

DEMOLITION OF TWO DWELLINGS, OFFICE BUILDING AND ASSOCIATED OUTBUILDINGS AND THE ERECTION OF 12 DWELLINGS, 4 APARTMENTS 5 BUSINESS UNITS PROVIDING 500M2 OF ACCOMMODATION AND ASSOCIATED EXTERNAL WORKS AT SELICKS GREEN, PITMINSTER AS AMENDED

Grid Reference: 321229.119114

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to viability assessment of the affordable housing and a Section 106 Agreement to secure affordable housing and leisure/recreation and community facilities permission be granted for the following reason:

The proposed mix use development is considered not to have a detrimental impact upon visual or residential amenity and is considered to respect the character of the area in terms of design and would have a satisfactory highway access, landscape provision and drainage design and it is therefore considered acceptable and, accordingly, does not conflict with policies STR6 and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC7 (Rural Employment Proposals), C4 (Provision of Recreational Open Space), H9 (Affordable Housing) and EN12 (Landscape Character Areas).

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A2) DrNo 68 Rev A Proposed plans and elevations plots 10,11,12 and 13

(A4) Letter from Trevor J Spurway 25 Nov 2010

(A2) DrNo SPP/1531/1B Amended landscaping layout

(A3) DrNo 86 Proposed Plan, Elevations & Section A-A, Garages 3, 10, 11, 12 & 13

(A2) DrNo 9337 52 J Proposed site layout

(A2) DrNo 50 Rev A Existing land survey
(A1) DrNo 53 Rev D Proposed plans and elevations
(A2) DrNo 54 Rev B Proposed plans and elevations plots 3,4 and 5
(A2) DrNo 57 Rev C Proposed plans and elevations plots 14, 15 and 16
(A1) DrNo 59 Rev E Existing and proposed street elevations
(A1) DrNo 61 Rev D Proposed plans and elevations industrial unit plots A- E
(A2) DrNo 63 Rev D Proposed plans and elevations plots 6,7,8 and 9
(A1) DrNo 67 Existing and proposed site section
(A2) DrNo SPP/1531/1B Landscape proposals
(A3) Block plan
(A3) DrNo 58 Rev A Proposed plans and elevations typical garage layout plan
(A3) DrNo 01 Rev A Location plan

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

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

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

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

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

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

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before **the building(s) are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority** and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. Details of the proposed surface water drainage shall be submitted for approval before any works commence on site and shall include full details of the pond, the intended future ownership and maintenance provision for all drainage works serving the site (including the pond). Calculations should be provided to show the system, including the pond can accommodate the surface water run-off from the 1 in 100 year storm plus climate change. Discharge to the receiving ditch shall be limited to greenfield run-off rates and as calculated from a 1 in 1 year storm using 10% impermeability. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent flood risk to the surrounding area in accordance with PPS25.

8. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Greena Ecological Consultancy's submitted report, dated November 2009 and the Bat activity surveys dated October 2010 and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when bats and nesting birds could be harmed by disturbance.
3. Measures for the enhancement of places of rest for wildlife.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect wildlife including bats and their habitats from damage bearing in mind **these** species **are** protected by law.

9. No demolition work shall commence until the replacement bat roost

provision agreed under condition 8 shall have been provided. Once approved the bat roost works shall take place in accordance with the agreed scheme and thereafter the loft space and agreed openings shall be permanently maintained. The development shall not otherwise commence until the scheme for the provision of the bats' roost and related accesses has been fully implemented.

Reason: To reduce the risk of the loss and destruction of a roost site for bats, bearing in mind that all bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Local Plan Policies EN4 in accordance with relevant guidance in PPS9.

10. The light industrial units hereby approved shall be constructed and completed prior to the residential occupation of any of the dwellings approved.

Reason: To ensure provision of a mixed use scheme and the provide an employment use in accordance with Taunton Deane Local Plan policy EC7.

