

## SWT Planning Committee

Thursday, 30th May, 2019,  
1.00 pm



Somerset West  
and Taunton

The John Meikle Room - The Deane  
House

---

**Members:** Jean Adkins, Norman Cavill, Ed Firmin, Marcia Hill, Martin Hill, Mark Lithgow, Ian Aldridge, Chris Morgan, Simon Nicholls, Simon Coles, Mark Blaker, Ray Tully, Brenda Weston, Sue Buller and Gwil Wren

### Agenda

1. **Appointment of Chair**
2. **Appointment of Vice-Chair**
3. **Apologies/substitutions**  
To receive any apologies for absence.
4. **Declarations of Interest or Lobbying**  
To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.  
  
(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)
5. **Minutes of the previous meeting of the Planning Committee**  
For information only, minutes of the previous meetings of the Planning Committees on the 27 and 28 March.
6. **Public Participation**  
The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.  
  
For those members of the public who have requested to

(Pages 5 - 42)

speaker, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

- |   |                          |
|---|--------------------------|
| <p><b>7. 08/17/0040</b></p> <p>Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 180 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point off Cheddon Road, Taunton</p>  | <p>(Pages 43 - 72)</p>   |
| <p><b>8. 3/21/18/094</b></p> <p>Erection of a single storey dementia care nursing home (amended scheme to 3/21/18/026) Dene House, Bircham Road, Alcombe, Minehead, TA24 6BY</p>  | <p>(Pages 73 - 82)</p>   |
| <p><b>9. 27/18/0002</b></p> <p>Erection of 18 No. dwellings (9 No. affordable) with pumping station, car parking, landscaping and formation of vehicular access on land to the east of Oake as amended revisions to Plot 18; increase in parking provision, revised visibility splays; provision of motorcycle parking; parking bay for the pumping station</p> | <p>(Pages 83 - 116)</p>  |
| <p><b>10. 3/31/19/001</b></p> <p>Replacement of garage with the erection of 1 No. detached dwelling (amended scheme to 3/31/17/011) (retention of part works already undertaken). Sunnydene, 14 Hill Street, Stogumber, TA4 3TD</p>   | <p>(Pages 117 - 124)</p> |
| <p><b>11. 32/18/0008</b></p> <p>Extension of hardcored area at Holbaines Meadow, Whiteball Road, Sampford Arundel, Wellington (Retention of works already completed)</p>  | <p>(Pages 125 - 128)</p> |
| <p><b>12. 36/18/0048</b></p> <p>Erection of 34 No. dwellings, (7 No. bungalows and 27 No. houses) with associated works including drainage, landscaping and highways works on land adjacent to Willey Road, Stoke St Gregory</p>  | <p>(Pages 129 - 164)</p> |
| <p><b>13. 36/19/0006</b></p> <p>Change of use from barn to licensed wedding ceremony venue/meeting room with formation of access and track at The Malt Barn, Meare Green Farm, Meare Green, Stoke St Gregory</p>  | <p>(Pages 165 - 174)</p> |
| <p><b>14. 46/19/0004</b></p> <p>Removal of Condition No. 11 of application 46/04/0020 to allow property to be occupied as a single dwelling house at Church</p>   | <p>(Pages 175 - 182)</p> |

**15. Latest Appeals and Decisions received**

(Pages 183 - 202)

A handwritten signature in cursive script, appearing to read 'James Hassett', written in black ink.

**JAMES HASSETT  
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. At the start of the meeting the Chair will confirm if all or part of the meeting is being recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item. To register to speak at the Planning Committee, please contact the Governance and Democracy Team via email: [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk) by 4pm on the Tuesday prior to the meeting date.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: [www.somersetwestandtaunton.gov.uk](http://www.somersetwestandtaunton.gov.uk)

The meeting room, including the Council Chamber at The Deane House are on the first floor and are fully accessible. Lift access to The John Meikle Room, is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter. For further information about the meeting, please contact the Governance and Democracy Team via email: [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

## Planning Committee – 27 March 2019

Present: - Councillor Mrs Hill (Vice-Chairman)  
Councillors M Adkins, Booth, Brown, Hall, C Hill, Morrell, Mrs J Reed,  
Townsend, Watson, Wedderkopp and Wren

Officers: - Tim Burton (Assistant Director, Planning and Environment), Bryn  
Kitching (Planning Manager), Gareth Clifford (Planning Officer), Alex  
Lawrey (Agency Planner), Francis Wadsley (Planning Officer), Guy  
Mandry (Solicitor, Shape Partnership Services) and Tracey Meadows  
(Democracy and Governance Case Manager)

Also present: Councillors Berry, Farbahi, Habgood, Martin-Scott, Mansell, Nicholls,  
Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5pm)

The Chairman thanked the Director of Planning and Environment, Tim Burton and the Planning Manager, Bryn Kitching for all their help and support to the Planning Committee over the years.

### **20. Apologies/Substitutions**

Apologies: Councillors Mrs J Adkins, Bowrah, Coles, Gage, Nicholls and  
Wedderkopp;

Substitution: Councillor Booth for Councillor Nicholls;  
Councillor Wren for Councillor J Adkins;

### **21. Minutes**

The minutes of the meeting of the Planning Committee held on 6 and 26  
February 2019 were taken and read and were signed.

### **22. Public Question Time**

Mr Pakes addressed the Committee with concerns regarding the Coal Orchard development with regards to the lack of progress and information on the replacement building on the bath's site. There had been a gap in this Conservation area for 4 months, concerns were raised that this was still going to be the case in another 2 years. The Agents were proposing to use this site for the contractor's compound and it would not be until the end of the development that this site would be developed if at all. Councillor Edwards stated earlier on in the year that there were 5 phases to the development, but he has failed to state what those phases were. I decided to go through the Freedom of Information process to gain information but was refused twice due to the request being commercially sensitive and the tender being above the phasing tender. In the online version of the Gazette it stated that a

spokesman from Taunton Deane stated that there was no phasing of the project and work was expected to begin in May, so with that information I thought I could ask Councillor Edwards at last month's Full Council meeting if he could tell me what the phasing planning was, unfortunately due to an administrative error the committee clerk was not informed that I had requested to speak, I did attend the meeting was not asked to speak during PQT, I felt that this was pretty disgraceful. When I raised this at the last planning meeting at least they tried to answer some of the queries raised. In the minutes it stated that Mr Pakes would be informed in writing explaining where we were in the investigation, this would also be shared with the Planning Committee Members, I have not had that letter. I am feeling slightly paranoid about this so I am going to ask for the information again. I am very concerned that we as tax payers, this is our Council scheme so we need to be really happy that the Council is setting an example by getting this site which is within the conservation area developed as quickly as possible and I think as a planning authority we have to ensure that we are even handed to have credibility particularly with private developers that you are going to act accordingly to ensure that your council adheres to the planning conditions set out in relation to that particular site. My two questions are;

1. Is the Council in breach of planning conditions stating that the site should be developed within one month of demolition, because I understand that a preferred contractor was not the same as the final contractor, although I think that they are still in breach.
2. Would they ensure us that they will press your council to develop that site in the first phase of the development and not have it as a contractors yard until the development was finished.

The response from the Planning Manager, Mr Kitching.

In answer to question one regarding planning condition 14, the contractors were in breach of that condition and that is something I am taking up with the Council as a developer. Regarding question two, there were no planning conditions on that permission that require the condition of phasing, there were no planning restriction, this was something the Council as the developer would need to choose themselves.

## **23. Declarations of Interest**

Councillor M Hill declared that she had received leaflets from Churchill and McCarthy and Stone and an email for application No. 38/18/0291. She also declared that application Nos 38/18/0465 and 38/18/0467 were in her ward. She declared that she had gone along to the consultation meetings but had not 'fettered her discretion'. Councillor Wren declared that he was the Parish Clerk for Milverton Parish Council. Councillor Brown declared that he had received a phone call from Churchill and the applicant for application 09/18/0012. He also stated that he had received repeated messages on application 38/19/0008. He stated that he had not 'fettered his discretion'.

