



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 1 March 2017 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 1 February 2017 (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 47/16/0015 Erection of a two storey extensions, re-location of garage and re-positioning of access at Walnut Tree Cottage, Meare Green, Wrantage.
- 6 38/16/0472 Demolition of garage blocks and erection of 2 No. blocks of flats (forming 8 No. 1 bedroom flats) on corner of Laxton Road and Blackbrook Road, Taunton
- 7 Latest Appeals and Decisions received.

Bruce Lang
Assistant Chief Executive

19 April 2017

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

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

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

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

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

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

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

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



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



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

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

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Planning Committee Members:-

Councillor R Bowrah, BEM (Chairman)
Councillor M Hill (Vice-Chairman)
Councillor J Adkins
Councillor M Adkins
Councillor C Booth
Councillor W Brown
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 – 1 February 2017

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillor M Adkins, Mrs Adkins, Booth, Brown, Cavill, Coles, C Hill,
Morrell, Mrs Reed, Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal
Planning Officer), Martin Evans (Shape Partnership Services) and
Tracey Meadows (Democratic Services Officer)

Also present: Councillor Hall in connection with application No. 38/16/0345.
Councillor Berry and Mrs A Elder, Chairman of the Standards Advisory
Committee.

(The meeting commenced at 5 pm)

5. Welcome

The Chairman welcomed Councillor Mrs Adkins to the meeting as a new
Member of the Planning Committee.

6. Apologies/Substitutions

Apologies: Councillors Gage, Martin-Scott and Nicholls

Substitutions: Councillor Cavill for Councillor Gage
Councillor Coles for Councillor Nicholls

7. Declarations of Interest

Councillors M Adkins, Coles and Wedderkopp declared personal interests as
Members of Somerset County Council. Councillor Coles also declared a
personal interest as he was a member of the Devon and Somerset Fire and
Rescue Service. Councillor Mrs Hill declared personal interests as a trustee
to Hestercombe House and Gardens, a trustee to the Somerset Building
Preservation Trust and as a Director of Apple FM. 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 Wren declared a personal interest as he was Clerk to Milverton
Parish Council. All Councillors declared that they had received
correspondence from the Quantum Group in respect of application No.
38/16/0345 and knew the applicant for application No. 48/16/0066.

8. Applications for Planning Permission

The Committee received the report of the Area Planning Manager on an

application for planning permission and it was **resolved** that it be dealt with as follows:-

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

48/16/0066

Replacement of garage and greenhouse with erection of 1 No. detached dwelling with parking and alterations to access in garden to the side of Woodlands, Yallands Hill, Monkton Heathfield

- (a) The development hereby permitted shall be begun within three years of the date of this permission:-
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) Location Plan;
 - (A2) DrNo 1068 002 Rev A Proposed Site Plan;
 - (A1) DrNo X16263_3D_SX Rev A Topographical Survey;
 - (A1) DrNo 1608 001 Rev A Proposed Floor Plans and Elevations;
 - (A4) Access Elevations;
- (c) No development shall take place until details 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) The building(s) shall not be occupied/use shall not commence unless the access to the site has been provided in accordance with the approved plans. The access shall thereafter be retained in the approved form;
- (e) There shall be no obstruction to visibility greater than 900mm above the adjoining carriageway level within the visibility splays shown on the approved plans; Such visibility splays shall be fully provided before the new access is brought into use/buildings are occupied/use commences and shall thereafter be maintained in the approved form;
- (f) The development hereby approved shall not be occupied or the use commenced until space has been laid out, drained and surfaced within the site in accordance with the approved plan(s) for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development;
- (g) 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 6 m behind the highway boundary and hung so as to open inwards only;

- (h) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
- (i) For a period of five years after the completion of the development, the boundary hedges, as shown in drawing No. 1608/002A, shall be 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;
- (j) The cycle storage facilities shown on the approved plan shall be constructed and fully provided prior to the building being occupied and shall thereafter be retained for those purposes;
- (k) The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and shall thereafter be retained for those purposes;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission;(2) Applicant was advised that a new water supply and waste water connections would be required from Wessex Water to serve this development. As from 1 October 2011, all sewer connections serving more than a single dwelling would require a signed adoption agreement with Wessex Water before the connection can be made.)

9. Demolition of office block and erection of care led facility inclusive of 62 No. ensuite bedroom care home, 58 No. assisted living extra care apartments, ground floor retail space (Classes A1, A3, D1 and D2), car parking, mobility scooter parking, cycle stores, ancillary buildings with public and private landscaping at Quantock House, Paul Street, Taunton as amended (38/16/0345)

Reported this application.

Resolved that:-

- (1) Subject to the applicant entering into a Section 106 Agreement to secure the following:-

- Improvements to the pedestrian crossing facilities at the signalised Paul Street/Mary Street junction;
- A Travel plan; and
- The inclusion of public art within the development; and

(2). Subject to the receipt of no further representations raising new issues following the expiration of the public consultation period on the amended plans on 3 February 2017, the Assistant Director – Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman of the Committee and, if planning permission was granted, the following conditions be imposed:-

(In the event that any such representations were received, the Chairman or Vice-Chairman be authorised to decide whether the decision should be delegated to the Assistant Director - Planning and Environment or whether the matter should be referred back to the Committee.)

