

**RESIDENTIAL DEVELOPMENT OF APPROXIMATELY 0.75 ACRES TO THE  
NORTH WEST OF LYDEARD MEAD (LIME TREE FARM), BISHOPS LYDEARD**

16780/29470

OUTLINE

1.0 RECOMMENDATION

I recommend that, subject to the views of the Secretary of State as a departure from the West Deane Local Plan (in advance of the Inspector's Report on the Taunton Deane Local Plan Revised Deposit) and the applicant entering into a Section 106 Agreement relating to (i) the provision and future maintenance of the proposed flood alleviation works and shelter belt planting; and (ii) contribution towards off-site leisure facilities in accordance with the current standards of the Council, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and if permission is GRANTED be subject to the following conditions: -

- 01 Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the siting, design and external appearance of the buildings, the means of access thereto, and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority.
- 01 Reason: The application was submitted as a outline application in accordance with the provisions of Article 7 of the Town and Country Planning General Development Order 1988.
- 02 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- 02 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 03 Within a period of 3 years from the date of this permission, and therefore before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
- 03 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in site levels.
- 04 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last reserved matters, whichever is the later.
- 04 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 05 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the

building(s) shall be submitted to and approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.

05 Reason: To safeguard the visual amenities of the area.

06 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, 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 nine months 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 the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.

06 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenities of the locality.

07 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

07 Reason: In the interests in the visual amenity of the area.

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

08 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.

09 Sufficient space for one garage and one parking space, together with a vehicular access thereto shall be provided for the dwelling. The said garage, (or garage space), parking space and access shall be constructed or hard surfaced before the dwellings hereby permitted are occupied and shall not be used other than for the parking of domestic vehicles or for the purposes of access.

10 Details of size, position and materials of meter boxes. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.

- 10 Reason: In the interests of satisfactory design and visual amenity.
- 11 All services shall be placed underground.
- 11 Reason: In the interests of the visual amenity of the area.
- 12 Before the commencement of the development hereby approved, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall, hedge or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 13 Reason: The Local Planning Authority wishes to exercise control over the matters referred to in the interests of visual amenity.
- 14 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority or, in default, by the Secretary of State for the Environment.
- 14 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety.
- 15 Before any part of the development is commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority showing existing and proposed levels and contours of the development site.
- 16 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 17 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered
- 18 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 19 Before the commencement of any development on the site, an appropriate bridge/culvert crossing to a detailed design, including calculations, shall be constructed to the satisfaction of the Local Planning Authority.
- 19 Reason: To ensure that the matter can be dealt with in a satisfactory manner.

20 Before any work, other than investigative work, is carried out in connection with the use hereby permitted:- (a) A suitably qualified Consultant shall be appointed to investigate the nature, degree and extent of contamination, if any, in, on or under all parts of the land to which this permission refers. Previous land uses shall be researched and site inspections shall be made as necessary, having regard to the likely nature of any contamination arising from such land uses. (b) If a hazard or hazards are identified from such investigation, a site specific risk assessment shall be undertaken to consider risks to the following, as appropriate:- 1. Water resources, including any private water supplies. 2. Surrounding land. 3. Wildlife, livestock and eco-systems. 4. Trees and plants. 5. Building materials 6. Future users of the site. 7. Any other persons. (c) If any unacceptable risks to any of the above are identified, a detailed remediation strategy is produced to deal effectively with them, having due regard to the proposed end use of the development. (d) All investigations, risk assessments and remediation strategies shall be carried out in compliance with recognised protocols. (e) Submit to the Planning Authority 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. Such remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) Any significant underground structures or contamination discovered following approval of the remediation strategy shall be notified to the Local Planning Authority within two working days. No further remediation works shall take place until a report thereon has been submitted to and accepted in writing by the Local Planning Authority. (g). On completion of all remediation works two copies of a certificate confirming the works have been completed in accordance with the remediation strategy, shall be submitted to the Local Planning Authority.

21 The design of the detailed proposals shall comply with the submitted development brief except as otherwise agreed in writing by the Local Planning Authority.

21 Reason J101

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

22 Reason To prevent the increase risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

23 As the area is known to flood from time to time, the internal ground floor level(s) of the residential buildings shall be constructed no lower than 52.00 m above Ordnance Datum. General site levels elsewhere, including the access road and gardens shall be set no lower than 51.50 m above Ordnance Datum.

23 Reason: In the interests of flood prevention.

24 No development of the new residential buildings shall commence on site until such time as the flood mitigation works illustrated on Brian Jones drawing AB595-03B have been fully constructed and inspected to the satisfaction of the Local Planning Authority. No modification to these works may be made without the prior, formal written approval of the Local Planning

- Authority.
- 24 Reason: In the interests of securing the necessary flood mitigation work at the appropriate phase in the development.
- 25 The windows and doors for the properties and their associated buildings shall be made of timber and no other material unless agreed in writing by the Local Planning Authority.
- 25 Reason: The site is within the Conservation Area.
- 26 Before the development hereby approved is commenced, details of any proposed street lighting shall be submitted to and approved in writing by the Local Planning Authority.
- 26 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenities of the locality.
- 27 Before the commencement of any works hereby approved, a suitably qualified consultant shall be appointed to investigate the nature, degree and extent of any badger presence on the site. If a badger presence is identified from such investigation, a report shall be submitted to the Local Planning Authority identifying a detailed strategy to deal effectively with them. All recommendations of the report (if suitable) shall be carried out before works commence on site.
- 27 Reason: To ensure that the proposed works do not prejudice the presence of any badgers on site.
- 28 Before the commencement of any works hereby approved, specific details of the manner in which the electricity line crossing the site is to be dealt with shall be submitted to and approved in writing by the Local Planning Authority.
- 28 Reason: To conform to the requirement of the relevant policy.
- 29 Before the commencement of any works hereby approved, a full tree survey of both onsite and off-site trees shall be submitted to the Local Planning Authority.
- Reason: To ensure sufficient distances between the trees and any development on the site.