Councillor Mrs Reed declared that she had received a phone call from Churchill and received leaflets. Councillor Hall declared that he had received leaflets from Churchill and McCarthy and Stone. Councillor Booth declared that he worked with a member of the public who was here tonight to speak against application 09/18/0012, he declared that he did not hold any prejudicial interest. Councillor Adkins declared that he had received leaflets from Churchill. Councillor Watson declared that he had received leaflets from Churchill and a phone call for application No. 09/18/0012, he declared that he had not 'fettered his discretion'. Councillor Wedderkopp declared that he had received leaflets from Churchill.

## **24. Applications for Planning Permission**

The Committee received the report of the Area Planning Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

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

### **38/18/0291**

**Demolition of buildings and erection of 62 No. units of extra care accommodation (Retirement Living Plus) including communal facilities, landscaping, car parking and circulation with vehicular access via South Street at Trinity Business Park and 80 South Street, Taunton**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission:-
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A1) DrNo SW-060040-03-CE-002 Rev P03 Site Levels Layout;
  - (A1) DrNo SW-2519-03-LA-002 Rev C General Arrangement Plan;
  - (A3) DrNo 2519-03-AC-001 Rev A Location Plan;
  - (A1) DrNo SW-2519-03-AC-030 Rev D Proposed Second Floor Plan;
  - (A1) DrNo SW-2519-03-AC-029 Rev D Proposed First Floor Plan;
  - (A1) DrNo SW-2519-03-AC-028 Rev D Proposed Ground Floor Plan;
  - (A1) DrNo SW-2519-03-AC-026 Rev G Proposed Site Layout;
  - (A1) DrNo SW-2519-03-AC-027 Rev F Site Layout(Roof Level);
  - (A3) DrNo SW-2519-03-AC-002 Existing Site Layout;
  - (A3) DrNo 2519-03-AC-001 Rev A Location Plan;

- (A2) DrNo SW-2519-03-AC-041 Rev B Indicative Perspective View;
  - (A2) DrNo SW-2519-03-AC-040 Rev B Indicative Perspective View;
  - (A1) DrNo SW-2519-03-AC-039 Proposed Cross Sections;
  - (A2) DrNo SW-2519-03-AC-038 Rev D Proposed Elevations;
  - (A2) DrNo SW-2519-03-AC-037 Rev E Proposed Elevations;
  - (A1) DrNo SW-2519-03-AC-034 Rev D Proposed Roof Plan;
  - (A2) DrNo SW-2519-03-AC-042 Rev B Indicative Perspective View;
  - (A) DrNo 2519-03-AC-026 Rev G Proposed Site Layout;
  - (A1) DrNo 2519-03-AC-027 Rev F Proposed Site Layout (Roof Level);
- (c) Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (d) (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;
- (e) The applicant shall undertake all the recommendations made in EAD's Ecological Impact assessment report dated July 2018 and shall also include provision of pairs of swift nesting bricks, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their installation; 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;
- (f) No development (other than that required by this condition and demolition) shall be undertaken on site unless a programme of archaeological work, including excavations, has been implemented in accordance with a written scheme of investigation which has been first submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme;
- (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor windows to be installed in the living rooms of units 30 and 31 in the north east elevation shall be obscured glazed and non-opening. The type of obscure glazing shall be submitted to and agreed in writing by the Local



Planning Authority prior to its installation and shall thereafter be so retained;

- (h) Details of a screen to a height of 1.8m to the side of balconies serving units 21, 44, 30 and 31 shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to occupation and thereafter retained;
- (i) The premises shall be used for a Class C2 Use for the provision of extra care accommodation and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);
- (j) The extra care accommodation hereby permitted (excluding staff and guest accommodation) shall only be occupied by persons aged 60 years or older, with the exception of persons of a minimum of 55 years old who are a spouse or partner of an occupant 60 years old or above, unless otherwise agreed in writing with the Local Planning Authority;
- (k) A Measures Only Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved;
- (l) Unless otherwise agreed by the Local Planning Authority, construction of the new buildings and services on site must not commence until conditions a) and b) below have been complied with and condition (c) complied with other than remedial works that are part of the construction of the site. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination;

i) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.

If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance;

ii) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures;

iii) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works;

iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority;

v) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works;

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above);

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

vi) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance;

(m) Prior to commencement of the new building, works for the disposal of surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority, including future maintenance and the rate of discharge from the site. The works shall thereafter be retained and maintained in that form;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

**38/19/0008**

**Erection of a two storey cancer caring centre on land to the edge of the playing field adjacent to Musgrove Park Hospital, Taunton**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A1) DrNo 2378\_PL\_001 Location Plan;
- (A1) DrNo 2378\_PL\_011 Site Plan Proposed;
- (A1) DrNo 2378\_PL\_101 Ground Floor Plan;
- (A1) DrNo 2378\_PL\_102 First Floor Plan;
- (A1) DrNo 2378\_PL\_103 Roof Plan;
- (A1) DrNo 2378\_PL\_201 Long Section Proposed;
- (A1) DrNo 2378\_PL\_202 Cross Section Proposed;
- (A1) DrNo 2378\_PL\_301 South Elevation Proposed;
- (A1) DrNo 2378\_PL\_302 East Elevation Proposed;
- (A1) DrNo 2378\_PL\_303 North Elevation Proposed;
- (A1) DrNo 2378\_PL\_304 West Elevation Proposed;
- (A0) DrNo 587\_PL02 Proposed Plan General Arrangement;
- (A0) DrNo 587\_PL03 Existing Plan Tree Species;

(c) Prior to the construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;

(d) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

(e) Prior to the Maggie's centre being brought into use the new play area and realignment of the sports pitches shall be carried out;

(f) No pedestrian access shall be allowed between the site and playing field unless for emergency purposes, details of which shall be submitted to, and approved in writing by the Local Planning Authority prior to the use commencing;

(g) The applicant shall undertake all the recommendations made in First Ecology's Preliminary Ecological appraisal report dated September 2017. 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;

(Note to applicant:- Applicant was advise that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

**49/18/0071**

**Conversion of coach house into 1 No. dwelling at Tor House, 48 Ford Road, Wiveliscombe**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 2406. 04X Rev A Plan & Elevations as Existing. Site Layout & Location Plans;
  - (A1) DrNo 2406. 05X Rev A Plans & Elevations as Proposed. Privacy Diagram;
  - (A1) DrNo 2406. 06X Rev A Site Layout as Proposed;
- (c) Prior to commissioning, details of the following shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with subsequent approved details unless any variation thereto is first agreed in writing by the Local Planning Authority: Metal railings; windows; doors; slates; stone paint;
- (d) All guttering, downpipes and rainwater goods shall be constructed of metal and painted black and thereafter maintained as such;
- (e) The courtyard area allocated for parking on the approved plan number 2406.06X rev A shall be properly consolidated, surfaced, drained and marked out before the use commences or the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) The natural stone to be used in the construction of the steps to the West elevation of the building shall match the stone used in the existing building unless otherwise agreed in writing with the Local Planning Authority;
- (g) The development hereby permitted shall not be commenced (including any demolition) until a bat emergence and dawn survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain the usage of the site by bats. They shall be undertaken by an appropriately qualified person at an appropriate time of year (May to July) and use techniques and equipment appropriate to the circumstances;
- (h) The development hereby permitted shall not be commenced until details of a strategy to protect bats and birds 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 Preliminary Bat Roost Assessment report dated January 2019 and further bat survey and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
3. Measures for the retention and replacement and enhancement of places of rest for bats and birds;
4. Details of any outside lighting;

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

Notes to applicant:- (1) Applicant was advised that In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission; (2) Applicant was advised that It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Bats are known to use the building(s) as identified in Jh Ecology's report, dated January 2019. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. The condition relating to wildlife requires the submission of information to protect wildlife. The local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal.)