Conditions

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

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

- (A1) DrNo 903-100 Existing Location Plan;
- (A1) DrNo 903-200 Proposed Location Plan;
- (A1) DrNo 903-201 Rev B Site Plan - LGF Level;
- (A1) DrNo 903-202 Rev B Site Plan - UGF Level;
- (A1) DrNo 903-203 Rev B Site Plan - LGF Level Delivery Entrance;
- (A1) DrNo 903-204 Rev A Site Plan - Pedestrian Routing Plan;
- (A1) DrNo 903-205 Rev A Site Plan - Parking Arrangement Plan;
- (A1) DrNo 903-300 Proposed Level 00 Floor Plan (car park);
- (A1) DrNo 903-301 Proposed Level 01 Floor Plan (retail/care home);
- (A1) DrNo 903-302 Proposed Level 02 Floor Plan (care home);
- (A1) DrNo 903-303 Proposed Level 03 Floor Plan (care home);
- (A1) DrNo 903-304 Proposed Level 04 Floor Plan (Assisted living);
- (A1) DrNo 903-305 Proposed Level 05 Floor Plan (Assisted Living);
- (A1) DrNo 903-306 Proposed Level 06 Floor Plan (Assisted Living);
- (A1) DrNo 903-307 Proposed Level 07 Floor Plan (Assisted Living);
- (A1) DrNo 903-308 Rev B Proposed Level 08 Floor Plan (Assisted Living);

- (A1) DrNo 903-400 Rev E Proposed South and East Elevations;
- (A1) DrNo 903-401 Rev E Proposed North and West Elevations;
- (A1) DrNo 903-500 Rev C Section A-A and B-B;
- (A1) DrNo 903-600 Proposed Refuse and Cycle Stores;

(c) No development including demolition and site clearance works shall commence unless a Construction Traffic 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;

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

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

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

- (f) Other than the demolition of the existing building, site clearance and any highway works, no development shall be commenced until the detailed design for the surface water drainage scheme, based on the submitted proposed drainage strategy, together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall ensure that surface water run off post development is attenuated on site and discharged at a rate and volume which provides a minimum of 30% betterment over existing run off rates and volumes. Such works shall be carried out in accordance with the approved details;
- (g) Prior to their installation, sample panels of the materials to be used in the construction of the external surfaces of the development measuring at least 1 m x 1 m shall be built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such;
- (h) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development and thereafter maintained until the use of the site discontinues;
- (i) Other than the demolition of the existing building and other site preparatory works, no work shall commence on the development hereby permitted until the details of the access junctions generally in accordance with drawing Nos 903-201 Rev A Site Plan LGF Level, 903-202 Rev A Site Plan UGF Level, 903-203 Rev A Site Plan LGF Level Delivery Entrance have been submitted to, and approved in writing by, the Local Planning Authority. The access shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use;
- (j) Prior to its installation, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (k) (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 first occupation of the development; (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;

- (l) The applicant shall undertake all the recommendations made in Peach Ecology's Ecological Assessment report dated September 2016, and provide mitigation for bats and birds as recommended;

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

The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented;

Thereafter the resting places and agreed accesses shall be permanently maintained;

- (m) Prior to first occupation a servicing statement detailing measures to ensure that deliveries and refuse collection vehicles can safely move into the delivery area and avoid any conflict with entering and exiting vehicles shall be submitted to, and approved in writing by, the Local Planning Authority. Following occupation of the building, the measures detailed in the approved statement shall thereafter be fully complied with;
- (n) Taxi and ambulance bays as detailed by drawing No 903-205 shall be formed at the point of access in accordance with the detailed plan and specifications. Such bay shall be completed before the development hereby permitted is first occupied and shall be available for the parking and checking of vehicles at all times. The bay shall at no time be used other than for the parking of vehicles on a short-stay basis;
- (o) The access, parking and turning spaces detailed on the drawings hereby permitted shall be properly consolidated and surfaced in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (p) The access on the east boundary of the site hereby permitted shall be used for the purpose of "Entry Only" and physical measures to ensure compliance with this arrangement, including the erection of appropriate signs, shall be approved in writing by the Local Planning Authority prior to their installation. Such arrangements shall be implemented before the new access is brought into use and shall thereafter be maintained at all times;

- (q) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access/egress and extending to points on the nearside carriageway edge 33 m either side of the delivery and exit access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times;
- (r) The Restaurant/Bistro/Community Meeting Room space (shown coloured light pink) on Level 01 (drawing No 903-301) may be used for any purpose within Classes A1, A3, D1 or D2 of the Schedule to the Use Classes Order 1987, as amended;

10. E/0154/24/12 – Untidy site at 12 Town Close, North Curry

Reference Minute No 83/2016, reported that further clearance had taken place on the site since the last visit.

Due to the reasons set out in the report it was felt that proceeding with prosecution at present would not achieve clearance of the site. Officers were requested to contact the family and work with them in order to reduce the visual impact of the site to remedy the harm to the amenity of neighbours.

Resolved to defer prosecution action and continue to monitor the situation for a further period of twelve months for the reasons provided.

11. Appeals

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

Resolved that the report be noted.

(The meeting ended at 6.05 pm)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors, 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 Bishop Fox's 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
- Trustee of Hestercombe House and Gardens, Trustee of the Somerset Building Preservation Trust, Director of Apple FM – Councillor Marcia Hill

47/16/0015

MR M PADDEN

Erection of a two storey extensions, re-location of garage and re-positioning of access at Walnut Tree Cottage, Meare Green, Wrantage.