11. Noise from any plant or equipment at the proposed business units should not exceed background noise levels by more than 3 dB for a 2 minute LAeq, at any time when measured at the facade of residential or other noise sensitive premises. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

12. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 07.30 - 19.00hrs Monday to Friday and 07.00 – 13.00hrs on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

13. Details of any external lighting for the industrial units or to the garages or rear of residential properties shall be submitted to and approved in writing by the Local Planning Authority before **the lighting is installed**. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan and limit the impact on wildlife.

14. 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 during the construction period. 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 construction on the site has ceased.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

15. Before the dwellings hereby permitted are first occupied details of the footway shown on drawing 9337.52J shall be submitted to and approved in writing by the Local Planning Authority. Such footway shall be fully constructed in accordance with the approved plan.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

16. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter provided as agreed.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

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

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

18. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the

domestic and private needs of the occupier and shall not be used for any living accommodation or business or other purpose whatsoever.

Reason: To ensure adequate parking provision on site in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

20. There shall be no obstruction to visibility greater than 300mm above the adjoining road level forward of lines drawn 4.5m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 40m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

21. The premises shall be used for B1 uses only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To prevent changes to unacceptable uses which may affect residential amenity contrary to policy S1 of the Taunton Deane Local Plan.

Notes for compliance

1. The condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats, breeding birds and reptiles will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and breeding birds that are affected by this development proposal.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. Bats are known to use the building(s) as identified in submitted report. The species concerned are European Protected Species within the meaning of the Conservation of Habitats and Species Regulations 2010. Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.
4. Part of these works would require a condition survey of the existing public highway to be carried out and agreed with the Highway Authority prior to

works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. It is therefore recommended that contact be made with the Highway Service Manager (Taunton Deane Area) on 08453459155 to arrange for a survey to be undertaken.

5. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus.

PROPOSAL

The proposal is to make the best use of a previously developed site on the north eastern edge of Blagdon Hill. The scheme involves the demolition of a dwelling, bungalow and offices together with the builder's storage buildings and the erection of 16 dwellings and 5 business units. The dwellings will include 8 x two-bed units, 4 x three-bed units and 4 x two-bed flats. 3 affordable housing units are proposed as part of the development.

A wildlife survey, tree survey, landscape assessment, drainage scheme and design and access statement were submitted with the scheme.

SITE DESCRIPTION AND HISTORY

The site consists of 2 dwellings and a builder's office lying within the existing settlement limits of the village and land to the east consisting largely as a builders yard with open storage which lies outside the settlement limit. The boundary of the storage area is open to the east and visible from the public footpath.

A previous planning application for 17 dwellings and 5 industrial units (30/10/0007) was withdrawn earlier this year.

The site was considered previously at a Local Plan Inquiry and was considered inappropriate for residential development because of the loss of employment land, its location and landscape impact.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development relates to a mixed use proposal of 17 residential units and 5 business units.

The Highway Authority has been in lengthy discussions with the applicant over the redevelopment of this site as such the principle of development in this location is considered to be acceptable.

In terms of detail I have the following observations to make on drawing 9337/52/I and the Design & Access Statement. These comments are as follows; in terms of visibility the Design and Access Statement indicates that 4.5m x 40m visibility splays have been provided onto the northern and southern approaches. However drawing 9337/52/I shows splays of 4.0m x 40m would the applicant please confirm which visibility splay is the correct one. It is also noted that a length of the north-eastern splay appears to be contained within the curtilage of Hinton House. The land which will encompass the full extent of the splay must be within the applicant's ownership. Drawing Numbers 9337/01 and 9337/02 both appear to show that the land will be within the applicant's control. As such confirmation of this would be required in writing. Drawing Number 52/E states that there shall be no obstruction to visibility within the access splay greater than 600mm. This should be amended to 300mm. Finally the length of the visibility splay which fronts plots 10-13 will be adopted by the Highway Authority and must not be conveyed to said plots.