**49/18/0072/LB**

**Conversion of coach house into 1 No. dwelling at Tor House, 48 Ford Road, Wiveliscombe**

**Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 2406. 04X Rev A Plan & Elevations as Existing. Site Layout & Location Plans;
  - (A1) DrNo 2406. 05X Rev A Plans & Elevations as Proposed. Privacy Diagram;
  - (A1) DrNo 2406. 06X Rev A Site Layout as Proposed;
- (c) The natural stone to be used in the construction of the steps to the West elevation of the building shall match the stone used in the existing building unless otherwise agreed in writing with the Local Planning Authority;
- (d) All guttering, downpipes and rainwater goods shall be constructed of metal and painted black and thereafter maintained as such;
- (e) Prior to commissioning, details of the following shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with subsequent approved details unless any variation thereto is first agreed in writing by the Local Planning Authority: Metal railings; windows; doors; slates; stone paint;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

**49/18/0073/LB**

**Various alterations to walls and repositioning of vehicular access at Tor House, 48 Ford Road, Wiveliscombe**

**Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 2406 12X LB Location Plan;
  - (A1) DrNo 2406.10 X Turning Head Area Existing and Proposal;
  - (A1) DrNo 2406.09 X Access Plan and Elevations Existing and Proposal;
  - (A1) DrNo 2406.08 LB X Site Layout and Access as Proposed;

- (c) Prior to the commencement of the construction of the access samples of the materials to be used for the hard surfaces including edging and tarmac shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (d) (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;
- (e) No development, excluding site works, shall begin until a panel of the proposed stone work for the walls to be erected in accordance with the approved plans and measuring at least 1m x 1m has been built on the site. Both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority prior to application and the development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (f) No gates shall be erected to the access;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

**25. Erection of 72 No. retirement apartments, guest apartment, communal facilities, access, car parking and landscaping at the former Lidl site, Wood Street, Taunton (resubmission of 38/18/0079) (38/18/0357)**

Reported this application

**Resolved** that subject to a legal agreement to secure the affordable housing contribution.

the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

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



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

- (A4) DrNo 10098TT - PLOC Location Plan;
- (A1) DrNo 10098TT - P101 Rev A Site Plan;
- (A1) DrNo 10098TT - P102 Rev A Ground Floor Plan;
- (A1) DrNo 10098TT - P103 Rev A First Floor Plan;
- (A1) DrNo 10098TT - P104 Rev A Second Floor Plan;
- (A1) DrNo 10098TT - P105 Rev A Third Floor Plan;
- (A1) DrNo 10098TT - P106 Rev A Roof Plan;
- (A1) DrNo 10098TT - P07 Elevations 1;
- (A1) DrNo 10098TT - P108 Rev A Elevations 2;
- (A1) DrNo 10098TT - P109 Rev A Elevations 3;
- (A1) Tree Protection Plan;
- (A1) DrNo 10098TT - P11 Rev A Flood Levels Section;

(c) Prior to occupation of the building(s), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority and shall include the maximum discharge rates and the means of maintenance for the life time of the development. The works shall thereafter be retained and maintained in that form;

(d) Prior to the wall construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;

(e) (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;

(f) 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 ECOSA's Preliminary Ecological Appraisal, dated September 2018 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;

3. Measures for the retention and replacement and enhancement of places of rest for the species;
4. Details of proposed lighting;
5. A Construction Environmental Management Plan (CEMP)

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

- (g) Notwithstanding the details on the submitted drawings details of a turning space for a refuse vehicle within the site shall be submitted to, and approved in writing by, the Local Planning Authority and the development so approved shall not be occupied until space has been laid out, drained and surfaced within the site for the parking and turning of vehicles, in accordance with the details that shall first have been submitted to and approved in writing by the Local Planning Authority, and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development;
- (h) Details of a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the building on site. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved;
- (i) Details of any new river flood defence wall shall be submitted to, and approved in writing by, the Local Planning Authority prior to its construction and shall thereafter be constructed as agreed;
- (j) There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level (other than existing street furniture) 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 commenced brought into use and shall thereafter be maintained at all times;
- (k) The proposed buggy access shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0 metres x 2.0 metres. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times;
- (l) Prior to first occupation of the development hereby permitted, access to covered cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to, and approved in writing by, the Local Planning Authority;

- (m) Details of the design and materials of the buggy store and sub-station shall be submitted to, and approved in writing by, the Local Planning Authority prior to their wall construction commencing and works shall thereafter be carried out as agreed;
- (n) A detailed scheme for the provision of electric vehicle charging points shall be submitted to, and approved in writing by, the Local Planning Authority and provided prior to first occupation of the development hereby permitted;
- (o) The accommodation hereby permitted (excluding staff and guest accommodation) shall only be occupied by persons aged 60 years or older, with the exception of persons of a minimum of 55 years old who are a spouse or partner of an occupant 60 years old or above, unless otherwise agreed in writing with the Local Planning Authority;
- (p) Finished floor levels shall be 16.52m AOD and the flood defence bank shall be no lower than 16.37m AOD;
- (q) Notwithstanding the detail on the submitted layout plan a surfaced footway 2m wide shall be provided between Tangier Way and the riverside path prior to occupation of the new building;

(Note to applicant:- Applicant was informed that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

**26. Replacement of 26 No. Woolaway homes and the erection of an additional 21 No. dwellings and a community facility building, Phase 1, on parcels of land at Bodmin Road, Dorchester Road, Wells Close, Cambridge Terrace and Rochester Road, Taunton (38/18/0465)**

Reported this application

**Resolved** that subject to a Section 106 to secure the play provision contribution and maintenance of the off-site parking and street trees and clarification of the stopping up process prior to determination, the application be delegated to Officers to determine.

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A1) DrNo 50089-0050 Rev C Phase 1 Drainage Strategy Sheet 1;
  - (A1) DrNo 50089-0051 Rev C Phase 1 Drainage Strategy Sheet 2;

