



## Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 6 April 2016 at 17:00.

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### **Agenda**

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 16 March 2016 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 44/15/0024 Reconstruction of part collapsed outbuilding to be used for dog breeding at Beacon Lane Farm, voxmoor, Wellington (retention of part works already undertaken)
- 6 49/15/0051 Application for approval of reserved matters following outline application 49/13/0015 for associated layout, scale and appearance (phase 3) on land to the north of Burges Lane, Wiveliscombe
- 7 The latest Appeals received.

Bruce Lang  
Assistant Chief Executive

29 April 2016

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

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

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

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

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

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

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

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



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



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

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: [enquiries@tauntondeane.gov.uk](mailto:enquiries@tauntondeane.gov.uk)

**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	

## **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

44/15/0024

MRS J COATE

**RECONSTRUCTION OF PART COLLAPSED OUTBUILDING TO BE USED FOR DOG BREEDING AT BEACON LANE FARM, VOXMOOR, WELLINGTON (RETENTION OF PART WORKS ALREADY UNDERTAKEN)**

Location: BEACON LANE FARM, FOXMOOR ROAD, WELLINGTON, TA21  
9NX

Grid Reference: 314065.117626

Retention of Building/Works etc.

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## **Recommendation**

**Recommended decision:** subject to the applicant entering into a S106 agreement to tie the occupation of the associated dwelling to the business floor space:

### **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 291/L1 Site Layout and Location Plan  
(A3) DrNo 291/G1B Floor Plans as Proposed  
(A3) DrNo 291/G2 Elevations Sheet 1  
(A3) DrNo 282/G3 Elevations Sheet 2

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

2. Prior to its installation, a sample of the proposed roofing material shall be submitted to and approved in writing by the Local Planning Authority. The building shall be finished in accordance with the approved details and shall thereafter be maintained as such.

Reason: In the interests of the character and appearance of the Area of Outstanding Natural Beauty.

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

Reason: In the interests of the character and appearance of the building, and

the Area of Outstanding Natural Beauty.

Notes to Applicant

## **Proposal**

This application seeks full planning permission for the rebuilding of a partially collapsed barn for use as dog breeding kennels. The building would provide three communal kennels, with storage over. The kennels would be accessed from the courtyard to the east of the building; the west elevation would be a solid wall with no openings, as before.

The building would be finished with a slate roof. The roof line would be stepped, the ridge of the southern section being 0.74m higher than the lower section. The building would have timber doors and timber framed windows on the east (courtyard elevation). A central section would have full height glazing, including a further access door.

## **Site Description**

Beacon Lane Farm is an isolated site approximately 3km (straight line distance) from the town centre of Wellington to the north. The site is accessed via a track from the unclassified highway network approximately 560 metres to the south. The access track also forms a Public Right of Way (WG 13/23), which follows the line of the track from the highway through a small wooded area to the complex of barns, which occupy an elevated position within the local landscape. Being set within a remote rural area within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) the site is surrounded by a collection of mature trees and native species hedgerows to the north, south and west; to the east there are clear views available out across the surrounding landscape looking out towards the raised ridge of the Blackdown Hills.

The application site historically comprised a complex of three traditional agricultural buildings arranged in a u-shape plan form with chert stone walls. The building subject to the current application sits on the western side of the site, presenting a blank, stone, elevation to the public footpath. It was previously largely open on the western (courtyard) side. The roof structure ran broadly parallel to the sloping ground and, therefore, visibly ran downhill.

## **Relevant Planning History**

Although there have been some older applications, the relevant planning history dates from 2011.

Application 44/11/0011 refused planning permission for the conversion of the

redundant barns to a 'live/work' unit. Permission was subsequently granted (44/11/0020) for an amended scheme. The permission was subject to a range of conditions, including that the residential floor space could not be brought into use until the dog breeding floor space had been brought into use and that the residential floor should only be occupied by a person employed in the associated business floor space.

Subsequently, work commenced on the residential floor space, but not the business floor space and the residential floor space is now occupied. Instead the applicant erected new build timber kennel structures on various places surrounding the site, all of which have been subject to enforcement action in the intervening period.

Various applications have been made to retain the unauthorised kennel structures (44/14/0001, 44/14/0010, 44/13/0024) and they have all be withdrawn or refused; subsequent appeals have been dismissed.

In order to provide kennels as originally envisaged (within the converted buildings) work commenced on the conversion of the main barn last year. Substantial parts of the building were demolished or collapsed and the barn has now been rebuilt. The rebuilt structure is different to that which previously existed and takes the form described in this current application.

## **Consultation Responses**

*WELLINGTON WITHOUT PARISH COUNCIL* – The Parish Council would like to express [their] strongest objections to this application; the design is clearly not going to be kennels but residential accommodation. The site is overlooked by several houses and there has been strong opposition to the application; the site is also in the Blackdown Area of Outstanding Beauty with the Somerset Wildlife Trust's nature reserve on its border.

Once again Wellington Without Parish Council strongly objects to this application

*SCC - TRANSPORT DEVELOPMENT GROUP* – No comments received.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* – No comments received.

*LANDSCAPE* – No landscape objection. A tree planted to the west of the building would improve views from the public right of way.

*BLACKDOWN HILLS AONB SERVICE* – Does not wish to submit a detailed comment. This should not be taken as either approval of, or objection to, the application.

## **Representations Received**

5 letters of **objection** raising the following points:

- It is not possible to identify how many dogs will be housed on the site.
- There is no information on proposed sound proofing for the kennels.
- The tranquillity of the Blackdown Hills previously referred to by the inspector must be taken into account.
- The previous appeal decisions give clear points why this activity should not be allowed in this location.
- Policy DM2 of the Core Strategy does not permit dog breeding.
- Conditions should be set to control times of exercising the dogs. Query whether restrictions on exercising can be policed.
- Query how the permitted number of dogs at the site can be policed.
- The proposed buildings appear to resemble residential dwellings more so than dog kennels.
- Query why building work in relation to the development has already begun.
- The point of the AONB is that historic buildings should not change in appearance from that of the original architectural purpose.
- The building should be rebuilt as previously approved.
- The proposal removed the majority of the animal accommodation required under the original 2011 permission and, therefore, undermines the business case.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

AONB - Area of Outstanding Natural Beauty,  
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,  
EN12 - TDBCLP - Landscape Character Areas,

## **Local finance considerations**

None.