#### Notes

- 01 Your attention is drawn to the requirements of the Chronically Sick and Disabled Persons Act 1970 with regard to access for the disabled.
- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce the overheating in summer and to achieve as high an energy rating as possible.
- 03 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 04 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 05 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station (01278) 363414 for further advice.
- 06 You are asked to consider the adoption of water conservation measures to

- reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 07 Your attention is drawn to the publication 'Lifetime Homes' by the Joseph Rowntree Foundation 1994 (01904 629241) which encourages the provision of homes for successive generations. You may wish to consider that a proportion of the housing meets the aims of this publication.
  - 08 With reference to condition 21, the Local Planning Authority will expect a detailed layout to reflect a traditional village arrangement of housing. The design of the new dwellings should be of a high standard in view of the location of the site on the periphery of the village and Conservation Area. In particular, the layout and designs should have regard to the content of the Local Planning Authority's 'Design Guide' and 'Planning for Trees on Development Sites'.
  - 09 With regard to condition 06, you are advised that a significant landscape buffer will be required to the north west boundary of the site in accordance with the submitted design brief. You are requested to discuss your proposals with the Borough Council's Landscape Officer before preparing the required planting scheme (telephone 01823 356491).
  - 10 Provision must be made to prevent surface water being discharged onto the public highway.
  - 11 Depending on the layout, some of the plots may have significant scope for the use of passive solar gain to heat properties in winter and to use photovoltaics to heat domestic water. You are requested to consider the use of these renewable energy sources.
  - 12 The applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. Sources of such guidance will include, though not exclusively, publications by the Department of the Environment, Transport and the Regions and by the Interdepartmental Committee on the remediation of Contaminated Land.
  - 13 During construction phase of the project you are advised that the risk of pollution from the site will be potentially high. Site operators must ensure that there is no possibility of contaminated water entering and polluting surface or groundwater. Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material. It may not be appropriate, given the contamination, to discharge the pumpings either into watercourses or onto the ground. Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.
  - 14 The foul drainage should be kept separate from the clean surface and roof water and connected to the public sewerage system after conferring with the sewerage undertaker.
  - 15 You are request to consider settling oil tanks on an impervious base and surrounded by impervious bund walls with a compound volume of at least 100% of the capacity of the tank. All filling points, vents, gauges and sight glasses must be located within the bund.

- 16 With regard to condition 22, it is recommended that you investigate the use of Sustainable Drainage Systems for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water, and include infiltration techniques, detention/attenuation, porous paving/surfaces and wetlands.
- 17 The proposal includes various modification works tot existing channels and new culverting for access which will require the prior formal consent of the Environment Agency under the terms of S23 of the Land Drainage Act 1991. Advice should be sought from the Environment Agency's Flood Defence staff.
- 18 Under the Water Resources Act 1991 and the Land Drainage Act 1991, both the Agency and the Local Authority have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as 'Main River' or 'Ordinary Watercourse'. However, responsibility for general maintenance of the watercourses and their banks rest with riparian owners. Applicants or developer should be aware of their responsibility to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity and quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licenses, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.
- 19 There must be no interruption to the surface water system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

## 2.0 APPLICANT

A J Raucki and Son

## 3.0 PROPOSAL

The proposal is an outline application for the residential development of 0.3 hectare. An illustrative layout has been provided which shows a courtyard development of 7 dwellings and associated garaging. An area of land adjacent to Lydeard Mead was included in the Taunton Deane Local Plan Revised Deposit. The current planning application relates to this area which has a Lawful Development Certificate for a builders yard use.

## 4.0 THE SITE

The site is roughly rectangular in shape directly to the north west of the end of Lydeard Mead, which is part of a modern residential estate. The site currently forms the site of the builder's yard. On its eastern side, apart from the access point, the site has a three metre high leylandii hedge forming a screen from Lydeard Mead. On the north side of the site, there is a mixture of indigenous trees of varying sizes on the boundary, providing some screening. The existing properties to the north of the site

have 100 m long back gardens between them and the site and are set at a higher level than the site. To the west are open fields, and on the southern boundary there are six mature, indigenous trees, bordering a stream. The site is fairly flat, and is classed as a brown field site as it is currently being used as a builder's yard. There are no restrictions concerning the nature, height and extent of building materials and machinery that can be stored.

## 5.0 RELEVANT PLANNING HISTORY

In September 1996 an application for a certificate of lawful use was granted for the use of the site for the storage of builders materials and equipment and agricultural materials and equipment. A further application incorporating a slightly larger area was granted consent for the same use in the same year. Another application for a certificate of lawfulness was granted for the same use on an even larger area of land in October 2000.

## 6.0 RELEVANT PLANNING POLICY

### **Somerset and Exmoor National Park Joint Structure Plan Review**

STR 1 (Sustainable Development)  
STR 6 (Development outside towns, rural centres and villages)  
STR 7 (Planning Obligations)  
Policy 35 (Provision for housing)  
Policy 49 (Access and parking)  
Policy 50 (Transport requirements of new development)

### **West Deane Local Plan**

WD/SP/2 (Development outside Settlement Limits)  
WD/EC/23 (Conservation Areas)

### **Taunton Deane Local Revised Plan Deposit Draft**

Policy S1 (General Requirements)  
Policy S2 (Design)  
Policy S3 (Energy Conservation)  
Policy S6 (Rural Centres)  
Policy S8 (Outside settlements)  
Policy H1 (Housing within Classified Settlements)  
Policy H2 (Energy Efficient Dwellings)  
Policy C4 (Standards of recreational provision)  
Policy EN4a (Protected species)  
Policy EN12 (Special Landscape Features)

Policy EN30 (Land liable to flood)

Policy EN31 (Flooding due to development)

Policy EN36 (Control of external lighting)

Policy BL2 "A site of 0.25 hectares at Lime Tree Farm, as shown on the Proposals Map, is allocated for no less than 8 dwellings, provided that:-

- (a) the proposed scheme design respects the setting of the residential properties in Lydeard Mead;
- (b) adequate protection is given to the Important Tree Group adjacent to the Back Stream;
- (c) a substantial belt of landscaping is provided along the site's western boundary, where it backs onto open farm land; and
- (d) the overhead electricity supply line which passes through the site is removed, and either placed underground or diverted via an alternative overhead route.