- (A1) DrNo 50089-0052 Rev C Phase 1 Drainage Strategy Sheet 3;
- (A1) DrNo 50089-0053 Rev C Phase 1 Drainage Strategy Sheet 4;
- (A1) DrNo 1939 007A Phase 1 1of 2;
- (A1) DrNo 1939 008A Phase 1 2of 2;
- (A3) DrNo L007 Rev B Phase 1 Location Plan;
- (A1) DrNo L008 Rev C Existing Phase 1 Plan;
- (A1) DrNo L012 Rev D Proposed Phase 1 Plan;
- (A1) DrNo L015 Rev C Proposed Phase 1 Plan;
- (A1) DrNo L015 Rev B Boundary Treatments Key & Typical Elevations Proposed Phase 1 Plan;
- (A3) DrNo L016 Rev C Phase 1 Location Plan ( Proposed);
- (A0) DrNo L017 Rev B Illustrative Phase 1 Plan;
- (A3) DrNo 1010 Rev L 2 Bed 4 Person Narrow Fronted House Plans;
- (A3) DrNo 1011 Rev L 3 Bed 5 Person Narrow Fronted House Plans;
- (A3) DrNo 1012 Rev K 3 Bed 5 Person Wide Fronted House Plans;
- (A3) DrNo 1015 Rev K 4 Bed 6 Person Wide House Plans;
- (A3) DrNo 1016 Rev L 3 Bed 6 Person Chalet Plans;
- (A3) DrNo 1017 Rev J 3 Bed 6 Person Chalet Elevations;
- (A3) DrNo 1018 Rev J 1 Bed 2 Person FOG Plans;
- (A3) DrNo 1019 Rev K 1 Bed 2 Person Bungalow Plans;
- (A3) DrNo 1020 Rev K 2 Bed 3 Person FOG Plans;
- (A3) DrNo 1021 Rev J 2 Bed 3 Person FOG Elevations;
- (A3) DrNo 1022 Rev J Flats Wide Fronted Plans;
- (A3) DrNo 1023 Rev H Flats Wide Fronted Elevations;
- (A3) DrNo 1026 Rev J 1 Bed 2 Person Flat Plans;
- (A3) DrNo 1027 Rev I 2 Bed 3 Person Flat Elevations \_ N&S;
- (A3) DrNo 1028 Rev I 2 Bed 3 Person Flat Elevations \_ E&W;
- (A3) DrNo 1030 Rev K 4 Bed 6 Person Narrow Fronted House Plans;
- (A1) DrNo 1032 Rev I Flats & Community Centre (2B3P & 1B2P Ground & First Floors);
- (A1) DrNo 1033 Rev I Flats & Community Centre (2B3P & 1B2P Second Floors);
- (A1) DrNo 1034 Rev H Flats & Community Centre Elevations;
- (A3) DrNo 1035 Rev D 2 Bed 3 Person Bungalow;
- (A3) DrNo 1037 Rev D 2 Bed 4 Person Bungalow;
- (A3) DrNo 1039 Rev G 4B7P Wheelchair;
- (A3) DrNo 1041 Rev B 4B7P Wheelchair Side Elevations;
- (A3) DrNo 1042 Rev A 3 Bed 6 Person Chalet Elevation;
- (A3) DrNo 1043 Rev A 3 Bed 6 Person Chalet Elevation;
- (A3) DrNo 1045 Rev D Street Elevation Phase 1;
- (A1) DrNo 1046 Rev D Street Elevations Phase 1;
- (A3) DrNo 1047 Rev D Street Elevations Phase 1;
- (A3) DrNo 1048 Rev D Street Elevations Phase 1;
- (A3) DrNo 1050 Rev B Dorchester Flats;
- (A1) DrNo 1052 Rev C Street Elevations Phase 1;

- (A1) DrNo 1939 001 Rev A Landscape MasterPlan;
- (A1) DrNo 1939 002 Rev A Landscape Masterplan;
- (A1) DrNo 1939 003 Rev A Landscape Masterplan Phase 1;
- (A1) DrNo 1939 007 Rev A Phase 1;
- (A1) DrNo 1939 008 Rev A Phase 1;
- (A1) DrNo 50089-0007 Rev A Highways Works Vehicular & Pedestrian Visibility Splays;
- (A1) DrNo 50089-0031 Rev C Phase 1I Highways Works General Arrangement;
- (A1) DrNo 50089-0032 Rev C Phase 1II Highway Works General Arrangement;
- (A1) DrNo 50089-0033 Rev C Phase 1III Highway Works General Arrangement;
- (A1) DrNo 50089-0034 Rev C Phase 1 IV Highway Works General Arrangement;
- (A1) DrNo 50089-0035 Rev D Phase 1V Highway Works General Arrangement;
- (A1) DrNo 50089-0050 Rev C Phase 1 Drainage Strategy Sheet 1;
- (A1) DrNo 50089-0051 Rev C Phase 1 Drainage Strategy Sheet 2;
- (A1) DrNo 50089-0052 Rev C Phase 1 Drainage Strategy Sheet 3;
- (A1) DrNo 50089-053 Phase 1 Drainage Strategy Sheet 4;
- (A1) DrNo L012 Rev D Proposed Phase 1 Plan;
- (A1) DrNo L015 ~Rev B Proposed Phase 1 Plan;
- (A3) DrNo L016 Rev C Phase 1 Location Plan (Proposed);
- (AO) DrNo 17025 Lo17 Rev B Illustrative Phase 1 plan;  
Adendum to Planning, Design and Access Statement  
Drainage Strategy Transmittal;

- (c) Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (d) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) There shall be no occupation of plots 37-40 until a suitable means of access to the properties are provided;
- (f) Details of a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of any dwelling on site.

A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved;

(g) Details of the cycle storage facilities for each property shall be submitted to and approved in writing by the Local Planning Authority and the cycle storage facilities shall be constructed and fully provided prior to the buildings being occupied, and shall thereafter be retained for those purposes;

(h) An electric vehicle charging point shall be provided adjacent to the community facility building next to a visitor parking space prior to the building being brought into use;

(i) 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 Encompass Ecology Ltd's submitted report, dated December 2018 and further survey and include:

Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;

1. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
2. Measures for the retention and replacement and enhancement of places of rest for the species
3. Details of any outside lighting
4. A Construction and Environmental management Plan ( CEMP) and a Landscape and ecological management Plan (LEMP)

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

(j) The finished floor levels of properties next to the Priorswood Stream must be no lower than the existing property;

(k) The development permitted by this planning permission shall only be carried out in accordance with the Craddys email dated 1 Mar'19 50089sk0073B Priorswood Stream Easement – Existing & Proposed;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

**27. Outline Planning Application with all matters reserved for the replacement and refurbishment of 186 Woolaway homes and the**

**erection of additional dwellings to provide up to 230 No. dwellings on land located between Lyngford Lane and Dorchester Road, Taunton (38/18/0467)**

Reported this application

**Resolved** that subject to a Section 106 to secure the play provision contribution and maintenance of any off-site parking and street trees.

the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

Conditions

(a) Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call '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 seven years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the 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;

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

- (A3) DrNo L004 Rev D Site Location Plan;
- (A3) DrNo L005 Rev C Existing Site Plan;
- (A3) DrNo L006 Rev C Phase Plan (Existing);

(c) Prior to the wall construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;

(d) 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 Encompass Ecology Ltd's submitted report, dated December 2018 and further survey and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;

3. Measures for the retention and replacement and enhancement of places of rest for the species;
4. Details of any outside lighting;
5. A Construction and Environmental Management Plan (CEM) and a Landscape and ecological management Plan (LEMP);

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

- (e) A detailed phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to reserved matter details being submitted for approval and shall be carried out as agreed unless a variation is agreed in writing by the Local Planning Authority;
- (f) Details of a Travel Plan shall be submitted to, and approved in writing, by the Local Planning Authority prior to the occupation of any dwelling on site. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable;
- (g) Prior to occupation of the buildings, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority and shall include the maximum discharge rates and the means of maintenance for the life time of the development. The works shall thereafter be retained and maintained in that form;
- (h) Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is occupied. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (2) The applicant will be required to secure an appropriate legal agreement/



licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting; (3) It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; Bats are known to use the building(s) on site. . The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. The condition relating to wildlife requires the submission of information to protect wildlife. The local planning authority will expect to see a detailed method statement clearly stating how wildlife will be protected throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal;

**28. Outline planning application with all matters reserved for the erection of up to 94 No. dwellings and 9755sqm of mixed use light industrial units with associated works and access on land at Sandys Moor, Wiveliscombe (49/18/0045)**

Reported this application

**Resolved** that subject to a Section 106 to secure the development of industrial buildings and servicing of employment land; travel plan; children's play provision; and affordable housing, the application be delegated to Officers to determine.

the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

**Conditions**

(a) Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call '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 two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the 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;

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

- (A3) DrNo P003 Location Plan;
- (A2) DrNo P002 Existing Site Plan;
- (A2) DrNo P004 Framework Indicative Masterplan;

Plans and particulars of the reserved matters referred to in condition (01) above shall include details of:

