

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT LAND ADJOINING SHERLANDS, STONEGALLOWS, BISHOPS HULL**

Grid Reference: 319753.123681

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the applicant entering into a S106 agreement to secure the following:

- a. Affordable Housing – 2 discount market dwelling to be provided at Creech St. Michael or a contribution of £189,000 in lieu of such provision.
- b. Highways – Alterations to highway to provide suitable access to the site; alterations to junction with A38.
- c. Children's Play – contribution of £2,688 per dwelling
- d. Active Outdoor Recreation – contribution of £1,454 per dwelling
- e. Allotment provision – contribution of £194 per dwelling
- f. Community Halls – contribution of £1,118 per dwelling

The site is located at the edge of the existing Taunton urban area and has good public transport links. It would provide improvements to an existing poorly aligned junction to the A38, to the benefit of all users of this part of the highway network. The development would not cause significant adverse impact on the local highway network, amenity of neighbouring residents or ecological impacts. The setting of Rumwell Park to the west would be preserved. Given that the development plan is silent on where future housing allocations in Taunton will be, it is considered that the appropriate test is the presumption in favour of sustainable development outlined in Policy SD1 (Presumption in Favour of Sustainable Development) of the Taunton Deane Core Strategy and the National Planning Policy Framework. It is considered that the test is passed and the development is acceptable in accordance with Policy CP1 (Climate Change), CP6 (Transport and Accessibility), CP8 (Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy, the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**RECOMMENDED CONDITION(S) (if applicable)**

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding that layout and landscaping are a reserved matters, the landscaping scheme that shall be submitted to and approved as part of the reserved matters shall show tree planting within the areas coloured pale green on drawing number 4166/11 hereby permitted.  
  
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.  
  
(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

3. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such.

Reason: To ensure that the development does not give rise to off site flooding, in accordance with Policy CP8 of the Taunton Deane Local Plan.

4. The development hereby permitted shall not be commenced until details of a

strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's Updated Ecological Impact Assessment report, dated March 2013 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.
- Arrangements to secure the presence of an ecological clerk of works on site.
- A Landscape and Ecological management plan.

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 and thereafter the resting places and agreed accesses for bats, birds and reptiles shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and reptile hibernacula and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife and their habitats in the development, in accordance with Policy CP8 of the Taunton Deane Core Strategy.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no buildings or other ancillary structure, no gates, walls, fences or other means of enclosure other than those that may be expressly authorised by this permission and any subsequent reserved matters approval shall be carried out within the areas coloured pale green on drawing number 4166/11 hereby permitted without the further grant of planning permission.

Reason: The protection of these areas for tree planting is crucial to satisfactorily integrating the development into the surrounding landscape and additional building in these areas may detract from its required function, in accordance with Policies CP8 and DM1 of the Taunton Deane Core Strategy.

6. No more than 8 dwellings shall be constructed on the site.

Reason: It has been demonstrated that the submitted indicative layout is appropriate in terms of the landscape impact of the proposed development and additional dwellings may create a need for further highway improvements, in accordance with Policies CP6 and CP8 of the Taunton Deane Core Strategy.

## Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. 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, badgers, reptiles, amphibians and nesting birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal.

## PROPOSAL

This application seeks outline planning permission for residential development on land at Sherlands, Stonegallows. The application is made in outline with all matters reserved for subsequent consideration. However, an indicative plan is submitted that indicates that the site could be developed for 8 large dwellings in a very low density layout, such that a shared surface access road would provide access to 8 dwellings in very spacious plots.

A landscape analysis has led to the submission of an indicative layout that includes large areas of tree planting and suggests areas that should be free from development – including that which would be permitted development in the event that the houses were permitted and built.

In addition to the indicative landscape details, a transport statement has been submitted and this suggests that various highway improvements could be made, including the provision of a new length of footway along Stonegallows Lane, between the site and the A38 and new cycle lanes along the A38 between Stonegallows and the Silk Mills Lane roundabout.

At the site entrance, the existing lane would be realigned to enter the site, with the onward traffic using a new T junction off the realigned road.

## SITE DESCRIPTION AND HISTORY

The site is a large open site in an elevated location. It commands long views to the north and south through breaks in the trees. It currently has a stable block sited towards the north and a large central pony paddock enclosed by two post and rail fences running east-west across the site. Part of the northern section also appears to be in an informal residential use as part of an extended garden to Sherlands, which sits of the northeast corner of the site.

