footpaths or property, it is sometimes necessary to remove and replace them, when pruning would be only of short-term benefit.

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

CONTACT OFFICER: Mr D Galley Tel: 01823 356493

42/15/0020

MR S MARTIN-SCOTT

ERECTION OF 1 No 5 BEDROOMED DETACHED DWELLING WITH SINGLE GARAGE AND ASSOCIATED WORKS IN THE GARDEN TO THE SIDE OF THE OLD RECTORY, WILD OAK LANE, TRULL

Location: THE OLD RECTORY, WILD OAK LANE, TRULL, TAUNTON, TA3
7JT

Grid Reference: 321601.122353

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo P07 Rev A Proposed Front and Rear Elevations
(A4) DrNo P01 Rev A Site Location Plan
(A1) DrNo P02 Site Survey
(A1) DrNo P03 Rev A Proposed Site Plan
(A3) DrNo P04 Rev A Proposed Ground Floor
(A3) DrNo P05 Rev A Proposed First Floor Plan
(A3) DrNo P06 Rev A Proposed Second Floor Plan
(A1) DrNo P07 Rev A Proposed Front & Rear Elevations
(A2) DrNo P08 Rev A Proposed Right Side Elevations
(A2) DrNo P09 Rev A Proposed Left Side Elevation and General Site Section
(A4) DrNo P10 Proposed Garage Details
(A3) DrNo P11 Rev A Axonometric Views
(A1) DrNo P12 Rev A Additional Elevations

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

3. 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.

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

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

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

5. Prior to the occupation of the dwelling hereby permitted, full details of the boundary treatment to Wild Oak Lane shall be submitted to and approved in writing by the Local Planning Authority. The details shall be fully implemented prior to the occupation of the dwelling and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the visual amenities of the area.

6. Prior to the occupation of the dwelling hereby permitted, full details of the proposed hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall be fully implemented prior to the occupation of the dwelling and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the visual amenities of the area.

7. There shall be no obstruction to visibility above 900mm from the adjoining carriageway level within the splays indicated on drawing 285/02/P03 rev A.

Such visibility splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.

Reason: in the interest of highway safety.

Notes to Applicant

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

PROPOSAL

This application seeks full planning permission for the erection of a new dwelling. It is a revised design for a dwelling previously given reserved matters approval on Plot 2. This is a full application, as the proposal increases the size of the site and is slightly higher than permitted by the outline permission. The proposed dwelling would be larger than that approved, being 5 bedrooms over 2.5 storeys. The proposal includes the lowering of the ground level of the site by up to 1.3 metres, in an effort to mitigate some of the increase in height. The dwelling would be finished in render with brick quoins and a tile roof. A gable projection is proposed to the front with large areas of glazing and dormer windows to the roof, with fenestration of varying sizes throughout the property. To the rear, a raised balcony area would provide access from the first floor to the garden.

The dwelling would be staggered back slightly from the front of the adjacent dwelling and provides parking and turning for two cars, including a single garage. It is proposed to create an access in the same position as that previously approved. The north (side) boundary is proposed to be delineated by a 2 metre high rendered wall to the rear of the property, which would be lowered to a low retaining wall on the element that protrudes to the front of the property.

Since the original submission, the application has been amended following concerns over design raised by your officers. The roof has been steepened and eaves lowered in effort to improve the proportions of the dwelling. There has also been a slight increase in height.

SITE DESCRIPTION AND HISTORY

The site comprises part of the large garden of The Old Rectory, which is a substantial render and tile property set back from and on a higher level than the road. The site lies just outside of the Conservation Area and there is a large tree on the roadside, which is subject to a Tree Preservation Order. There is a mix of size and style properties along Wild Oak Lane, with substantial dwellings set within large plots to the north and a mix of semi-detached and terraced dwellings to the south.

These terraced/semi-detached properties are largely red brick with slate/tile roofs, set on a higher level than the road.

Outline planning permission was initially granted for the erection of two dwellings in the southern part of the garden in 2007, which was renewed in January 2011. That outline application reserved all matters for future consideration, with the exception of means of access. A subsequent application sought approval of reserved matters for the erection of the dwelling on Plot 1, which was granted in February 2012 and has since been constructed. A further reserved matters application was approved in February 2014 for Plot 2.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TRULL PARISH COUNCIL – In respect of the original application: Objects – dwelling too large, takes too much of Old Rectory garden and out of keeping with street scene.

Comments are awaited in respect of the revised submission; members will be updated at the committee meeting.

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice. Standing advice requires:

- Provision of visibility splays
- Pedestrian visibility splays of 2 x 2m to the rear of the footway.
- Provision of adequate drainage so that surface water does not drain from the site onto the highway or vice versa.
- The access should have a minimum width of 3m.
- The access should be properly consolidated for the first 5m and must not exceed a gradient of 1 in 10 for the first 6m from the edge of the adopted highway.
- Vehicular entrance gates should be set back a minimum distance of 6m from the carriageway edge and should open inwards. Pedestrian gates should open inwards.
- On site turning space should be provided where the proposal derives access from a classified road.
- Turning will be required, independent of the necessary parking provision where an access is onto a classified road.

WESSEX WATER - New water supply and waste water connections will be required from Wessex Water to serve this development. Suggest note regarding application forms guidance and further information, sewer connections signed adoption agreement.

DRAINAGE ENGINEER - No comments received

LANDSCAPE - Subject to appropriate roadside landscaping, proposals should be acceptable. Main concern is possible impact on Sycamore tree, if roadside bank would need to be lowered to achieve visibility splay.

Subsequent comments - As the applicant has confirmed that the bank is low enough to accommodate the visibility splay, I withdraw my concerns. I note that the applicant will take advice with regards to the TPO tree.

Representations

The following representations have been received in respect of the original submission. There have been no representations in respect of the amended plans.

WARD CLLR (CLLR EDWARDS) – No objection. Outstanding permission for a slightly smaller footprint and this is in keeping with the variation of designs in the vicinity.

One letter of objection received on the grounds of:

- Contrary to planning policies and advice
- Over intensive development due to volume, size, position of garage.
- Design non-traditional, poor mix of materials and out of character with The Old Vicarage.
- Impact upon the setting of The Old Vicarage and the nearby Conservation Area.
- Reduction of site level by 1.5 metres will create a contrived landscape form, out of character with Wild Oak Lane.