- (1) the provision to be made for garaging and parking of vehicles within the site;
  - (2) the space to be provided for the loading, unloading and turning of vehicles within the site;
  - (3) the hard and soft surface treatment of any roadways and other parts of the site which will not be covered by buildings;
  - (4) all external materials to be used in the development;
  - (5) space to be provided within the site to accommodate (i) parking the vehicles of site personnel, operatives and visitors; (ii) loading and unloading of plant and materials; and (iii) storage of plant and materials used in constructing the development;
  - (6) the redesign of the existing access to the B3277 to accommodate the traffic to the sewage treatment works;
  - (7) vehicular access to the sewage treatment works;
  - (8) existing and proposed ground and floor levels;
  - (9) noise and odour reports from existing sources (including the former abattoir and the sewage treatment works);
- (c) A detailed phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to reserved matter details being submitted for approval and shall be carried out as agreed unless a variation is agreed in writing by the Local Planning Authority;
- (d) No work shall commence on the development hereby permitted until details of the proposed accesses off Sandys Moor to the site and to the sewage treatment works been submitted to, and approved in writing by, the Local Planning Authority. Such works for each access shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, prior to commencement of the development and shall thereafter be retained in the approved form;
- (e) No development shall commence unless a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;

- Expected number of construction vehicles per day
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network;
- (f) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until construction work discontinues;
- (g) 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;
- (h) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling/building before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- (i) The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
- (j) From the proposed residential access onto Sandys Moor there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the access is brought into use and shall thereafter be maintained at all times;
- (k) Prior to the business use commencing the cycle parking shall be provided on site in accordance with approved details and shall be maintained thereafter in connection with the use hereby granted;

- (l) No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details;
- (m) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary. Mon-Fri 0800 hrs to 1800 hrs Sat 0800 hrs to 1300 hrs. At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc., shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (n) No development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination;

1) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the whole site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of

contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

- An assessment of the potential risks to
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

## 2) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

## 3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

## 4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

## 5) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

#### 6) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;

- (o) All existing hedgerows and trees bordering and within the site to be retained shall be fully protected by fencing prior to any works taking place. During the period of construction of the development the existing soil levels around the base of retained hedgerows shall not be altered. Specific measures to protect all retained hedgerows intended to be within gardens shall be submitted to and agreed in writing as part of the detailed landscaping measures to be submitted as part of the application for Reserved Matters approval;
- (p) (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;
- (q) (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;

(r) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environment's Preliminary ecological appraisal dated June 2018 and ,updated surveys as listed in 5.4 of the report 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;
- A CEMP( A construction and Environmental Plan ) and a LEMP ( Landscape and ecological management Plan);
- Details of lighting;

Once approved the works shall be implemented in accordance with the approved details and timing of the works and thereafter the resting places and agreed accesses for species name shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses has/have been fully implemented;

(s) No business operations shall take place within the site outside the hours of 7.00hrs – 19.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays;

(t) Prior to any business use commencing within any building, details regarding the use class of that building shall be submitted to, and approved in writing by, the local planning authority. No other uses shall take place in that building without the prior express grant of planning permission;

(Notes to the applicant:- (1) Applicant was advised that 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 has negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that the provision of the access off Sandys Moor will

require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works; (3) Applicant was advised that 1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; 2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; 3. Bats may be roosting in trees on site. The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2017. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.)

**29. Miscellaneous report – Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken) (09/18/0012)**

Reported that Members first considered this application for Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken) on 16<sup>th</sup> January 2019.

At the Committee, members deferred a decision to allow the submission of an application for the rural workers accommodation so that both applications to be reported back as that would depend on the time required to consider any subsequent application for the rural workers accommodation.

The committee also resolved that if no application for the rural workers accommodation was submitted by 15<sup>th</sup> February then the application for the change of use of the agricultural building should be reported back to the committee on 26<sup>th</sup> February.

Members were advised at the planning committee that by deferring the application, that the applicant could appeal against non-determination and take the decision away from the Council. An appeal against non-determination was submitted to the Planning Inspectorate (PINS) on 11<sup>th</sup> February which means that the decision will be made by an Inspector rather than the Council.



Officers are awaiting for a Start Date for the appeal from PINS and once this is received, it will include a timetable for determination. On receipt, the Council will write to everyone involved in the application advising them of the timetable and relevant dates for the submission of representations.

Officers are awaiting for a Start Date for the appeal from PINS and once this is received, it will include a timetable for determination. On receipt, the Council will write to everyone involved in the application advising them of the timetable and relevant dates for the submission of representations.

Officers recommended that permission be granted for the change of use of the building and formation of the circular collecting yard/ horse training area and the report is attached. That recommendation remains and the officer advice to the planning committee is that permission should be granted with planning conditions.

**Resolved** that the application be approved.

### **30. Appeals and decisions received**

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

(The meeting ended at 10:12 pm)



**PLANNING COMMITTEE**

**Minutes of the Meeting held on 28 March 2019 at 4.30pm**

**Present:**

Councillor S J Pugsley .....Chairman  
Councillor B Maitland-Walker.....Vice-Chairman

Councillor I Aldridge	Councillor K Mills
Councillor S Dowding	Councillor C Morgan
Councillor S Goss	Councillor P Murphy
Councillor B Heywood	Councillor J Parbrook
Councillor I Jones	Councillor K Turner
	Councillor R Woods

**Officers in Attendance:**

Planning Officer (Conservation) – Liz Peeks  
Tim Burton – Assistant Director – Planning & Environment  
Guy Mandry Legal Advisor Shape Partnership Services  
Planning Officer – Alex Lawrey  
Planning Officer – Andrew Penna  
Governance and Democracy Case Manager– Tracey Meadows

The Chairman offered his thanks to the Assistant Director for Planning & Environment, Tim Burton and Planning Officer for Conservation, Liz Peeks for all their support and help over the years.

**P77. Apologies for absence**

There were apologies for absence from Councillors A Kingston-James and T Venner

**P78. Minutes**

Resolved that the minutes of the Planning Committee Meeting held on the 7th February 2019 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor K Turner, seconded by Councillor I Aldridge

The **Motion** was carried

Resolved that the minutes of the Planning Committee Meeting held on the 28th February 2019 circulated at the meeting be confirmed as a correct record with a correction to the declarations of interest by Cllr K Mills regarding additional information on application No. 3/02/18/004. This declaration has been added to the declarations of interest on the meeting of the 28 March 2019.

Proposed by Councillor K Turner, seconded by Councillor B Heywood

The **Motion** was carried

**P79. Declarations of Interest or Lobbying**

Councillor K Mills declared that she had been given additional information on application 3/26/18/014. Councillor S Goss declared that she had been lobbied on application 3/32/18/035. Councillor S Goss also declared that she had made a comment as a Ward Member which was a neutral comment and maybe predisposition but was yet to make any decision regarding which way she would vote. She declared that she would listen to the debate and then make up her mind.

**P80. Public Participation**

Min No.	Reference No.	Application	Name	Position	Stance
P81	3/21/18/020	Erection of 40 dwellings with associated roads, gardens and parking. Land at Seaward Way, Minehead, TA24 6DF	Dr Teresa Bridgeman	West Somerset Flood Group	Objecting
			Paul Walker-Jones	Mitchell Architects	Infavour
			Mukhtar Ali	Magna Housing Hydrock engineers	Infavour Infavour
			John Cracknell		
			Cllr A Hadley Cllr K Turner		
P81	3/07/18/001	Installation of an air source heat pump and associated equipment, The Old Forge, Park Lane, Carhampton, TA24 6NL			
P81	3/07/19/002	Installation of an air source heat pump and associated equipment. The Old Forge, Park Lane, Carhampton, TA24 6NL			
P81	3/07/18/015	Replacement windows to include heritage double glazing and the installation of secondary glazing on the single glazed windows to be retained. Lawford Farm,			