The proposed length of adoptable grassed visibility splay that extends across the frontage of plots 1 and 2 can be incorporated within the overall construction width of the new footway. There is a note within drawing number 9337/52/I that states there will be no obstruction to visibility within the site access visibility splay that exceeds a height greater than 300mm. Can the applicant please confirm that the height of the existing wall adjacent to the lay-by outside Hinton House, does not exceed 300mm above the adjacent carriageway level. Finally still in relation to Hinton House would the applicant please be able to confirm that the land fronting the dwelling upon which the short length of grassed visibility splay is proposed to be constructed, is within their ownership and can be dedicated.

In regards to drainage it has been noted that surface water associated with the proposed development will discharged via soakaways, would the applicant be able to confirm whether this also means the prospective highway. The use of soakaways is at the discretion of Somerset County Council, and is dependent upon the proven existence of highly permeable strata below the surface. Soakaways should be designed in accordance with CIRIA Report 156 – 'Infiltration Drainage – Manual of Good Practice'. In situ percolation tests should be undertaken in accordance with the BRE Digest 365. Somerset County Council must be advised of the test at least 7 days prior to the commencement of the tests to witness them if required. Results of the tests should be submitted to Somerset County Council in support of the calculations. Soakaways should be located at least 5.0m from any structure and not constructed within 3.0m of any existing or prospective public highway/path and 5.0m from any existing or prospective carriageway.

Where an outfall, drain or pipe will discharge into an existing drain or pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required. A copy of any written consent granted will need to be submitted to Somerset County Council for our records. Surface water from all private areas, including parking areas, must be intercepted by separate private drainage systems to prevent any possible discharge onto the prospective publicly maintained highway.

Private surface water will not be permitted to drain onto the existing publicly maintained highway. Measures shall be put in place to prevent surface water for the proposed access road from discharging out into Pitminster Lane, depending upon finished ground levels. Section 50 NRSWA 1991 (Sewer connections) – Where

works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtained from Mr John Nicholson, Streetworks Co-ordinator on 01823 483103.

In terms of the access where it will tie into Pitminster Lane – Allowance shall be made to resurface the full width of Pitminster Lane where it is disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Part of these works would require a condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. It is therefore recommended that contact be made with the Highway Service Manager (Taunton Deane Area) on 08453459155 to arrange for a survey to be undertaken.

The construction of the proposed footway across the site frontage must not result in the reduction in width of the existing sections of either Blagdon Hill Lane or Pitminster Lane. It should be noted that if these works are to take place within the existing publicly maintained highway, then the works will need to be contained within a Section 278 legal agreement with the Highway Authority. As the proposed site access will serve not only residential but business unit traffic, it would be beneficial if the junction incorporated 15m radii instead of the proposed 10m radii. This would aid manoeuvrability/swept path of vehicles in/out of the site.

In all cases where structures either supports the highway or land adjacent to the highway it will be necessary for full details of the proposed structure to be submitted to the Highway Authority for checking/approved purposes. The development will be required to submit an Approval in principle (AIP) signed by a Chartered Engineer (Civil or Structural).

The applicant should be aware that is it likely that the internal layout of the site will result in the laying out of a private street, and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advance Payment Code. Under section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of an approved type will be required for all trees that are to be planted adjacent to the back of the highway to prevent future structural damage to the highway. Whilst an adoptable 1.0m wide margin will need to be provided across the parking areas of plots 1 and 2 will need to be relocated 1.0m away back from their intended position.

Would the applicant supply a drawing showing the swept path manoeuvres of delivery vehicles when entering/leaving the site via Pitminster Lane. Further comments may need to be made on the layout of the proposed access depending upon the information supplied.

The applicant form states that the site will provide a total of 42 spaces, however drawing 9337/521 indicates that there will be a total of 38 spaces. Would the applicant be able to confirm which parking provision is correct. In terms of detail each dwelling will be provided the maximum standards of 2 spaces per unit as per the requirements of the Local Transport Plan 2006-2011: Parking Strategy. The 5 business units will provide a total of 17 spaces; this is in accordance with the

standards set out in the Local Transport Plan.

In conclusion the principle of development in this location is considered to be acceptable. Whilst in terms of the detail the proposed layout shown on Drawing No. 9337/521 is broadly acceptable. There are some minor amendments to be carried out and these are set out in the text above. The parking provision is considered to meet the maximum standards set out by the Local Transport Plan.