The east boundary of the site borders existing dwellings on Stonegallows, and the site appears slightly higher than these dwellings. There are numerous trees in the rear gardens. Boundaries are mainly edges, but there is also some post and wire and timber fencing.

The site drops down to the southwest corner, where there is substantial tree planting – including some new trees – along this southern boundary. Off the site boundary, the site drops away steeply to the rear to a neighbouring dwelling ‘The Lodge’. A first floor window in this dwelling is just visible facing east, approximately level with the ground level on the site.

Rumwell park sits of the west site boundary, screened from the site in part by dense vegetation and trees.

There have been several attempts to secure permission for the development of this land. Permission was sought for a single dwelling in 1992, but permission was refused and dismissed at appeal. In 1995, permission was sought for 13 dwellings. The application was withdrawn and a subsequent 1996 application was refused. In 2000 an application for 11 dwellings was refused, an appeal was lodged but withdrawn. Reasons for refusal surrounded the fact that the site was outside the designated settlement limit and would prejudice the preparation of the Taunton Deane Local Plan and that the local plan process was considering the landscape impact of development on the fringes of Taunton, including whether to designate the area within which the site sits as a special landscape feature. A subsequent 2001 application was also withdrawn, presumably because the site was due to be considered through the impending Local Plan inquiry.

The Council considered allocating the site for development in the Taunton Deane Local Plan. However, the local plan inspector found the site unsuitable for allocation on the grounds that a low density development would present a serious conflict with national policy in PPG3, and concerns that the development would appear very prominent in the landscape, particularly when viewed from nearby public footpaths.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The site is on the western side of Taunton approximately 3km from the town centre, off Rumwell Park Lane. The site lies outside the development limits of the local plan and it is considered that whether or not there is a need for development at this location should be a matter for the Local Planning Authority to determine.

Improvements to transport mode links with the A38 and Taunton are required. It is proposed to modify the junction of Stonegallows Lane with the A38 as it is currently unsatisfactory and does not adequately accommodate a full range of traffic movements. A footway along Stonegallows Lane is proposed for pedestrians where currently there is none, and it is proposed to improve facilities for cyclists. There are no traffic impact grounds for a recommendation of refusal, provided that the proposed junction improvements, footway improvements and proposed cycle facilities are acceptable from an engineering perspective.

### Considerations of Detail

The developer proposes to improve Stonegallows Lane/ Rumwell Park Lane to provide better access to the site. It is anticipated that most movements would be to

and from the nearby A38 and Taunton itself to the east of the site; hence it is considered that it will be acceptable to improve the highway, footway and cycling provision in this direction. Farther west, beyond the proposed development, the lane is, and is proposed to be left, quite narrow with typical quiet lane rural characteristics.

The A38 near the site is a strategically significant route and carries extremely high volumes of traffic subject to a 40mph speed limit. It connects Taunton to Wellington and the M5 southwards. The A38 frequently carries diverted motorway traffic when incidents on the M5 result in its closure. Highway records indicate that there have been a relatively high number of personal injury incidents either side of and near the junctions of Rumwell Park Lane and Stonegallows Lane. Therefore any proposals to improve the junction with the A38 must be subject to a rigorous design and safety audit process. To this end considerable work will be required on the detailed design of improvements before the Highway Authority could accept the detail of the proposed planning obligations and be content to sign a Section 106 Agreement.

The proposed re-alignment of Stonegallows Lane where it meets the A38, currently at an oblique angle, will need to be tested carefully against the needs of the properties affected to include their vehicular access needs and such considerations as the operation of refuse and waste re-cycling vehicles. The designer will need to demonstrate that the properties which derive access to the east of the proposed re-alignment, numbers 28, 30, 32 and 34 are not unduly disadvantaged by the proposed new layout.

The Highway Authority must stress that because of the nature and volume of traffic that uses the A38 and the history of injury accidents, the proposed off-site improvements will be required to be completed in advance of any commencement of works on site to safeguard both existing users and development traffic. For the avoidance of doubt the Local Highway Authority considers that works on site includes site clearance or topsoil stripping.

#### Detailed Design and Estate Road Matters

The applicant should be aware that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. Detailed comments are provided on the illustrative estate road layout.