In association with the development, the following will be sought:

- (e) appropriate works and measures to ensure adequate drainage and flood protection measures.

## 7.0 RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE

### PPG1 (General Policy and Principles Revised February 1997)

Paragraphs 4 - 7 (Sustainable Development)

Paragraph 24 In preparing their development plans, local planning authorities should consider the land-use requirements of various types of social provision. For housing, the key objectives for the location of development and the allocation of land are:

-to ensure that the planning system identifies an adequate and continuous supply of housing land to meet future requirements which is both available and sustainable;

-to make effective use of land within urban areas, by allocating the maximum amount of housing to previously - developed sites within existing larger urban areas, which have access to a range of transport and other facilities, whilst protecting open space, playing fields and green spaces in cities and towns;

-outside urban or village areas, to promote land for housing in locations which are or will be well served by public transport and with good access to employment and a range of services including

leisure, shopping, education and health facilities;  
-to provide a mixture and range of types of housing to meet the increasingly varied types of housing requirements, including the need for affordable housing; and  
-to ensure that housing is available where jobs are created.

Paragraph 32

Paragraph 40

Paragraph 47

Questions of prematurity may arise where a development plan is in preparation or under review, and proposals have been issued for consultation, but the plan has not yet been adopted or approved. In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity. This may be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or phasing of new development which ought properly to be taken in the development plan context. A proposal for development which has an impact on only a small area would rarely come into this category; but a refusal might be justifiable where a proposal would have a significant impact on an important settlement, or a substantial area, with an identifiable character. Where there is a phasing policy in the development plan, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.

Paragraph 48

Other than in the circumstances described above, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging development plans which are going through the statutory procedures towards adoption (or approval). The weight to be attached to such policies depends upon the stage of plan preparation or review, increasing as successive stages are reached. For example:

-where a plan is at the consultation stage, with no early prospect of reaching deposit, then refusal

on prematurity grounds would seldom be justified because of the lengthy delay which this would impose in determining the future use of the land in question;

-where a plan has been deposited but no objections have been lodged to relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted (or approved) and replace those in the existing plan. The converse may apply if there have been objections to relevant policies. However, much will depend on the nature of those objections and also whether there are representations in support of particular policies;

-where an Inspector has recommended in favour of relevant policies to which objection has been raised, refusal on prematurity grounds is unlikely to be justified for an application which is consistent with these policies.

Paragraph 49

Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the development plan process.

**REVISED PLANNING POLICY GUIDANCE NOTE 3 'HOUSING'**  
**PUBLISHED IN MARCH 2000**

Paragraph 11 (Creating mixed communities)

Paragraphs 37 - 38 (Determining Planning Applications)

**PLANNING POLICY GUIDANCE NOTE 25 'DEVELOPMENT AND FLOOD RISK' PUBLISHED IN JULY 2001**

Paragraph 9

Paragraph 11 “Continued construction of hard-engineered flood defences to protect development in areas exposed to frequent or extensive flooding may not be sustainable in the long term. Soft engineering techniques such as creating, preserving and enhancing natural flood meadows and washlands or salt marshes and mud flats can be of great value in attenuating flooding as well as contributing to

biodiversity. A sustainable approach to flood risk will involve avoiding additional development in some areas. Where this is not possible, development needs to be of a design and with an appropriate level of protection to ensure that the risk of damage from flooding is minimised, while not increasing the risk of flooding elsewhere.

Paragraph 13

Paragraphs 27-36

## 8.0 CONSULTATIONS

### County Highways Authority

I have no objection in principle however it should be pointed out that the site is accessed across what appears to be a flood alleviation culvert and it would be necessary for the applicant to demonstrate a suitable crossing/bridge with design calculations to the satisfaction of the Local Planning Authority and the County's Bridge Engineer. Should planning permission be granted then conditions re proposed estate road, footpaths, cycleways etc shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority and an appropriate bridge/culvert crossing would need to be constructed to the satisfaction of Somerset County Council's Bridge Engineer.

### Environment Agency

(Initial response) "The Agency objects to the proposal and recommend that the Council defer consideration of the application until sufficient details are provided by the applicant in accordance with Circular 30/92. It has not been established how the flood defence concerns of our earlier letter to the agents have been addressed or reflected within the site layout which we consider material at the outline stage. The site adjoins an ordinary watercourse under the control of Taunton Deane Borough Council as land drainage Authority. All new houses must be protected from flood risk up to a minimum of the 100 year flood with measures put in place to ensure that surface water disposal from the site does not exacerbate any existing downstream flood risks. It is likely that further hydrological and hydraulic investigation of the watercourse will be required to establish if the Agency will have any in principal objection to a residential development of the site. In the event that flood risk issues can be overcome, the Agency would expect to see a sympathetic treatment of the river corridor by retaining an undeveloped buffer strip alongside the watercourse to provide an environmental corridor, access for channel maintenance and/or uprating works, and to provide recreational opportunities. There is no water quality objection in principle provided that the foul drainage is kept separate from clean surface and roof water and the foul drainage is connected to the public sewerage system. During construction pumps used