Therefore taking these points into account I raise no objection to this proposal and if planning permission were to be granted I would require conditions to be attached.

PITMINSTER PARISH COUNCIL -

1. The turning from Blagdon Hill Road into Pitminster Lane is a dangerous turning now on account of the poor visibility as you turn left. In fact there is no visibility and this already leads people to use the very narrow lane past the Sellicks Green Almshouses. This problem will only be exacerbated by the extra vehicular activity (a 100 or more journeys a day are a possibility) if the proposed site is developed. Commercial traffic leaving the site would in particular have problems turning on to the main road in to Taunton. The extra traffic will also impose greater risk to pedestrians and schoolchildren accessing the playing fields and the school buses. Moreover, there is increased HGV traffic from the Pitminster direction on account of the weight restriction on Corfe Hill. For this reason alone we feel the development should not be granted planning permission. We are disappointed that intensification of use of the access does not seem to have been a concern for SCC Highways and wonder if they have even visited the proposed site.

2. The site access opens onto Pitminster lane which is a narrow one car width road and is wholly unsuitable to cope with extra traffic from the site; it can't cope with the present traffic flow particularly with the aforementioned HGV's. We are fairly certain that planning permission would not be granted today for the use of the current access as a builder's yard let alone anything extra.

3. It is considered, that the development if allowed, would be undesirably intrusive in the street scene, reinforcing the ribbon development in the village and would detract from the visual amenities and rural character of the area.

4. The front (north and west) elevation of the development, (by reason of its size and disposition in relation to the street frontage) would be out of scale and character with existing nearby dwellings.

5. Because of the bulk of the terrace housing and light industrial units proposed, it will appear as a skyline development which would seriously depreciate the visual amenities and distant views of this rural area.

6. It is considered that the proposed layout and design is suburban in character creating an urbanised car park to the rear and would be out of keeping with the traditional character of the village. It is suggested that more local stone be used.

7. We are not satisfied that there is any established or actual need for light industrial business units - the nearby Mission Room in Blagdon Hill was on the market for a long time before it was sold for example. There are new such units which are

currently vacant both in Taunton and at Wellington and vacant ones in places such as Culmhead and West Buckland - not far away. We also feel that, as we are sure the builder's yard would not get permission in that situation now and with the current access, the development of the brown field builder's yard site for residential use, which will not involve regular commercial vehicle traffic, is both much safer for the roads and villagers and more appropriate in this location. We know that the residents immediately nearby would prefer it.

8. The proposed light industrial units may produce noise and light pollution to the detriment of the adjacent residential dwellings.

9. The car parking area proposed to the rear of the development may be subject to owners erecting forms of security lighting which will cause light pollution and a nuisance to other residents.

HERITAGE AND LANDSCAPE OFFICER - The structure planting and earth mounding to the west of the proposed development should be sufficient to significantly reduce the impact of the buildings and parking. My only concern is the proximity of the tree planting to the front of units 16, 17 and 13. At 3m distance from the buildings they are likely to cause concern as they grow. A better option would be to set the buildings back 2m from the roadside.

WESSEX WATER - The development is in a foul sewered area and it will be necessary to agree a point of connection, which can be agreed at detailed design stage. There is a public sewer close to the boundary and normally a 3m easement is required or diversion and protection may need to be agreed. An informative is requested for any consent to ensure the protection of any Wessex systems. The developer has proposed to dispose of surface water to soakaway. It is advised your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. There are water mains in the vicinity and connection can be agreed at the design stage. The developer should agree prior to commencement a connection onto Wessex Water infrastructure.

The developer should check with Wessex Water concerning uncharted sewers or mains within or near the site. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement to carry out diversion or protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of such proposals as may affect it apparatus.

NATURE CONSERVATION & RESERVES OFFICERS – Comments and suggests conditions

The site is in a rural location on the edge of a village. Grazed fields, native hedgerows and mature trees surround it, all with good connectivity across the landscape. There are no water features on or near the site.

