

06/19/0048

LIVEWEST

**Erection of 20 No. dwellings with associated infrastructure at The Paddocks, Bishops Lydeard**

Location: THE PADDOCKS, TAUNTON ROAD, BISHOPS LYDEARD

Grid Reference: 316890.128982 Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval** Subject to S106.

### **Recommended Conditions (if applicable)**

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

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

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

(A1) DrNo 101 General Arrangement of Storm and Foul Drainage  
(A3) DrNo HT-FOG-1B2P Rev A Housetype Planning Drawing FOG  
(A3) DrNo HT-COMM Rev B Housetype Planning Drawing Communal/Sleep Over  
(A3) DrNo HT-3B5P Rev A Housetype Planning Drawing 3B5P  
(A3) DrNo HT-2B4P Rev A Housetype Planning Drawing 2B4P  
(A3) DrNo HT-1BM-C Rev A Housetype Planning Drawing 1 Bed Maisonette Type C  
(A3) DrNo HT-1BM-B Rev A Housetype Planning Drawing 1 Bed Maisonette Type B  
(A2) DrNo HT-BUNG-01 Rec C Bungalow GF Plan  
(A1) DrNo BL-L-200 Rev B On Plot Planting Plan  
(A3) DrNo SS-01 Street Scene North Boundary Rev B  
(A3) DrNo PL04 Rev A Materials Layout  
(A2) DrNo PL-03 Rev C Planning Layout  
(A4) DrNo PL-01 Site Location Plan  
(A3) DrNo SK-01 Proximity to The Brendons  
(A1) DRNO SE-01 Rev A Site Sections

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

3. Prior to commencement of above ground works a “lighting design for bats” shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting, including amenity and security lighting, will be installed (including through the provision of technical specifications) and where SMART glass is installed so that it can be clearly demonstrated that areas to be lit or affected by light spill will not disturb or prevent bats using their territory. All external lighting and SMART glass shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting or glazing be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

4. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. Netting shall not in any circumstance be used at any time of year.

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy

5. Prior to any works, including groundworks, commencing on site vegetative clearance will be carried out in strict accordance with the following procedure, either:

A) In October when dormice are still active but avoiding the breeding and hibernation seasons.

A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using hand held tools only. If an above-ground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or

B) Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist.

The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.

No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the work

Reason: A pre-commencement condition in the interests of the strict protection of a European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

6. Prior to vegetative clearance and ground works a walkover survey by a competent ecologist will be undertaken to ensure that no harm befalls amphibian and or reptiles. Any amphibians and hedgehogs found will be translocated to a safe location by the ecologist. Written confirmation of the operation will be submitted to the Local Planning Authority prior to any works commencing on site.

Reason: A pre-commencement condition in the interests of the strict protection of a European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

7. The following will be integrated into and or mounted on buildings:
  - a) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves and away from windows on each of the northeast elevations of Plots 1 and 4
  - b) A bee brick built into the wall about 1 metre above ground level on the southeast elevation of the Plots 8/9, 10, 19 and 20.
  - c) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and around the sitePhotographs of the installed features will be submitted to the Local Planning Authority prior to the completion of construction works.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

8. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of the construction phase, and thereafter maintained until the construction phase ceases.

Reason: In the interest of highway safety.

9. The proposed access shall be constructed in accordance with details shown on the submitted plan, and shall be available for use before first occupation.

Once constructed the access shall be maintained thereafter in that conditional all times.

Reason: In the interests of highway safety.

10. 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. Such provision shall be installed before occupation and thereafter maintained at all times.

Reason: In the interests of highway safety.

11. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing 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: In the interests of highway safety.

12. The Development hereby permitted shall not be occupied until the parking spaces for the dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

13. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

14. The bin/cycle/scooter storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby

permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

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

Reason: A pre-commencement condition is required to ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

16.     In this condition 'retained tree/hedge' means an existing tree/hedge which is to be retained in accordance with the approved plans (Drg No. BL-L-200 Rev B) and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998 (2010) (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

17.     (i) A landscaping scheme shall be submitted to and approved in writing by the

local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

18. The windows hereby granted approval shall be coloured Grey, details of which shall be submitted to and approved by the local planning authority and shall be retained and maintained in this fashion.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the extent of the consent granted.

19. The doors hereby granted approval shall be coloured Tideway (BS18B21) or Chartwell Green Renolit (49246), and shall be retained and maintained in this fashion.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the extent of the consent granted.

20. Full details of the rainwater goods for the development hereby approved shall be submitted to and approved in writing by the local planning authority. They shall be installed in accordance with the approved details and shall be retained and maintained in this fashion.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the extent of the consent granted.

21. The use of the communal unit is hereby limited to the use of the residents. It shall not be used by the wider local catchment area as it does not provide fully accessible facilities including changing and toilet facilities.

Reason: For the avoidance of doubt as to the extent of the consent granted.

#### Notes to Applicant

1. In accordance with paragraph 38 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. Somerset County Council as the Highways Authority offers the following additional advice:-  
The Travel Plan has yet to be fully accepted by this Authority. Once accepted it shall be secured via an appropriate agreement under S106 Town and Country Planning Act.

## **Proposal**

The proposal is for 20 dwellings with associated infrastructure. The agent has been asked to clarify the use of the communal dwelling and has confirmed that it 'is proposed for use by staff, residents (common area) and visitors who wish to stay the night', with one parking space. The proposal is for 100% Affordable Housing provision.

## **Site Description**

The site lies to the east of the Brendons. The whole north-east boundary is adjoining that residential development and the north-western boundary is adjacent to the highway (Taunton Road). To the east is hedge and trees with an adjacent consented development site whilst the southern boundary is adjacent to fields which back onto the A358. The southern boundary is hedge with few trees. At the time of the site visit the land was unkempt with a 2m high metal gate barring entry onto the site from Taunton Road. There is also a bank between the development site and the highway which is grass and unkempt hedge. There is an agricultural type gate from the Brendons onto the site.