Location: WALNUT TREE COTTAGE, MEARE GREEN, WEST HATCH,
TAUNTON, TA3 6DA

Grid Reference: 329661.122313

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (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 WDS1700 Rev A1 Proposed
(A3) DrNo WDS1703 Location Plan
(A3) DrNo WDS1702 Site Plan
(A3) DrNo WDS1701 Location Plan

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

3. The mitigation measures as detailed in the Report from Patrick West STM Environmental Consultants Ltd received 16th February 2017 shall be fully implemented before the two storey extensions are brought into use.

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

4. The development hereby permitted shall not be commenced (including any demolition) until a bat survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain the

usage of the site by bats. They shall be undertaken by an appropriately qualified person at an appropriate time of year (May to July) and use techniques and equipment appropriate to the circumstances. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law.

Reason To ascertain accurate and up to date usage of the site by bats and to reduce the risk of the loss and destruction of a roost site for bats, bearing in mind that bats are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats & Species Regulations 2010

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Proposal

Permission is sought to erect a two storey extension on both gable ends of the property. The extensions will project 4.3m by 7.5m depth. Initially the proposal also included the change of design of the existing cat slide dormers to pitched roof dormers. Following discussing with the Agent amended plans have been submitted with the dormers remaining unchanged. In addition to the extensions, it is proposed to change the layout of the front garden; the access point to the property has been moved along the frontage; the existing gravel parking area will be replaced as a permeable surface. Materials will match the existing property.

Site Description

Walnut Tree Cottage is a modern detached property which has rendered walls under a tiled roof. To the west side there is a pitched roof detached garage will be replaced as part of the scheme. To the rear of the property there is a garden room which is shown to remain. The parking area to the front of the property is laid to gravel, there is a drainage water ditch which runs along the outer edge of the front garden, this runs along the eastern boundary and along the boundary to the rear.

This property and the neighbouring one, The Orchards were given planning permission in the 1990s both as replacement dwellings. Part of the design of each dwelling was accommodation within the roof space with cat slide dormers shown front and back. This is a traditional feature and is demonstrated further along the road.

In the rear garden there is a mature Walnut tree which is covered by a Tree Preservation Order.

Relevant Planning History

47/04/0012 Retention of minor flood alleviation works incorporating 0.6m high concrete block wall Approved

Consultation Responses

WEST HATCH PARISH COUNCIL - Object to the application due to

- Flooding and sewerage issues - The property was built on a previous property that acted as a catchment reservoir. The increase in the footprint will reduce the amount of rainwater that can be absorbed into the ground, thereby increasing the flow of to be dealt with by the existing waterways
- Wildlife concerns - It is known that bats roost and potentially breed in the property. Greater Crested newts use the water courses around the property
- Adverse visual amenity - the proposed development is out of keeping with the locality. There is a loss of amenity to the character of the area, the street scheme and loss of amenity to neighbouring properties.

ENVIRONMENT AGENCY - No comments received.

SCC - FLOOD RISK MANAGER - The Applicant has now submitted additional information with regards to the surface water drainage, this includes attenuation and the reduction of permeable surfaces, the installation of a filter drain within the existing ditch at the front of the property and linear drains to capture and remove surface water before it leaves the site. Having reviewed the additional information the LLFA is satisfied that the proposal meets the requirements for surface water management on site.

BIODIVERSITY - No wildlife report has been submitted with this application, however local residents have advised that a bat survey has taken place (species unknown) were using the building. Despite contacting several local Ecologists, I have been unable to located the report. I therefore consider that, if permission is granted that a wildlife survey should be carried our prior to the commencement of any works to ascertain the current use of the site by bats.

Representations Received

8 letters of objection have been received raising concerns with regard to:

- Flooding/water drainage - Walnut Tree Cottage has been subject to flooding in the past, the enlargement of the property and the impermeable surface will increase the flooding. The proposal will involve the piping of the roadside ditch will reduce the capacity of the disposal of water.
- A survey conducted in 2016 on Walnut Tree Cottage demonstrated the presence of bats in the roof. A bat survey should have been submitted as part of the application.
- There will be an increase in motor traffic using the existing highway.
- The extension increases the bulk of the current dwelling by extending substantially on both end. The scale is not in-keeping with the existing property.
-
- The new access is proposed which will impact on the existing drainage ditch.

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), the Taunton Site Allocations and Development Management Plan (2016), 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.

DM1 - General requirements,
D5 - Extensions to dwellings,
CP8 - Environment,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Not payable in this instance.

Determining issues and considerations

The main considerations are the amenity impact of the extension and its potential impact on drainage and on wildlife.

The amended plans showing the existing cat slide dormers unchanged, overcomes the concerns that have been raised with the Agent in terms of the design of both the proposed extensions and the existing dwellinghouse. Apart from the cat slide issue, the extensions are subservient in design with the roofline dropped from the main ridge and in this regard the extensions accord with policy D5. In addition, as there will be no works to alter the dormer windows, this will not cause any adverse impact on any bats should they be present. There will be no additional overlooking issues to the adjacent properties as there are already windows at first floor level which look towards the rear garden and there are no windows in the gable ends. As the extensions are proposed on the gable ends of the property they will have no impact on the Walnut Tree which is the subject of a Tree Preservation Order.