for pumping out water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Agency must be advised if a discharge to a watercourse is proposed. Storage of fuels for machines and pumps should be well away from any watercourse. The tanks should be bunded or surrounded by oil absorbent material. Suggest a condition concerning the storage of oils, fuels, chemicals etc. In light of the nearby stream and spring fed abstraction to the site, there is a groundwater requirement for more information on drainage arrangements and previous land use of the site. Where previous land uses indicate a likelihood of ground contamination we would advise that environmental pollution risks be evaluated. Adoption of mitigation works may be necessary. The Agency's records show no operational or closed landfill sites within 250m of it within the last 30 years." The following further response was submitted:- "In our earlier letters to your Council dated 05 July and 05 December 2000 regarding this outline application, you will recall that this Agency has objected to the proposal on flood risk grounds. In the intervening period, the applicant/agent has entered into lengthy discussions with this Agency over the scope of the mitigation works required to address the flooding issue. An hydrological and hydraulic analysis was supplied by Babtie Consulting, together with Brian Jones drawing AB595-03B, demonstrating that a technical solution to the flooding issue had been reached. Our revised position was recently clarified to your forward planning section in our letter dated 14 March, 2002. With respect to this current planning application, the Environment Agency now formally withdraw its earlier objection letters to your Council, subject to the following conditions:- No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed. (To prevent the increase risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.) It is recommended that the developer investigate the use of Sustainable Drainage Systems for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water, and include infiltration techniques, detention/attenuation, porous paving/surfaces and wetlands. As the area is known to flood from time to time, the internal ground floor level(s) of the residential buildings shall be constructed no lower than 52.00 m above Ordnance Datum. General site levels elsewhere, including the access road and gardens shall be set no lower than 51.50 m above Ordnance Datum. No development of the new residential buildings shall commence on site until such time as the flood mitigation works illustrated on Brian Jones drawing AB595-03B have been fully constructed and inspected to the satisfaction of the Local Planning Authority. No modification to these works may be made without the prior, formal written approval of the Local Planning Authority. We recommend that the District Council technical services officer should be consulted to ensure that the proposal does not affect the Council's flood defence responsibilities. In the event of planning permission being granted we request that the decision notice contains the following information – the

proposal includes various modification works to existing channels and new culverting for access which will require the prior formal consent of the Environment Agency under the terms of S23 of the Land Drainage Act 1991. Advice should be sought from the Environment Agency's Flood Defence staff. Under the Water Resources Act 1991 and the Land Drainage Act 1991, both the Agency and the Local Authority have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as 'Main River' or 'Ordinary Watercourse'. However, responsibility for general maintenance of the watercourses and their banks rest with riparian owners. Applicants or developer should be aware of their responsibility to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity and quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licenses, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners for which he has a liability. There must be no interruption to the surface water system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected". The content of the letter to the forward plan section was as follows:- "As you are aware, the Environment Agency has been seeking further clarification on the flood risk assessment and proposed mitigation measures. Following negotiations with the Agency, a further revised report was received. Whilst there are some remaining points to be clarified, the report indicates that the allocation site can be defended to the appropriate standard (1:100 year event) without exacerbating flood risk downstream. The flood mitigation proposed will involve substantially raising the site and providing a widened channel along the site's northern boundary linking in to the existing channel. Other works will be required to encourage the appropriate divergence of flood flows at the newly formed bifurcation. The land island created in between the two channels needs to be raised in order to prevent flood flows bypassing the new channel. The Agency now accepts that a technical engineering solution for flood risks up to the 1:100 year event is possible for this site. We are therefore able to withdraw our objection to the site's allocation, subject to all of the report recommendations and works being implemented by any developers prior to construction of the residential units. Your Authority will now need to consider the impact associated with the proposed flood mitigation measures and satisfy yourselves that there are no other planning implications that would prevent construction of these essential works. We draw your attention to:- the size and depth of the new flood channel fronting the site – there will be dramatic variations in water depth and velocities between 'normal' and flood conditions. During dry weather periods, there will only be a nominal water depth in the bottom of the watercourse. Flood water velocities in the north channel – pushing more percentage of the flood flow down this branch will increase water speed all along this reach, not only affecting the allocation site. The potential impact on existing trees located between the two channels – this land has to be elevated if the scheme is to work correctly (control over

this land would be beneficial – removal of permitted development rights may be appropriate). The importance of channel maintenance and debris removal in future to retain the design assumptions in the report – it is unclear who will maintain the new sections of channel.

#### County Archaeologist

There are limited or no archaeological implications to this proposal and therefore have no objections on archaeological grounds.

#### Somerset Wildlife Trust

Have received information that an active badger sett is present on this site. Recommend that the Badger Group be asked to carry out a survey to confirm the presence or absence of badgers. Depending on the results of this survey, would recommend that a professional badger consultant be engaged by the application to produce a report on the mitigation that would be necessary to safeguard the badger colony, should development on the site take place.

#### Western Power Distribution

There is existing apparatus in the vicinity of the proposed works. When work is to take place in the vicinity of our plant, it is a requirement under the Electricity at Work Regulations 1989 and under the Health and Safety at Work Act 1974 and CDM Regulations 94 that those persons should define and practice safe working procedures. Works should be carried out in accordance with the Health and Safety Executives publication GS6 and HS(G)47. Where diversions to our overhead lines and/or underground cables are needed to allow change to occur on site, the cost of those alterations may be charged to the persons responsible for the works.

#### Wessex Water

The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection on to the system for the satisfactory disposal of foul flows generated by the proposal. The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be satisfied with any arrangements for the satisfactory disposal of surface water. With respect to water supply, there are water mains within the vicinity and connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

#### English Nature

Possible presence of badgers on site. Applicants should be aware of the provisions afforded both badgers and their setts under the Protection of Badgers Act 1992. The site should be surveyed by a suitably qualified and experienced

person and any mitigation work necessary presented in a report to West Somerset Council and English Nature prior to the planning application being determined.

Avon and Somerset Constabulary

No adverse comments to make at this stage.

### Local Plans

No concerns provided that the requirements of policy BL2 (as amended by Strategic Planning Committee) are complied with. However, the application site is slightly larger than the allocated site. In identifying the allocation, we had regard to the original certificate of Lawfulness and the allocated area was based on this. The crucial factor is the ability to effectively screen this development from views from the north and west, and to prevent further incremental encroachment into The Lawns. If these objectives can be achieved on the extended site, then the proposal may be acceptable. Is there a logical boundary within which to control this development? If not then I would suggest that you control the proposed development within the site limits as defined by the allocation. The requirements of policy BL2 are equally applicable to both cases.