## **Determining issues and considerations**

The main issues in the consideration of this application are the principle of the



development, the design and appearance of the proposal, and the potential noise impacts of the development.

### **Principle of development**

The site is within the open countryside where new development is strictly controlled. It has previously been accepted that the buildings and site could be converted to a live-work unit based upon a dog-breeding enterprise. The original permission (44/11/0020) allowed the conversion of the main barn to residential accommodation and the two other barns to kennels and associated business storage space. Provided that sufficient controls can be retained over the use of the site and relationship with the residential floor space and business floor space, it is considered that the proposals maintain the status quo as originally permitted and are acceptable in principle.

The original planning permission included two important conditions – conditions 6 and 7 – that controlled the timing of residential occupation and restricted the occupation of the residential floor space to a person solely or mainly working within the associated employment buildings. The condition restricting occupation – condition 7 – makes specific reference to the buildings identified as Range B and Range C on drawing 201/G1B permitted as part of that application.

Your officers are concerned that if the current application were to be granted, it would not be Range B identified on drawing 201/G1B as it is, essentially, a new building and, therefore, the tie may effectively be lost. New conditions reflecting the current situation cannot be imposed because the dwelling is not subject to the current application. Therefore, a Section 106 agreement is required to control the use and limit it to a person employed on the site. With these appropriate safeguards in place, the proposal is considered to be acceptable in principle. The use of a stone barn, regardless of whether it is the original conversion or a modern rebuilt version is considered to be within the spirit of the original planning permission and is capable of delivering the live-work environment originally envisaged.

### **Design and appearance of the proposal**

The rebuilt barn has been constructed from block with a chert stone facing. As such, the proposed materials are respectful of the character and appearance of the area and vernacular of the Blackdown Hills AONB. The public facing west elevation would remain a blank elevation, enclosing the original complex of farm buildings. The roof has been altered and the original, very rustic, character of the sloping ridge line has been lost. However, it is considered that the overall the shape of the building is acceptable and does not cause harm to the character or visual appearance of the AONB.

The east elevation has been radically altered from the original building. The building was formerly an open 'linhay' type structure and the proposed development was to infill the gaps with glazed frontages. This has been replaced with a largely stone-faced elevation with smaller openings and a large full-height opening in the centre, which would be glazed. As such, the overall character of the building has changed, although given that this is the inward, courtyard facing, elevation this is not

considered to be detrimental to the character and appearance of the AONB.

Whilst the building is considered to be acceptably designed in itself, it does not appear to be a typical kennel building. The openings are relatively small and appear very domestic in their appearance. There does not appear to be any reason for the different treatment for the central section. That said, the applicant has confirmed that the building is sufficiently ventilated and that the level, enclosed, floor construction does not present any problems for cleaning. An additional plan has since been submitted indicating the subdivision of some of the larger kennels into smaller pens more along the lines of the initially permitted proposal has now been submitted demonstrating that the proposal can meet the needs of the business as originally planned. The applicant indicates that the cavity wall insulation will help to maintain a stable temperature which will benefit young pups that struggle to regulate their own body temperature.

The design and construction of the building has raised some concerns that the ultimate intention may be to secure a residential use here and that the building design has been manipulated to facilitate a later conversion – the increase in height would also assist in the provision of a workable first floor, rather than just storage. However, very little weight can be attributed to these matters and the building is currently in use for the intended kennel's purpose so is clearly capable of such use. The fact that the applicant may have spent an unnecessary amount in the specification and detailing of the building is not reason to refuse an application and any future use will have to be considered on its own merits at the appropriate time.

The use of chert stone in the construction of the new building means that it does respect the style and vernacular of the Blackdown Hills. The building is now less rustic – being square and level, rather than sloping down the hillside – but it is still considered to sit visually well within the AONB, not detracting from the scenic beauty of the area. Therefore, it is considered to be acceptably designed.

### **Potential noise impacts**

It is fair to say that noise disturbance, both potential and actual, has always been a concern surrounding this development. It was originally proposed to house the dogs within the existing buildings, which were considered to have sufficient sound attenuation properties not to cause significant disturbance to neighbouring properties and the tranquillity of the Blackdown Hills AONB. The business subsequently set up in a number of timber pens on various locations around the site, which did cause noise disturbance and harm the tranquillity of the area.

This application sees a return to the original proposal to house the dogs within the stone buildings. Given that this replicates the original intention and (with the use of modern building techniques) might actually improve the situation over the original permission it is not considered reasonable to withhold permission on the basis of potential noise impacts arising from the development.

Therefore, in terms of potential noise impacts, the proposal is considered to be acceptable.

## **Other matters**

In light of the planning history, it is not considered that the proposal would result in an unacceptable highway impact when compared to previously permitted developments at the site.

## **Conclusion**

Although the original building has been largely rebuilt and changed in its size and appearance, it is not considered to harm the character and scenic beauty of the AONB. The re-building of the barn facilitates a return to the live-work unit initially given planning permission, whereby the dog breeding enterprise is contained within the stone barns adjacent to the dwelling. It is, therefore, considered that the proposal is 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**

49/15/0051

LONE STAR LAND LLP

**APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING  
OUTLINE APPLICATION 49/13/0015 FOR ASSOCIATED LAYOUT, SCALE AND  
APPEARANCE (PHASE 3) ON LAND TO THE NORTH OF BURGESS LANE,  
WIVELISCOMBE**