Whilst the property does not lie within a flood risk area, following objections from neighbours a Flood Risk Assessment was submitted and forwarded to the Local Lead Flood Authority at Somerset County Council. The details contained within this Report were not considered to be acceptable and an objection was raised. Following discussions between the Applicant and the LLFA an amended scheme has been received providing details of the flood mitigation to be provided on site. This is considered to be acceptable by the LLFA and they have withdrawn their objection.

Whilst not on an identical footprint, the two storey extension proposed on the west side of the property will replace an existing garage in terms of size. Therefore, the main consideration in drainage terms is the impact that the additional two storey extension shown on the east elevation could have. The Applicant has submitted flood mitigation information, which includes attenuation within the site and the use of a permeable surface on the proposed parking area. The Lead Local Flood Authority are satisfied that this information meets the requirement for surface water management on site. In this regard, by implementing these attenuation methods, this will improve the situation, that the neighbours claim currently occur. The works will allow the surface water to be captured and drain away before it leaves the site and this is a condition of any approval.

In terms of wildlife, whilst not substantiated by any objectors, it has been stated that bats currently reside within the roof space. It is claimed that a bat survey had been undertaken by a previous prospective purchaser but no copy of this report has been produced. Generally, a householder application for an extension would not expect to be submitted with an Ecology Report and therefore, this has not been requested. By leaving the cat slide dormers as they are, the roof will remain unchanged and should there be bats present, they will remain undisturbed. The ditches around the site will not be affected by the extensions and potential newt habitat is not considered to be disturbed. The terms of the wildlife legislation means that it applies irrespective of the planning system and a note to that effect is proposed as well as a condition concerning a bat survey.

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

TAUNTON DEANE BOROUGH COUNCIL

Demolition of garage blocks and erection of 2 No. blocks of flats (forming 8 No. 1 bedroom flats) on corner of Laxton Road and Blackbrook Road, Taunton

Location: TAUNTON DEANE GARAGE SITE 49-64 CORNER OF LAXTON RD
& BLACKBROOK RD TA1 2XA

Grid Reference: 325114.125288 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

(A4) DrNo S-02 Location Plan
(A2) DrNo A-05 Rev A Proposed Floor Plans
(A2) DrNo A-07 Rev A Proposed Elevations Block A
(A2) DrNo A-08 Rev A Proposed Elevations Block B
(A2) DrNo A-09 Proposed Sections
(A3) DrNo A-11 Block Plan

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

3. The upper floor windows on the north elevations of blocks A and B shall be glazed with obscure glass and fixed shut and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with retained Policy D5(b) of the Site Allocations and Development Management Plan.

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

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

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally this will be from April until September.

Proposal

The proposal is for the demolition of two blocks of garages, 16 in all, and their replacement with two blocks of flats to provide 8 one bedroomed units together with parking and amenity space. The flats are provided in one three storey block and one two and three storey stepped block with maximum ridge height of 11.5m.

Site Description

The site lies to the north side of Laxton Road and consists of two blocks of pre-cast concrete garages with flat roofs, one block of nine and one of seven owned by the Council. The garages lie between a block of 3 storey flats facing Laxton Road to the east and garages and two storey dwellings to the west of the junction with Blackbrook Road. To the north of the site is a bungalow at Blackbrook Road and a dormer bungalow at Barrow Drive.

Relevant Planning History

None

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal is for the demolition of garage blocks and erection of 2 blocks of flats forming 8no. 1 bedroom flats. The development is to be accessed via an existing entrance in Laxton Road, which is a residential road in a 30 mph speed limit.

The development is proposed to utilise the existing access from a service road from the garages in Laxton Road. The service road off of Laxton Road is not an adopted highway. The applicant would need the permission of the landowner to change the layout of the access.

The internal layout shows the location of the parking spaces and there appears to be very little space for vehicles to manoeuvre in and out of spaces, and it is likely that there would be excessive manoeuvring. Vehicles should have a turning area, therefore the Highway Authority recommend that a turning area be incorporated into the layout, however, as the service road is not adopted it would be a matter for the Local Planning Authority.

In terms of parking provision, 11 parking spaces are proposed 1 space for each flat and three additional spaces which is considered acceptable to the Highway Authority, however there would be a net decrease in the overall parking provision and it would be for the Local Planning Authority to determine whether this is acceptable.

The applicant is proposing to extend the existing footway into the service road which would require a legal agreement if this is to become adopted, alternatively the extension can remain private and the applicant can apply for a licence to tie into the existing footpath.

Any private surface water from the proposed development site will not be permitted to discharge onto the public highway. Private drainage systems should be put in place to prevent this from happening.

The SCC records indicate that Laxton Road is due to be resurfaced during 2017/2018. It is recommended that the applicant/developer makes contact with the SCC Area Highways Manager (Taunton Area) to discuss proposed start dates on site etc.

Due to the location of the proposed site, the developer must ensure that the existing public highway is kept clean, free from dust, mud and debris of any description. Therefore the developer should employ such equipment, mechanical or otherwise, as necessary to clean the highway and/or the wheels of vehicles using the development site. The existing public highway must not be used as site roads or sites for stockpiling and storing plant, materials or equipment, the developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

In summary and on review of the above, given that the proposed development is not likely to result in an increase in traffic, the impact is not considered to be severe and therefore the Highway Authority raises no objection to this application however, in the event of permission being granted, I would recommend that the following conditions are imposed:-

- The applicant shall ensure that all construction 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 construction works commencing on site, and thereafter maintained until the use of the site discontinues.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- The area allocated for parking on the submitted plan, drawing number A-06, shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Standard Notes:

The developer will need a licence to be issued before any works either within or immediately adjacent to the existing highway can commence. It is the responsibility of the developer to apply for any licences in advance, as requests to start without the licences will be refused.