		Stickle Hill, Crowcombe, Taunton, TA4 4AL			
P81	3/21/19/009	Installation of a wood burner flue (retention of works undertaken). Salamander Cottage, 23 Parks Lane, Minehead, TA24 5NU	David Harwood – Smith	Applicant	Infavour
P81	3/26/18/013	Erection of timber storage building for logs, dodder and equipment. St Pancras Orchard, Abbey Road, Hungerford, Washford, TA23 0LD			
P81	3/26/18/014	Erection of 1 No. Dwelling for agricultural worker, 3 No. agricultural buildings and formation of access track (retention or works already undertaken). Gracepits Farm, Lodge Rocks Cross to Forces Garden, Old Cleeve, Minehead, TA24 6QX	Mrs Georgina Waldron-Lock	Applicant	Infavour
P81	3/32/18/034	Various internal and external alterations. Shurton Lodge, Shurton Lane, Stogursey, TA5 1QF	James Lyfield	Agent	Infavour
P81	3/32/18/035	Conversion of storehouse into 2 holiday lets, former Gardner's Cottage and outbuilding to be converted to ancillary accommodation, erection of detached garage, retention of 3 bird of prey shelters and erection of a two storey extension to the rear of the house. Shurton Lodge, Shurton Lane, Stogursey, TA5 1QF	James Lyfield	Agent	Infavour

**P81. Town and Country Planning Act 1990 and Other Matters**

Report Ten of the Planning Team dated 20 March 2019 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning application files that constitute part of the background papers for each item).

**RESOLVED** That the Recommendations contained in Section 1 of the Report be Approved (in so far as they relate to the above), including, where appropriate, the

conditions imposed and the reasons for refusal, subject to any amendments detailed below:

**Reference    Location, Proposal, Debate and Decision**

**Application No. 3/21/18/020 - Erection of 40 no. dwellings with associated roads, gardens and parking. Land at Seaward Way, Minehead, TA24 6DF**

**Comments by members of the public;**

- High risk of flooding as the development was below sea level;
- Floor levels were to be built well below predicted SFRA 2010 sea levels;
- Significant work needs to be done on sea defences;
- More due diligence was required from the applicant and owner of the site;
- Hydrock had worked with the EA to make sure the site was viable and the development could go ahead;
- EA withdrew formal objection;
- Magna were here for the long term to deliver low cost housing for the people in Minehead;
- The proposals were the best of both worlds for the people of Minehead;
- Assists the affordable housing need;
- Local houses, local people, local jobs;

**The Member's debate centred on the following issues;**

- Development brings benefits to the local community;
- Pleased that 24 dwellings were for social rent;
- Full confidence in Hydrock report;
- This piece of land has always been waterlogged;
- Concerns with high tide and rainfall;
- There were other sites more suitable for this development;
- Parking issues;
- Concerns that there could be insurance implications for residents;
- Concerns with floor levels;

Councillor B Maitland-Walker proposed and Councillor I Aldridge seconded a motion for an amendment to condition 5 for the finished floor levels for the proposed residential houses and the joining commercial units to be set no lower than 7.15mAOD in line with the Premier Inn and Lidl's and 2, following resilient and resilience measures should be implemented. A further informative in the statement of positive working that any tree or hedge planting will be kept at a minimum from the rear edge to ensure that the root system do not impede the flow;

The **Motion** failed

Councillor B Heywood proposed and Councillor K Mills seconded a motion that the application be **APPROVED**

The **Motion** was carried

At this point in the meeting Cllr J Parbrook left the chamber and the Committee took a break.

The meeting resumed at 6pm

**Reference Location, Proposal, Debate and Decision**

**Application No. 3/05/19/001 – Installation of an air source heat pump and associated equipment. The Old Forge, Park Lane, Carhampton, TA24 6NL**

**The Member's debate centred on the following issues;**

- Noise concerns;
- Concerns with air source pumps on a listed building;

**Reference Location, Proposal, Debate and Decision**

**Application No. 3/05/19/002 – Installation of an air source heat pump and associated equipment. The Old Forge, Park Lane, Carhampton, TA24 6NL**

Councillor B Maitland-Walker proposed and Councillor K Mills seconded a motion that the applications be **APPROVED**

The **Motion** was carried

**Reference Location, Proposal, Debate and Decision**

**Application No. 3/07/18/015 – Replacement windows to include heritage double glazing and the installation of secondary glazing on the single glazed windows to be retained. Lawford Farm, Stickle Hill, Crowcombe, Taunton, TA4 4AL**

**The Member's debate centred on the following issues;**

- The Heritage windows would need trickle vents installed to combat damp;

Councillor S Pugsley proposed and Councillor B Heywood seconded a motion that the application be **APPROVED**

The **Motion** was carried

**Reference Location, Proposal, Debate and Decision**

**Application No. 3/21/19/009 – Installation of a wood burner flue (retention of works undertaken) Salamander Cottage 23 Parks Lane, Minehead, TA24 5NU**

**Comments by members of the public;**

- Property has no gas;
- The Flue was painted black to lessen its appearance;
- Smokeless fuel and hardwood used as per Defra strategy;

**The Member's debate centred on the following issues;**

- Concerns with health issues emitted into the air effecting neighbouring properties;
- Stressed that Environmental Health advice needed to be heeded on health grounds;

Councillor K Turner proposed and Councillor P Murphy seconded a motion that the application be **REFUSED**

The **Motion** was carried

**Reason**

Due to the proximity of 8 The Parks and the location of the flue in relation to the first and second floor windows of 8 The Parks, the retention of the flue had an adverse impact on the amenities of 8 The Parks and the health of the occupants due to the emissions from the flue. The proposal was therefore not in accordance with policy NH9 of the West Somerset Local Plan to 2032 and Chapter 8 of the NPPF (February 2019).

**Application No. 3/26/18/013 – Erection of a timber agricultural storage building for logs, fodder and equipment. St Pancras Orchard, Abbey Road, Hungerford, Washford, Watchet, TA23 0LD**

**The Member's debate centred on the following issues;**

- Concerns with the poor visibility splays;

Councillor K Turner proposed and Councillor B Heywood seconded a motion that the application be **APPROVED**

The **Motion** was carried



**Application No. 3/26/18/014 – Erection of 1 No dwelling for agricultural worker, 3 No. agricultural buildings and formation of access track (retention of works already undertaken) Gracepits Farm, Lodge Rocks Cross to Forches Garden, Old Cleeve, Minehead, TA24 6QX**

**Comments by members of the public;**

- Development would allow the business to continue;
- Business was viable with a long term future;
- Contributes to the local economy;

**The Member's debate centred on the following issues;**

- Pleased that the business was thriving;

Councillor K Mills proposed and Councillor K Turner seconded a motion that the application be **APPROVED**

The **Motion** was carried

At this point Cllr I Jones left the Chamber

**Application No. 3/32/18/034 – Various internal and external alterations. Shurton Lane, Stogursey, TA5 1QF**

**Application No. 3/32/18/035 – Conversion of storehouse into 2 holiday lets, former Gardner's Cottage and outbuilding to be converted to ancillary accommodation, erection of detached garage, retention of 3 bird of prey shelters and erection of a two storey extension to the rear of the house. Shurton Lane, Stogursey, TA5 1QF**

**Comments by members of the public;**

- Development brings the barns and ancillary's back into use;
- Holiday lets would preserve the heritage assets;
- No traffic issues;
- The site was not overdeveloped;

**The Member's debate centred on the following issues;**

- Pleased that the buildings would not fall into dilapidation;
- Concerns that tourism in the area has dropped;
- Concerns that the site was accessed through a ford which would be hard to access in heavy rain;
- Substantial development in a rural area;
- Concerns that these buildings would fall into disrepair if the development was refused;

- Excellent scheme;

Councillor K Mills proposed and Councillor R Woods seconded a motion that the application be **APPROVED**

**P82. Exmoor National Park Matters**

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting on 5 March 2019 of the Exmoor National Park Planning Committee. This included;

6/14/17/103 - Proposed replacement of two semi-detached dwellings with a single farm manager's dwelling (Full) – Wintershead Cottages, Simonsbath, Somerset;

6/10/18/116 - Proposed erection of detached annex to provide ancillary accommodation (Householder) – Dunstercombe, Old A39 Ellicombe, Dunster, Somerset;

No Appeals lodged

**P83. Delegated Decision list**

Questions were asked and answered by Officers;

**P84. Appeals Lodged**

Appeal against the refusal of planning permission for an outline planning application with all matters reserved, except for access, for the erection of a detached two-bed dwelling on land to the rear of 1 Winsors Lane, Carhampton, TA24 6NJ (application 3/15/18/007)

Appeal against the refusal of the conversion of a garage into one dwelling (amended scheme to 3/10/18/002) at 37 Conygar View, Dunster TA24 6PW (application 3/10/18/007)

**P85. Appeals Decided**

Erection of a 2m close boarded fence along the eastern boundary at 1 Cowdray Close, Minehead, TA24 5HN (application 3/21/18/048) – appeal allowed.