### Conservation Officer

Concerned about the impact on the setting of the Conservation Area, particularly views to the Conservation Area from the west of the site. If the principle of development is acceptable, it is important that conditions or notes attached requiring high quality design/materials and the submission of a design statement.

### Drainage Officer

A 'Flood Alleviation Study' was carried out in 1998 for this site and I accept the proposal in principle subject to receiving a full and detailed report (as stated in the Flood Alleviation Study's conclusion). The following response was received following the submission of the flood alleviation study report:- we fully endorse the comments made by the Environment Agency as outlined in their letter dated 18<sup>th</sup> June, 2002 and would re-emphasise the following comment – "as these works are specifically detailed in the supporting hydraulic analysis, it must be pointed out that any changes to the layout of the channel works, however minor, would need to be remodelled in order to establish that the flood risk findings remain valid. Our current position is therefore exclusively based upon the above arrangements, and we would reserve the right to comment again should any further modifications be required to satisfy other planning constraints that may arise. We also assume in giving these comments that the developer will have the ability to secure any private legal agreements that may be required to implement these works eg in-filling the old channel. The fill plateau shown on Brian Jones drawing AB595-03B represents the maximum possible developable area within the site, although the Agency would advocate that a strip of land needs to be retained free of any formal development adjacent to the perimeter ditch bounding the fill plateau. This would allow access for future management of the feature, which performs a land drainage and floodplain volume compensation function. Arrangements are also required to ensure future maintenance of the new channel fronting the development is secured". The following should be made a condition of any approval – we need to be convinced that there will be a regime for adequate routine maintenance to all of the proposed alleviation works and that this should be agreed with the Drainage Officer, the Heritage and Landscape Officers and the Environment Agency. The developer needs to demonstrate that adequate compensation is to be provided for the volume loss on the existing floodplain caused by this development should approval be given.

### Housing Officer

No information as to how the site will be accessed. Housing obviously owns the land on one side

so would be interested in discussing with the developers if access is needed and if therefore some social housing could be provided in payment.

#### Landscape Officer

Main concerns are that the site appears to be well screened during the summer months but may be more exposed during the winter months. A full tree survey is vital of both onsite and off site trees so that appropriate housing to tree distances and tree management works can be agreed. The site lies within the Conservation Area and should make a positive contribution to the area's amenity, eg a streamside enhancement scheme. The stream may be valuable as a wildlife corridor. Comment on the Design Brief layout indicated preference for the extension to be set back to help maintain the visual character of the close.

#### Leisure and Recreation Officer

The site is too small to accommodate on-site community facilities but contribution towards off site provision for play, sport and community provision should be sought in accordance with the Council's policy.

#### Environmental Health Officer

Recommend the imposition of a contamination condition and respective note to the applicant.

Parish Council Oppose the application.

### 9.0 REPRESENTATIONS

8 LETTERS OF OBJECTION from 6 properties have been received raising the following issues -

- § How many houses and what type?
- § Surprised to see the site's present use being described as a builder's yard. I thought it was agricultural land. I was unaware of any application for its change of use. Before the application is considered the applicant should submit his proposal for the relocation of the builders yard;
- § The land should be reverted to agricultural use which will be in keeping with the land adjacent to the site;
- § Is the proposed site within the village envelope and thought appropriate for infill development?
- § Additional vehicles passing the existing dwellings on Lydeard Mead. The traffic to and from the builders yard is 2-3 vehicles between 8 am - 9 am and 4 pm – 5 pm;
- § When Lydeard Mead was built, I was led to believe that the class of road created to serve the houses was such that it would not be suitable to serve a larger development and therefore protected from further development to the north west. The road cannot be widened. It already serves 3 more houses than in the original development. The current access road is not as wide as a regular road and therefore cars must park with 2 wheels on the footpath to ensure that vehicles can pass. Lydeard Mead is occasionally used as an overspill car park for the surgery often providing regular bottlenecks.
- § The sight line from Lydeard Mead to the main road through the village is technically inadequate as it stands.
- § The balance of water distribution at high flow levels between the main stream, the back ditch (now piped) and the new cross channel are intricate. The proposed development

- site still floods and holds water which runs straight off the land into the watercourses. The development site was flooded during the heavy rains at the end of October 2000. The gardens of Lydeard Mead were flooded during this time and the site was under several feet of water. The drainage culvert which takes the water to the main stream could not cope with the volume and overflowed into Lydeard Mead gardens. There is no way that the capacity of the existing flood relief scheme can be increased;
- § This site is an integral part of the character of Lydeard Mead and any future development should be of a similar style and quality. Any low cost style and quality would not only be out of step with surrounding properties but could have an effect on the actual value of existing properties.
  - § It is right that the Council protects the visual amenity of The Lawns but they should also consider the impact, both visual and environmental, on the existing occupants of Lydeard Mead.
  - § Any further development between existing buildings and the A358 would detract from the setting of Bishops Lydeard;
  - § Given the on-going developments at Cotford St Luke and Sandhill Park, there is no need for houses on this land. There are ample affordable properties being built within a mile of Bishops Lydeard. There are also many houses within the Hithermead development that are 'affordable' which regularly come on the market.
  - § A balance needs to be struck between facilities, amenities and the number of dwellings. Where is the employment to support this influx of people?
  - § The more development you have, the more targets you provide for criminals and the greater the chance of housing a criminal element within the parish.
  - § It would lead to the ruin of an environmentally beautiful area. The streams are full of frog spawn, Kingfishers are regularly seen, barn owls inhabit the trees and there have been recent sightings of Woodpeckers.
  - § Understand that the field is in the conservation belt of the village and should not be built on.
  - § Find it hard to believe that although the proposed flood alleviation scheme protects the development from flooding it will not make the risk of flooding to other properties worse – as development will cause more water to enter the existing channel during adverse weather conditions.
  - § The village primary school is already at full capacity.
  - § Raising the level of the land by approx 0.5 m will mean that for a period of time there will be a landfill site in the centre of an already congested village, with its associated heavy lorries.