The majority of the site is made up with tarmac and amenity grassland, although the garden of Greenway contains vegetation that has been left to grow up.

Greena Ecological Consultancy carried out an ecological survey of the site in

November 2009. Greena Ecological Consultancy also carried out bat activity surveys in October 2010.

Findings of the surveys are as follows

West view The surveyor found no evidence of bats using the building in the 2009 survey, but did discover four house martin nests on the west face of the building. Birds are also likely to nest in the garden

Norbu Two pipistrelle bat droppings were found in the loft space in 2009 but no bats were recorded in 2010. The surveyor concluded that bat usage of the building is likely to be several years ago. I agree however that, as a precaution, suitable bat boxes should be provided within 100 m of the site

- No signs of bats were found in the garage.
- Birds are likely to nest in the garden.

Greenway House In the first survey, it was possible for the surveyor to see that Lesser Horseshoe bats have been using some rooms in the property for occasional day and night roosting (estimated population 2-6 bats).

The survey carried out in 2010 confirmed that at least four lesser horseshoe bats were using Greenaway as well as two long eared bats. It is possible that individual pipistrelle bats could roost here as well.

Access for bats is possible via a hole in the roof and via broken windows. The surveyor considered that, because of the poor physical state of the building, it was unlikely to be a breeding site.

I agree with the surveyor that an EPS licence is required for the demolition of Greenway and that mitigation is required. Precise details of the mitigation should be agreed prior to determination of the applications.

The garden of Greenway House is overgrown and is potentially suitable habitat for reptiles. I support the surveyor's recommendation in the first report that the grass in the garden of this property should be cut in the winter to check reptiles using the garden in the summer.

- There was evidence of badgers using the garden
- Birds are likely to nest in the garden and possibly use the house.

Stores, garages workshops and offices _

No signs of bats were found in any of these buildings.

The Stables and Hay barn

No signs of bats were found but it is likely that birds could nest in the building.

Builders Yard

There was some limited potential for reptiles using the rubble in the builder's yard. I support the recommendation that the rubble should not be moved during the winter

months.

A badger path in the field east of the boundary hedge could be seen.

I support the surveyor's recommendation that clearance of vegetation and demolition of the buildings should take place outside of the bird-nesting season.

NATURAL ENGLAND - Natural England fully support the comments made by the Nature Conservation and Reserves Officer from TDBC dated 19 Oct.

Where the local population of a European Protected Species, in this case, lesser horseshoe bats, may be affected in a development a license must be obtained from Natural England in accordance with the Conservation of Habitats & Species Regulations 2010. Natural England requires that the local planning authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing a license. Development cannot commence until details of the mitigation strategy to protect and enhance the development for wildlife has been submitted and approved by the local planning authority.

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FORWARD PLAN & REGENERATION UNIT - Planning application 30/10/0032 (residential) should be refused. It results in the loss of employment land contrary to policy EC9 and results in development beyond settlement limits, contrary to policy S7 of the Local Plan. Extending the settlement limit to include the open storage area of Tottles was not accepted by the Local Plan Inspector.

Planning application 30/10/0031 (residential and industrial) is also of concern. The proposal is to demolish existing industrial units within the settlement limit, replace this area with residential (17 units) and around 500 sq.m. industrial on land beyond the settlement limit (Tottles open storage area).

Policy EC9 of the Local Plan resists loss of employment land unless there is an overall benefit. The site of the current buildings provides local employment opportunity which the LPI (Local Plan Inquiry) Inspector found more sustainable than housing, reducing the need to commute for work. Whilst policy EC7 allows for in principle small scale employment buildings adjoining settlement limits and there may not be a net loss of employment land with their proposal as it will result in building outside the defined settlement limit, the LPI Inspector stated development beyond the settlement limit here would result in a 'discernable change, significantly impacting on the area to the detriment of the wider rural character'.

Policy EC7 also contains the caveat/criteria that development will be permitted (in principle) adjoining settlement limits 'if there is no other suitable site available' (criteria EC7b). In this instance there is already an existing employment area within the village that could provide this function (as noted by the LPI Inspector).