## **Relevant Planning History**

06/12/0004 - Outline Planning Application for the erection of 10 no dwellings with access from Brendons - Withdrawn  
06/13/0001 - Outline Planning Application (with all matters reserved) for the erection of 10 no dwellings - CA  
06/14/0056 - Reserved Matters application for the erection of 10 dwellings with vehicular access, garages, parking and landscaping pursuant to outline application 06/13/0001 - CA  
06/14/0058 - Erection of 1 affordable dwelling with vehicular access and parking - CA  
06/16/0005 - Variation of Condition 2 (approved plans) of application 06/14/0058 - Withdrawn  
06/16/0009 - Non material amendment to application number 06/14/0058 for the addition of a dormer window on the east elevation - CA

Site to the East and South-East

06/17/0033 - Erection of 173 No. dwellings (to include 25% affordable dwellings) with associated car parking, access, public open space, landscaping, drainage and infrastructure and outline consent for the provision of a care home (Class C2) on land at Taunton Road, Bishops Lydeard - CA

## **Consultation Responses**

## *BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL - Objection*

1 It is considered that the design of the terrace fronting Taunton Road is wholly out of keeping with the immediate surroundings despite the representations made in the Design & Access Statement. In early discussion with LiveWest, a sketch plan/drawing of the terrace was produced to the Parish Council and which the Council considered was suitable. The Parish Council strongly recommends that the frontage be amended to more closely reflect this design and to accord with the Neighbourhood Plan. The north boundary street scene shown in drawing SS-01 Rev.A looks really "institutional". The Parish Council has previously expressed concerns about this boundary scene, and it is disappointing to note that nothing has changed.

2 The Parish Council is anxious to ensure that the footpath fronting The Brendons is continued along the road fronting the site with a view to it being connected to the footpath to be constructed fronting the neighbouring land owned by David Wilson Homes. The comments of the applicant's agent are noted in the paragraph headed "Access" in the Design & Access Statement. However, the Parish Council is aware that the bank between the applicant's land and the road is owned by a third party and is concerned that the road may need to be narrowed to provide for the footpath. That would be unacceptable. It is noted that Highways wish to make observations which have not yet been published.

3. The Parish Council is disappointed to learn that both the applicant and the District Council felt it unnecessary to deliver individual notifications of this application to nearby households, particularly those at The Brendons. In the circumstances, it is important that the registered comments of residents are carefully noted and considered.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Does not wish to raise any objection but recommends conditions be imposed should consent be granted.

*SCC - ECOLOGY* - A Ecological Appraisal of the Application site was carried out by Richard Green Ecology in October 2019. The proposed development would result in the loss of approximately 1.2 hectares (ha) of semi improved grassland and less than 0.1ha of scrub and seven semi mature trees. Five species of bat were recorded in transect surveys including common and soprano pipistrelle, serotine, long-eared and noctule in August and a similar number in September. However, in the latter survey two passes of the extinct ouse-eared bat were recorded. These latter were also recorded in automated static surveys which also additionally recorded barbastelle and lesser horseshoe bats being present in both July and September.

Additional lighting was considered to potentially have an adverse effect on bats and that the southwest and southeast boundaries be kept dark. This would be affected by the site access road and windows at the rear of the bungalows. Therefore, the following condition will be required:

*Prior to construction, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting, including amenity and security lighting, will be installed (including through the provision of technical specifications) and where SMART glass is installed so that it can be clearly demonstrated that*

*areas to be lit or affected by light spill will not disturb or prevent bats using their territory. All external lighting and SMART glass shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting or glazing be installed without prior consent from the Local Planning Authority.*

*Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy*

There will be loss of semi mature trees and scrub which may be used by nesting birds.

The following condition will be required:

*No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. Netting shall not in any circumstance be used at any time of year.*

*Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy*

There is a small likelihood that dormice could be present in the scrub, trees and hedgerow to be removed. This needs to be conditioned:

Prior to any works, including groundworks, commencing on site vegetative clearance will be carried out in strict accordance with the following procedure, either:

*a) In October when dormice are still active but avoiding the breeding and hibernation seasons. A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using hand held tools only. If an aboveground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or*

*b) Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist. The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.*

*No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the work*

*Reason: A pre-commencement condition in the interests of the strict protection of a European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy*

A common toad was found on the application site but no reptiles or other amphibians.

Hedgehogs were also considered potentially present. Toads and hedgehogs are listed as a priority species on s41 of the Natural Environment and Rural Communities Act 2006 for which the Local Planning Authority has a duty for the conservation of in carrying out its role.

*Prior to vegetative clearance and ground works a walkover survey by a competent ecologist will be undertaken to ensure that no harm befalls amphibian and or reptiles. Any amphibians and hedgehogs found will be translocated to a safe location by the ecologist. Written confirmation of the operation will be submitted to the Local Planning Authority prior to any works commencing on site.*

*Reason: A pre-commencement condition in the interests of the strict protection of a European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy*

The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. A bee brick would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall. I recommend that the following is conditioned.

*The following will be integrated into and or mounted on buildings:*

*a) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves and away from windows on each of the northeast elevations of Plots 1 and 4*

*b) A bee brick built into the wall about 1 metre above ground level on the southeast elevation of the Plots 8/9, 10, 19 and 20.*

*c) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and around the site*

*Photographs of [the installed features will be submitted to the Local Planning Authority prior to the completion of construction works.*

*Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the*

**WESSEX WATER** - Comments as follows:-

The foul point of connection as indicated on the attached is satisfactory to Wessex Water. However, The surface water methodology notes that "Assuming that the site conditions will not accept a solution for the discharge of stormwater to soakaways then a design based on it is proposed discharge into the Wessex Water public drainage system is considered the correct solution. Discussions have taken place with Wessex Water in respect of the Storm water discharge and they will accept the flows into their system as the above".