Five letters of support received on the grounds of:

- Thought-through design in-keeping with The Old Rectory for a local resident, improvement to previous design.
- Will blend in sympathetically with surroundings.
- Seems the right size for the plot.
- In keeping with perceived 'up market' status of Wild Oak Lane. A great modern take on the Old Rectory.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP8 - CP 8 ENVIRONMENT,

LOCAL FINANCE CONSIDERATIONS

Community Infrastructure Levy

The application is for residential development, where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £22,500.

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

6 Year Payment

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

DETERMINING ISSUES AND CONSIDERATIONS

Planning permission has already been granted on the site for a dwelling and there is an extant permission, which could be implemented at any time. As such, the principle is already established. The matter for consideration is therefore whether the revised scheme would result in any increased harm to the character and appearance of the area, the residential amenities of neighbouring residents and highway safety.

Character and appearance of the area

The application site sits within a varied, historic street scene. Properties to the north are largely Victorian, both terraced and semi-detached. To the south is the Arts and Crafts style Old Rectory. All of these are rich in their architectural detailing. Immediately to the north, adjoining this site, is the recently constructed Higher Lea, which, by contrast, is bland and simple. On the opposite side of the road are a number of bungalows, although there are further older properties to the north.

The proposed dwelling will be of modern design. It is not of traditional proportions as the emphasis is strongly on the middle floor which has the largest windows. The large projecting gable will be dominant on the property – in a similar way to the projecting gable on the adjoining Old Rectory – albeit with a very different window to wall ratio. On the proposed dwelling, the gable will be almost entirely glazed, which will give the dwelling a much more modern feel. Given the variation in dwellings along Wild Oak Lane, all of which are true to their time, such an approach is deemed to be acceptable in principle.

In contrast to the original proposals, which had a shallow pitched roof and large amount of wall above the first floor windows, the revised proposals have dropped the eaves and slightly increased the overall height such that the roof is more steeply pitched. The dormer windows now sit more comfortably within the roof slope and are acceptable.

The dwelling will be a little higher than Higher Lea to the north, although this dwelling does appear a little too small alongside its Victorian neighbours, and in height terms, the proposal will sit between this and the Old Rectory to the south. The ground is proposed to be excavated, which will accentuate the overall height of the dwelling, although the overall height is below that of the Old Rectory. However, given the set back from the road, subject to suitable front boundary landscaping, the proposal is considered to be acceptable in terms of its impact on the street scene.

The site is close to the boundary with the Conservation Area, but in light of the considerations above, it is not considered to detract from the character and appearance of the area.

Impact upon neighbouring residents

The proposed dwelling would be sited largely alongside the gable end of Higher Lea, where there are no windows to be affected. Whilst it would protrude to the rear, this is not considered to be by an amount that would result in any overbearing impact or loss of light to the garden or rear windows. There are no windows in the side elevation that would face Higher Lea. Given the height of the boundary wall and the distance from it, the raised balcony is not considered to give rise to unacceptable overlooking of this property.

The Old Rectory is set on a higher level and although close, the proposal is not considered to result in significant harm to the residential amenities of that property. Whilst The Old Rectory faces towards the plot, due to the orientation, the main windows face the parking area to the front and there are no habitable room windows in the side. The proposed 2 metre high boundary wall would prevent overlooking between gardens and the raised balcony. As such, there are no concerns regarding overlooking and an element of private amenity space is available to the proposed dwelling.

There are further neighbouring properties to the rear, but again, the distance from these is considered to be acceptable; the boundary being approximately 14m from the proposed balcony at the closest point.

Highway safety

The proposal provides adequate space for two car parking spaces and a turning area within the site. The proposed access lies in the same position as that previously approved under the outline permission. As such, the scheme is not deemed to result in any increased impact beyond that of the extant permission. Highway standing advice requires the provision of visibility splays. Splays of 2.4 x 30m are proposed which are suitable for traffic speeds of between 20 and 25mph. Given the characteristics of Wild Oak Lane, such is considered to be appropriate.

Other matters

The receipt of the New Homes Bonus and Community Infrastructure Levy is noted, however, it is considered that this matter carries very limited weight in this case.

Conclusions

The proposed development is considered to be acceptably designed and would not impact unreasonably upon the amenities of neighbouring property, the street scene, character and appearance of the adjoining conservation area or highway safety. It is, therefore, considered to be acceptable and it is recommended that planning permission is granted.

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

CONTACT OFFICER: MR M Bale Tel: 01823 356454

06/15/0020

MR J REES

ERECTION OF A DETACHED DWELLING WITH DOUBLE GARAGE AND DRIVEWAY ON LAND NORTH OF HAZELHURST, AND ERECTION OF REPLACEMENT GARAGE WEST OF HAZELHURST, MINEHEAD ROAD, BISHOPS LYDEARD.

Location: HAZELHURST, MINEHEAD ROAD, BISHOPS LYDEARD,
TAUNTON, TA4 3BS

Grid Reference: 316755.129252

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo 000-PE-XX-ZZ-DR-A-0100 P05 Ground Floor Plan House D
(A1) DrNo 000-PE-XX-ZZ-DR-A-0101 P05 First Floor Plan House D
(A1) DrNo 000-PE-XX-ZZ-DR-A-0200 P01 Section A-A & B-B
(A1) DrNo 000-PE-XX-ZZ-DR-A-0300 P04 Elevations 01 SW & SE
(A1) DrNo 000-PE-XX-ZZ-DR-A-0301 P04 Elevations 02 NW & NE
(A1) DrNo 000-PE-XX-ZZ-DR-A-102 P01 Roof Plan
(A1) DrNo 000-PE-XX-ZZ-DR-A-201 P03 Site Section And Perspectives House D
(A1) DrNo 000-PE-XX-ZZ-DR-A-50 P01 OS-Site plan- Proposed Site Plan
(A1) DrNo 000-PE-XX-ZZ-DR-A-51 REV P02 Proposed Site Plan

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

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

accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

5. Prior to implementation 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 dwelling hereby permitted is occupied.

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

6. The dwelling hereby permitted shall not be occupied 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 within the site. The agreed boundary treatment shall be completed before the dwelling hereby permitted is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy DM1(E) of the Taunton Deane Core Strategy.

7. The access, driveway and parking areas shall be hard surfaced and drained of surface water in accordance with details that shall first have been submitted to and approved in writing. Said access, driveway and parking areas shall be properly surfaced and consolidated in accordance with the approved details

before the dwelling is first occupied and shall thereafter be so maintained.

Reason: In the interests of highway safety in accordance with Policy DM1 (b) and (e) of the Taunton Deane Core Strategy.

8. The visibility splays shown on Dr No 000-PE-XX-ZZ-DR-A-51 REV P02 shall be provided before the dwelling hereby permitted is first occupied. Thereafter no structure or erection exceeding 0.9 metres in height above the surface level of the highway shall be placed within the approved splay area.