One 'overall benefit' of housing development in this location that may override such concerns would be an identified local housing need. The Councils Housing Needs Register identifies only 3 households with a first choice need in Pitminster (this Parish includes Blagdon Hill and other settlements), of which 2 have a local connection. Likewise, with the abolition of RSS figures there is less of a need to meet higher 5 year housing land supply targets and early revised figures indicate that there does appear to be a current 5 year supply.

In regard to detail, I also note that parts of proposed houses, gardens and parking areas also extend beyond the settlement limit. Pitminster Parish Council objected to extending the settlement limit here at the LPI. Again, there is no justification for this proposal breaking the settlement limit other than the applicant trying to overly develop a site. On such grounds I am also wary of a precedent that approval may set. I am also wary of employment potential being curtailed by proximity to new residential properties and accessed through the residential road.

Finally, I recall in the past that there may have been issues with intensification of the access in close proximity to the road junction.

I can therefore see no policy justification for the change of use of this land. However, if there are sound and valid reasons why the policy position should be overridden or remedied, there should be no residential development before the industrial units are constructed and the residential element reduced to fully remain within the settlement limit.

DRAINAGE ENGINEER - I note that surface water is to be discharged to soakaways, pond and existing watercourse according to the application form. However the FRA states that surface water from dwellings and business units is to go to soakaways. There is no reference as to how surface water run-off is to be dealt with from roads etc. This information was previously requested 28 May 2010 for the previous application 30/10/0007. A surface water drainage strategy must be forwarded for approval before any permission is given for this application and therefore an objection must be registered at this time.

I note the amended drainage proposals following a meeting on 13th October. I have no further objections subject to the following conditions being attached to any planning permission given. Details of the proposed pond shall be submitted for approval before any works commence on site and shall include full details of the pond, the intended future ownership and maintenance provision for all drainage works serving the site (including the pond). Calculations should be provided to show the system, including the pond can accommodate the surface water run-off from the 1 in 100 year storm plus climate change. Discharge to the receiving ditch shall be limited to greenfield run-off rates and as calculated from a 1 in 1 year storm using 10% impermeability.

LEISURE DEVELOPMENT MANAGER - In accordance with Local Plan policy C4,

provision for play and active recreation should be made for the residents of these dwellings. A contribution of £1100 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £2200 for each additional 2 bed+ dwelling should be made towards children's play provision. A contribution of £885 per dwelling should also be sought towards community hall provision. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings.

HOUSING ENABLING MANAGER - Affordable housing to be 4 houses, mix of two-bed and three-bed, no flats to be affordable. Built to Code level 4.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - The proposed business units are Class B1 which should restrict the type of use. However, there could be the potential for noise from plant such as air conditioning units or extractor fans to disturb nearby residents if the equipment is not installed or maintained correctly. Therefore, I would recommend a condition to limit noise

POLICE ARCHITECTURAL LIAISON OFFICER - Nothing to add to previous comments contained in e-mail dated 9 June 2010.

The Design & Access Statement does not demonstrate how crime prevention measures have been considered in the design of this proposal and how the design reflects the attributes of safe, sustainable places as set out in 'Safer Places - The Planning System & Crime Prevention (Home Office/ODPM 2003). The DAS should include this information.

Residential The applicant is advised to formulate all physical design measures of the dwellings i.e. doors, windows, security lighting etc in accordance with the police approved 'secured by design' award scheme, full details of which are available on the secured by design website - www.securedbydesign.com.

Symbolic features such as rumble strips, road surface colour/texture change or similar at the entrance would help reinforce the defensible space of this development.

Parking spaces numbers 3 - 13 are located at the rear of the development in an area with limited natural surveillance from the dwellings. Vehicles parked in these spaces could be vulnerable to attack and there is a possibility that vehicle owners will not use them. I recommend that the siting of these parking spaces be reviewed. Police advice is that vehicles should be garaged, failing that, parked on a hard-standing within the dwelling curtilage. Communal parking should be close and adjacent to owner's homes within view from routinely occupied rooms.