1 LETTER OF REPRESENTATION has been received raising no objection to building houses on this site. The original local plan indicated 6 houses, whereas this application is for 8 houses. Consideration should be given to the additional traffic generated by these extra houses, as Lydeard Mead is a quiet road.

#### Local Plan Representations

Objections and representations to Policy BL2 in the Taunton Deane Local Plan Revised Deposit are summarised in the attached Appendix A.

#### 10. PRINCIPAL ISSUES FOR CONSIDERATION

- A. Is the site appropriate for residential development having regard to the development plan

policies? POLICY

- B. Will the proposed development have an unacceptable visual impact on the area?  
VISUAL IMPACT
- C. Is the access to the site acceptable? ACCESS
- D. Will the proposal result in increased flooding in the area? FLOODING
- E. Is the proposed development sustainable? SUSTAINABILITY
- A. Policy

Bishops Lydeard is defined as a Rural Centre in the context of the Structure Plan and the emerging Local Plan where provision should be made for development that will sustain its role as a focal point for local employment, shopping, social and community activity. The proposal is considered to support this role.

The site is outside the limits of the settlement in the adopted West Deane Local Plan. However, the Revised Deposit Taunton Deane Local Plan proposes the majority of the site for residential development, this part being incorporated within the village limits as proposed in the Plan. Furthermore, the whole of the site is within the area which has the benefit of a Certificate of Lawful Development for use as a builder's yard. Objections were received to the allocation in the Local Plan from 10 local residents and interested parties (see attached Appendix). In general these raised similar points to those raised in connection with the current planning application. These objections to the Local Plan allocation were the subject of consideration in June of this year at the Local Plan Inquiry. The Local Plan proposal is a material consideration, reflecting the current approach of the Planning Authority and should be accorded considerable weight.

The question of prematurity has also to be considered and the relevant sections of PPG1 are set out in Section 7 of this Report. The illustrative plan submitted with the Design Brief indicates a development of 7 dwellings, and in view of this I do not consider prematurity to be an issue. The proposal will not have a significant impact on the implementation of the Local Plan and it would therefore be difficult to justify refusal of permission on prematurity grounds.

In policy terms, given that the majority of the site is proposed for development in the Taunton Deane Local Plan and all of it is covered by Certificates of Lawful Development for use as a builder's yard, I consider that the site is effectively a brownfield site where the principle of development is acceptable.

B. Visual Impact

The site is well screened from the A358 and this will be improved by further tree planting proposed as part of the development. The site is presently in use as a builder's yard and it is my view that the proposed development will be an enhancement of the area. I believe that the proposal will meet the test of preserving or enhancing the Conservation Area. The Design Brief indicates the provision of a 46 m x 6 m shelter belt/screen which will be planted to the west of the site adjoining the 5m wide access strip to the new drainage channel. This thick group of trees will provide an essential backdrop to the new development, softening the impact of the new dwellings. The drainage channel, access strip and shelter belt are outside the planning application site but on land within the same ownership.

The Design Brief indicates 7 new houses for the site in a layout which provides a sense of visual enclosure. The design of the houses will show an appreciation of the distinctive local building characteristics in the area. The Brief indicates that the proposed new houses will incorporate natural materials and local style and detailing and that the use of bricks, concrete tiles, plastic windows and alien detailing, together with repetitive house forms, will be totally avoided.

#### C. Access

The proposed development will be served by an extension to the existing public highway serving Lydeard Mead. The existing bridge into the site will be widened and strengthened to the County Highway Authority's requirements. The County Highway Authority consider that the additional traffic generated by the residential development would not be significantly greater than the builder's yard and would in any event consist mainly of light vehicles rather than heavy goods vehicles which could be associated with the builder's yard. They therefore raise no objection to the proposal subject to conditions.

#### D. Flooding

PPG25 advises local planning authorities to consider ways in which the planning system might be used positively to tackle the legacy of past development in unsustainable locations, such as flood plains. Because of the damage that can arise from flooding, the Government considers that the objectives of sustainable development require that action through the planning system to manage development and flood risk should be based on the precautionary principle. Paragraph 13 of PPG13 states that where there are threats of damage, a lack of scientific data should not be used as an excuse for not implementing cost effective measures to prevent environmental degradation. Accordingly, for proposals within areas liable to flooding, the implementation of the precautionary principle will require the applicant to demonstrate that a proposed scheme of flood protection of the required standard is both technically feasible and deliverable and that it will not adversely affect third parties by reason of increased risk of flooding. The PPG sets out an approach that directs authorities towards sites at lower risk of flooding from those at higher risk. Three categories of risk relating to flooding are identified, ranging from little or no risk, through low to medium risk, to high risk. The high risk category is split into three separate elements, namely developed areas (3a), undeveloped and sparsely developed areas (3b) and functional flood plain (3c).

The application site is considered to be within category 3a, given that the site has an existing use as a builder's yard. Paragraph 30 of PPG25 states that these areas may be suitable for residential, commercial and industrial development provided the appropriate minimum standard of flood defence can be maintained for the lifetime of the development, with preference being given to those areas already defended to that standard.

As part of the details submitted with the application, a report of a flood alleviation study has been submitted. The Environment Agency considers that, taking account of climate change, the site can be protected to a 1:100 year event plus 20%. Furthermore, the proposed engineering works will not result in any increased risk to third parties. They therefore do not object to the proposed development.

#### E. Sustainability

The site lies on the edge of an existing large village (defined as a Rural Centre in the Local Plan Revised Deposit) with a wide range of facilities. The settlement enjoys a regular bus service to Taunton, where there is a wider range of facilities and employment opportunities. There is existing infrastructure close to the site which can be utilised. The site is presently in use as a builder's yard and it is considered that development of the site as proposed will enhance the appearance of the site and result in the development of a brown field site.