Please consider the attached Wessex water plan. We have **no** public surface water systems /combined sewerage systems in close proximity to the site and as such a discharge of surface water to any public sewer systems under the ownership of Wessex water should be discounted at this stage of the planning process. The SUDs hierarchy and other flood risk measures will need to be fully exhausted in line with advice from the LLFA as the statutory consultee for the catchment. Wessex water will not consider any surface water flows into the public foul network.

*POLICE ARCHITECTURAL LIAISON OFFICER* - No objection subject to comments:-

1 Offence per month, which is classed as a very low level of reported crime.

**Layout of Roads & Footpaths** - vehicular and pedestrian routes appears to be visually open and direct and are likely to be well used enabling good resident surveillance of the street and rear courtyard areas. The use of physical or psychological features i.e. surface changes by colour or texture, rumble strips and similar features within the development would help reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The single vehicular entrance/exit to the development has advantages from a crime prevention perspective over through roads in that this can help frustrate the search and escape patterns of the potential offender.

**Orientation of Dwellings** - all the dwellings appear to overlook the street and rear courtyard areas which allows neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection.

**Dwelling Boundaries** - it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public area, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre to assist this. More vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8m. Gates providing access to rear gardens should be the same height as adjacent fencing and lockable. This would appear to be particularly relevant in respect of the fencing/gates at the side of plots 12 and 18, as there appears to be a communal garden connecting these plots. The plans indicate that these recommendations will be complied with. If possible, an element of defensible space should be incorporated at the gable ends of plots 8/9, 12 & 19 even if only in the form of a narrow strip of planting or similar, to deter crime and ASB affecting these plots.

**Car Parking** - generally speaking, appears to be a mix of flats over garages, rear courtyard parking spaces for the houses and front courtyard/disabled parking spaces for the bungalows. All the parking spaces appear to be small in number, close to and well overlooked from the dwellings they serve, which is recommended.

**Bike/Scooter/Refuse Store** - this store is located in an area of good surveillance from the bungalows and should be substantial construction and lockable to deter theft of cycles/scooters and use of wheelie bins for climbing or arson. The same principle should apply to the other two bins stores.

**Landscaping/Planting** - although limited in this development, planting should not impede opportunities for natural surveillance and must avoid potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1m and trees should be devoid of foliage below 2m, so allowing 1m clear field of vision.

**Street Lighting** - there is existing street lighting in Taunton Road and all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas in this development should comply with BS 5489:2013.

**Physical Security of Dwellings** - in order to comply with **Approved Document Q: Security - Dwellings**, of Building Regulations, all external doorsets providing a means of access to a dwelling and ground floor or easily accessible windows and rooflights must be tested to PAS 24:2016 security standard or equivalent.

Secured by Design (SBD) - **if planning permission is granted, the applicant is advised to refer to the 'SDB Homes 2019' design guide available on the**

**Secured by Design website - [www.securedbydesign.com](http://www.securedbydesign.com) - which provides further comprehensive guidance regarding designing out crime and the physical security of dwelling.**

*ENVIRONMENT AGENCY* - We have assessed the above application and can confirm that we have no comments to make as this consultation did not fall within a category to which we required a consultation on. This is within flood zone 1.

*HOUSING ENABLING* - Comments as follows:-

In accordance with Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings.

An off-site children's play contribution of £3,328.00 per each 2 bed+ dwelling should be made. A total of £16,640. The contribution to be index linked and spent on additional play equipment within the parish.

*SOUTH WEST HERITAGE* - No objections on archaeological grounds

*WALES & WEST UTILITIES* - Gas pipes owned by other GT's and also privately owned may be present in this area. You must not build over any of our plant or enclose our apparatus.

*LEAD LOCAL FLOOD AUTHORITY* - Objection

- We would advise the LPA that the current density of the development is potentially precluding a more sustainable drainage scheme. Underground features offer no wider benefits and can be harder to maintain, and it appears that the reason for use is as a result of lack of space. Any opportunities to facilitate wider suitability elements, including reducing pipework, source control features, and above ground features should be explored.
- Please note that as this development is in the catchment of the River Tone we would expect to see the discharge rate limited to 2 l/s/ha (or the Qbar greenfield runoff rate, whichever is lower).
- We would be expecting to see a 40% climate change figure used on all calculations including discharge rates.
- We would recommend the current greenfield regime of the site is shown to demonstrate where the site naturally drains.
- We would recommend that the drainage hierarchy is demonstrated when suggesting the point of connection from the site.
- We are aware of several flooding incidents within the vicinity of the site, the applicant should take this into consideration when designing the drainage strategy to ensure that flood risk will not be increased elsewhere.

We would expect any planning application to demonstrate that flood risk will not be increased elsewhere due to the proposal, however there is current insufficient plans to demonstrate this. It is important to note that we do not agree with the proposed discharge rate for the site as this is far too high for this site.

*Somerset West and Taunton Council, Tree Officer* - Comments as follows

The trees along the southern boundary were TPO'd in 2012 in anticipation of the site coming forward for development (TPO attached). To my eyes, the more important trees in the TPO are the deciduous ones, mainly walnut and one maple at the eastern end. Although some have been somewhat suppressed by the fast-growing

cypress trees, they are worthy of retention, and have been largely classed as category B. They are longer-living, slower-growing species. The application proposes to remove more than half the trees, including four walnuts. It proposes to keep the cypress in preference to walnuts – I would do the opposite, and then inter-plant with new trees, but I'm not sure how the local residents feel about the cypress trees, and whether they would mind them being removed. Some of the cypress trees at the western end are poor, so no problem with their removal. Ideally, I'd like to see us keeping more of the TPO'd trees (mainly the deciduous ones) and giving more space between building and trees, although I appreciate that space is tight. Any chance of a re-design?