Replacement of timber single glazed windows with upvc double glazed windows at Flat 2, 19-21 Bancks Street, Minehead, TA24 5DJ (application 3/21/18/039) – appeal dismissed.

The Chairman thanked the committee for their forbearance, support and eloquent contributions over the last 4 years.

The very last meeting of West Somerset Council closed at 7.30pm with the ringing of the bell by the Chairman.

08/17/0040

GLADMAN DEVELOPMENTS

**Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 180 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point off Cheddon Road, Taunton**

Location: LAND OFF CHEDDON ROAD, TAUNTON

Grid Reference: 323158.127425

Outline Planning Permission

---

## **Recommendation**

**Recommended decision: Conditional Approval**

**Subject to a Section 106 agreement to secure the 25% affordable housing provision, off-site habitat mitigation, maintenance of the play areas and open space and travel plan provision**

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

1. Approval of the details of the (a) layout (b) scale (c) appearance and (e) landscaping of the site (hereinafter call '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 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: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

DrawingNo. 4746-55-03A - Junction layout with footway along frontage  
DrawingNo. 7689-L-04 - Location Plan

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

3. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) that involves geophysical survey, and may involve trial trenching and further investigation, which has been submitted and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results where relevant. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure the preservation of archaeological remains.

Reason for pre-commencement: Any works on site have the potential to disturb archaeological interests.

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 FPCR's Ecological Appraisal report, dated October 2017 and include:
  1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
  3. Measures for the retention and replacement and enhancement of places of rest for nesting birds
  4. A Construction and Environmental management plan (CEMP) and a Landscape and Ecological management plan (LEMP)

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 nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

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

Reason for pre-commencement: To ensure no wildlife is harmed during construction and beyond.

5. A specific lighting strategy shall be produced at the reserved matters stage, showing how and where external lighting will be installed (through the provision of lighting contour plans down to 0.1 Lux across the open space areas of the site, technical specifications and other mitigating measures) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the bat species using their territory. All external lighting 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 be installed without prior written consent from the Local Planning Authority.

Reason: To minimise the effects on Lesser Horseshoe bats (and other bat species).

6. Prior to construction of any dwellings, works for the disposal of sewage and surface water drainage shall be implemented on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The details shall include the timing of provision, proposed adoption and future maintenance arrangements for the surface water drainage system. The works once approved and installed shall thereafter be retained and maintained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

7. No part of the development hereby permitted shall be occupied or brought into use until the construction of suitable vehicular and pedestrian access to the development has been carried out in accordance with a design generally in accordance with the layout shown on drawing 4746-55-03A (but with details, including but not limited to kerb radii dimensions and the location of informal pedestrian crossing points amended in consultation with the Local Planning Authority). The Design and specification are to be approved in writing by the Local Planning Authority and shall be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

8. 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 54 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

9. No part of the development hereby permitted shall be occupied or brought into use until a scheme to provide a safe route for pedestrians within the adopted highway from the development to The Taunton Academy, including measures such as new and widened footways, informal pedestrian crossings and entry treatments, has been submitted to and approved in writing by the Local Planning Authority. The scheme is to be fully implemented in accordance with the approved plans and to a specification approved in writing by the Local

Planning Authority prior to the occupation of any dwelling hereby approved.

Reason: In the interests of highway safety.

10. Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.

Reason: In the interests of highway safety.

11. 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 first occupation of any dwelling hereby approved and thereafter maintained at all times.

Reason: In the interests of highway safety.

12. None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been implemented within the development site, with appropriate links through the site boundary to the existing external network, in accordance with a strategy and scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure suitable access to the site is provided and retained, in the interests of highway safety and in the interests of sustainable development.

13. A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detail and siting of equipment shall be agreed in writing by the Local Planning Authority. This area shall be laid out to the satisfaction of the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation.

Reason: To provide adequate access to recreation facilities for occupiers and local residents in accordance with Taunton Deane SADM Plan Policy C2.

14. A phasing plan for the site shall be submitted to and approved in writing by the Local Planning Authority following commencement of construction and any variation to the phasing shall be agreed in writing by the Local Planning Authority prior to it being carried out.

Reason: In the interests of securing a suitable development of the site.

15. Details of the strategy for the translocation of the roadside hedge shall be

submitted to and approved in writing by the Local Planning Authority prior to any movement or hedge removal. Works shall thereafter be carried out as agreed.

Reason: To safeguard the visual appearance and character of the road frontage in accordance with Core Strategy policy DM1.

16. An assessment of the translocated hedge shall take place a year after it has been moved and the assessment shall be submitted to and approved by the Local Planning Authority and if any additional planting is identified as being required this shall be carried out in the next available planting season and thereafter maintained for five years.

Reason: To safeguard the visual appearance and character of the road frontage in accordance with Core Strategy policy DM1.

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 implemented 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.

#### 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 has negotiated amendments to the application to enable the grant of planning permission.
2. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
3. Your attention is drawn to the policies of the Local Neighbourhood Plan which will need to be complied with as part of any reserved matters application.

## Proposal

Outline application for the erection of up to 180 houses, including 25% affordable provision with access, open space, landscaping and sustainable drainage system on land north of Cheddon Road, Taunton.

An Environmental Statement was submitted with this scheme in order to address, in particular the impacts on bats in the Special Area of Conservation (SAC) at Hestercombe and the traffic implications of the scheme. A Design & Access statement, Flood Risk Assessment and Visual Impact Assessment have also been submitted with the proposal.

## Site Description

The site consists of 3 fields to the north of Cheddon Road between Pyrland Hall Farm and Pyrland Farm. The site is currently grazing land and is surrounded by hedgerows with a public right of way to the west and north.

## Relevant Planning History

None, although the southern part of the site is allocated for residential as part of the Site Allocations and Development Management Plan.

## Consultation Responses

*CHEDDON FITZPAINE PARISH COUNCIL* - 1. This planning application does not adhere to or comply with the WM&CF Neighbourhood Plan ('made' April 2018) on the following policies:

- Policy H1 – no bungalows
  - Policy H3 – no reference to external refuse bin housing
  - Policy H4 – no adjustment made to the split to 80% Social Rented and 20% Shared Ownership.
  - Policy E5 – no recognition of broadband connection
  - Policy T1 – no connectivity to existing footpaths
  - Policy R1 – dark skies
  - Policy R4 – inadequate recreational space
2. The Parish Council notes the representation from the following Officers, and supports their recommendations:
- Principal Transport Planner for SCC Highways: comments regarding traffic flows, traffic modelling, parking, lack of suitable access and turning, emergency exit, pedestrian links, footway frontage, a Full Travel Plan. All this to be taken into account regarding the developments at Staplegrove, Firepool, Northwalls, and West Monkton.