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

9. The window(s) in the first floor South West elevation serving the master bedroom en-suite bathroom and walk in wardrobe shall be 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 Policy DM1 (e) of the Taunton Deane Core Strategy.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no window/dormer windows shall be installed in the North West elevation of the development hereby permitted without the further grant of planning permission.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway. In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the

applicant and entered into pre-application discussions to enable the grant of planning permission.

2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
3. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus.
4. 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.
5. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
6. With regard to Condition 07 of this permission, a 'silent' road surface will be required which is capable of absorbing the acoustics generated from the movement of vehicles associated to the development.

PROPOSAL

The application seeks planning permission for the erection of a three bedroom dwelling house with detached double garage on land to the North of Hazelhurst, Minehead Road, Bishops Lydeard. In addition, a new access will be formed to serve Hazelhurst and the proposed dwelling, together with the laying of a formal driveway and erection of replacement garage for Hazelhurst, which will be attached to the Northwest elevation of the dwelling.

The proposed dwelling will two storey in scale, with four bedrooms (one doubling as a study) and four bathrooms at first floor; lounge, open plan kitchen dining area, utility and large lobby area at ground floor. The proposed double garage will include a secure storage area within.

In terms of scale, the proposed dwelling will have a gross floor area of approximately 240 sq m. Ground to ridge and eaves heights will be approximately 8.0m and 5.5m respectively. The proposed dwelling will have an L-shaped plan form; the building

will be sited towards the Southern end of the site with gardens retained to the North and Northeast. The new detached garage will be sited to the Southwest with hardstanding for parking and access to the front.

Visually, the building has a traditional design with some contemporary features. The external fabric of the dwelling and garage will be finished with facing brick to the walls, contrasting stone cills and lintels, slate roof and red ridge tiles. The proposed porch to the front of the dwelling will be of a lead roof whilst the single storey rear projection will be part slate roof with a large glazed lantern inserted along the ridge. Composite windows and hardwood doors are to be used throughout.

SITE DESCRIPTION AND HISTORY

The application site is located to the North of Minehead Road, close to the Gore Square area of Bishops Lydeard. The site currently consists of residential curtilage that is largely of a maintained lawn with various areas of domestic planting. The site is bound to the North by a dense belt of mature tree planting, whilst to the South and West there is fencing and hedgerow planting.

The site is surrounded by residential properties generally to the South, East and West, whilst North of the tree belt are gardens associated to a neighbouring property, which are located within the Bishops Lydeard Conservation Area; the application itself is located outside, but adjoining the Conservation Area boundary. In addition West View, a large detached property to the South of the site is a Grade II Listed Building; the two sites are separated by high level walls with lean-to storage shelters to the North and hedgerow/tree planting.

Property styles in the area vary markedly from the two storey red brick mid-19th century building of West View to 20th century bungalows, dormer bungalows and two storey dwellings both North and South of Minehead Road. Two large detached dwelling houses have recently been erected South of Minehead Road, adjacent to West View.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL - The Parish Council objects to the granting of permission for the following reasons:

- The proposal would increase the density of housing in the area and harm its character;
- The location of the proposal is adjacent to two listed buildings;
- The proposal doesn't conform with the emerging Bishops Lydeard and Cothelstone Neighbourhood Plan Policy H4 – 'Separate Dwellings in Gardens – Development which results in the loss of or significant harm to the ecology, character of the local area, open space provision or landscape value of private residential gardens will not normally be permitted.' The Bishops Lydeard and Cothelstone Neighbourhood Plan is currently at Statutory Consultation stage in its development. Gardens make up a significant part of the green space within a built-up area (sometimes the only green space) and contribute significantly to health and wellbeing, character and feel of a place. It is considered that there is

sufficient land allocated to housing in the village to make separate building in gardens unnecessary as well as undesirable and avoid too great a density of development within the village. Likewise, the TDBC Core Strategy Policy DM3 identifies the importance of a sense of place and the National Planning Policy Framework paragraph 53 also supports this view and approach stating 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area';

- The pre-application consultation letter from the Planning Officer indicates more development than that applied for in this planning application. The Parish Council takes the view that all the proposed development on the site should be included in one application so that the impact of it can be considered fully rather than in separate piecemeal applications;
- The site of the proposal is immediately next to the Conservation Area. The Parish Council is concerned at the impact the development would therefore have on the neighbouring Conservation Area;
- The proposal would result in more traffic and users of the already congested Minehead Road;
- The site of the proposal has a green wedge running along the stream. If this green wedge is not preserved the Parish Council is concerned that flood risk in Bishops Lydeard would increase.

HERITAGE - I have now visited the site at Hazelhurst, Minehead Road, Bishops Lydeard.

I am of the opinion that provided the screen of trees along the northern boundary are not removed, the erection of a dwelling in the proposed location will not adversely affect the character of the Conservation Area. In addition, due to the distance involved and levels, the proposed dwelling will not adversely affect the setting of the nearby Grade II listed Building, West View. I would however suggest that the property is rendered rather than brick to take into account the rendered thatched cottage and rendered house that can be seen from the site as the proposed dwelling will read more with these rather than the properties that line Minehead Road.

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice, which requires:

- Visibility splays of 2.4 x 43m in either direction, measured to the nearside carriageway edge.
- Pedestrian visibility splays of 2 x 2m to the rear of the footway.
- Provision of adequate drainage so that surface water does not drain from the site onto the highway or vice versa.
- The access should have a minimum width of 3m with a minimum of 5m over a minimum 6m length where more than 1 dwelling is served.
- The access should be properly consolidated for the first 5m and must not exceed a gradient of 1 in 10 for the first 6m from the edge of the adopted highway.
- Vehicular entrance gates should be set back a minimum distance of 6m from the carriageway edge and should open inwards. Pedestrian gates should open inwards.
- On site turning space should be provided where the proposal derives access

from a classified road.

- Turning will be required, independent of the necessary parking provision where an access is onto a classified road.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - CIL Liability of £34,250.

Ward Cllr J Warmington - There is disquiet in the village about this infilling. The emerging Neighbourhood Plan is in draft form and currently out for final consultation after two years of preparation. We have undertaken this so that new building allocated for Bishops Lydeard over the next fifteen years benefits and compliments the existing village. An important part of this is to retain the character of the village which includes keeping green spaces within the village and not increasing the density amongst existing houses. Policy H4 of the draft Neighbourhood Plan resists separate dwellings in gardens. It states that 'development which results in the loss of or significant harm to ecology, character of the local area, open space provision or landscape value of private residential gardens will not normally be permitted'. Piecemeal infilling scattered through the village was not favoured in the SADMP either which instead allocated land for new development at the Southern end of the village above the bypass. The emerging Neighbourhood Plan has reflected this and much more.