*BISHOPS HULL PARISH COUNCIL* – The PC have mixed views about the development as they have always tried to protect the Stonegallows ridge from development. However, given the Government being generally in favour of new development, they feel that if there has to be development of this site, the proposals contained in the application are the best option.

*WESSEX WATER* – New waste and supply connections will be required. Provides advice on connection procedure.

*DRAINAGE ENGINEER* – Notes that surface water is to be disposed of by means of a Sustainable Drainage System. However, apart from a brief reference made in the

design and access statement, no details of how this is to be achieved. It is suggested that details form part of a reserved matters submission. There is no indication on the layout plan etc. where a sustainable drainage system such as an attenuation pond is to be located. Any off site surface water sewer would have to discharge to a receiving watercourse and again no outfall is indicated. Therefore, until more information as to how surface water is to be disposed of, I object to this application.

Subsequent to these comments, additional information has been received concerning the use of soakaways on site, but the Drainage Engineer has not provided any further comments.

*BIODIVERSITY* – The site is currently used as intensively managed amenity lawn and grazed pasture of low ecological value. Adjacent woodland is of higher ecological value. The proposal involves the removal of a short section of the northern boundary hedge. An updated Ecological Impact Assessment of the site was carried out in March 2013, finding as follows:

*Bats* – The surveyor inspected the buildings on site for bats and carried out an assessment on the trees. There was no evidence of bat roosts in the buildings but several trees provided potential for roosting bats. The trees and hedgerows provide potential foraging and commuting habitat for bats. Any lighting should be sympathetic, designed to avoid light spill on hedges and trees on the site. A precautionary approach should be made to demolishing the buildings on site.

*Reptiles and amphibians* – The grassland margins and ruderal vegetation provide some potential foraging opportunities, whilst the hedgerows, stone walls, piles of logs, bricks and discarded items and cutting provide potential shelter and hibernation habitat. I agree that a precautionary approach is required for construction activities on site. I support the proposal to maintain a 3m buffer zone along hedge lines. I agree that vegetation rootstock and other refugia should be cleared by hand during the active reptile season. Supports the proposal to construct two hibernacula on site.

*Birds* – Nesting birds are likely to use the vegetation on site. 5 swallow nests were noted within the stable buildings as well as an old nest of an unidentified species. No evidence of barn owl was found. Clearance of the northern hedgerow section and demolition of the buildings should be undertaken outside the nesting season. I support the proposal to erect bird boxes, including swallow nest boxes on site.

*Badgers* – no badger setts were found on site although the hedgerows and woodland bordering the site provide potential sett building habitat. Mammal paths were noted on site.

Recommends a condition requiring a strategy to ensure that wildlife is protected on site.

*ENVIRONMENT AGENCY* – No comments received.

*LANDSCAPE* - I'm generally happy with the landscape assessment and proposed

mitigation subject to detailed landscape proposals. Management of the open space will be key to maintaining a good tree presence I therefore recommend that it be controlled by S106 if you were minded to approve it.

#### *PLANNING POLICY* - Comment

There would be strong policy concerns with this proposal. The site was dismissed on appeal for development in 1997 and again in the Local Plan Inspectors report in 2004 when promoted by this Council. The Local Plan Inspector determined that despite the potential for landscaping/hedgerow measures landscape impact would be so great as to warrant non allocation of the site for development.

The site therefore remains outside of the defined settlement limit as defined in the (Local Plan and) Core Strategy. The proposal is for 8 dwellings (on over 1ha which would generally be regarded as an inefficient use of land although no longer of such concern with the replacement of the then PPG3). I do not consider that 8 dwellings would make any worthwhile impact on residential land supply - which currently stands at 5 years +5%.

From a policy perspective I am of the opinion that the Council should retain credibility. We are operating a Plan led system. The site has been rejected twice by the Planning Inspectorate, including the grounds of landscape impact. The topography has not changed over the past 16 years and I see no 'sustainable development' benefit (in terms of NPPF) of overriding these independent assessments. The appropriate mechanism would be for it to be tested again through the Site Allocations Plan (it is in the SHLAA) where it can be independently assessed again.

*HOUSING ENABLING* - have reviewed the site and although the planning obligation triggers an affordable housing obligation for 2 affordable homes, I have concerns regarding the affordability of the location. These include transport links to areas of employment and distance from local services and schools which would all increase the cost of living for residents on this scheme. I have discussed my concerns with the applicant and planning officer and suggested the obligation of 2 affordable homes is met on an alternative site.