BIODIVERSITY - The development involves the felling of trees which may support nesting birds. I consider it unlikely the garages support wildlife but as a precautionary measure the following notes could be added to any permission.

TREE OFFICER - I would not object to the removal of the existing trees on the site, so long as new ones are planted as part of the scheme. Three are shown indicatively on the plan, and there's room for a couple more. Trees T1 and T2 are category B and reasonable at present, but I don't believe that these specimens (small to medium-sized cherries) would merit a TPO in this location.

WESSEX WATER - New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website

Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

HOUSING ENABLING - No comment.

Representations Received

10 letters of objection on grounds of

- loss of parking,
- increase of on street parking blocking visibility out of Barrow Drive,
- overlooking,
- overshadowing and loss of light,
- traffic increase,
- development out of keeping with the area,
- flats will be one bedroomed and occupied by young single people,
- noise and disturbance during construction,
- problems of unsociable behaviour will add to misery of area,
- should not be 3 storey and should be retirement flats,
- concern over ground movement and damage to property.

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.

CP1 - Climate change,
CP4 - Housing,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
A1 - Parking requirements,
D7 - Design quality,
D10 - Dwelling sizes,
ENV2 - Tree planting within residential areas,

Local finance considerations

Community Infrastructure Levy

Proposed flats measure approx. 321.5m².

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £22,500.00. With index linking this increases to approximately £27,500.00.

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	£8,633
Somerset County Council	£2,158

6 Year Payment

Taunton Deane Borough	£51,795
Somerset County Council	£12,949

Determining issues and considerations

The proposal is the redevelopment of a brownfield site in a sustainable location and the main issues are the impact on the amenity of nearby residences and the parking provision.

The site currently is occupied by a group of garages that are under utilised and the proposal is to make better use of the site by providing 8 one bedroomed flats over 3 stories. The development is by the Council and would provide affordable units and would comply with policies SD1, SP1, CP1, CP4 and CP8 of the Core Strategy.

The site is set off Laxton Road, adjacent to the junction with Blackbrook Road which slopes away to the north where there are residential properties. The development sets the blocks of flats 10m and 12m off the boundary to the north. The block closest to Blackbrook Road (block A) has a two storey element closest to the northern boundary which increases to 3 storey set 17m off the boundary. This block has a single window serving a stairwell on the north elevation and this is to be fixed and obscure glazed to avoid any overlooking and loss of privacy. Block B to the east has the stair well facing north and this block has been amended to relocate kitchen windows leaving the upper floor windows facing north serving the stairs only and again these are to be fixed and obscure glazed to avoid overlooking issues.

The two blocks are set on land that is higher than the dwellings to the north and the impact of potential overshadowing of the existing properties to the north has been requested as part of the development. A report has been produced which indicates that there will be some impact in terms of overshadowing, particularly of two gardens in the late afternoon. However this impact lasts for a short part of the day and is within the good practice guidance of the British Research Establishment (BRE) as is any overshadowing of windows. This impact therefore is not considered to substantially harm amenity contrary to policy DM1. There will also be a lesser impact on the flats to the east, however this impact is again considered not a reason for refusal of the scheme.

There are five trees around the site which will be removed as part of the scheme. None are considered significant or worthy of a protection order and a condition is imposed to ensure the trees removed are replaced on the site.

The site is owned by the Council and the replacement for the garages which are in use are being offered to those who will be displaced by the scheme. The new development provides for 8 one bedroomed flats with 11 off street parking spaces which is in compliance with policy A1 of the SADMP. Consequently there is adequate parking and turning and the development as proposed is considered acceptable. The Highway Authority raise no objection to the development and suggest a number of conditions. Given the land ownership and relationship to the highway and plans provided these conditions are considered unnecessary. The occupancy of the flats is not a planning consideration nor is the potential damage of the ground from the impact of the construction.

In summary the development makes good use of a brownfield site and the flats are considered not to significantly harm the amenity of the area or the privacy of neighbours or highway safety and the application is recommended for approval.

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

Contact Officer: Mr G Clifford

Appeal Decisions Planning Committee 01 March 2017

Site: LAND TO THE SOUTH OF KNAPP LANE, NORTH CURRY

Proposal: Residential development with the erection of 20 No. dwellings (including 5 affordable dwellings) with provisions of public open space, children's play area and allotments on land to the south of Knapp Lane, North Curry

Application number: 24/16/0007

Reasons for refusal

1. Part of the site is outside the proposed settlement limit in the emerging Taunton Deane Site Allocations and Development Management Plan. The proposed development is, therefore, contrary to Policy MIN7 of that plan.
2. The proposed layout is considered to be unacceptable by reason of the siting of the proposed affordable houses, the location of which between a car parking area and access road provides unsatisfactory amenity for the future occupiers. The location of the car park to the rear of the affordable housing is considered to be overbearing on the neighbouring property, detrimental to its amenity.