Representations

2 letters from local resident raising no objection to the proposals;

7 letters of OBJECTION from local residents making the following planning related comments:

- The application would set a precedent for further infilling at 12 and 12A Minehead Road; Hazelhurst could accommodate 14 dwellings if of the same density as the Lethbridge Arms development;
- 5 new dwellings already erected South of Minehead Road in last 18 months; this area of the village has had more than its fair share of development;
- Designated land along Taunton Road ensures the village can meet its future housing demands therefore no justification for sporadic development at this end of the village;
- Neighbourhood Plan states that new dwellings in gardens should be resisted;
- Understand the Neighbourhood Plan will soon take precedence over the outdated Taunton Deane Local Plan;
- Piecemeal development of gardens should be discouraged; such casual use of green spaces flies in the face of Neighbourhood Plan;
- Pre-application letter indicated that more development will be forthcoming;
- Disappointing to see a lack of detail on how the Northeast boundary will be treated; small deciduous trees along this boundary would leave the site open without foliage;
- No details provided of colour or specification of materials;
- What is the reason for a spur off the driveway along the wall with West View, future development?
- No attention has been paid to level changes between the site and garden of Warre House, which is significant. Proposed house is 10m away from garden

- and the height of the house is accentuated by garden being at a lower level;
- Would be happy with a single storey dwelling if agreement reached over treatment of Northern boundary and guarantee of no further development;
- Back land development where there is no recent precedent for permission;
- Only development to North of Minehead Road is Grimstones, permitted around 2000; this was at caravan park and essentially derelict;
- Gardens behind Hazelhurst and adjoining properties towards the by-pass are green spaces backed by a stream and help delay flow of water downstream to the village;
- Traffic problems that already exist along Minehead Road will be exacerbated;
- Improving access and visibility through hedgerow removal will alter character of the streetscape, fully exposing the view of Hazelhurst, described at pre-app as of poor appearance and detracting from the character of the area;
- Two storey dwelling will be visible from Minehead Road; overlook number 12, West View and Warre house;
- In past permissions have been granted for bungalows;
- Design is of no particular architectural merit; roof pitch does not match that of the Grade II Listed Building of West View;
- Concerned over pedestrian safety along Minehead Road, particularly those children under the age of 18 and the elderly;
- The Highway Authority have recommended refusal for applications in the road in the past - 06/07/0066 and 06/13/0053.

PLANNING POLICIES

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 CP4 - TD CORE STRATEGY - HOUSING,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

Total net floor space of proposed development equates to 274 sqm. CIL charge of £125 sqm. CIL Liability of £34,250 (approx).

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)	£1079
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Somerset County Council (Upper Tier Authority)	£270
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6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6474
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Somerset County Council (Upper Tier Authority)	£1619
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DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are the principle of development, with regard to planning policy and the impact of proposals upon visual and residential amenity, highway safety and heritage.

Principle of development

A number of objections have been received stating that the draft Bishops Lydeard Neighbourhood Plan includes Policy H4 that does not positively support new residential development within garden areas, particularly where it *"results in the loss of or significant harm to ecology, character of the local area, open space provision or landscape value of private residential gardens."* It is accepted that this emerging NP policy is of relevance to the proposed development, it is an emerging document currently at consultation; its final draft has not been submitted for examination and, therefore, its policies are considered to carry very limited weight at this time. As such, the main policy thrust must be acknowledged as the adopted Taunton Deane Core Strategy and NPPF.

The application site is located within the defined settlement limit of Bishops Lydeard, where policies SP1 and CP4 of the Taunton Deane Local Plan, together with guidance set out within the National Planning Policy Framework accept that new residential development is acceptable in principle. The principle of allowing for infill development is acceptable in this location and it has to be acknowledged that infill plots can make a valued contribution towards the provision of new homes within the Borough.

The main issue with the principle of the proposed development is the backland location of the plot. The proposed dwelling would sit North of Hazelhurst within large grounds. At the pre-application stage another plot had been identified to the East, which gave a more tight knit pattern of development than that proposed at this stage. Whilst an additional plot may or may not be forthcoming in the future, it does not fall to be considered at this time. Instead, the impact of the development upon the surrounding area should be considered as a material consideration.

With regard to layout, the proposed dwelling would be positioned within a large residential garden. The plot is generally in keeping with that of Hazelhurst and West View, in terms of area and form. The area surrounding Gore Square is characterised by a scattered pattern of development where properties have both highway frontage but also backland positions. Whilst an open space to the East of the proposed development would remain, giving less density to the built form of the area, the proposals would be generally in keeping with the pattern of development to the South and East of the site and the pattern of development generally found within the Gore Square area. Such complies with the general policy requirements set out within Core Strategy Policy DM1 (a) and (d).

Objections have stated that the application site forms an open green space within the village. Whilst this is true in its physical form, the site is privately owned land and does not visually portray itself as an open space within the village from public vantage points. The Bishops Lydeard Inset Plan identifies areas of Urban Open Space that are given a higher level of protection from development; the application

site does not form such an area. It is considered that the built form proposed would retain sufficient open space around so not to completely erode the open nature of the surrounding area.

Taking the above into consideration, it is felt that on balance, the principle of new residential development at the site is acceptable.

Visual amenity

The backland location of the application site will naturally restrict the visual impact of the built form arising out of the proposed two storey dwelling. The proposals indicate a FFL of 8.855; the level take from Minehead Road is 10.243. The overall height of the building will be reduced in visual terms by the change in levels between any public vantage point along Minehead Road and the site, which is approximately 1.4 metres lower. The site would be further screened from public views by hedgerows, domestic planting and boundary treatments that front properties to the North of Minehead Road. As a consequence, the proposed building is not considered to represent a dominant feature within the area.

In design terms, the dwelling is not considered to represent an exceptional piece of architecture but it is nonetheless a well design dwelling house that combines traditional features with elements of contemporary intervention. Recessed windows, stone cills and lintels and a traditional roof with an amplified overhang all point towards good design. At present the final materials have not been finalised, but it is considered appropriate to agree materials by condition, particularly given the current difficulty with obtaining certain materials, such as bricks. This approach will allow a high quality finish to the building to be secured that will have a positive impact upon the overall appearance of the development. There are a range of materials within the area, including render, brick, timber cladding, slate, clay tile and thatch; the use of facing brick and slate is therefore considered to be acceptable this will provide some contextual link between the new development and the more historic built form within the area.