Location: LAND TO THE NORTH OF BURGESS LANE, WIVELISCOMBE

Grid Reference: 308430.128118

Reserved Matters

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## **Recommendation**

**Recommended decision: Approval**

### **Recommended Condition(s) (if applicable)**

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

(A3) DrNo 13114/1030 A Wiveliscombe Phase 2 Location Plan  
(A1) DrNo 13115/5000 C Wiveliscombe Phase 3 Planning Layout - received on 17th February, 2016  
(A1) DrNo 13115/5001 B Wiveliscombe Phase 3 Materials Layout  
(A3) DrNo 13115 6001.1 House Type A (Brick)  
(A3) DrNo 13115 6001.2 House Type A (Render)  
(A3) DrNo 13115 6002.1 House Type B (Brick)  
(A3) DrNo 13115 6002.2 House Type B (Render)  
(A3) DrNo 13115 6003.1 House Type C (Brick)  
(A3) DrNo 13115 6003.2 House Type C (Render)  
(A3) DrNo 13115 6004 House Type D (Render)  
(A3) DrNo 13115 6005.1 House Type E (Brick)  
(A3) DrNo 13115 6005.2 House Type E (Render)  
(A3) DrNo 13115 6006.1 House Type F (Brick)  
(A3) DrNo 13115 6006.2 House Type F (Render)  
(A3) DrNo 13115 6007.1 House Type G Plot 44 (Render)  
(A3) DrNo 13115 6007.2 House Type G (Render)  
(A3) DrNo 13115 6008 House Type H (Render)  
(A3) DrNo 13115 6009 House Type J (Brick)  
(A3) DrNo 13115 6010 House Type 1B 2P (Render)  
(A3) DrNo 13115 6011.1 House Type 2B 4P (Plots 5 to 7)  
(A3) DrNo 13115 6011.2 House Type 2B 4P (Plots 62 to 64)  
(A3) DrNo 13115 6011.3 House Type 2B 4P (Plots 65 & 66)  
(A3) DrNo 13115 6012.2 House Type 3B 5P (Brick) - received on 17th February, 2016

All stamped received on 2nd November, 2015, except where indicated.

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

2. 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.

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

3. No development shall be commenced until surface water drainage details, based on SuDS Principles, together with a programme of implementation and maintenance of the Sustainable Drainage Scheme, for the lifetime of the development have been submitted to and approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Those details shall include the following information: -

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes, both and off site, note: no part of the site must be allowed to flood during any storm unless it has been specifically designed to do so.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the

4. No work shall commence on the development hereby permitted until details of a footway along Heathstock Hill have been submitted to and approved in writing by the Local Planning Authority. Such footway shall then be fully constructed in accordance with the approved plan to an agreed specification before the development is first brought into use.

Reason: In the interests of highway safety

5. There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Reason: In the interests of highway safety.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council for information on 0300 123 2224.
3. The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning permission 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.
4. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing by the Traffic and Transport Development Group, County Hall, Taunton TA1 4DY or by phoning 0300 123 2224. 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.

5. The fee for a Section 171 Licence is £250. 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.

## **Proposal**

This Reserved Matters application seeks approval for details of appearance, layout and scale in respect of the erection of 71 dwellings on the site, following the approval of outline planning application Ref: 49/13/0015 on 27<sup>th</sup> February, 2014. Access formed part of the Ref: 49/13/0015 outline approval, whilst landscaping is a Reserved Matter, it does not form part of this application.

The site is a third phase of development following the adjoining WV1 Local Plan allocation that benefits from planning permission for a first phase of 20 dwellings; and, a second phase of 32 dwellings. Construction of these previously approved phases is in progress.

The design ethos for the development broadly follows that of the phase 1 and 2 developments, being mainly detached dwellings, with some semi-detached and two terraces of 3. The development would be arranged on a cul-de-sac layout, with four spurs, albeit that one of those spurs would provide vehicular and pedestrian access to the area of allotments to the north; pedestrian access to the adjoining public footpath that runs the length of the eastern site boundary; and, field access to the adjoining field to the north, which is also within the Applicants ownership/control. Dwellings would all be two-storey in materials similar to those approved on the two previous phases.

Following the receipt of comments from Wiveliscombe Town Council; The Wiveliscombe Civic Society; Somerset County Council – Highways, and drainage as Lead Local Flood (LLFA) Authority; the Police Architectural Liaison Officer; and, various internal consultees at Taunton Deane BC, the proposed site layout has subsequently been amended via the receipt of Drawing No. 13115/5000 Rev. C to reflect consultee responses. In addition, Drawing No. 13115/6012.2 indicates amendments to the design of the proposed 2 No. 3 bed, 6 person affordable semi-detached units at plots 67 and 68. These are now proposed to be 3 bed, 5 person units.

All statutory consultees have been notified of these changes and any further comments received will be reported.

## **Site Description and History**

The site lies to the north of Wiveliscombe and currently comprises two agricultural fields. The site is generally flat at its western extent but rises to the northeast.

Burges Lane lies to the south, which has dwellings fronting it and facing the site

along most of its length, with some side-on running back from the road to the south. At its eastern end, Burges Lane appears to have been 'cut-in' such that it is significantly below the level of the site, which is currently retained by a bank with hedgerow on top. Towards the western end of the site, the boundary hedgerow sits level with the highway, with the eastern most extent being a stone boundary wall.

The east site boundary with Heathstock Hill is formed by a hedgerow directly on the back edge of the highway which rises steeply towards the north of the site. 4 dwellings sit on the opposite side of Heathstock Hill, accessed by private drives directly from the highway and all are set back, with the exception of Tor cottage which is built up to the highway edge.

The northern site boundary at its eastern end is defined by a hedgerow separating the site from an agricultural field beyond. The application site comprises only part of the western field, so the northern boundary is open at this point. The western site boundary is formed by a stone wall that separates the site from a public footpath and adjoining then the adjoining WV1 local plan housing allocation.

Land to the west was allocated for development in the Taunton Deane Local Plan, under Policy WV1. This site has recently secured a resolution to grant planning permission for 52 dwelling in two phases – applications 49/12/0052 and 49/13/0001. Before development can commence on phase 2 (49/13/0001) a link road needs to be built from the site through the current application site to Burges Lane, bypassing a narrow section of Style Road to the west of Golden Hill. Burges Lane must also be widened and the junction with Ford Road altered to improve visibility in the form also detailed in the previously approved outline application 49/13/0015 affecting the site. These works have been implemented in accordance with the previously approved details and the current site is now opened up to the west and Burges Lane been widened, with the hedgerow that previously marked its northern edge having been removed.