Appeal decision: DISMISSED



Appeal Decision

Site visit made on 15 November 2016

by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2017

Appeal Ref: APP/D3315/W/16/3155452

**Land to the south of Knapp Lane,
North Curry**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Strongvox Homes against the decision of Taunton Deane Borough Council.
 - The application Ref 24/16/0007, dated 11 February 2016, was refused by notice dated 24 June 2016.
 - The development proposed is residential development of 20 dwellings (including 5 affordable dwellings) and provision of public open space, children's play area and allotments.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal, the Council adopted its Site Allocations and Development Management Policies Plan (SADMPP). The SADMPP therefore forms part of the Development Plan with the Taunton Deane Core Strategy (CS). Both parties were provided with the opportunity to comment on the implications of this as part of their appeal submissions. I have taken the comments received into account as part of my consideration of the appeal proposal.

Main Issues

3. The main issues in this case are the effect of the proposal on the settlement strategy for the area and whether or not acceptable living conditions would be provided to the intended future occupiers of the proposed affordable dwellings, and neighbouring occupiers.

Reasons

Settlement Strategy

4. The appeal site is located on the north-western edge of North Curry on the southern side of Knapp Lane. It is a flat field and is enclosed on each side by a mature hedgerow boundary. To the west of the site, beyond the landscaped boundary is a public right of way which links Knapp Lane with Chapel Close, Town Farm and The Pavement beyond. Beyond the public right of way are agricultural fields. Residential development adjoins the site to the north east and south east.
-

5. The proposal is for a residential development of 20 dwellings, public open space, equipped play area and allotments. Vehicular access is proposed from Knapp Lane and a pedestrian link in the southern corner of the site to the adjoining public right of way would be provided. Five of the twenty dwellings would be affordable units. A surface water attenuation pond is proposed as part of the drainage strategy for the site.
6. North Curry is identified as a Minor Rural Centre in the CS. Policy SP1 of the CS identifies requirements for at least 250 dwellings to be shared between a number of villages, including North Curry. The SADMPP allocates land to meet the housing requirements in the CS and includes detailed development management policies. Within the SADMPP, the appeal site is identified as an allocated site for around 20 dwellings under Policy MIN7. The site extends to approximately 2 hectares. The design brief for the site, as included in the SADMPP, and the supporting text to the policy make it clear that housing should only be located on the north eastern half of the site. The remaining half should be a recreational buffer, and should include informal open space, sustainable drainage, play area and allotments.
7. Numerous representations have been made about the suitability of the appeal site for new housing. However, such concerns would have been considered as part of the examination of the SADMPP. The site is now an allocated site within the SADMPP and it is on this basis that I have considered the appeal.
8. In that the appeal proposal is for 20 dwellings, of which 5 would be affordable, and that a footpath link would be provided to the existing right of way adjoining the site, it would comply with Policy MIN7 of the SADMPP.

However, the Council has calculated that 8 of the new dwellings would be within the area identified as the landscaped and recreational buffer under Policy

MIN7. In this regard there would clearly be conflict with the wording of this policy, a matter that is not disputed by the appellant.

9. However, it is clear that an objective of Policy MIN7 is to provide a suitable buffer between development upon the site and the adjoining countryside, to help to assimilate the site into the open countryside beyond. The appellant submitted a Landscape and Visual Appraisal¹ (LVA) with the planning application which assessed the effect of the scheme from various receptor points. I note the concerns raised in respect of the LVA. However, I understand that the receptor points were agreed with the Council. This is not disputed.
10. From the observations I made on my site visit, I agree with the findings of the LVA that the impact of the scheme on the wider landscape would be limited and localised. This is as a result of established landscaping in the area, distance between the site and sensitive receptors and land forms. The new dwellings would not be intrusive in the wider landscape, including from nearby footpaths, roads and from North Curry Ridge, designated as a Special Landscape Feature. Furthermore, where the site is visible, the new dwellings would be viewed in the context of the built form of the village. They would not be unduly prominent in the wider landscape.
11. Whilst the proposed buffer would be less than that envisaged by Policy MIN7, I find that it would be of a sufficient depth and size to soften the impact of the

¹ Tyler Grange (9 February 2016)

built development upon the site, particularly when viewed from the adjoining public footpath and from higher ground in the area. Furthermore, the open space buffer would be capable of accommodating strategic planting within it. There would also be space for landscaping around the site's boundaries. Such landscaping would serve to reduce the visual impact of the scheme on close up views from the adjoining public footpath and from Knapp Lane, within the vicinity of the appeal site, and from further afield.

12. In light of the foregoing, whilst there would be limited conflict with the wording of Policy MIN7 of the SADMPP, I find that there would no conflict with its aims. The scheme would not be intrusive in the wider landscape, the proposed open space would provide a suitable landscaped buffer between the built development on the site and the adjoining open countryside to assist in assimilating it into the countryside beyond. I have no reason to reach a different conclusion to the Council's landscape officer who found that the scheme could be assimilated into the local area with only minimal landscape and visual effects².
13. I therefore conclude that in respect of the first main issue that the proposal would not conflict with the settlement strategy for the area as set out in CS Policy SP1. Although there would be limited conflict with SADMPP Policy MIN7 in that the development would extend into the southern half of the site, the harm that would be caused to the wider landscape would be limited and could be suitably mitigated. The principle of developing the site as proposed is therefore acceptable.