## 11. CONCLUSION

The proposal has to be considered against the policies contained in both the adopted West Deane Local Plan and the emerging Taunton Deane Local Plan. The majority of the site is proposed for development in the Revised Deposit Taunton Deane Local Plan. The whole of the site has a Certificate of Lawful Development for use as a builder's yard and is therefore a brownfield site.

In the light of Central Government guidance in PPG1 and the advanced stage of preparation that the Taunton Deane Local Plan has reached, I consider that considerable weight should be given to the Revised Deposit in the determination of this application. Also, given the limited scale and impact of the proposal, both on the implementation of the Local Plan as a whole and on the character of the village, I do not consider that approval now would be prejudicial to the successful implementation of the overall strategy of the Local Plan, nor do I consider that a prematurity objection could reasonably be sustained. Whilst my recommendation includes referral to the Secretary of State as a departure from the adopted Local Plan, I consider that, in view of the small scale of the proposal, there is no reason why the application should not be determined prior to the formal adoption of the emerging Taunton Deane Local Plan.

My recommendation is therefore a favourable one.

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

**CONTACT OFFICER: MRS J HIGGINBOTTOM Tel: 356462**

## **Appendix A**

### **List of Objections: -**

O/21/5041 Mr RP Dickson  
O/21/5042 Mr RP Dickson  
O/21/5043 Mr RP Dickson  
O/46/5108 Mr D Smith  
O/95/6725 A&J Raucki & Son  
O/269/5835 Bishops Lydeard & Cothelstone  
Parish Council  
O/466/6549 Environment Agency  
O/546/7009 Heron Land Developments Ltd  
& Prowting Projects Plc  
RO/68/10052 Cllr J Lewin-Harris  
RO/95/10961 A&J Raucki & Son  
RO/269/10047 Bishops Lydeard &  
Cothelstone Parish Council  
RO/890/10004 Mr I Bush  
RO/1018/10997 A&PK Spackman  
RO/1018/11409 A & PK Spackman  
RO/1031/11174 WP May

### **Support: -**

S/21/5040 Mr RP Dickson  
S/95/6724 A&J Raucki & Son  
RS/466/11064 Environment Agency

## **Summary of Supporting Comments**

### **S/21/5040 Mr RP Dickson**

This is a brownfield site that is within two minutes walk of a range of facilities. The redevelopment of the site will remove an eyesore.

### **S/95/6724 A&J Raucki & Son**

Support the allocation.

### **RS/466/11064 Environment Agency**

Paragraph 10.4. Welcome the reference to protecting the stream corridor. The inclusion of the discussion on the potential flood mitigation measures is supported.

Recent flooding of the site (30/10/00) reinforces the need for any developer to undertake a robust and detailed hydrological and hydraulic analysis to establish flood risk and quantify mitigation measures for the site. It is possible that the mitigation measures may in themselves conflict with other Bishops Lydeard policy aspirations and land take considerations for the site e.g. number of dwellings; retention of tree group etc.

## **Objector's Case**

### **O/21/5041 Mr RP Dickson**

This proposal will result in a total of 15 houses (plus agricultural access) using the very bad junction of Lydeard Mead/Mount Street. Lydeard Mead will require traffic calming, or a 20mph zone throughout its whole length.

### **O/21/5042 Mr RP Dickson**

In view of the sensitivity of The Lawns, the street lighting in the site should be of a sensitive design, non intrusive, and less urban than the existing lighting in Lydeard Mead.

### **O/21/5043 Mr RP Dickson**

A 415v overhead supply line crosses The Lawns and one of the poles is situated within the proposal site (this line, being overhead, produces short power interruption). The proposal site should not have an overhead supply pole within the development.

### **O/46/5108 Mr D Smith**

An inappropriate allocation as the scenic value of The Lawns has been stressed many times - including TDBC in West Deane Local Plan. Why such a significant change of opinion? The site would be an unsightly intrusion into The Lawns and enable future housing extensions alongside difficult to refuse.

### **O/95/6725 A&J Raucki & Son**

1. The boundary of the site should accord with the precise area of the Established Use Certificate (EUC) and encompass the triangle of land to the north west of the site.
2. The site area should be expanded to the north east to incorporate land suitable for an additional six dwellings (with the subsequent removal of the ARU notation). The contribution of the area shown to remain undeveloped to the much larger area is negligible, particularly in view of the Builder's Yard development. The highway authority has no objection to this, and flood/drainage issues can be resolved. Site considered for similar development at the West Deane Local Plan Inquiry and was only rejected by the Inspector on the actual contribution that he felt the curtilages of the property of which the site is a part, contribute to the character of this part of the village. He also felt that if the representation had been successful it could have led to a precedent for the release of more land for housing on other rear garden curtilages to the north. The former consideration is now set aside through the granting of the EUC).
3. The allocation of six dwellings for the village (above that identified in the West Deane Local Plan) is too small for a settlement the size and status of Bishops Lydeard.

### **O/269/5835 Bishops Lydeard & Cothelstone Parish Council**

There should be no more housing in Bishops Lydeard until Cotford St Luke is complete. The proposal will:

1. not enhance or maintain the local social and economic role and environmental quality of the village;

2. aggravate general traffic problems throughout the village in addition to those generated by residents of Cotford St Luke; and
3. represent a serious physical/visual incursion into The Lawns (protected under policy BL4).

When permission was granted for development at Lydeard Mead, it was understood that no further development to the west would be allowed. There is a danger of the repetition of the circumstances applying to this site by the likely relocation of the builders yard.

#### **O/466/6549 Environment Agency**

The penultimate sentence of paragraph 10.4 should be changed to recognise the importance of the watercourse corridor in this area and the role it has to play in supporting surrounding ecology i.e. ....need to be designed "*to protect the stream corridor and avoid*"....

#### **O/546/7009 Heron Land Developments Ltd & Prowting Projects Plc**

In view of the timing of the Local Plan in relation to the Structure Plan, we believe that the housing strategy, and therefore potential housing allocations, require review. We object to the appropriateness of the sites in principle, and their ability to bring forward housing to meet the Structure Plan requirement.