Planning applications were made on this site in the early 1990s, and refused for reasons that the site was outside the settlement limit, prejudicing the consideration of the Taunton Deane Local Plan and potential intrusion in the landscape. The site has been consulted upon as a potential option for development and potential allocation through the forthcoming Site Allocations and Development Management Policies Plan (SADMPP) which are due for consideration at Public Local inquiry commencing on 30<sup>th</sup> March, 2016.

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL* - "The Town Council recommend **refusal or resubmission** for the following reasons:

Three detached houses have direct access onto Ford Road. The Town Council strongly object to this as this section of Ford Road is very dangerous with a sharp bend a short distance away which vehicles often travel around quite fast. We can see no reason why, with an improved junction at Burges Lane/Ford Road the estate roads should not give access to all the houses rather than creating a more dangerous situation with cars reversing in or out of houses on a busy road. (Ford Road)



Even a change to the 30mph signs will not change the risk.”

Updated Town Council comments received 21 March 2016 in response to amended plans are:

**"The Town Council recommend refusal or resubmission for the following reasons:**

Three detached houses have direct access onto Ford Road. The Town Council strongly object to this as this section of Ford Road is very dangerous with a sharp bend a short distance away which vehicles often travel around quite fast.

We can see no reason why, with an improved junction at Burges Lane/Ford Road the estate roads should not give access to all the houses rather than creating a more dangerous situation with cars reversing in or out of houses on a busy road. (Ford Road)

Even a change to the 30mph signs will not change the risk and there is already evidence of speeding along that road.

The Town Council will hold TDBC planners and highways responsible for any accidents that occur, if planning is granted.

The new development should include a comprehensive 20 mph zone."

*SCC - TRANSPORT DEVELOPMENT GROUP* - "I refer to the above mentioned planning application received on 1<sup>st</sup> December 2015 for which the Highway Authority has following observations on the highway and transportation aspects of this proposal.

The principle of development and traffic impact of the proposal were accepted as part of outline permission 49/13/0015. As a consequence the following comments solely relate to the internal layout of the site and where it ties into the existing highway.

Where the proposed development joins the adopted highway allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Core may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers. The gradient of the proposed access roads should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Burges Lane. The three junctions leading onto Burges Lane should incorporate 6.0m junction radii together with adoptable visibility splays based on dimensions of 2.4m x 43m in both directions. There shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above the adjoining carriageway level and the full extent of the splays will be adopted by Somerset County Council.

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payment Code.

The applicant should note that all provide parking courts should incorporate visibility splays based on dimensions of 2.0m x 25.0m. Apart from the parking courts deriving access directly onto Burges Lane, where visibility splays of 2.0m x 43m will be required. Adoptable 25m forward visibility splays will be required across the inside of the carriageway bends fronting plots 44 and 46. There shall be no obstruction to visibility within the splays that exceeds a height greater than 600mm above the adjoining carriageway level and the full extents of the splays will be adopted by Somerset County Council.

The applicant should note that all provide parking courts should incorporate visibility splays based on dimensions of 2.0m x 25.0m. Apart from the parking courts deriving access directly onto Burges Lane, where visibility splays of 2.0m x 43m will be required. Adoptable 25m forward visibility splays will be required across the inside of the carriageway bends fronting plots 44 and 46. There shall be no obstruction to visibility within the splays that exceeds a height greater than 600mm above the adjoining carriageway level and the full extents of the splays will be adopted by Somerset County Council.

The applicant has proposed a footpath link that runs along the northern boundaries of plots 15, 16 and 40 may well be used by a combination of pedestrians and cyclists as it will provide access to and from a play area. With this in mind, can the link be constructed to a minimum width of 2.5m with adoptable visibility splays based on dimensions of 2.5m x 20m at the junction of the route with the internal estate road. There shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above the adjoining carriageway and the full extent of the splays will be adopted by Somerset County Council.

A temporary turning head, constructed to adoptable dimensions will be required at the end of the internal estate road to the north of plots 15 & 16. The inside of the carriageway bends outside plots 44 and 46, should be widened by a minimum width of 500mm. If the turning heads between plots 40/41 and 50/52 are to be part of a block paved shared surface carriageway, then an adoptable 1.0m wide hardened margins will be required at the end of all turning arms. An adoptable 2.0m wide footway should be provided between plots 1 and 7. The applicant will also need to provide a swept path analysis for an 11.4m long 4 axle refuse vehicle throughout the site and in particular turning heads.

A footway on the northern side of Burges Lane is indicated as terminating to the south of Plot 65. What provisions will be made to accommodate pedestrian movement beyond this point? Finally no doors, gates or low level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface carriageways. The highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes and steps.

All block paved shared surface carriageways should be constructed to a gradient no slacker than 1:80 to aid surface water drainage. The proposed 500mm wide margins adjacent to shared surface carriageways should be constructed within bituminous macadam material. If another material is preferred, then the margins will need to be widened to 1000mm.

In terms of drainage it is assumed that Somerset County Council's interests in the

surface water drainage proposals will be limited to carriageway gullies and connections only as per previous residential development sites served via Burges Lane. If this is not the case the applicant will need to advise Somerset County Council. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Highway Authority, then written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to Somerset County Council. It appears that there is an existing highway drainage system that runs south to north beneath the Phase 3 development site and currently outfalls to the northeast of the SUDS wet pond constructed as part of Phases 1 & 2. The applicant will need to advise on what is their intention for the existing highway drainage system.

Surface water from all private areas including drives and parking bays will not be permitted to discharge onto the prospective publicly maintained highway. Private interceptor drainage systems must be provided to prevent this from happening.

All private drives serving garages shall be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway. Tandem parking bays should be constructed to a minimum length of 10.5m. Private parking bays should be 5.0m in length except for when the bays immediately but up against any form of structure, including planted areas, when a minimum length of 5.5m will be required. All should be measured from the back edge of the prospective public highway boundary.

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

There is an existing forward visibility splay provided as part of the off-site highway works for the link road. Please note that the construction of dwellings 65-68 must not impinge upon this splay and the land within which the splay has been built, must not be conveyed to the dwellings. The applicant may wish to look into this issue further.

The provision of the two proposed junctions on the northern side of Burges Lane may result in existing carriageway gullies and street lighting columns having to be relocated. No works to the street lighting columns shall take place without prior discussions with the Somerset County Council Highway Lighting Manager. Existing Beany Blocks within Burges Lane may also have to be excavated and replaced with a drainage system to be approved by the Highway Authority.