Residential amenity

There are a number of impacts that can often arise out of back land development, which include overlooking and loss of privacy, overshadowing, loss of outlook and additional nuisance, particularly from additional vehicle movements.

The impact of the proposed dwelling will be most pronounced upon the amenity of Hazelhurst. Whilst this property is owned by the applicants, the amenity of existing and future occupiers must be considered. In this respect, the new dwelling will be erected approximately 13 metres North of the boundary with Hazelhurst and 29m from its rear (North) elevation. Such separation is considered to be sufficient as to reduce any loss of outlook and to ensure that the development does not have an overbearing impact upon the neighbouring property. The indicative boundary treatment between Hazelhurst and the site will need to comprise a 1.8m wall or fence, which can be secured by condition.

The siting of the dwelling and garage are considered to be appropriate as to ensure

than there will be no significant loss of light or outlook to any of the surrounding properties. With regard to privacy, the first floor windows to the North and East elevations will look out over the garden of the proposed dwelling and will not provide direct views into neighbouring properties; such will be inhibited by intervening screen planting, boundary walls and the change in levels. Those windows within the South elevation will serve an en-suite bathroom and dressing room, both of which can be obscured glazed; three tall glazed sections will serve as lightwells to the central staircase and the final window serves a bedroom. On the basis that bedrooms are not normally occupied for prolonged periods through the day, any loss of privacy is likely to be very limited and not a reason to resist permission.

The sole remaining issue to consider in amenity terms is the potential for additional nuisance to arise from the use of the proposed driveway serving the proposed development. The proposed driveway will cut between Hazelhurst to the West and West View to the East. The boundary with West View is currently overgrown with domestic shrubs and bushes, but behind is a retaining stone wall that runs the length of the boundary of West View. This wall is approximately 1.8m in height and will provide for a sound buffer, thereby reducing the impact of noise from vehicle movements over the driveway. At present the means of enclosing the curtilage of Hazelhurst is not specified but such can be secured by condition in order to ensure that the impact upon the amenity of Hazelhurst is not affected to an unacceptable degree. Further, it would be a reasonable step to require the driveway to be surfaced in a material that reduces the sound emanating from tyre/surface interaction. Such can again be secured by condition and it is reasonable to do so in this instance.

Heritage

The application site is located immediately South of the Bishops Lydeard Conservation Area boundary and Northwest of West View, a Grade II Listed Building. As noted by the Council's Conservation Officer, the siting of the proposed dwelling and the screening effect of the tree line to the North will ensure that the proposed dwelling does not adversely impact upon the character and/or appearance of the Conservation Area.

Similarly, the setting of the grade II listed West View will not be harmed by the development due to the detachment between sites and the fact that the proposed dwelling will not be seen in direct view with the West View, virtue of the siting of the proposal and the screening that is provided by roadside boundary treatments.

In this respect, the proposals comply with Policies CP8 and DM1 of the Core Strategy and will not adversely impact upon heritage assets within the area.

Highway Safety

Objections have been received in respect of intensifying the use of the highway through new residential development and the adverse impact that this would have upon the safety of users, including pedestrians. The Highway Authority do not object to the principle of development and refer to standing advice. It can therefore be taken that the highway along Minehead Road and those roads that it connects to, are capable of accommodating the slight increase in vehicle movements that would

be generated from the application. This accords with their approach to two applications referred to by objectors (06/07/0066 and 06/13/0053) where they did not object to intensifying movements; their concerns were linked to the technical design of visibility, parking and turning provision.

With respect to the design of the proposed development, the application meets the design criteria of Standing Advice, with the expectation of the visibility splay across the site frontage. The splay capable of being provided measures 2.4m x 40m to the West and 2.4m x 20m to the East. It is noted that splays are not taken to the edge of the carriageway, but the centre line.

Minehead Road is subject to a 30mph speed limit although on the ground observations clearly indicate that vehicles generally travel at a much lower speed than this. The reduced speed is in part due to the bottle neck that occurs East of the site access towards Gore Square, where vehicles are regularly parked along the highway edge, thereby reducing the carriageway to one lane. The highway widens quite significantly to the West allowing for increased vehicle speeds.

It is noted that new residential properties have been allowed to access off Minehead Road historically; two new dwellings opposite West View are one such recent example. The visibility splay to their access has its sight lines impeded by vehicles parked along the South side of the highway. Notwithstanding these observations, the proposed dwelling is located within a sustainable location, in a well serviced village where day to day services and facilities can be accessed by means other than the private motor vehicle. It is therefore possible that vehicle movements associated to the proposed development will be lower than a more isolated dwelling. In any event, the lightly trafficked nature of Minehead Road and the observed vehicle speeds generally support allowing a reduced visibility splay.

Para 32 of the NPPF states that development should only be resisted on transport grounds where the residual cumulative impacts of development are severe. Despite the substandard visibility splay, the impact of accommodating one additional dwelling is not considered to be so harmful as to warrant refusal.

Other matters

The proposals include the erection of a single storey attached garage to the Northwest elevation of Hazelhurst; this element of the scheme will not adversely impact upon visual or residential amenity, whilst the plans provide sufficient space for parking and turning to the front of dwelling.

Surface water from the proposed development will be dealt with through a Sustainable Drainage System. No surface water will be discharged directly into the nearby watercourse, although some slow infiltration will be likely. The impact upon flood risk downstream is considered to be negligible.

The agent has confirmed that no works are planned to the Northern boundary with Warre House and that the trees will be unaffected by the development, thereby continuing to provide natural screening between the two properties.

Conclusions

The proposed development represents a sustainable form of development that accords with both Taunton Deane Core Strategy Policies and guidance contained within the NPPF and this policy framework outweighs the policies associated to the emerging Bishops Lydeard Neighbourhood Plan. The development will harm neither visual or residential amenity, highway safety or heritage assets within the area. The design, scale, form and layout of the development is considered to respond appropriately to the context of the site and its surroundings. Whilst access onto the highway is substandard, the overall impact of the development upon highway safety if not considered to be severe.

Taking the above matters into consideration, it is recommended that planning permission be granted subject to conditions.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

38/15/0346

MRS J ALLEN

CONVERSION AND EXTENSION TO DETACHED GARAGE TO FORM AN ANNEX AT 17A THE AVENUE, TAUNTON

Location: 17A-A THE AVENUE, TAUNTON, TA1 1EB

Grid Reference: 322305.125352

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo J133/02A Proposal Drawing

(A3) DrNo J133/03 Survey Drawing

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

3. The proposed annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17A The Avenue.

Reason: To prevent the annex being occupied separately from the main dwelling) in the interests of the amenity of the existing and neighbouring dwellings.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has

granted planning permission.