## **Representations Received**

12 x objections

- This application to extend planning from 10 to 20 at The Paddocks is totally unacceptable. With planning already granted in Taunton road for 173 homes it is totally unnecessary to grant permission for even more in this previously quiet area of our village.
- More bungalows and affordable homes should have been included in the development already underway at Moorland Gate, not squeezed into the paddocks.
- The style and amount of homes proposed will not fit in with the neighbouring homes and will have a negative impact on the surroundings of existing properties.
- 1.8m close boarded fence should be provided along the defunct agricultural gate to the Brendons to ensure privacy and security and to prevent access via the rear yard of the communal building.
- No consultation with the developer and the resident of the Brendons
- Housing Density is too much for a previously undeveloped site, with a maximum of 15/16 being more appropriate.
- Design is not the same shown to the Parish Council in 2018 and therefore requires further discussions with the Parish Council
- Design does not comply with the Bishops Lydeard Neighbourhood Plan page 22-Design, quality and sustainability standards including a requirement that affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, architectural details, level of amenity, parking provision and privacy.
- SUDS/drainage - relying on solely permeable paving and underground storage is not a truly SUDS scheme as it will discharge in Wessex Water system.
- Proposed bike/scooter store will prevent access to maintain hedge and adversely impacts on privacy
- Affordable housing especially for those with learning disabilities should be distributed within the wider community. This is not achieved through the proposal
- Comments response time is too short and covers the Christmas period and so undermines residents' right to fully consider the document, consult and register their comments. Furthermore, the proposal might benefit from more details to help residents understand the purpose of the development. In light of this I believe it is necessary to extend the resident response time.
- The proposed 20 housing units is not suitable for the such a small area of land.
- The developer has not considered the issues of privacy for neighbours. This could detrimentally affect residents of Brendons with back gardens adjoining the development.
- Gable end on plot will be overbearing to the closest neighbour in Brendons

- Two storey development is adjacent to Nos1 and 2 Brendons which are located closest to the proposal development and have smaller rear amenity spaces
- Plans inconsistent with various distances between the proposed development and neighbouring dwellings in the Brendons.
- Design along Taunton Road is institutional and is not sympathetic to the surrounding properties.
- Choice of materials comprises a dark palette which will strengthen the effect of the development having an overbearing impact'
- The use of dark materials is out of keeping with the existing dwellings which are mostly pale render
- Lack of details regarding the methods of construction
- Is the village able to cope with the extra people on top of the Moorland development
- Excuses made for the non-compliance with parking standards
- Proposal will put an unsustainable strain on the natural environment.
- Maximum insulation and solar heating should be achieved
- Lack of areas to grow not just shrubs
- No trees or hedgerows should be destroyed
- The area contains badger setts, nesting birds, owls, rabbits, foxes deer and many other bird species which need protection
- Proposal will place further stain on local facilities.
- Proposal will adversely impact existing neighbours due to noise and traffic movements
- Unclear how the communal unit would be used, including numbers of visitors and deliveries
- Lack of turning for refuse or delivery trucks
- The scheme does no include an area of verge along the frontage of Taunton Road - what will happen to this verge?
- The proposal does no consider the relevant planning policies, specifically the SADMP, Neighbourhood Plan and the National Design Guide, which have been adopted/published since the previously approved scheme.
- The use for units 9 and 10 are not specified
- Add to the chaotic conditions along Taunton Road
- The recycle/bike/scooter storage unit will not allow us to maintain our hedge from The Paddocks.
- Disagree with the proposal for surface water discharge from the site.
- Taunton Road has planning granted for 173 homes in Taunton Road, totally unnecessary to grant permission for even more in this once quiet area of the village.
- The 1.8 close boarded fence shown on PL-04 should be extended to include the rear of No5 Brendons and the existing gateway into the site from Brendons in order to provide privacy and security

Somerset Wildlife Trust - Fully support the proposal for Mitigation and Enhancement as outlined in Section 4 of the Appraisal and would request that these proposals are included in the Planning Conditions if it should be decided to grant Planning Permission.

## **Planning Policy Context**

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

ENV4 - Archaeology,

CP8 - Environment,

Taunton Deane Adopted Site Allocations and Development Management Plan

MAJ4 - Land at Taunton Road, Bishops Lydeard.

C2 - Provision of Recreational Open Space

C6 - Accessible Facilities (if communal area used for wider than local, walking catchment leisure led proposal. It will not apply to purely residential schemes.)

A1 - Parking Requirements

A2 - Travel Planning

A5 - Accessibility of development

I4 - Water Infrastructure

ENV 1 - Protection of trees, woodland, orchards and hedgerows

ENV2 - Tree planting with new developments

D7 - Design Quality

D8 - Safety

D10 - Dwelling Sizes

D12 - Amenity Space

D13 - Public Art

SB1 - Settlement Boundaries

Adopted Taunton Deane Core Strategy

SD1 - Presumption in Favour of Sustainable Development

CP1 - Climate Change

CP4 - Housing

CP5 - Inclusive Communities

CP6 - Transport and Accessibility

SP1 - Sustainable Development Locations

SP4 - Realising the vision for the Rural Areas

DM1 - General Requirements

DM2 - Development in the Countryside

DM4 - Design

DM5 - Use of Resources and Sustainable Design

Taunton Deane Borough Council - Affordable Housing Supplementary Planning Document

Bishops Lydeard and Cothelstone Neighbourhood Plan

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwellings is CIL liable. Proposed development measures approx. 1340sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £167,500.00. With index linking this increases to approximately £224,500.00.

As the proposed development is for affordable housing it will be a matter for the applicant/agent to claim CIL exemption

## **Determining issues and considerations**

The pertinent issues to consider are the principle of the development in planning policy terms and the potential impact of the proposals upon neighbouring amenity, highway safety and landscape character and taking these into account as to whether the proposals would form a sustainable form of development.

### Planning Policy

The site is located outside the defined settlement limit of Bishops Lydeard however the land does fall within policy MAJ4 as being allocated for residential development. The application site is adjacent to the settlement limit of Bishops Lydeard and is within easy walking distance and with good access to a high level of services within the village including; nursery, garage, primary school, doctor's surgery, shop, post office, pubs and sports clubs. On the basis of the sites physical location and proximity to Bishops Lydeard, the site is considered to be sustainable in terms of its location.