I have looked for an alternative site option both in the parish of Bishops Hull and at other schemes within the applicant's ownership option. Currently there are no suitable alternative sites within Bishops Hull, however the applicant has another site in his control at Creech St Michael (planning application 14/12/0043) which could accommodate an additional 2 affordable homes on top of the existing 25% affordable housing planning obligation. I would recommend 2 discounted open market (70% of the open market value) three bed houses are built at the Creech St Michael site in addition to the sites affordable housing planning obligation as this tenure is not currently offered in the mix and would provide a broader choice of housing.

The two affordable homes should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or meet any subsequent standard at the commencement of development.



The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

At the time of writing, the Creech St Michael Site has not been granted planning, in the event that planning is not granted for this site or the site does not come forward for any other reason within 6 months of start on site at Sherlands an affordable housing contribution of £189,000 would be payable in lieu of the affordable housing provision.

## **Representations**

17 letters of objection have been received.

- The site is outside the settlement limit, so there should be a presumption against development.
- The site is part of a special landscape feature and will break the ridge line, contrary to policy EN11 of the Taunton Deane Local Plan. The ridge is the natural limit of Taunton and breaking the ridge will set a precedent for development to the west. The site is higher than its surroundings. Two storey houses will be clearly visible from the popular footpath near Wheaton.
- The development would harm the landscape approach to Taunton, contrary to Policy T34 of the Taunton Deane Local Plan.
- There are plenty of brownfield sites that could be developed instead.
- The West of Taunton has insufficient school capacity and insufficient road infrastructure, which is the reason the site was not allocated in the local plan.
  
- The development will increase flood risk at Rumwell lane at the bottom of the hill.
- This is an active toad monitoring site and has great crested newt and smooth newt colonies. It is also an active area for grass snakes.
- The right turn towards Wellington is dangerous. The junction is poorly aligned and more traffic using the lane increases the risk to pedestrians. The alterations proposed will not improve visibility, they will just increase the number of cars trying to make the difficult right turn towards Wellington, increasing the risk of serious accident.
- The site was considered profitable for 13 dwellings 5 years ago, concerned that as this is only an outline application, the numbers will increase in the future when detailed approval is sought.
- The development will detract from the outlook from existing properties on Stonegallows. Existing owners will be put to additional expense in erecting fences for privacy.
- There will be noise pollution from construction and future residents.
- The vista for the listed Rumwell Park will be lost. The development is not in keeping with Rumwell Park.
- The transport assessment is based on 2011 data and does not adequately address the impact that the one way system in Bishops Hull has had on traffic.
- Trees have been planted to screen the site from the A38 but these will not mature for another 20 years.
- The trees on the western boundary must be preserved.

- The lodge will be overlooked because it is lower than the application site.
- Understand that permission has been previously refused and query what has changed to allow reconsideration of the application.
- The verge to the front of 50 Stonegallows is privately owned and could not accommodate additional highway improvements to those shown on the plans.

In addition to objections noted above, the following comments were made in the event that planning permission should be granted:

- The ridgeline should be protected as much as possible; dwellings should preferably be limited to single storey only; surface water must be adequately catered for; street lighting should be kept to a minimum, be directed down and not left on all night; alterations to the roads should be kept to a minimum and footways should not be provided in order to protect the visual amenities and character of the area.
- The quality and layout of the proposed houses looks sensible.

## **PLANNING POLICIES**

EN11 - TDBCCLP - Special Landscape Features,  
 T34 - TDBCCLP - Approach Routes to Taunton,  
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,  
 CP8 - CP 8 ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,  
 CP4 - TD CORE STRATEGY - HOUSING,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would result in payment to the Council of the New Homes Bonus.

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£8,663
Somerset County Council (Upper Tier Authority)	£2,158

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£51,795
Somerset County Council (Upper Tier Authority)	£12,949

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application are the principle of the development; provision of affordable housing; the visual impact and impact on the landscape character of the area; the impact on the highway network; the impact on neighbouring property and the impact on wildlife interests.