Living Conditions

14. The Council is concerned that the rear parking court to the affordable units would result in noise and disturbance to their intended future occupiers and to nearby occupiers in Town Farm. The courtyard would provide parking for 11 vehicles in close proximity to the rear garden boundaries of properties in Town Farm. Whilst there would be likely to be a change in levels between the parking area and properties in Town Farm, it is reasonable to assume that there would be some form of boundary treatment along the rear of the parking spaces. This matter could be controlled by way of a planning condition. This would be likely to mitigate nuisance caused by headlights. In terms of noise nuisance from vehicles, I am not convinced that having regard to the number of parking spaces, the residential use of the site and the distance between the properties in Town Farm to their rear boundaries that the use of this area would be materially harmful to living conditions.
15. Furthermore, although the parking spaces would be close to the rear elevations of the affordable units, I am not convinced that the coming and going of vehicles would be so significant or materially different to cars driving along the access road to the development. In the absence of convincing evidence to demonstrate otherwise, I find that the relationship of the parking court to the affordable units would be acceptable. Its use by cars associated with the scheme would not be harmful to the living conditions of the intended future occupiers of these dwellings.
16. However, both the Council and interested parties have raised the size of the gardens of the affordable units as a concern. The submitted drawings indicate

² Comments taken from Planning Officer's Report

that these units would have small gardens to the rear. Given that there would be a high probability that the 2 and 3 bed affordable units could be occupied by families, possibly with young children, I find that the restricted garden size would provide very limited space for the intended future occupiers to enjoy their private garden. The garden sizes would be likely to limit opportunities for outdoor play, particularly by young children who would be unlikely to use the open space on the site unaccompanied.

17. In light of the above, I conclude that acceptable living conditions would not be provided to the intended future occupiers of the proposed affordable dwellings, as a result of the size of the rear gardens. This would be in conflict with the core planning principle of the National Planning Policy Framework (the Framework) which requires that a good standard of amenity for all existing and future occupants of land and buildings should be secured. The letter from dch group confirming suitability of the affordable units and garden sizes does not lead me to conclude differently, nor does the proximity of the public open space and play area.

Other Matters

18. The appellant asserts that the policies of the development plan relating to the supply of housing are not up to date (in this case CS Policies CP4 and SP1, and SADMPP Policy MIN7) because the Council is unable to demonstrate a 5 year supply of deliverable housing sites. It is asserted that the yields suggested by the Council are unlikely to be delivered because there are a number of deliverability issues with certain sites. On this basis, the appellant considers that a 4.3 years supply of housing sites can only be demonstrated.
 19. My attention has been drawn to several appeal decisions as set out in the appellant's evidence. However, these decisions, with the exception of one, relate to different areas of the country. Whilst relating in part to the issue of housing land supply, it is likely that different housing requirements exist and planning policies. I am therefore unable to ascertain if the schemes referred to are directly comparable to that before me. Whilst the Inspector found that the Council could not demonstrate a 5 year supply of housing land when she determined the appeal on land to the east of Tudor Park, Taunton³, this was in 2013. I am not aware of the evidence that was considered at that time, however, given that it was over 3 years ago, it is reasonable to assume that things have changed relating to supply and deliverability in the intervening period. This decision is not therefore an indicator that the Council cannot demonstrate the necessary supply of housing land at this time. In any event, each planning application and appeal should be considered on its individual merits and this is the approach that I have taken.
 20. The Council consider that it is able to demonstrate a 5 year supply of housing sites. It considers that the recent examination of the SADMPP confirms this. Whilst noting this, I am not aware of the evidence that was considered by the Examining Inspector, nor have I been provided with a copy of the Inspector's report relating to this matter. I do not therefore share the Council's view that the SADMPP is an indication that the Council can demonstrate a 5 year supply of deliverable housing sites. Furthermore, whilst I note that the Council could
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demonstrate a 5 year supply of housing sites in 2015⁴, I have not been provided with more recent figures to demonstrate this.

21. I have no reason to doubt that there may be deliverability issues in respect of certain sites as suggested by the appellant. However, I find that I have insufficient information before me to conclude whether or not the Council can demonstrate a 5 year supply of deliverable housing sites. In any event, the requirement to demonstrate a 5 year supply is not an upper limit. The Framework seeks to boost significantly the supply of housing. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. This is regardless of a Council's supply of housing sites. The Framework is a material consideration and the appeal proposal must be considered in these terms.
22. Paragraph 7 of the Framework advises that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 states that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
23. The economic role of sustainability includes contributing to building a strong, responsive and competitive economy. The appeal scheme would provide jobs during the construction phase and the intended future occupiers would be likely to support local services and facilities, including those within North Curry. These amount to benefits in support of the scheme.
24. The social role of sustainability includes providing the supply of housing required to meet the needs of present and future generations and creating a high quality built environment, with accessible local services. The proposal would provide 20 new market and affordable dwellings on an allocated site, which is close to the services and facilities within the village, and which the intended future occupiers of the new dwellings could walk or cycle to. Open space and allotments would be provided which would contribute to supporting the well-being and health of the community.
25. I find that in the main, the scheme would provide a high quality built environment which would respect the character and appearance of the area. However, I share the Council's and interested parties' concerns that the plot sizes for the affordable units would result in a cramped form of development. This harm would be exacerbated by the siting of these units, projecting beyond the remainder of the scheme, and the resultant lack of integration to it. Furthermore, the size of the gardens relative to the built form would not reflect the otherwise spacious nature of the scheme or the spacious character of neighbouring development. This aspect of the proposal would result in harm to the character and appearance of the area, in conflict with the core planning principle of the Framework which requires that account should be taken of the different roles and character of different area. A high quality built environment would not result. There would be conflict with the social role of sustainability in this regard.
26. A further dimension of the environmental role of sustainability is moving to a low carbon economy. As mentioned above, given the proximity of the site to

local services, I find that the intended future occupiers of the scheme would be able to walk or cycle to them, rather than drive. The matter of ownership of the adjoining footpath is noted, however the provision of the footpath link could be addressed by way of a suitably worded planning condition in the event that the appeal was successful.