### Design

The proposal is for all 20 units to form an affordable residential development;

2 x 1<sup>1/2</sup> Storey, Flat over Garage (FOG) ( 2 x 1 bed, 2 person)

8 x 1 storey, Bungalows (7 x 1 bed, 2 person and 1 x 2 bed, 2 person to allow for live-in care)

4 x 2 storey, Maisonette units ( 4 x 1 bed, 2 person)

5 x 2 storey, Houses (2 x 3 bed 5 person and, 3 x 2 bed 4 person)

1 x 2 storey, Communal Unit/Dwelling

This gives a total of 20 dwellings of various designs including the communal unit and its living associated accommodation. The 8 bungalows and the communal unit is intended for residents with learning difficulties with the remaining dwellings for use by families, couples and singles. It is anticipated that Service Charges will be required for the parking courtyard and some communal landscaping. As the residents with learning difficulties have higher needs there would be additional care and support packages in place.

Pre-planning application advise was sought however the process was not concluded for this revised proposal.

The size of the proposed dwellings approximately accords with those set in policy D10 - Dwelling Sizes of the SADMP and will utilise a variety of designs including single storey, 1<sup>1/2</sup> and 2 storey dwellings.

The single storey units will be most visible from the Brendons and have been sited

so that their height and location, away from this boundary reduces their impact. Properties closest to these neighbours are plots 19 & 20, which are 1<sup>1</sup>/<sub>2</sub> and 2 storeys and positioned next to the existing agricultural entrance from the 'Brendons'. Unit 20 is a flat over garage and would be approximately 21.8m from its eastern corner to the rear of the dwelling in Brendons (No.4) or 3.4m from the boundary. Unit 19 is the communal unit and would have a minimum distance of 14.5m and a maximum 15.2m between the rear elevations of both dwellings which is 5.4m from the boundary of number No.5. Unit 1 is adjacent to Nos.1 and 2 Brendons rear amenity space. The distance between the proposed dwellings gable end elevation and the rear elevation of No.1 is a maximum 16.76m and a minimum 15.83m, however the gable end is only 5m maximum or 4m minimum from the rear boundary of No1. The distance to No.2 is approximately 15.16m and the eastern corner of the dwelling will be 2.7m from that dwellings rear boundary. Unit 1 is however not considered to adversely impact in terms of overlooking as no windows are proposed for its north-west elevation.

The Design and Access Statement suggests that the mixture of roof styles, ridge lines, roof pitches and roof materials help to reduce the overall scale of development in terms of height, overshadowing and potential visual impact imposed on existing buildings, however the change in design to the roof of unit 1, when compared to the 2018 pre-app design, will impact No1 Brendons and is considered to be visually dominant.

The single storey dwellings to the rear of the site have a contemporary design with an overhanging roof, pergola walkway and brickwork to compliment the frontage. The dwellings that face onto Taunton Road and the flats over garage (FOG) are of a more traditional design. These elements are considered to have no adverse impact, though objections have been raised regarding the location of the bin/cycle/scooter storage. The siting of the bin/cycle/scooter storage unit is considered acceptable as it will be have good surveillance from the communal unit and the single storey dwellings which is likely to deter theft. It is hoped that the unit would have some type of lock for added security. Whilst the location is adjacent to the boundary any issues regarding maintenance of hedges/fences would be a civil law matter.

On balance the proposal is considered not to create any undue overlooking or loss of privacy.

The proposed materials are:-

**Roof -** Houses, Maisonette and FOGs:

Profiled interlocking dark red tile, similar to the neighbouring dwellings at the 'Brendons'.

150mm overhanging eaves and gables.

Eaves and fascias enclosures to be white uPVC.

Bungalows:

Grey single-ply membrane with standing seams.

Mono pitch roof with overhangs to front and rear.

Eaves and fascias enclosures to be grey aluminium.

**Walls -** Houses, Maisonette and FOGs:

Red multi-brick in running bond to all elevations

Dark red smooth brick window cills, heads, door surrounds and wall sweeps to front façades

Bungalows:

Light red multi-brick in running bond to all elevations  
Light red multi-brick in soldier course to base of wall to all elevations,  
and top of wall to front elevations.  
Mid-red smooth multi-brick in stacked bond for detailing where shown  
Mid-red smooth multi-brick stacked headers to form box around  
windows and doorways

**Windows -** Houses, Maisonette and FOGs:

Coloured uPVC with double glazing and low-E glass

Bungalows:

Coloured uPVC with double glazing and low-E glass

**Doors -**

All

PAS24 rated doors, GRP (Glass Reinforced Plastic) Wood Effect  
finished in heritage colours suggest Tideway and Chartwell Green

The Bishops Lydeard and Cothelstone Neighbourhood Plan requires new development to include a variety of low and high density to reflect that of the existing village. This proposal is considered to be high density but given the size of the plot it would be unlikely to expect a suitable design to offer high and low density housing. It is located in an area of the village that is being developed and will therefore be surrounded by development of varying densities. The proposal is considered to be family and people friendly as required by the Neighbourhood Plan. It proposes a mix of accommodation types and sizes alongside specialist accommodation for those with learning difficulties. The proposal does exceed the Neighbourhood Plans requirement for developments over 5 units providing 25% affordable units, as the whole development is for affordable housing.

The proposal includes railings along the frontage with Taunton Road will provide a defining front boundary. The Bishops Lydeard and Cothelstone Neighbourhood Plan states that materials should predominantly be local sandstone with render and appropriate brickwork. The proposal would use two of the recommended external materials with no sandstone being proposed. The windows are proposed in coloured (grey) uPVC rather than the recommended timber and GRP doors are proposed in two shades (Tideway and Chartwell Green) . A condition to control the colour of the windows and doors will be imposed in order to retain the character and appearance of the surrounding area. The rainwater goods are proposed to be black, however no further details have been submitted therefore a condition will be required to ensure that these are of a suitable material and colour and have no adverse impact upon the external appearance of the proposed development and surrounding street scene.