### Principle of development

The application site is outside any settlement limit. In this regard, the development is contrary to Policy CP8 of the Taunton Deane Core Strategy, which seeks to resist development outside identified settlement limits. However, the Core Strategy (Policy CP4) also provides for significant additional development in Taunton Deane, requiring the provision of an additional 17,000 homes (at least) over the plan period. Policy SP2 indicates that the majority of these (at least 13,000) should be in or as extensions to Taunton. The Core Strategy identifies certain strategic allocations at Monkton Heathfield, Nerrols, broad locations at Comeytrove and Staplegrove; which together with the Taunton Town Centre Area Action Plan (TTCAAP) sites and completions to date over the plan period are forecast to meet these requirements. There is no slack in these figures, which would not allow any 'non-delivery' of sites and require all to be built out to their maximum indicative levels and for current rates of windfall development to be maintained over 15 years. Of particular concern is the reliance within these figures of 2,100 dwellings within the TTCAAP, a large proportion of which are flats which are not, as a general rule, being developed at the present time. Your policy officers, therefore, consider that there is a need to find additional sites in Taunton on top of the strategic allocations in order to ensure that the plans targets are met and to maintain a 5 year supply of deliverable housing sites.

The Site Allocations and Development Management Policies Plan (SADMPP) will, in time allocated these additional smaller sites in and around Taunton. The SADMPP is currently at an early stage of preparation, with consultation on 'issues and options' having closed on 7<sup>th</sup> March. At the present time, until this plan has reached a more advanced stage, it is considered that the development plan is silent on the matter of where any further sites will be identified. What is certain is that there will need to be a review of Taunton's current settlement limits (as shown on the Core Strategy Proposals Map) to accommodate the required increase in dwellings and that this will be in addition to the strategic sites considered by the Core Strategy. Whilst the development is, therefore, in technical conflict with the development plan in that it proposes development outside the settlement limits, it cannot be accepted that further allocations in Taunton beyond settlement boundaries will not be required and this will be considered through the SADMPP. Paragraph 14 of the NPPF, state that where the development plan is absent or silent, or the relevant policies are out-of-date, then planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In terms of the principle of the development, therefore, it can be seen that there is a conflict with the development plan in that the site is outside the settlement limit. However, the weight of this technical conflict is reduced given the amount of development that the plan envisages for Taunton and that this will, undoubtedly, involve presently unallocated sites outside the plan. Precisely where this development will be accommodated is a job for the SADMPP and until this is in place, the development plan remains silent on this matter. The NPPF is a weighty material consideration and confirms that where relevant parts of the plan are silent,

planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This so-called 'presumption in favour of sustainable development' is echoed by Policy SD1 of the adopted core strategy and together with the NPPF carries such weight as to leave a presumption in favour of granting permission, in principle, provided that it can be shown to be sustainable development within the meaning of the NPPF. Such will be considered through an assessment of other material considerations, in the remainder of this report.

### Provision of affordable housing

The site is of sufficient size to trigger a contribution towards affordable housing under Policy CP4 of the Taunton Deane Core Strategy. However, the Housing Enabling Lead is concerned about the suitability of the site for affordable housing, given the distance from facilities and the general affordability of the area: On small sites, discounted market housing is often considered appropriate due to the difficulties in managing sporadically placed social rent properties. However, the sale values in the area are likely to be particularly high and as such, discount market housing may still be unaffordable to those in housing need.

In this context, your Housing Enabling Lead, would usually suggest a commuted sum be paid. However, in this instance she is also content with the applicant's proposal to meet the affordable housing requirement on a different site within his control – in this instance in Creech St. Michael, which secured a resolution to grant permission on 21<sup>st</sup> May. The benefit of this approach is that it results in two units of affordable housing being physically provided on the ground. Whilst the approach is unusual, given the particular characteristics of this site and its location, it is considered the most appropriate route in this instance.

### Visual impact

This site is in an elevated location and commands long views to the north and south. The landscape officer has studied the submitted landscape assessment and is content that with the amount of landscaping proposed, the development will not be overly visible in the landscape and would not form skyline development on the western edge of Taunton.

From the north, the site is visible from the footpath running from Wheaton Farm. The landscape officer is content, however, that the additional landscaping and low density of development will prevent the dwellings being a prominent feature in the landscape when viewed from this direction. The footpath climbs towards the site and, therefore does not look down upon the development, so the proposed additional landscaping should be effective. From higher ground to the south, again the dwellings would be integrated with the additional landscaping and would be seen against the backdrop of the existing dwellings at Stonegallows.