It is noted from the submitted plan that the developer has proposed for three dwellings to derive vehicular access directly out onto Heathstock Hill. This would result in partial loss of an existing hedgerow. Please note that the each dwelling

would need to provide independent turning within their curtilage. The Highway Authority would require a 2.0m footway along the frontage of these units on Heathstock Hill. This will need to be created within the land which is in the control of the applicant and not see a reduction in the width of the existing carriageway. The applicant may wish to extend the 30mph limit to include these three dwellings. It is likely that these works will require a legal agreement.

To conclude the proposed layout is considered to be broadly acceptable although the applicant is urged to take account of points set out above prior to any formal S38 submission if the Local Planning Authority were which the splay has been built, must not be conveyed to the dwellings. The applicant may wish to look into this issue further.

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It is noted from the submitted plan that the developer has proposed for three dwellings to derive vehicular access directly out onto Heathstock Hill. This would result in partial loss of an existing hedgerow. Please note that the each dwelling would need to provide independent turning within their curtilage. The Highway Authority would require a 2.0m footway along the frontage of these units on Heathstock Hill. This will need to be created within the land which is in the control of the applicant and not see a reduction in the width of the existing carriageway. The applicant may wish to extend the 30mph limit to include these three dwellings. It is likely that these works will require a legal agreement.

To conclude the proposed layout is considered to be broadly acceptable although the applicant is urged to take account of points set out above prior to any formal S38 submission if the Local Planning Authority were minded to grant permission. However in terms of the three units that will have access onto Heathstock Hill the Highway Authority would require a footway link to the existing footway network. This would need to be secured via a legal agreement.

Therefore based on the above the Highway Authority raises no objection to this proposal and if the Local Planning Authority were minded to grant planning permission the following conditions would need to be attached.

- No work shall commence on the development hereby permitted until details of a footway have been submitted to and approved in writing by the Local Planning Authority.

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

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means

shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of construction and thereafter maintained until the use of the site discontinues.

- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
  
- The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.
  
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
  
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
  
- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with approved details, unless otherwise agreed in writing with the Local Planning Authority.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

NOTE:

The developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council for information on 0300 123 2224.

The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning permission 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.

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing by the Traffic and Transport Development Group, County Hall, Taunton TA1 4DY or by phoning 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have their plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion."

No further comments relating to the amended plans had been received at the Report Drafting Stage. Any that are received will be reported.

*SCC - TRANSPORT DEVELOPMENT GROUP –*

*WESSEX WATER – “No comments in this instance”.*

*HOUSING ENABLING - “Housing Enabling Comments:*

25% of the new housing should be in the form of affordable homes. The required tenure split is 60% social rented and 40% shared ownership.

The proposed scheme incorporates: 3 x 1b, 10 x 2b and 5 x 3b dwellings. No indication has been provided regarding the intended tenure split at this stage and we would suggest the following:

Social Rented - 3 x 1b, 5 x 2b and 3 x 3b Shared Ownership - 5 x 2b and 2 x 3b house

This is considered to provide a suitable mix to meet the local housing need in the area. It is noted that the details included in the design and access statement suggests the intermediate housing to be a mix of shared equity and low costs homes. We would however seek these to be shared ownership in this area.

Whilst the level of 3 bed properties is considered acceptable, there are concerns regarding the size of these properties, being 3b 6p, rather than 3b 5p due to the increased values in terms of the shared ownership aspect, taking those properties outside of the affordability of local residents. We would therefore ask that the 3b 6p element of the scheme for shared ownership is revisited.

The parking court arrangement would appear acceptable in principle, although it would be useful to have parking spaces allocated to individual properties. I would also wish to check that the parking court would be transferred to the Housing Association along with the Social Rented properties.

It is noted that Code for Sustainable Homes Level 3 is being wound up and we would therefore seek for the properties to be constructed to the relevant standards that supersede this at the date of approval of the planning application.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

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

*LEISURE DEVELOPMENT – “I have no observations to make on the submitted reserved matter, however the Open Spaces manager should be asked to comment when the detailed landscape design is submitted for approval.”*

*BIODIVERSITY - No wildlife strategy based on Ruskins Report, dated 2012, has*

been submitted with this application.

*PARKS* – No comments received.

**SCC - FLOOD RISK MANAGER – Lead Local Flood (LLFA) Authority**

**Comments**

The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has not provided details of the proposed surface water drainage designs for the capture and removal of surface water from the development. Therefore, this application does not address the comments made by Taunton Deane Borough Council's (TDBC) Drainage Engineer for full details of surface water drainage designs incorporating Sustainable Drainage principles, along with details of the implementation and maintenance of said system including consideration of impacts to and from Phases 1 and 2 of this development and the subsequent condition No 4 placed on the original application (ref: 49/13/0014).

Due to the location of the site, the proposed increase in impermeable areas, the comments from the TDBC Drainage Engineer and the subsequent condition applied to the previous application, it will be necessary to provide these details. Therefore, the LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

**Condition:** No development shall be commenced until surface water drainage details, based on SuDS Principles, together with a programme of implementation and maintenance of the Sustainable Drainage Scheme, for the lifetime of the development have been submitted to and approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Those details shall include the following information: -

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes, both and off site, note: no part of the site must be allowed to flood during any storm unless it has been specifically designed to do so.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.



**Reason:** To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015) and Taunton Deane Adopted Core Strategy Policy CP8.

*ENVIRONMENT AGENCY* – comments received at the outline stage apply.

*DIVERSIONS ORDER OFFICER - Mr Edwards* – has commented as follows:

- “The Public Footpath WG/15 /5 runs adjacent to the proposed development site. It is recognised that a length of this path running from Masons House in a north, north easterly direction is enclosed.
- The width of the path must not be encroached upon.
- Subject to planning consents any contractors work adjacent to the path should be covered by adequate health and safety measures.”

*SCC - RIGHTS OF WAY* – No comments received.

*WIVELISCOMBE CIVIC SOCIETY* – The Society has given careful consideration to this important application and we wish to raise two concerns.