Policy DM1 relates to general requirements for development. This proposal seeks to make the most effective use of the land, avoid highways being overloaded, protection of wildlife species and their habitats, avoid harming the appearance and character of the landscape/settlement, address issues of pollution, ensure the health and safety or amenity of users regarding existing or committed uses and how utility services are able to serve the site. These matters are addressed individually within this report, however the recommendation is for approval with various planning

conditions to ensure the proposal complies with the policy.

As the site is outside the development boundary for Bishops Lydeard policy DM2 would normally be applied, however in this case the location has been allocated as suitable for residential development under policy MAJ4 - Land at Taunton Road, Bishops Lydeard of the SADMP.

Policy CP4 relates to Housing for the district including the provision of affordable house. This policy sets an affordable housing target of 25% for new housing developments over 5 units. This proposal is for 100% affordable housing. The Supplementary Planning Documents requires a 'local connection' clause to be included in the S106 to ensure residents of Bishops Lydeard and Cothelstone are given priority to the accommodation. All dwellings are proposed as Affordable Rent Tenure (ART) and the proposal has been supported by Taunton Deane for Homes England grant and for Local Authority grant.

Policy CP5 includes development proposals that create inclusive housing. The proposal is considered to contribute towards a reduction in social inequalities by providing 100% affordable accommodation to both learning difficulties and general needs residents and is of a suitable design.

The proposal does include car parking that will be overlooked by the single storey bungalows and the site offers only one point of access which is onto Taunton Road. The proposal is therefore considered to have address policy D8 (Safety) of the adopted SADMP.

The communal unit if used for wider than the local catchment area would need to be fully accessible including changing and toilet facilities. This should include enough space for those who cannot use standard accessible facilities and must contain the correct equipment including toilet, shower and height adjustable changing bench and hoist in order to comply with policy C5 of the SADMP. The submitted floor plans do not comply with these requirements therefore a condition will be imposed to ensure it is used for the residents of the site only.

The overall design of the development will not adversely impact upon the existing street scene and is considered to meet the general design requirements of the Core Strategy and the SADMP in terms of quality and the use of materials. In addition the land has been identified for residential development in the SADMP under policy MAJ4. As the proposal is for 100% affordable development the scheme will offer wider benefit to the local community resulting in a balanced community which will support the existing shops, pubs, and other community facilities offered by Bishops Lydeard as a Major Rural Centre. The village of Bishops Lydeard has been identified as suitable for expansions due to the existing level of community facilities and its transport links with Taunton. The provision of homes for residents with learning difficulties is welcomed and it is noted that these units are located to the rear of the proposal with parking to their fore and in close proximity to the scooter storage building. This gives a level of security by these residents who will overlook the parking area and have a shared communal garden on the rear. The proposal is considered to have no adverse impact in regards to the consented, but not yet built, development to the south-east.

#### Amenity

The site does not benefit from its own play area, however this area of the village is

being development and consented planning application 06/17/0033 which is to the south-east of the site will provide play areas for children of various ages.

The housing enabling specialist has stated that in order to comply with policy C2, Appendix D, provision for children's play should be made for the residents of these dwellings. An off-site children's play contribution of £3,328.00 per each 2 bed+ dwelling should be made which equates to a total of £16,640. The contribution to be index linked and spent on additional play equipment within the parish and will be included in the S106.

The proposal is considered to provide sufficient private amenity space for the 2 storey dwellings including the marionettes and a communal area for the bungalows. Limited private amenity space is provided for the Flats Over Garages and whilst the Maisonettes have no balconies or terraces this is acceptable. The communal area will have amenity space.

#### Access and Highway Safety

26 parking spaces and 4 cycles spaces are proposed along with communal bin stores, however SCC as the Highway Authority have no objected to the under provision of parking as the type of accommodation proposed generally generates less traffic than regular residential properties.

It is anticipated that of the 8 bungalows parking will be required for visitors as generally such residents do not drive and do not own cars. A total of 2 visitors per day is typical for such developments. The agents believe that up to 6 staff would be caring for the 8 LD residents during the day, including the live-in carer and a maximum of 2 staff present at night time but only 1 would be sleeping at any given time. The agent anticipates that during the day (assuming 80% drive) parking will be required for four vehicles, 1 space for the live-in carers and two spaces for visitors (assuming they are on site at the same time). Over night it is anticipated that 100% would drive, however that would equate to two spaces for staff and one for the live-in carer.

In terms of the general rental affordable homes the agents believes that 2 parking spaces per 3 bedroom dwelling is appropriate rather than the 2.5 spaces set by Somerset County Council in their parking standards, however this figure would be expected to be rounded up to 3 parking spaces. The proposal offers 23 parking spaces shown on plan however the agent has referred to 26 parking spaces in the parking assessment. This local authority has its own parking standards, policy A1 of the SADMP, which set 3 parking spaces for a 3 bedroom dwelling. Thus according the Somerset West and Taunton parking provision should be:-

9 x 1 bedroom dwellings = 9 spaces

8 x 2 bedrooms dwellings =16 spaces

2 x 3 bedrooms dwellings = 6 spaces

Total = 31 spaces required to meet the requirement of policy A1 of the SADMP.

The above number could rise if visitor parking is required. If the proposed parking is 50% unallocated, increased by 0.2 spaces per dwelling and if 50% of the parking is allocated no visitor parking is required. The proposal therefore does not strictly meet the requirements of policy A1, however the Highway Authority have accepted that for this particular proposal the under provision of parking spaces is acceptable.

The site is located within walking distance of the local facilities and appears to comply with policy A5 of the SADMP. The proposal is acceptable in terms of its accessibility to public transport links and it is understood that the occupiers of the site will not necessarily have access to a private motor car on an individual basis.

Somerset County Council as the Highway Authority has not objected to the proposal accepting that for this particular development the reduction in parking provision will be acceptable. They have however recommended 6 planning conditions which will be included in any consent. The Highway Authority also require a 'Note to Applicant' which will clearly state that *'The Travel Plan has yet to be fully accepted by this Authority. Once accepted it shall be secured via an appropriate agreement under S106 Town and Country Planning Act'*.