It has been suggested in the representations that the development conflicts with retained local plan policies EN11 and T34. Policy EN11 prevents development which would harm the appearance, character and contribution to landscape quality of Special Landscape Features (as shown on the Proposals Map), unless planning

conditions would prevent such harm and Policy T34 prevents development which would harm the landscape setting of approach routes into Taunton.

The Special Landscape Features themselves have not been retained on the core strategy proposals maps, but in any case, for the reasons given above, it is considered the conditions to secure the landscape planting can overcome the harm. In terms of the landscape setting of the approach routes to Taunton, when heading towards Taunton on the A38, the highway is well below the site as it passes its southern boundary and views will not be readily available of the new dwellings. From further west, the strong tree backdrop to Rumwell Park in the foreground, together with further proposed landscaping, will screen the site from view. It is not, therefore, considered that there would be a conflict with this policy.

It is perhaps regrettable that the applicant has chosen to submit in outline, reserving layout and landscaping for subsequent consideration. This reduces the reassurance that the site will be laid out in the manner indicated. However, the submitted illustrative layout plan does present a high level of detail and is clearly intended to guide the future layout of the site. Indeed, it goes to such detail as specifying areas where substantial tree planting is proposed and where permitted development rights should be removed from the dwellings in order to prevent outbuildings creeping into visually prominent locations. Your officers are, therefore content that using the illustrative plan as a base, suitable conditions can be imposed in order to ensure that the landscaping is provided in an appropriate location. Your Landscape Officer believes the appropriate course of action following any reserved matters approval would be to place Tree Preservation Orders on any proposed trees in order to safeguard their contribution to the landscape in perpetuity.

#### Impact on the highway network

The application suggests various potential highway improvements that could be made. These are a new junction into the site and highway reconfiguration at this point, revisions to the junction of Stonegallows Lane with the A38, footway provision along Stonegallows Lane and on carriageway cycle lanes along the A38. These will now be considered in turn.

The proposals for site access would realign the existing Rumwell Park Lane at the site access. The existing highway would be realigned such that traffic would automatically turn into the site, and through traffic from Taunton would have to make a right turn. This option places the junction on the outside of a bend and minimises the required hedgerow loss. It is considered that the proposal is sound in landscape terms and will provide an adequate and safe access to the site without detriment to the wider highway network.

The revised junction with the A38 is considered essential by the Local Highway Authority. Whilst their consultation response is somewhat vague, they have confirmed that they believe that the revised junction can be achieved, although considerably more detail is required before they can give a technical approval in principle. These works are off-site and would need to be secured through a Section 106 agreement. That agreement would be the appropriate method for negotiating the detailed highway requirements for the junction, prior to the formal grant of planning permission.

Concern has been raised in the representations about the impact that footway provision along Stonegallows Lane would have on the rural character of the area. At the present time, there are no footways and the highway has a semi-rural feel with grass verges of varying width. It is true that footways would create a much more formalised street and it would not be possible to create a uniform width. In addition, the footway would have to change sides in order to be accommodated in the highway limits and this would likely lead to highway requirements for numerous drop kerbs and tactile paving, further urbanising the character of the lane. Given that a pedestrian walking from the site would have to cross the road twice in the short length before arriving at the A38 junction and then would still be on the Wellington side of the road, the benefits to the pedestrian seem somewhat limited – one wonders, whether the average pedestrian walking towards Taunton would really make the final crossing, or whether they would continue to walk in the highway at this point. The Highway Authority have verbally confirmed that they do not believe that the absence of a footway would significantly change the highway considerations for the scheme and, therefore, your officers consider in this case that the balance falls in favour of not providing a footway in the interests of the visual amenities and character of the area.

The final highway improvements suggested is the provision of on-carriageway cycle lanes on both sides of the A38. This would clearly be of benefit to any cyclists in the area, but it is questionable whether it is really justified by the development of only 8 dwellings. Again, given the distance from the town centre, the steep uphill climb on the return journey back to the site and the fact that the application only proposes 8 dwellings, the Highway Authority do not believe that the cycle lanes are required to make the development acceptable in highway terms. It would, therefore, seem to be an unreasonable obligation to place on the development, and on balance, your officers recommend against its inclusion.