Firstly, we see that three houses do not take their access from the estate roads but instead have direct access onto Ford Road. We object strongly to this as the section of Ford Road here is quite dangerous with a sharp bend a short distance above these accesses around which vehicles often travel quite fast. We can see no reason

why, with an improved junction at Burges Lane/Ford Road, the estate roads should not give access to all the houses rather than to create a potentially dangerous situation.

We also note that the layout plan shows a road going into the field beyond and to the north-east of the application site. This field is much higher than the site itself and any development there would be a real intrusion. We would not want the inclusion of this road to imply any presumption that this field might be suitable for development and suggest that either it is omitted or a condition or other note is made to that effect.

*POLICE ARCHITECTURAL LIAISON OFFICER* – Crime Prevention Design Advisor’s (CPDA) working in partnership within the South West region, have a responsibility for Crime Prevention through Environmental Design projects within the Taunton Deane Borough Council area. As a Police Service we offer advice and guidance on how the built environment can influence crime and disorder to create safer communities addressing the potential of the fear of crime and anti-social behaviour.

**Sections 58 and 69** of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of

a development and ask for:-

***“Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”***

Guidance is given considering ‘Crime Prevention through Environmental Design’, ‘Secured by Design’ principles and ‘Safer Places.

**Comments:-**

**Crime & ASB Statistics** – reported crime for the area of this proposed development during the period 01/12/2014-31/11/2015 (within 500 metre radius of the grid reference) is as follows:-

Burglary - 6 Offences (incl.3 dwelling burglaries & 1 commercial burglary)

Criminal damage - 4 Offences (incl.2 criminal damage to vehicles)

Other Offences – 2

Sexual Offences – 1

Theft & Handling Stolen Goods - 6 Offences (incl.1 theft from motor vehicle)

Violence Against the Person - 22 Offences (incl.7 assault ABH, 5 common assault and battery)

**Total - 41 Offences**

This averages just over 3 offences per month, which are low crime levels. ASB reports for the area total 2, which is also a very low level.

**Layout of Roads & Footpaths** – appears to be visually open and direct and does not undermine the defensible space of the development. The proposed use of road surface changes by colour and texture also helps reinforce defensible space giving the impression that the area is private.

**Through Roads & Cul-de-Sacs** - cul-de-sac layouts have some advantages over through roads, from a crime prevention perspective, in that they can help frustrate the search and escape patterns of the potential offender. However, this can be defeated if the cul-de-sac is linked to other roads by an inner footpath. In this regard, I would query whether the proposed footpath connection between the cul-de-sac in the centre of the development and the road near the allotments is necessary. This proposed footpath makes this cul-de-sac potentially ‘leaky,’ which could adversely affect the security of the dwellings in the cul-de-sac, particularly the two dwellings adjacent to the footpath. An alternative pedestrian route is available via the parking court near the entrance to the cul-de-sac.

**Orientation of Dwellings** - all overlook the street, which is recommended, as this allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. In addition, the majority of gardens are ‘back to back’, which is also recommended, as this restricts unauthorised access to the rear of dwellings where the majority of burglaries occur.

**Dwelling Boundaries** – it is important that boundaries between public and private space are clearly defined which appears to be the case. Proposed boundary treatments i.e. 1.8 metre walls or closeboard fencing around side and rear gardens are appropriate for the crime risk. Garden gates should be the same height as the adjacent fencing and lockable. The Site Layout plan indicates open frontages, apart from some tree planting, which is also recommended as this assists resident surveillance of the street and public spaces. In order to assist this, any walls, fencing, hedges or similar at the front should be maximum height 1 metre.

**Car Parking** – appears to a combination of in curtilage garages and small parking courts, the former being the recommended option. Where communal parking spaces are essential, they should be in small groups, close and adjacent to homes they serve and within view of active rooms within those homes. In this regard, the parking courts appear to comply with the former two recommendations, however, I have concerns whether some are adequately overlooked from owner's homes e.g. the court near the allotments. Where not already provided, plots adjacent to these courts should incorporate windows in the gable ends to provide the opportunity for overlooking the parking courts.

**Planting** – with the exception of the proposed trees, the majority of the proposed planting at the front of the development appears to be low and shrubs should be selected which have a mature growth height of no more than 1 metre, so enabling good resident visibility of the street. Trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

**Street Lighting** – should comply with BS 5489:2013.

**Secured by Design** - the applicant is encouraged to refer to the 'New Homes 2014'

design guide available on the police approved Secured by Design website – [www.securedbydesign.com](http://www.securedbydesign.com) –which provides further comprehensive guidance.

*HERITAGE* - No comments in addition to those for 49/13/0015.

*SCC - CHIEF EDUCATION OFFICER* – No comments received.

*LANDSCAPE* - There is no detailed planting plan.

Is there a reason why the allotment area extends into the open countryside?

There is scope for further tree planting.

*PLANNING POLICY* – No comments received.

*SCC - NOW HISTORIC ENV SERVICE( AS NOT PART OF SCC 2015)* – No comments received.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* – No comments received.

## Representations Received

Three letters of representation has been received raising the following concerns:

- The proposed buildings should be eco self-build homes with solar panels – not the submitted designs which are unsustainable
- There should be a large play area
- Allocated parking facilities for occupants of Wellington Terrace should be provided
- Hedges and trees are used within the plans
- A replacement hedge along the north side of Burges Lane should be provided this would be both aesthetically pleasing and offer a habitat for wildlife.
- Loss of countryside views
- Requirement for traffic calming and speed bumps
- There should be no road going into the next field – this field, which is on raised land, does not have planning and its development would have a huge further impact on the Town
- Loss of wildlife habitat
- Lack of recognition regarding proximity to the Conservation Area
- What financial provision for local services has will there be? The local primary school and other local services are already under increased pressure from the increased population

## Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,

CP7 - TD CORE STRATEGY - INFRASTRUCTURE,  
CP8 - CP 8 ENVIRONMENT,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **Local finance considerations**

These have been fully considered at the outline application stage and are covered by conditions attached to the approval of outline planning application Ref: 49/13/0015 on 27<sup>th</sup> February, 2014; and, to the provisions of the associated Section 106 Legal Agreement dated 10 February, 2014.