The proposal is therefore considered acceptable in regards to Policy CP6 of the adopted Core Strategy and whilst not complying with policy A1, the scheme is considered acceptable due to the specialist accommodation being proposed and the control afforded by the use of the recommend highway conditions.

#### Landscape character including Archaeological impact and Ecology

The submitted ecology survey found no reptiles, but identified that up to 8 species of bat were recorded over the site. The County Ecologist has recommended that 5 conditions be imposed regarding bat lighting, removal of hedgerows, tree and/or shrubs, possibility of dormice on site, common toads and finally a condition regarding mitigation for birds, bees and hedgehogs.

Policy ENV 1 relates to the 'Protection of trees, woodland, orchards and hedgerows'.

The site has existing trees/hedgerows to the rear (south) of the site and along the boundary that runs north-east/south-west on the eastern boundary. The use of a planning condition will ensure that the existing trees and hedgerows on the site are retained as per Drawing No. BL-L-200 Rev B. In total 7 existing trees covered by TPOs will be lost (4 walnut, 3 Cypress). This authority's Tree Officer has considered the proposal should be either refused or redesigned due to the removal of the category B trees (Walnut) and the retention of the Category C trees (Cypress). The tree officer considers *'the more important trees in the TPO are the deciduous ones, mainly walnut and one maple at the eastern end. Although some have been somewhat suppressed by the fast-growing cypress trees, they are worthy of retention, and have been largely classed as category B. They are longer-living, slower-growing species. The application proposes to remove more than half the trees, including four walnuts. It proposes to keep the cypress in preference to walnuts – I would do the opposite, and then inter-plant with new trees, but I'm not sure how the local residents feel about the cypress trees, and whether they would mind them being removed. Some of the cypress trees at the western end are poor, so no problem with their removal. Ideally, I'd like to keep more of the TPO'd trees (mainly the deciduous ones) and giving more space between building and trees'*.

Due to the size of the plot the Tree Officer considers that it is necessary to request a re-design in order to keep the trees.

There is a differing of opinion between this authority's Tree Officer and Hellis (the author of the Tree Report) over the merit of trees that would be lost to development. Hellis considered that the loss of the tree can be mitigated by new planting. The protected trees were not raised by the Parish Council in their objection nor did any of the objectors refer to TPOs on the site.

Whilst the loss of the trees with TPOs is disappointing their loss can be mitigated for, with the proposed new planting. The agent has confirmed that they would consider alternatives to the proposed use of Birch if that species was found to be unsuitable, or where a more 'bat friendly' species is required. Two conditions are proposed regarding the protection of trees and hedges to be retained and a further condition could be included if necessary.

A condition relating to the landscaping details being submitted to and approved by the local planning authority is considered necessary, to ensure that the proposed mitigation is of an acceptable level and will address the loss of the trees.

Policy ENV 4 is applicable as the site is within an Area of High Archaeological Potential however the South West Heritage team had commented 'No objection' regarding the issue of archaeology.

### Water Infrastructure

The Lead Local Flood Authority has advised that the current density for the development is potentially precluding a more sustainable drainage scheme. They have advised that 'Underground features offer no wider benefits and can be harder to maintain, and it appears that the reason for use is as a result of lack of space.' They have gone on to raise an objection on the following grounds

- We would advise the LPA that the current density of the development is potentially precluding a more sustainable drainage scheme. Underground features offer no wider benefits and can be harder to maintain, and it appears that the reason for use is as a result of lack of space. Any opportunities to facilitate wider suitability elements, including reducing pipework, source control features, and above ground features should be explored.
- Please note that as this development is in the catchment of the River Tone we would expect to see the discharge rate limited to 2 l/s/ha (or the Qbar greenfield runoff rate, whichever is lower).
- We would be expecting to see a 40% climate change figure used on all calculations including discharge rates.
- We would recommend the current greenfield regime of the site is shown to demonstrate where the site naturally drains.
- We would recommend that the drainage hierarchy is demonstrated when suggesting the point of connection from the site.
- We are aware of several flooding incidents within the vicinity of the site, the applicant should take this into consideration when designing the drainage strategy to ensure that flood risk will not be increased elsewhere.

We would expect any planning application to demonstrate that flood risk will not be increased elsewhere due to the proposal, however there is current insufficient plans to demonstrate this. It is important to note that we do not agree with the proposed discharge rate for the site as this is far too high for this site.

The proposal is therefore not considered to fully accord with policy I4 of the SADMP or policy CP1 of the adopted Core Strategy, however the agent has submitted additional information which it is hoped will address the above concerns. It is expected that members will be verbally updated on this issue at the committee.

Wessex Water has advised that 'the SUDs hierarchy and other flood risk measures will need to be fully exhausted in line with advice from the LLFA as the statutory consultee for the catchment. Wessex water will not consider any surface water flows

into the public foul network.'

The Environment Agency have assessed the above application and can confirm that they have no comments to make as this consultation did not fall within a category to which they required a consultation on. This is within flood zone 1.

### Other Matters

The parish council have objected on 3 points:

*1 It is considered that the design of the terrace fronting Taunton Road is wholly out of keeping with the immediate surroundings. In early discussion with LiveWest, a sketch plan/drawing of the terrace was produced to the Parish Council and which the Council considered was suitable. The Parish Council strongly recommends that the frontage be amended to more closely reflect this design and to accord with the Neighbourhood Plan. The north boundary street scene shown in drawing SS-01 Rev.A looks really "institutional". The Parish Council has previously expressed concerns about this boundary scene, and it is disappointing to note that nothing has changed.*

The proposal has been amended from that previously discussed with the Parish Council in 2018 and in particular the end of the terrace nearest Brendons. This dwelling was previously shown on the street scene drawing as having its gable end facing the highway which resulted in the roof sloping away from the Brendons. The proposal currently being assessed has that dwelling, gable end onto the rear amenity space of 1 and 2 Brendons. The previously discussed consultation (2018) proposal had a break in the build line fronting Taunton Road and this was considered to reduce the impact of the frontage resulting in a design that is less dominant within the street scene and to No.1 Brendons in particular. The proposal currently being considered is one block of 5 x 2 storey dwellings each with its own main entrance onto Taunton Road and at the eastern end of the terrace 4 maisonettes with one main entrance on the principal elevation, 2 on the side elevation and one on the rear elevation. This block of maisonettes has a hipped roof design but adjoins the terrace dwellings. It is accepted that the current proposal does not offer all the materials set out in the Neighbourhood Plan.