#### **RO/68/10052 Cllr J Lewin-Harris**

Paragraph 10.4 should be amended to read (proposed new wording underlined) "A drainage investigation will be required to assess the extent of flood attenuation measures necessary. Such measures must have regard to the lessons learned from the October / November floods and are likely to include.....".

It is questionable whether any on-site scheme will protect the new houses on the site. Any scheme that increases flood risk to third parties will be unacceptable.

It was evident in October 2000 that the flood attenuation measures designed to protect the existing Lydeard Mead properties were themselves barely adequate, and this gives little reassurance that the so-called experts always get it right.

Apart from the general expectation that flooding is likely to get worse in future due to global warming, there are a couple of other factors which indicate that the problems in Lydeard Mead are likely to get worse. Work on Back Stream to clear the watercourse is ongoing upstream of Lime Tree Farm. This will, I believe, result in a faster flow of water through Lime Tree Farm and Lydeard Mead. There have been problems with the flow of water down the Mill Stream, which is becoming heavily silted. This reduces the capacity of the Mill Stream and thus diverts more water into Back Stream.

The question of insurance is increasingly being raised in connection with building on the floodplain. Firstly, will it be possible for the new properties to get flood insurance and if so at what cost? Secondly, what will be the impact of the new development on the insurance premiums of those living down stream? Will householders have any comeback against the Local Authority if further development is judged to have increased their risk of flooding and their insurance costs.

### **RO/95/10961 A&J Raucki & Son**

In order to necessitate the increased number of dwellings it would be important that the area of the site be amended to reflect the Certificate of Established Use for a Builder's yard on a slightly larger area as has been agreed in accordance with previous representations.

### **RO/269/10047 Bishops Lydeard & Cothelstone Parish Council**

The magnitude of the housing proposal at Lydeard Mead is ill defined. It could be concluded that the sites may be developed with high density parametres substantially greater than the 8 stated units.

### **RO/890/10004 Mr I Bush**

The site is flood plain which protects existing properties from flooding. The site flooded four times in 2000. Proposal is contrary to PPG25 as development would be exposed to unnecessary flooding and will contribute to increased risk of flooding elsewhere. The guidance states that building in functional flood plains should be wholly exceptional, except where essential infrastructure is to be provided. More emphasis should be placed on preventing development in flood risk areas. These eight dwellings can easily be accommodated elsewhere at Cotford St Luke.

The egress from Lydeard Mead into Mount Street is currently dangerous due to the proximity of other traffic generating facilities / dwellings. Traffic from new development would exacerbate situation as it will generate more traffic than the builders yard.

Existing infrastructure would be stretched even further by this development ie school is at capacity and village road is gridlocked at peak times.

### **RO/1018/10997 A&PK Spackman**

The proposed development is on flood plain, although this is not shown on the plan. On morning of 30.10.00, the existing flood attenuation measures were stretched to their limits. Both gardens and property were flooded. Any development will further stretch existing measures. Plans must be amended to show that this is flood plain (as shown on EA web site). Circular 30/92 - Development and Flood Risk (para 4) emphasises the importance of flood defence considerations and requires local authorities to use their planning powers to guide development away from areas that may be affected by flooding.

The EA document entitled "Policy and Practise for the Protection of Flood plains" contains a number of policies (FD - P1 to FD - P10). These policies emphasise the following:

flood plains should fulfil their principle function

EA to guide development away from flood plains

EA to use its planning powers to restrict development that would increase risk of flooding to others

EA to guide development away from areas that would prejudice existing flood defences to restore the effective flood flow conveyance to flood water storage capacities in flood plains.

Given the above, the proposal is not necessary and can be avoided. Any further

development for the parish can be directed to Cotford St Luke. Development of the site will increase risk of flooding to other properties, and prejudice existing flood defences. Proposal is relatively small and will contribute to cumulative detrimental effect. There is no scope for compensation of flood plain flow and storage capacity. TDBC will not be able to secure from developers the long term commitment required for maintenance and renewal of measures designed to compensate for the loss of flood plain. Proposal will have adverse effect on Back Stream river corridor and The Lawns and their associated wildlife. Whilst flood protection is proposed, development should not take place as it is a flood plain location with no overriding case for development. Flood attenuation measures would involve a complete redesign and rebuild of the bridge and watercourse. TDBC has failed to consider EA policies. Proposal is contrary to Policy EN30 - Land Liable to Flood.

#### **RO/1018/11409 A & PK Spackman**

Object to the increased number of dwellings proposed for the site. Proposal would significantly alter the form and character of this part of the village. Contrast between curtilages of the High Street dwellings and open fields beyond. The Lawns should not be developed and are protected by existing policy.

The village school is at capacity, and the village street is grid locked at peak times. Current traffic levels to and from the site are low. Any residential development will further increase pressure at dangerous Mount Street / Lydeard Mead junction.

#### **RO/1031/11174 WP May**

If proposal is built then existing and proposed properties will flood. Gardens to existing properties flooded on 30/10/00. Another 6 inches of water and our properties would have flooded. The drainage culvert which takes water to the main stream could not cope with the volume, and overflowed into our gardens. Dwellings on the site will result in increased run off. Capacity of existing flood relief scheme (which cannot cope with existing situation) can not be increased. The existing channel could not be widened, bound as it is by Lydeard Mead on one side and an historic wall on the other. To scoop out the channel to greater depth would be costly and dangerous to children.

One possibility is to increase the capacity of the stream which flows behind the properties on the south side of Lydeard Mead. Arrangements would need to be made to ensure that it took an appropriate proportion of the total flow.

Flooding in the area is historic, not new. Climate change will increase frequency of flooding. The proposal should be deleted if flood alleviation proves unfeasible. A feasibility study should be carried out. The 1:100 year flow (paragraph 10.4) should be modified to 1:1000, as the existing scheme (designed to 1:100) has been exceeded in a very short time (nine years since construction).