#### Impact on neighbouring property

The closest and most affected neighbours are those that back onto the site on Stonegallows to the east. These dwellings are two-storey, detached dwellings in large grounds and sit some distance from the site boundaries. The illustrative plans submitted indicate that the dwellings proposed on the application site could also sit a reasonable distance from the boundary such that they did not give rise to unacceptable overlooking. The precise location and design of the dwellings would be subject to a reserved matters application and at this stage, your officers consider that the impact on neighbouring amenity will be able to be protected to an acceptable degree. The dwellings backing onto the site will lose their uninterrupted views across the open countryside, but this in itself cannot warrant the refusal of planning permission.

Rumwell Park sits to the west of the site, it is a listed building and has some windows facing towards the development. A substantial tree screen prevents significant intervisibility between Rumwell Park and the site and whilst it would be wrong to rely on trees to prevent overlooking, as with the dwellings on the east side of the site, your officers are content that any dwellings would be able to be designed and sited so as not to provide unacceptable overlooking. It has been suggested in the representations that the woodland backdrop to Rumwell Park, which is frequently used for photography, would be undermined by the development, but given the extensive landscaping – existing and proposed – and low number of dwellings that

would be proposed on the western side of the site, your officers do not believe that this impact would be significant.

### Impact on wildlife

The submitted ecological report indicates that the site boundaries has potential for wildlife habitat, particularly for birds, reptiles, foraging for badgers and foraging for bats. Your Biodiversity Officer is content that no protected species are likely to be harmed during construction and that protected habitats will not be needed to be removed. Accordingly, it is possible to mitigate any harm to wildlife through appropriate conditions to ensure that wildlife is not harmed during construction and that ecological interests will be enhanced on site as a consequence of development.

### Other matters

Rumwell Park is a listed building sitting just of the west site boundary at a slightly lower level. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities should ensure that the setting of a listed building is preserved when considering whether to grant planning permission. Rumwell Park is currently visible in the landscape on approach to Taunton from Wellington and its setting is one of a large house sitting in extensive parkland against a heavy woodland backdrop (the application site boundary). For the reasons noted above in terms of the landscape setting of the site, it is not considered that the development would be overly apparent when viewed from the A38, so it is considered that the setting of the listed building would be preserved.

Concern has been raised by the Drainage Officer that insufficient information has been provided to show that the site is capable of accommodating a SUDS scheme. Subsequent to this, further percolation tests have been undertaken demonstrating the soakaways can be used to dispose of surface water. In this context, it is considered that the detailed design of any drainage system can be dealt with by condition so as to ensure that there will not be any increase in flood risk off site.

### Conclusions – is the development ‘sustainable’ within the meaning of the NPPF? .

The foregoing report has established the principles for determining the application – that the presumption in favour of sustainable development applies and in accordance with Policy SD1 of the Taunton Deane Core Strategy and paragraph 14 of the NPPF, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In considering the this test and the ‘planning balance’, there is clearly considerably less benefit to be gained in terms of contributing to housing supply than would be realised from a higher density development. It would follow, therefore, even a small amount of harm could outweigh the relatively small benefits to be found in this regard. There are other benefits from this development, however, in the provision of a reconfigured junction with the A38. Whilst this may be required to make the development acceptable in highway safety terms, it goes beyond benefitting just the site and its residents, providing highway safety improvements for significantly more

people.

It is worth noting that part of the reason that the site was not allocated in the Taunton Deane Local Plan was due to the low density of housing proposed. At that time, such was in serious conflict with guidance in PPG3 which sought to impose higher density development on allocations. Such prescriptive density requirements have subsequently fallen away in national policy, in favour of an approach that should be based on an assessment of the character of the surrounding area. It is still possible that the site may not be considered for allocation on the basis of the low numbers that the site can yield – due to its landscape constraints – but this does not automatically stop it coming forward as a windfall site through the planning application process in the context of the presumption in favour of sustainable development and silence of the development plan on housing sites at the present time.

Against this, it has been shown that the development would not generate significantly harmful impacts on the highway network, visual amenities of the area, neighbouring property or ecological interests. It is considered, therefore, that the benefits would outweigh any small harm that may arise and the development is considered to be sustainable in the context of the presumption in favour of sustainable development in the NPPF and Policy SD1. It is, therefore, recommended that planning permission is granted.

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

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