*2 The Parish Council is anxious to ensure that the footpath fronting The Brendons is continued along the road fronting the site with a view to it being connected to the footpath to be constructed fronting the neighbouring land owned by David Wilson Homes. The comments of the applicant's agent are noted in the paragraph headed "Access" in the Design & Access Statement. However, the Parish Council is aware that the bank between the applicant's land and the road is owned by a third party and is concerned that the road may need to be narrowed to provide for the footpath. That would be unacceptable. It is noted that Highways wish to make observations which have not yet been published.*

The Highway Authority provided updated comments received 23rd December 2019 and dated 11th December 2019 therefore it is unclear why the Parish Council has made this comment. These comments included a recommended condition regarding estate road, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking

and street furniture. The footpath to the fore of the dwellings fronting Taunton Road is within the red line plan, therefore it is unclear how the road could be impacted upon given that the embankment to its fore is outside of the development site. .

***3. The Parish Council is disappointed to learn that both the applicant and the District Council felt it unnecessary to deliver individual notifications of this application to nearby households, particularly those at The Brendons. In the circumstances, it is important that the registered comments of residents are carefully noted and considered.***

Nos 1-7 Brendons were consulted via Royal Mail on 3rd December 2019. It is unclear therefore why the Parish Council have made this comments, particularly given the neighbours in Brendons having been in contact with the case officer. Whilst it is considered Good Practice for a developer and/or their agents to undertake local consultations it is not a formal requirement of the planning process.

Local parties (No.12) have objected on a number of grounds.

Many of the objections relate to the applicant/agent not consulting with the local community prior to submitted the planning application. Whilst it is considered good practise to liaise with the neighbours to a development it is not a legal requirement and whilst disappointing for the local residents it is not a sufficient reason to warrant a refusal of the scheme.

Each planning application is assessed on its own merits therefore it is not reasonable to say that the previously consent housing developments in the area should have included this type of housing provision, particularly given some of the specialist accommodation that is proposed. The proposal will have a mixture of design types and materials including a contemporary design for the specialist housing to the rear of the site. Planning policy CP4 states 'New housing should should help to contribute towards the creation of sustainable, mixed communities offering high quality homes providing for a mix of new housing types, sizes and tenures which meets the needs of the Borough.' The sizes for the accommodation meets that required by policy D10 and the proposed materials meets 2 out of the 3 set out in the Neighbourhood Plan. Whilst there is a concern over the orientation of the roof for Unit 1 it is not sufficient to warrant refusal of the scheme. It would be a matter for the developer to extend the 1.8 timber fence along the rear of the dwellings in Brendons, and this authority would not object to that element, however access to The Paddocks for residents of Brendons to maintain their hedges would be dealt with under the Party Wall Act. The applicant is able to submit whatever scheme they deem suitable and therefore there is no requirement for them to submit the scheme discussed in 2018 and as previously stated there is no formal requirement for pre-application discussion with any party prior to the submission of an application. There was limited consultation with this department prior to the application being submitted however no formal written advice was given. Whilst some may believe that specialist housing should be distributed throughout the wider community this proposal is for 8 LD units and will be surrounded by other residential developments therefore it could be considered to offer the distribution required by the objector. The agent when requested supplied a plan to show the distances from the proposed development to the neighbours in Brendons (SK-01) and provided a street scene plan in support of this issue. Dark red smooth brick window cills are proposed with red multi-brick external walls are proposed, however as the darkest

brick is proposed for the walls the mixture of reds is not considered to be 'dark' palette. If members were minded a condition could be imposed for samples of the external materials to be submitted. Method of construction is not a planning issue but is dealt with by Building Regulations who will ensure that the construction of the development meets the necessary standards set by legislation. As the site has been allocated for residential development the area is considered able to accommodate dwellings and the county ecologist has suggested relevant conditions to ensure the wildlife of the site: the proposal is considered acceptable in terms of ecology. The Highway Authority have not objected to the site, as they have accepted that for this particular proposal the reduction in parking provision is acceptable, nor have they objected to a lack of turning within the site. Each dwelling has its own rear garden/private amenity space and it would be a matter for the occupant as to how they use this area. The highway authority has recommended that conditions be used to ensure the proposal does not adversely impact upon Taunton Road in terms of detritus and visibility. The LD units have a communal garden however this would not preclude the growing of vegetables etc if this was required. It is accepted that the use of the Paddock for residential purposes will increase the level of noise and traffic movements to the site, however the site has an extent consent and any change in its use would be likely to increase the noise/traffic movements of the site. The verge to the fore of the site is not included in the proposal as it is outside the ownership of the applicant. Its use and upkeep is therefore a matter for the owner to consider. Units 9 and 10 are identified as FOG on the submitted plans which is a Flat Over Garage (FOG). It is assumed that the objector is unfamiliar with this acronym.

The issue of SuDs was raised by an objector, however further comments from the LLFA are awaited and therefore this issue will be covered in a verbal update to members.

### Conclusion

The proposal is considered acceptable in terms of design, density, and impact on the existing street scene. The provision of a development that is 100% affordable Housing is welcomed and will enable local families to stay within their village/area. The location is considered to be sustainable as it has been allocated for residential development and a S106 will secure the play space, affordable housing and travel plan matters.

The proposal is considered to be policy compliant and on balance generally meets the requires of the Bishops Lydeard and Cothelstone Neighbourhood Plan

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

**Contact Officer: Denise Todd**