PROPOSAL

Conversion and extension of existing detached garage to create a self-contained annexe for dependant relatives.

The existing garage will be extended to measure 9.2m in length by 5.3m in width and a ridge height of 3.8m. It will have self contained facilities including a kitchen/living room, bedroom and shower room. Materials will match the existing garage, rendered walls and a tiled roof.

The application is be presented to Planning Committee as the Agent is related to a Member of Staff.

SITE DESCRIPTION AND HISTORY

17a The Avenue is a period property located within the Staplegrove Road Conservation Area. The original property (17 The Avenue) was extended and subdivided into two properties in the 1990s, 17a retains many of the original features from the split and has its garden to the front and side, south and east. The garage that is proposed to be converted was given planning permission in 1992 under reference 38/92/0178.

The garage is located within eastern corner of the garden, with Chip Lane running behind and the boundary with the Neighbour at 16b The Avenue to the south. This boundary has a 1.8m wooden fence and is well screened by existing trees and planting.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

None received.

Representations

1 letter has been received from 18 The Avenue stating that for the last 28 years the rear outlook has been sheltered, private and unobserved by Neighbouring properties. The proposed hall door and the north elevation will look into the main sitting room as the sight line will also will overlook the French doors into the bay window. There is a very tall False Acacia immediately behind the garage and tall evergreens behind. Whilst it is recognised that sewerage /drains issues are not a planning consideration, they are already at full capacity and nos 17, 17A and 18 were all one property and therefore the drains operate as one

PLANNING POLICIES

EN14 - TDBCLP - Conservation Areas,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

CIL OFFICER - Annex is creation of dwelling for CIL Regulations, therefore CIL liable.

Floor area of annex is approximately 72 m².
Existing garage is approximately 38 m².

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre.

DETERMINING ISSUES AND CONSIDERATIONS

The existing garage that is to be converted to a separate annex is located in a part of the garden that is well screened by an existing boundary fence, trees and planting, which the Agent has indicated will remain. Although the garage will extend to the front and the ridge slightly raised, it is considered that these proposed changes will not impact on the amenity of the adjoining neighbours or detract from the character or integrity of the existing property. It is accepted that although there will be a loss of parking within the garage, the site is large enough to accommodate parking within the garden for this to not to be an issue.

Whilst the facilities within the annex will be self-contained, Policy H18 allows the conversion of outbuildings to such uses. Due to the location within the site and independent use could have an adverse impact on Neighbouring amenity. In this regard, a restrictive condition has, been imposed that requires the annex to be used in connection with the main property.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

27/15/0013

WRENCON DEVELOPMENTS LTD

REMOVAL OF CONDITION 3 OF APPLICATION 27/10/0011 TO ALLOW AN OPEN B1 USE OF BARN 3 AT ALLERFORD FARM BARN, NORTON FITZWARREN

Location: ALLERFORD FARM, ALLERFORD ROAD, NORTON FITZWARREN,
TAUNTON, TA4 1AL

Grid Reference: 317933.125088

Removal or Variation of Condition(s)

RECOMMENDATION AND REASON(S)

Recommended Decision: Approval

RECOMMENDED CONDITION(S) (if applicable)

1. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To ensure that the amenities of neighbouring residents are protected, in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

Notes to Applicant

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

PROPOSAL

The application seeks planning permission for the removal of condition 03 of

planning permission 27/10/0011. The proposals would allow an open ended B1 use of the existing building. No external alterations are proposed.

SITE DESCRIPTION AND HISTORY

Allerford Farm Barns are located in a remote area of open countryside, approximately 1.5 km to the south west of Norton Fitzwarren. The site is accessed along narrow rural lanes off of the main county route highway at Norton Fitzwarren. The development site comprises three large portal frame buildings, with the application site having been used most recently for the construction of horse boxes. Adjoining the site are the offices of Wrencon. One main access serves all units which leads onto a large shared concrete yard area.

Planning permission was granted for the horsebox use, subject to restrictive condition 03, which stated the following:

The site shall be used for the manufacture of horse boxes only and for no other purpose.

Reason: Other uses have the potential to cause detrimental impacts to the amenities of neighbouring properties and may lead to increased traffic that would be detrimental to highway safety, in accordance with Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

A recent application (27/15/0010) for Prior Approval under Class R of the GPDO 2015 was allowed for the change of use of an adjoining building to B1 and B8 Uses.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

OAKE PARISH COUNCIL - No comments.

TRANSPORT DEVELOPMENT GROUP - HIGHWAYS - The unit is connected to two other similar units, in what could be called a small industrial park located between Hillfarrance and Norton Fitzwarren, adjacent to Allerford Farm, passed by National Cycle Route 3.

The industrial park has its own formal access 50m south of the junction of Hillfarrance Road with Allerford Road. This access is set back and gated with good visibility in both direction of the National Cycle Route. Visibility at the site access and the junction of National Cycle Route 3 and Farthings can easily be restricted and inhibited by vegetation which must therefore be regularly maintained.

Whilst this is an unclassified de restricted 60mph road its nature and location dictates that recorded speeds are much lower in this location. The units already have their own parking provision/areas for the site and these seem suitable for the nature, size and location. Therefore although the location is relatively rural a more diverse use has been established both at this unit and with permission for B1 and B8

unit in the adjacent attached unit (27/15/0010) therefore it may be unreasonable to object to this proposed broadening of use and it will be for the LPA to determine whether or not to remove the condition.

Representations

1 letter from neighbouring resident raising no comments.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP2 - TD CORE STRATEGY - ECONOMY,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

The application does not provide any detailed justification for the proposals which does not help the assessment, however it is accepted that with the previous occupant and manufacturer of horse boxes no longer at the premises, finding a new occupant within a suitable time scale and that could comply with condition 03 will be difficult.

The pertinent issues to consider are guided by the reason for originally imposing condition 03 to decision notice 27/10/0011; in detail these matters relate to the possible impact of an open ended B1 use upon neighbouring amenity and highway safety.

Amenity

Since the grant of planning permission 27/10/0011, Local Plan Policy S1 has been replaced by Core Strategy Policy DM1. The latter policy provides protection for residential amenity through DM1(e).

It is generally accepted that B1(a) offices is a low impact use when located close to residential properties; conversely Use Classes B1(b) and B1(c), which cover research and development of products or processes and light industry respectively, can result in excessive noise and other forms of potential nuisance to residential land uses.