## **Determining issues and considerations**

The Ref: 49/13/0015 permission granted outline planning approval for the erection of up to 71 dwellings with associated access and infrastructure on land off Burges Lane, Wiveliscombe, by Decision Notice dated 27 February, 2014, and subject to the provisions of a Section 106 Agreement dated 10 February, 2014. This Reserved Matters application seeks approval for details of appearance, layout and scale in respect of the erection of 71 dwellings on the site. Access formed part of the Ref: 49/13/0015 outline approval, whilst landscaping is a Reserved Matter, it does not form part of this application. The comments received from the Council's Landscape and Biodiversity Officer have been forwarded to the applicant as the layout will need to cater for landscaping and the requirements of the Wildlife Strategy based on Ruskins Report, dated 2012, which are outlined in condition 5 of the outline approval.

### **Layout – highways considerations**

The proposed layout has been amended to incorporate Highways comments and requirements, as these are likely to be requirements of any highway adoption Agreement under Section 38 of the Highways Act 1980, provided the highway has been satisfactorily constructed to the Highways specified standards.

At the outline stage, the District Council accepted and approved the principle of direct vehicular access for these three dwellings onto the Ford Road (Heathstock Hill), and on that basis would not support the Town Council's initial objection, or its subsequent objection to the amended layout comprising Drawing No. 13115/5000 Rev. C. Officers consider that the main concerns of both Highways and the Town Council have been addressed in that the dwellings at plots Nos. 69, 70 and 71 which face towards and have vehicular access directly onto Ford Road, are now shown with turning space provided in their front garden areas, which with the width of the driveway and set back nature of the garages serving these dwellings, is considered sufficient to provide on-site parking and turning to enable vehicles accessing these dwellings to enter and leave in forward gear.

Officers advised the applicant of a requirement for a 2.0m wide footway along the frontage of these units on Heathstock Hill. Whilst not shown on plan, such a requirement can be conditioned as advised by Highways in its comments and suggested conditions on the application. The applicant has also been advised that extension of the existing 30mph limit north on Ford Road to include these three dwellings should be considered. This, and the consideration of a 20 mph speed limit across the site as recommended by the Town Council would be a separate matter between the developer and Highways.

The road layout leading up to the blue land to the north of the site has been amended to show a turning head serving the allotment car park, and the adjoining field being served by a gateway access. This is acceptable to Officers.

It is re-iterated that access has been approved at the outline stage and is not a matter for consideration in the context of this application.

### **Layout – Affordable Housing considerations**

The comments received from the Council's Housing Enabling Lead Officer are of relevance. The S.106 Agreement requires that 25% of the new housing should be in the form of affordable homes. The required tenure split is 60% Social Rented Housing and 40% shared ownership (Intermediate Affordable Housing). The proposed scheme incorporated: 3 x 1b, 10 x 2b and 5 x 3b dwellings, but did not indicate the tenure split. Officers opinion is that tenure split can be addressed outside the consideration of this application as there are different controls in place that allow this to be achieved. This is something that can be agreed between the Council's Housing Enabling Lead Officer and the applicant or any Registered Social Landlord that acquires the affordable housing units.

The applicant has been advised that a tenure split of:

Social Rented = 3 x 1b, 5 x 2b and 3 x 3b; and,  
Shared Ownership = 5 x 2b and 2 x 3b houses,

would provide a suitable mix to meet the local housing need in the area.

The application has been amended with the receipt of Drawing No. 13115/6012.2 which indicates amendments to the design of the proposed 2 No. 3 bed, 6 person affordable semi-detached units at plots 67 and 68. These are now proposed to be 3 bed, 5 person units.

The affordable dwellings are shown in two areas on the amended site layout drawing at Plots 1–9 in the south-west corner of the site; and, at Plots 62–68 in the south-east corner of the site. These locations are considered to be acceptable.

Parking spaces in the parking court arrangement appear acceptable in principle, and can be allocated to individual properties. The parking courts would be transferred to any Registered Social Landlord along with the Social Rented properties.

### **Scale and appearance**

Generally, the scale and appearance of the 71 No. proposed dwellings reflects that of the dwellings already erected, and those being constructed on the adjoining phases 1 and 2 which are also accessed off Burges Lane. Officers consider these details are acceptable.

### **Landscaping and Biodiversity**

The comments received from the Council's Landscape Officer are noted. However, landscaping is not a matter subject of consideration by this application. Details of any landscaping scheme, which are a Reserved Matter, remain to be submitted for consideration at a later date.

The applicant has been advised of the Landscape Officer's concerns that there is a lack of tree planting shown on the submitted layout, and also of the Biodiversity Officers note that no wildlife Strategy has been submitted with the application. The Biodiversity details are best suited to consideration at the time any landscaping scheme is submitted, and the applicant has been advised that this matter remains outstanding.

The allotment area shown on plan accords with the details on the plans submitted at the outline stage and is acceptable in this location. The allotments are required to be provided prior to the occupation of 75% of the dwellings as outlined in the S.106 Agreement.

### **Drainage**

The comments received from Somerset CC in its role as Lead Local Flood (LLFA) Authority, are noted. As indicated in the response from the LLFA, details of any surface water drainage scheme, based on SuDS Principles, together with a programme of implementation and maintenance of the Sustainable Drainage Scheme for the lifetime of the development, can be conditioned.

### **Security**

The comments received from the Police Architectural Liaison Officer are noted and have been forwarded to the applicant. These comments cover detail points such as through routes; orientation of dwellings; boundary treatments; planting, car parking, and street lighting. Overall, Officers consider that the proposed development is acceptable in respect of minimising crime and the potential for crime whilst maintaining occupants and visitors security. Aspects such as planting are a Reserved Matter – Landscaping, and street lighting will be a matter for the County Council as part of any road adoption process.

### **Conclusion**

The application for approval of Reserved Matters – Appearance, Layout and scale – is considered to be acceptable. Access has already been approved at the outline stage, and Landscaping remains a Reserved Matter for which a further application is

expected. The concerns of the Local Highway Authority and Town Council are largely overcome by the submission of the revised site layout drawing, and Highways has recommended a number of conditions to secure any outstanding highway layout and safety requirements. The scale and appearance of the proposed dwelling is acceptable and is reflective of the two previously approved phases of development on adjoining land. Drainage details have been previously covered by the Environment Agency and the LLFA and as indicated above, surface water drainage details can be conditioned. Members should note that the conditions attached to outline planning permission Ref: 49/13/0015 granted on 27 February, 2014, the provisions of the Section 106 Agreement dated 10 February, 2014, remain applicable. The application is recommended for approval.