Planning Balance

27. The appeal proposal would result in new market and affordable homes on an allocated site within the SADMPP. The appellant asserts that the scheme can be delivered and I have no evidence before me to demonstrate that this is not the case. The proposal would bring economic, social and environmental benefits. This carries significant weight in my overall Decision. On the other hand, the proposal would result in poor living conditions to the intended future occupiers of the affordable dwellings. Harm would also be caused to the character and appearance of the area as a result of the layout and plot size associated with the affordable dwellings. This brings the scheme into conflict with the core planning principles of the Framework and the social and environmental roles of sustainability. This harm would be demonstrable, long lasting and significant.
28. Given that the 3 roles of sustainability are mutually dependent, and that paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions, I conclude that the proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour. The benefits of the scheme would not outweigh the harm that would be caused. The planning officer's support for the proposal does not lead me to conclude differently.
29. Although not a reason for refusal, a Section 106 Agreement has been submitted which would make provision for affordable housing and the delivery, management and maintenance of open space and allotments. It is not however necessary for me to assess the Agreement, given that the proposal is unacceptable and I am dismissing the appeal for other reasons. The decision does not therefore turn on this matter.

Conclusion

30. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR

APPEALS RECEIVED – 1 March 2017

Site: LAND ADJACENT TO ACORNS, MOUNTFIELDS ROAD, TAUNTON

Proposal: Erection of 2 No. dwellings with associated parking and works on land adjacent to Acorns, Mountfields Road, Taunton

Application number: 38/16/0342

Appeal reference: APP/D3315/W/16/3165675

Site: MANOR FARM, STOKE ROAD, NORTH CURRY, TAUNTON, TA3 6LP

Proposal: Erection of 3 No. dwellings with associated garages and works at The Paddock, Manor Farm, Stoke Road, North Curry (resubmission of 24/15/0053)

Application number: 24/16/0022

Appeal reference: APP/D3315/W/16/3164568

Planning Committee – 1 March 2017

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors M Adkins, Mrs Adkins, Booth, Gage, C Hill, Nicholls,
Mrs Reed, Sully, Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Martin Evans (Solicitor, Shape Partnership Services), Tracey Meadows (Democratic Services Officer) and Rosie Walsh (Development Officer)

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

(The meeting commenced at 5 pm)

12. Apologies/Substitutions

Apologies: Councillors Brown, Martin-Scott and Morrell

Substitutions: Councillor Gage for Councillor Brown
Councillor Sully for Councillor Martin-Scott

13. Declarations of Interest

Councillors M Adkins, Coles and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Booth declared that he was the Ward Member for application No. 38/16/0472. He declared that he had spoken to residents but had not 'fettered his discretion'. Councillor Mrs Hill declared personal interests as a trustee to Hestercombe House and Gardens, a trustee to the Somerset Building Preservation Trust and as a Director of Apple FM. 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 Wren declared a personal interest as he was Clerk to Milverton Parish Council.

14. 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:-

47/16/0015

Erection of a two storey extensions, re-location of garage and re-positioning of access at Walnut Tree Cottage, Meare Green, Wrantage

- (a) The development hereby permitted shall be begun within three years of the date of this permission:-
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo WDS1700 Rev A1 Proposed;
 - (A3) DrNo WDS1703 Location Plan;
 - (A3) DrNo WDS1702 Site Plan;
 - (A3) DrNo WDS1701 Location Plan;
- (c) The mitigation measures as detailed in the updated Report from Patrick West STM Environmental Consultants Ltd dated 6 February 2017 shall be fully implemented before the two storey extensions are brought into use;
- (d) The development hereby permitted shall not be commenced (including any demolition) until a bat survey report has been submitted to, and approved in writing by, the Local Planning Authority. The survey(s) shall ascertain the usage of the site by bats. They shall be undertaken by an appropriately qualified person at an appropriate time of year (May to July) and use techniques and equipment appropriate to the circumstances. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;

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

38/16/0472

Demolition of garage blocks and erection of 2 No. blocks of flats (forming 8 No. 1 bedroom flats) on corner of Laxton Road and Blackbrook Road, Taunton

- (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 S-02 Location Plan;
- (A2) DrNo A-05 Rev A Proposed Floor Plan;
- (A2) DrNo A-07 Rev A Proposed Elevations Block A;
- (A2) DrNo A-08 Rev A Proposed Elevation Block B;
- (A2) DrNo A-09 Proposed Sections;
- (A3) DrNo A-11 Block Plan;

- (c) The upper floors windows on the north elevations of Blocks A and B shall be glazed with obscure glass and fixed shut and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission;
- (d) No wall construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above;
- (e) (i) Before any part of the permitted development is occupied, 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 as may be approved in writing by the Local Planning Authority;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation was irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. All British birds (with exceptions) were protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds were building a nest, on a nest, or until the young became fully independent. Generally this would be from April until September.

15. Appeals

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

Resolved that the report be noted.

(The meeting ended at 6.05 pm)