In this respect, condition 04 of the originally decision notice will be reimposed should permission be granted. This condition places limits on the level of noise that can be generated at the site; the reason for imposing the condition was to afford protection to neighbouring properties. If an open B1 Use was to be supported, the requirements of condition 04 would remain in place and any users of the building would have to ensure that the condition was complied with.

It is considered that the requirements of condition 04 would afford an appropriate level of protection to neighbouring residential amenity as to allow an open ended B1 use at the site.

Highway Safety

Since the grant of planning permission, the Structure Plan and therefore Policy 49 has been revoked without replacements. Notwithstanding, Policy DM1(b) of the Core Strategy required development to have an acceptable impact upon the highway network and the safety of its users. Para 32 of the NPPF states that decisions should account for any improvements that can be made to the transport network that cost effectively limit the significant impact of development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

The highway network within the area comprises largely of narrow single track lanes with the occasional passing place. This, together with the nature of the junction Northeast of the site that leads back to the B3224, gave concern previously with allowing a use within the building that could potentially result in significant vehicle movements over the local network. It is pertinent to note that the Highway Authority did not object to the recent application made under Class R of the GPDO for the change of use of an adjoining agricultural building to Use Classes B1 and B8; this is considered to weigh in favour of the proposals.

It is noted that the Highway Authority do not object to the removal of condition 03. Policy DM2 of the Core Strategy does not differentiate between the three B1 uses (a, b and c); instead it supports the re-use of existing buildings in the countryside for all B class business uses. Whilst it is acknowledged that the residual cumulative impact of allowing an open B1 use at the site could be more significant than restricting the use of the building to B1(b) and B1(c), this could place yet another onerous restriction upon the owner of the building with regard to potential occupants and future leases.

Conclusions

An open B1 use will likely intensify vehicle movements over the local highway network however the site is accessible from Norton Fitzwarren and other rural villages by bicycle. The Highway Authority do not object to the proposals on highway safety grounds and, therefore, the impact of the proposals upon highway safety is considered to be acceptable.

Taking the above matters into consideration, it is recommended that permission be granted for the removal of condition 03 of planning permission 27/10/0011.

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

APPEALS RECEIVED

Site: GREENACRE HOUSE, HONITON ROAD, SHOREDITCH, TAUNTON, TA3 7BL

Proposal: APPLICATION TO FELL ONE OAK TREE INCLUDED IN TAUNTON DEANE BOROUGH (ORCHARD PORTMAN NO.1) TREE PRESERVATION ORDER 1996 AT GREENACRE, SHOREDITCH, TAUNTON (TD652)

Application number: 30/15/0027T

Appeal reference: APP/TPO/D3315/4809

Enforcement Appeal

Site: [Insert site address – normal text]

Alleged breach of planning control: [Insert description of development – normal text]

Reference number: [Insert application number – normal text]

Appeal reference: [Insert appeal number – normal text]

Appeal Decisions

Site: KIBBEAR FARM, KIBBEAR LANE, TRULL, TAUNTON, TA3 7LN

Proposal: CONVERSION OF BARN (THE WAGON) TO HOLIDAY ACCOMMODATION AT KIBBEAR FARM, TRULL

Application number: 42/14/0023LB

Reasons for refusal

1. The proposal, by reason of its proposed design including the personnel door on the northern elevation disrupts the appearance and harms the significance of the listed building and is contrary to Policy CP8 of Taunton Deane Core Strategy, and guidance in Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. It therefore fails to preserve the listed building and conflicts with the duty outlined at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeal decision: DISMISSED

Site: LAND TO THE NORTH OF NINE ACRE LANE, NORTH CURRY

Proposal: ERECTION OF 1 No DWELLING WITH INTEGRAL DOUBLE GARAGE ON LAND TO THE NORTH OF NINE ACRE LANE, NORTH CURRY

Application number: 24/14/0053

Reasons for refusal

Non Determination.

Appeal decision: DISMISSED

Enforcement Appeal

Site: [Insert site address]

Alleged Breach of planning control: [Insert alleged breach]

Reference Number: [insert our reference]

Appeal decision: [INSERT DECISION]

Planning Committee – 23 September 2015

Present: - Councillor Coles (Vice-Chairman)
Councillors M Adkins, Mrs J Adkins, Brown, Floyd, C Hill, Martin-Scott, Morrell, Nicholls, Mrs J Reed, Townsend, Watson and Wren

Officers: - Matthew Bale (Area Planning Manager), Julie Moore (Monkton Heathfield Project Team Leader), John Burton (Principle Planning Officer) Roy Pinney (Legal Services Manager) and Tracey Meadows (Democratic Services Officer)

Also present: Councillor Cavill for application No. 48/15/0027, Councillor Edwards for application No. 42/15/0020, Councillor Habgood and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

88. Apologies/Substitutions

Apologies: Councillors Bowrah, Gage and Wedderkopp

Substitutions : Councillor Mrs J Adkins for Councillor Bowrah

89. Minutes

The minutes of the meeting of the Planning Committee held on 2 September 2015 were taken and read and were signed.

90. Declarations of Interest

Councillors M Adkins and Coles declared personal interests as Members of Somerset County Council. Councillor Townsend declared personal interests as he was Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association. Councillor Nicholls declared a personal interest as he was Clerk to Comeytrove Parish Council and a Member of the Fire Brigade Union. Councillor Martin-Scott declared personal interests as he was trustee to the Home Service Furniture Trust and a trustee to Trull Memorial Hall. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. All Councillors declared that they had received emails regarding application No. 48/15/0027. Councillor Watson declared that he was Ward Councillor for application No. 06/15/0020, he felt that he had not 'fettered his discretion'. Councillor Martin-Scott declared that he was the applicant for application No. 42/15/0020, he left the room whilst the application was being presented.

91. 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 **planning permission be granted** for the under-mentioned development:-

42/15/0035/T

Application to fell one horse chestnut tree included in Taunton Deane Borough (Trull No. 1) Tree Preservation Order 2012 9TD1100) at Amberd Lane, Trull

Conditions

- (a) The proposed work shall be completed before the expiration of two years from the date of this permission;
- (b) The following replacement tree shall be in accordance with British Standard BS3936 and be planted within two months of felling (unless otherwise agreed with the Authority) and in accordance with British Standard BS4428 (1989); 1 x English Oak (*Quercus robur*), planted as a 'standard' tree or larger, minimum trunk girth 8-10cm. The planting location of the new tree must be agreed in writing prior to planting; If within a period of 5 years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed, or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent. A new Tree Preservation Order may be served to protect the new tree. Please inform this office when the new tree has been planted;

(Note to applicant:- 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 Governments

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.)