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

**Contact Officer: Mr H Laird**



**APPEALS RECEIVED**

**Site: GOODWOOD HOUSE, BLACKBROOK PARK AVENUE, TAUNTON, TA1  
2WR**

**Proposal: CHANGE OF USE FROM OFFICE SPACE TO CAR DEALERSHIP WITH  
SERVICING FACILITY FOR VOSPERS MOTORHOUSE AT GOODWOOD HOUSE,  
BLACKBROOK PARK AVENUE, TAUNTON**

**Application number: 38/15/0374**

**Appeal reference: APP/D3315/W/16/3145195**

**Site: 39A MANTLE STREET, WELLINGTON, TA21 8AX**

**Proposal: DEVELOPMENT ALLEGEDLY NOT IN ACCORDANCE WITH  
APPROVED PLANS AT 39A MANTLE STREET, WELLINGTON**

**Application number: E/0056/43/15**

**Appeal reference: APP/D3315/C/16/3146712**

## Planning Committee – 6 April 2016

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors M Adkins, Brown, Gage, C Hill, Nicholls, Ryan, Sully,  
Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Tim Burton (Assistant Director  
- Planning and Environment), Roy Pinney (Legal Services Manager)  
and Tracey Meadows (Democratic Services Officer)

Also present: Councillor Berry and Mrs A Elder, Chairman of the Standards Advisory  
Committee.

(The meeting commenced at 5.00 pm)

### 36. Apologies/Substitutions

Apologies: Councillors Mrs Floyd, Martin-Scott, Morrell and Mrs Reed

Substitutions: Councillor Ryan for Councillor Martin-Scott  
Councillor Sully for Councillor Mrs Reed

### 37. Declarations of Interest

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

### 38. Applications for Planning Permission

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

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

**49/15/0051**

**Application for approval of Reserved Matters following outline application 49/13/0015 for associated layout, scale and appearance (phase 3) on land to the North of Burges Lane, Wiveliscombe**

## Conditions

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

- (A3) DrNo 13114/1030 B Location Plan;
- (A1) DrNo 13115/5000 C Planning Layout - received on 17 February, 2016;
- (A1) DrNo 13115/5001 B Materials Layout;
- (A3) DrNo 13115 6001.1 House Type A (Brick);
- (A3) DrNo 13115 6001.2 House Type A (Render);
- (A3) DrNo 13115 6002.1 House Type B (Brick);
- (A3) DrNo 13115 6002.2 House Type B (Render);
- (A3) DrNo 13115 6003.1 House Type C (Brick);
- (A3) DrNo 13115 6003.2 House Type C (Render);
- (A3) DrNo 13115 6004 House Type D (Render);
- (A3) DrNo 13115 6005.1 House Type E (Brick);
- (A3) DrNo 13115 6005.2 House Type E (Render);
- (A3) DrNo 13115 6006.1 House Type F (Brick);
- (A3) DrNo 13115 6006.2 House Type F (Render);
- (A3) DrNo 13115 6007.1 House Type G Plot 44 (Render);
- (A3) DrNo 13115 6007.2 House Type G (Render);
- (A3) DrNo 13115 6008 House Type H (Render);
- (A3) DrNo 13115 6009 House Type J (Brick);
- (A3) DrNo 13115 6010 House Type 1B 2P (Render);
- (A3) DrNo 13115 6011.1 House Type 2B 4P (Plots 5 to 7);
- (A3) DrNo 13115 6011.2 House Type 2B 4P (Plots 62 to 64);
- (A3) DrNo 13115 6011.3 House Type 2B 4P (Plots 65 and 66);
- (A3) DrNo 13115 6012.2 House Type 3B 5P (Brick) - received on 17 February, 2016;

(b) 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;

(c) No development shall be commenced until surface water drainage details, based on Sustainable Drainage Scheme (SuDS) Principles, together with a programme of implementation and maintenance of the SuDS, for the lifetime of the development have been submitted to, and approved by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Those details shall include the following information: -

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage

facilities, means of access for maintenance (6 m minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Flood water exceedance routes, both on and off site. Note: no part of the site must be allowed to flood during any storm unless it has been specifically designed to do so;
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development;

(d) No work shall commence on the development hereby permitted until details of a footway along Heathstock Hill have been submitted to, and approved in writing by, the Local Planning Authority. Such footway shall then be fully constructed in accordance with the approved plan to an agreed specification before the development is first brought into use;

(e) There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that the developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible and the developer should contact Somerset County Council for information; (3) Applicant was advised that the developer in delivering the necessary highway works associated with the development hereby permitted was required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning permission and prior to the commencement of said highway works, especially if the design had evolved through the technical approval process. This was not the responsibility of the Highway Authority; (4) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (5) Applicant

was advised that the fee for a Section 171 license was £250. This would entitle the developer to have their plans checked and specifications supplied. The works should also be inspected by the Superintendence Team and would be signed off upon satisfactory completion.)

**39. Reconstruction of part collapsed outbuilding to be used for Dog Breeding at Beacon Lane Farm, Voxmoor, Wellington (retention of works already undertaken) (44/15/0024)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to tie the occupation of the associated dwelling to the business floor space, the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman / Vice-Chairman and if planning permission was granted, the following conditions be imposed:-

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

- (A3) DrNo 291/L1 Site layout and Location Plan;
- (A3) DrNo 291/G1B Floor Plans as Proposed;
- (A3) DrNo 291/G2 Elevations Sheet 1;
- (A3) DrNo 282/G3 Elevations Sheet 2;

(b) Prior to its installation, a sample of the proposed roofing material shall be submitted to, and approved in writing by, the Local Planning Authority. The building shall be finished in accordance with the approved details and shall thereafter be maintained as such;

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

**40. Appeals**

Reported that two new appeals had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 6.05pm.)