Access paths to the side and rear of dwellings should be avoided, as 80% of burglaries occur via these routes. If essential for refuse collection etc they should be gated at the entrance. Side and rear fencing and gates for the dwellings should be a minimum height of 1.8m.

Boundary treatments at the front of dwellings i.e. walls, fencing, planting etc should be kept low, below 1m, to assist resident surveillance.

Business The Landscape Mound & Buffer surrounding these units, whilst providing a privacy screen, will also limit natural surveillance and make the units more vulnerable to attack. Improving natural surveillance of the units should be considered.

The Site Plan appears to indicate uncontrolled access to the side and rear of the business units from the parking area at the front - this should be controlled by means of gates/fencing in order to deter unlawful access to the rear.

The units appear to incorporate roller shutters, these should be internally locked and linked to a monitored alarm system. All other openings i.e. doors, windows, rooflights should also be linked to the alarm system.

ECONOMIC DEVELOPMENT MANAGER - In order to deliver the projected employment led growth for Taunton Deane, employment space of all types will be required and I am happy to support this application.

Representations

13 Letters of objection (including one from 16 properties) on basis of business units inappropriate are not needed and will not support the village and will lead to more traffic congestion, does not fit locally, density not in keeping, style and material of houses not in keeping with local vernacular and will be detrimental to the area, noise, access dangerous, inappropriate access for traffic movement, the traffic of the builder's yard would be far less than the proposed scheme, limited space for manouvering, the village does not enjoy a useable public transport system, building should be limited to where existing buildings are, the proposal implies an extension of the builder's yard use, safety, pollution, impact of lighting, impact on almshouses and too many uncontrollable unknowns. The scheme should be refused unless there is a restriction on the industrial use, there is a limit on operating times and the landscaping is enforceable.

1 letter of support on basis of the site is within the settlement limits or previously used land. There is a need for small scale housing and for affordable housing. Business units are appropriate and would support the social and economic viability of the village in accordanc with policy S5 of the Local Plan. The proposal is in accordance with EC9 (Loss of Employment Land) and most of the employment land is retained with a mix of business uses beneficial to the local economy. No other suitable sites appear available within the village. Reservation in respect of proosed access road and possible nuisance and conflict with mix of traffic. Anything other than a B1 use is likely to cause problems for residents. Materials and elevations are in keeping with the corner east of the access which looks suburban. Business units design welcomed.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS 1 SUPP - Planning and Climate Change,
PPS3 - Housing,
PPS4 - Planning for Sustainable Economic Growth,
PPS7 - Sustainable Development in Rural Areas,

PPS9 - Biodiversity and Geological Conservation,
PPG13 - Transport,
PPS25 - Development and Flood Risk,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP5 - S&ENP - Landscape Character,
S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EC7 - TDBCLP - Rural Employment Proposals,
EC9 - TDBCLP - Loss of Employment Land,
H9 - TDBCLP - Affordable Housing within General Market Housing,
M4 - TDBCLP - Residential Parking Provision,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
EN4 - TDBCLP - Wildlife in Buildings to be Converted or Demolished,
EN8 - TDBCLP - Trees in and around Settlements,
EN12 - TDBCLP - Landscape Character Areas,
EN34 - TDBCLP - Control of External Lighting,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the compliance with Development Plan policy given the location, the appropriateness of the mixed use, design, landscape impact, highway impact, affordable housing, leisure and community provision, wildlife, noise and light impacts.

Policy

The site lies on the edge of Blagdon Hill which has a defined settlement limit and the proposal effectively provides for the residential scheme, including an affordable element within the settlement boundary and provides for the 5 light industrial units within part of the builder's yard area outside the settlement limit. A small element of the residential parking area lies outside the defined settlement boundary, however this is less than 20m and the rounding off of the boundary in this way is not considered to cause any landscape or other harm. The mixed use scheme is one that is supported by advice in PPS3, PPS4 and PPS7. The light industrial units are considered to comply with condition EC7 of the Local Plan in that they are near a public road, are adjacent to the village limits where there is no alternative site available and there is not considered to be harm to residential amenity, landscape or highway safety.