42/15/0020

Erection of 1 No. 5 bedroomed detached dwelling with single garage and associated works in the garden to the side of the Old Rectory, Wild Oak Lane, 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 approved plans:-
- (A4) DrNo P01 Rev A Site Location Plan;
 - (A1) DrNo P02 Site Survey;
 - (A1) DrNo P03 Rev A Proposed Site Plan;
 - (A3) DrNo P04 Rev A Proposed Ground Floor;
 - (A3) DrNo P05 Rev A Proposed First Floor Plan;
 - (A3) DrNo P06 Rev A Proposed Second Floor Plan;
 - (A1) DrNo P07 Rev A Proposed Front & Rear Elevations;
 - (A2) DrNo P08 Rev A Proposed Right Side Elevations;
 - (A2) DrNo P09 Rev A Proposed Left Side Elevation and General Site Section;
 - (A4) DrNo P10 Proposed Garage Details;
 - (A3) DrNo P11 Rev A Axonometric Views;
 - (A1) DrNo P12 Rev A Additional Elevations;
- (c) 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;
- (d) (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and

species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (e) Prior to the occupation of the dwelling hereby permitted, full details of the boundary treatment to Wild Oak Lane shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall be fully implemented prior to the occupation of the dwelling and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (f) Prior to the occupation of the dwelling hereby permitted, full details of the proposed hard landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall be fully implemented prior to the occupation of the dwelling and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) There shall be no obstruction to visibility above 900mm from the adjoining carriageway level within the splays indicated on drawing no. P03 Rev A. Such visibility splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such;

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

27/15/0013

Removal of condition 3 of application 27/10/0011 to allow an open B1 use of Barn 3 at Allerford Farm Barns, Norton Fitzwarren

Condition

- (a) The development must be carried out in accordance with the application and accompanying plan(s) submitted to the Council;
- (b) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises; Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above; For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;

(Note to applicant:- Applicant was advised the in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had

worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

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

06/15/0020

Erection of a detached dwelling with double garage and driveway on land north of Hazelhurst, and erection of replacement garage west of Hazelhurst, Minehead Road, Bishops Lydeard

Reason

The proposed development is at variance with the prevailing design and character of the locality and will result in the loss of open space which contributes to the character of the area. Dwellings in the locality have long gardens and substantial plots, which contribute to and define the spacious character of the locality. The proposed development would be at odds with this character and in light of the size of other nearby plots and rear gardens, there is a significant danger of a precedent being set for further such undesirable development in the locality. It is, therefore contrary to Policy DM1 of the Taunton Deane Core Strategy.

35/15/0346

Conversion and extension to detached garage to form an annexe at 17A The Avenue, Taunton

Reason

The proposed accommodation is tantamount to a new build, given the scale of the extension and intervention into the existing building. Such new build ancillary accommodation is contrary to Policy H18 of the Taunton Deane Local Plan. It has not been demonstrated that a policy compliant extension to the existing dwelling would be more damaging to the character and appearance of the main dwelling or the wider conservation area, or the residential amenity of the neighbouring dwellings, contrary to Policy H18 of the Taunton Deane Local Plan.

92. 48/15/0027

Application for approval of reserved matters following outline application 48/05/0072 for the erection of a 420 place primary school, incorporating a nursery facility with associated landscaping, access and parking and community facilities on land east of Bridgwater Road, Monkton Heathfield (48/15/0027)

Reported this application

Resolved that the detailed plans be approved subject to the receipt of acceptable details of the A38 highway works, acoustic survey report and

mitigation scheme, and boundary landscaping details the Planning Committee authorise the Chair of Planning in consultation with the Assistant Director of Planning and the Environment, having considered any representations received in respect of these matters, to grant conditional planning permission with the following conditions:-

Conditions

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

- (A3) DrNo AP(00)01 Site Location Plans;
 - (A1) DrNo AP(00)02 Rev C Site Location Plan;
 - (A1) DrNo AP(00)03 Ground Floor Plan;
 - (A1) DrNo AP(00)04 Elevations Sheet 1/2;
 - (A1) DrNo AP(00)05 Elevations Sheet 2/2;
 - (A1) DrNo AP(00)06 Perspectives;
 - (A1) DrNo AP(00)06 Perspectives;
 - (A1) DrNo AP(00)07 Sections;
 - (A1) DrNo 30814_LP(00)02 Rev K Proposed Landscape Plan;
 - (A1) DrNo 30814_LP(90)003 Rev E Boundary Treatment Plan;
 - (A1) DrNo 30814_LP(00)06 Rev C Landscape Materials Plan 1/2;
 - (A1) DrNo 30814_LP(00)07 Rev C Landscape Materials Plan 2/2;
- Planting Schedule 30812_Y(90)_01_P2;
- (A1) DrNo C-02 Rev P6 Drainage Strategy 2/2;
 - (A1) DrNo C-01 Rev P6 Drainage Strategy 1/2;
 - (A1) DrNo 30814_LP(00)008 Rev A Sprinkler Tank and Bin Store Enclosure;

(b) No commencement of use of the primary school hereby permitted shall take place until full details of alterations to the A38 are submitted to, approved in writing and fully constructed on site in strict accordance with the approved details. The alterations to the A38 shall be generally based upon the submitted sketch, plan no....., unless an alternative is first submitted to and approved by the Local Planning Authority;

(c) 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;

(d) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall

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

- (e) Within 2 months of the date of this permission full details of the proposed footpath cycle link lying at the north of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include proposed route and construction of the path, lighting, landscaping and boundary treatments. Prior to the commencement of works on site to provide the proposed footpath and cycleway shall be provided in strict accordance with the approved details and shall thereafter be maintained as such;
- (f) There shall be no obstruction to visibility greater than 600mm 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 occupied and shall thereafter be maintained at all times;
- (g) The area allocated for turning on the submitted plan 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;
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards on;
- (i) Prior to the commencement of use, a School Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied;
- (j) Notwithstanding the provisions of the Use Classes Order 19987(as amended) the community facilities shall be available for use by the general public and at no time shall be used solely for education purposes in connection with the adjacent primary school;
- (k) Prior to the commencement of the use of the building hereby permitted the agreed drainage strategy shall be fully implemented and operational and shall thereafter be maintained as such;

(Note to applicant:- Applicant was advised that the developer in delivering the necessary highway works associated with the development hereby permitted was required to consult with all frontager's affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the granting of planning consent and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.)

93. Appeals

Reported that one new appeal and two decisions had been received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 8.30 p.m.)