The site lies on the edge of the settlement of Blagdon Hill and while the residential development lies predominantly within the settlement boundary the light industrial units lie within the builder's yard area which lies beyond the settlement boundary. The policies in the Local Plan that are saved do not include the policy S5 which defines villages. There must be a question therefore whether any development here is appropriate and sustainable given the rural location. However the scheme is for employment and residential uses and would secure benefits in terms of local affordable housing and recreation/community facilities and is considered to comply

with Local Plan policies EC7, H9 and C4.

Design

The proposal involves the provision of 16 dwellings and these are designed as a mix of terraced or semi detached properties fronting the highway. The majority are of a terraced form and materials include render, natural stone and brick with clay tiled or slate roofs. The design of the dwellings is considered to reflect the local vernacular and fit in with the street scene. A parking area for units 3 -16 is provided to the rear of the dwellings and surveillance of this area is limited the provision of parking to serve the site in this location is considered necessary and it is not considered that the parking location is a grounds for refusal. The design of the business units is considered to be low key with largely a timber finish in keeping with the character of the area.

Landscaping

A landscape assessment has been submitted with the scheme and the proposal includes a landscape plan which includes a mound and buffer planting to the east to mitigate the visual impact of the new light industrial workshop units. Limited landscape planting is also provided to the street frontage. This proposed planting can be controlled by condition and the Landscape Officer considers the planting scheme to reduce the impact of the buildings and parking. The scheme should if anything improve views of the settlement in the longer term from the footpath to the east.

Highways

The Highway Authority has considered the proposed scheme and are satisfied with the means of access and visibility to serve the site. Despite the concerns of locals to the employment provision, the level of traffic associated with this use is considered an acceptable one and the Highway Authority support this view. Adequate parking is provided for both the residential and business units and the Highway Authority recommend a number of conditions be attached to the development if granted.

Affordable Housing

The scale of development here requires an element of affordable housing under policy H9 of the Local Plan. A local needs survey has recently been completed which identifies a local need for up to 4 units and this is the level requested by the Housing Enabling Manager. The developer is currently offering 3 affordable units as part of the scheme and it is considered that this level of provision falls within the percentage requirements of policy H9. While this is one less than the need identified, given the current financial situation it is considered that a viability assessment using a residual value model is still required to substantiate the number proposed and subject to the detail of this being agreed the proposal is supported on this basis.

Leisure and Community Use

The Community Development Team has identified a need supported by policy in terms of local need for play and recreation facilities and a community hall. These facilities will require a commuted sum for off site provision as this can't physically be provided on site. There is an existing play area and playing field opposite the site

and therefore this is where the money would be likely to be spent. The area currently has a well provided play area for young children and given the identified need for a community hall, proposed for the land opposite, and given that this would provide for replacement changing facilities for the current building on site, it is considered that the funding not required for play could be put to use for the community hall which would provide for recreation facilities. In order to achieve this the wording of any legal agreement would need to address the flexibility of any funding provision to support this.

Wildlife

The ecological survey has been carried out and submitted with the application. This has identified a number of potential species using the site and particularly bats were identified in one of the buildings to be demolished. A wildlife mitigation scheme will be required to address these issues and a condition is recommended on this basis. As part of the mitigation, provision of alternative bat roost would be required before demolition of any existing roost takes place. This has been proposed in one on the new garages on site and a condition to ensure this alternative provision is considered necessary.

Pollution

A number of objections have raised the issue of noise and light pollution as a result of the scheme. The business units are a light industrial use which is considered a compatible use within a residential area. While the specific occupiers cannot be controlled a noise limit on the site is recommended by the Environmental Health Officer and it is also considered appropriate to control the hours of operation of any unit. A condition to control external lighting on the site is also considered appropriate and necessary both in terms of light pollution and disturbance of bat habitat.

Conclusion

In summary the provision of a mixed use housing and employment scheme here is considered a beneficial one with the affordable housing and community recreation provision that would occur. The mixed use scheme is one that is considered to comply with government guidance and this is considered to outweigh the rural location of the site.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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