- Housing Officer: It is understood that comments made on 3.5.2018 (TDBC website) have been amended on 10.5.2018 to reflect the recently 'made' (23.4.2018) Neighbourhood Plan.
  - Community Leisure Officer: notes a lack of provision of NEAPs & LEAPs.
3. Highways: Staplegrove Parish Council have recently (2018) sought views from neighbouring parishes regarding 'connectivity' from Staplegrove new spine road to Nerrols Drive in Cheddon Fitzpaine. Cheddon Fitzpaine Parish Council support 'in principle' a North Taunton Link Road to be discussed at County level with Staplegrove PC taking the lead. Without this road, the increase in traffic from all new developments will arrive at Kingston Road/Cheddon Road and dissipate down country lanes. The rat-running at present is already problematical for local residents. Farm View was built with wide grass verges to 'allow' for this road to be built.

**Observations/Comments:**

4. The Parish Council of Cheddon Fitzpaine should be a statutory Consultee for any amendments to the Design & Access Statement'. It is understood at present that these may be agreed at TDBC without referring back to the Parish Council.

*Comment on revision*

Cheddon Fitzpaine Parish Council (CFPC) has considered 'the amendment and clarification to the Transport Assessment within the Environmental Statement for 08/17/0040'. CFPC supports the amendments made by SCC Highways Development Management to the TA as written 'in conclusion' on pages 3, 4 & 5 of the letter dated 8 March 2019 to Mr Clifford.

In addition to the matters referred to above, CFPC wish to register our strong objection to a number of non-conformances with the following policies contained in our Neighbourhood Plan:

- NP Policy H1 – bungalows;
- NP Policy H3 – external refuse-bin housing;
- NP Policy H4 – 80% Social Rented and 20% Shared Ownership;
- NP Policy E5 – broadband connectivity;
- NP Policy T1 – interconnection with existing footpaths;
- NP Policy R1 – dark skies;
- NP Policy R4 – recreational space.

The information at our disposal supported by the specialist advice we have taken confirms that (08/17/0040) clearly falls within the scope of our NP. We therefore expect that the policies contained therein will be duly applied.

*WEST MONKTON PARISH COUNCIL* - The application is at odds with SADMP Policy TA3 which recommends 45 houses on the site.

The Parish Council endorses and strongly supports the comments from Highways Development Control including the need for secondary and/or emergency access to the site, turning circles for refuse collection vehicles. The Parish Council is familiar with traffic flows on Cheddon Road and the parking use immediately opposite the proposed access; and considers the access to be inadequate. No footpaths or crossing points are unacceptable.

The development is not in keeping with the surroundings on the northern side of Cheddon Road, comprising many listed buildings in spacious settings. The application is development into open countryside which the Parish Council does not support.

It is strongly recommended that the proposed changes to the NPPF are applied to carry material weight in relation to this application.

The application is not in accordance with the principles of Garden Town development.

The application represents an overload to services e.g. foul drainage and brown water drainage.

Local bus services referred to in the Travel Plan are too far away. No Safe Routes to School.

There are many examples of non-compliance with the WM&CF Neighbourhood Plan: no connectivity to existing footpaths (Policy T1), no bungalows (Policy H1), no reference to dark skies (Policy R1), inadequate recreational space (Policy R4) - see also report from TD Leisure Officer regarding provision of LEAP and NEAP, no reference to external refuse bin housing (Policy H3), no reference to external materials (Policy H4), no recognition of broadband connection (Policy E5).

#### *SCC - TRANSPORT DEVELOPMENT GROUP -*

##### COMMENTS ON REVISED DETAIL

I refer to the amended plans for the above planning application. The Highway Authority has the following observations on the highway and transportation aspects of this revised proposal.

##### **Traffic Impact**

A revised Transport Assessment (TA), provided by Stirling Maynard and dated January 2019, has been provided by the applicant to address the concerns previously raised by the Highway Authority. This revised TA:

- Now includes a more appropriate trip distribution assessment;
- Has considered the cumulative impact of committed developments within the area;
- Has quantified the impacts of this development on the wider highway network to confirm that these are expected to be negligible; and
- Investigated in more detail the accident record of the local highway network to confirm there are no issues that would need addressing as a result of the impact of this development.

The Highway Authority considers that this revised TA adequately identifies the impact of this proposed development, and confirms that there would be no severe traffic impact on the existing highway network if this development were to proceed

as proposed.

The Highway Authority therefore has no objection to this application in terms of its likely traffic impact.

### **Travel Plan**

A Travel Plan (TP) has been submitted but requires amendment. The applicant has confirmed that they will enter into an agreement under section 106 of the Town and County Planning Act 1990 to provide a suitable TP, and this is recommended by the Highway Authority.

### **Parking**

The applicant has previously confirmed that the Somerset County Council Parking Strategy will be followed during the design of the development at reserved matters stage, and this has been accepted by the Highway Authority.

### **Highway Works**

#### **General**

The application is outline only, but access is not a reserved matter and has therefore been considered in some detail by the Highway Authority. The applicant has provided plans to show the access arrangements which are now based on a topographical survey, which is considered appropriate by the Highway Authority.

#### **Access**

The revised TA includes a number of different access arrangement options. Swept path analysis has been provided for both 10m and 8m kerb radii at the access bellmouth. Both options have been demonstrated to allow for a refuse vehicle to safely access the site and, as a tighter radius would help constrain vehicle speeds, it is recommended that the access be provided with 8m radius kerbs (or indeed reduced further to 6m, if this is found to be achievable during detailed design).

Two layouts are put forward in terms of the footway arrangements. One has the footways at the vehicle access point end just past the radius tangents, with two separate informal crossing points further from the access and only linked to the (as yet undefined) internal estate layout. The Highway Authority would object to the provision of such a layout as it would have an unacceptable safety impact for vulnerable pedestrians, as they would be discharged onto the carriageway at unsafe locations.

However, an alternative layout is also proposed that shows a footway across the site frontage on either side of the access, linking to the two informal pedestrian crossing points on either side of the vehicle access (but outside of the parking layby directly opposite the proposed access). The Highway Authority would not object to the provision of a layout generally in accordance with this proposal.

It is noted that there will be an effect on the existing hedgerow, but the difference in impact between the two options (where one includes the footway along the frontage) would be minimal, as the main effect on the hedgerow would result from the need to provide suitable vehicle and pedestrian visibility splays to ensure the safety of all road users.

A technical audit of the proposed layouts has identified that there remains a risk that visibility to the right from the southern landing of the western informal crossing point may be obscured by vehicles parking in the adjacent layby. While this could be addressed by shortening the layby, this would remove parking space, which appears to be at a premium as the layby is well used. The applicant has therefore suggested minor alteration to the layby to allow vehicles to park clear of the visibility splay, and the details of how suitable visibility will be achieved will need to be considered further within the detailed design of the proposals. The Highway Authority is, however, comfortable that a suitable layout can be achieved.

The revised TA has identified the need to provide good links to the adjacent secondary school to encourage pupils to walk to school and ensure their route is safe. Some improvements are suggested, and it is recommended that a condition be applied to any consent to require the identification and delivery of suitable improvements to provide a good quality pedestrian link between the development and the existing Taunton Academy.

In the previous consultation response of 2 November 2019 it was recommended that a detailed access strategy should be developed to ensure that the development does not sit separately to the surrounding network, and instead provides connectivity for pedestrians and cyclists. This remains outstanding, and it is recommended that a condition be applied to any consent to require that such a strategy be produced to inform the design of the estate layout, which should consider the provision of links for non-motorised users onto Cats Lane and the unnamed road to the north of the development.

### **Conclusions**

The revised TA has now robustly identified the expected traffic impacts of the proposed development and confirmed that there will not be a severe impact on the existing highway network.

The access proposals have been revised, and while options have been put forward that would not be acceptable the applicant has also identified arrangements that would provide safe and appropriate access. The Highway Authority would therefore not object to the proposed access onto Cheddon Road, subject to appropriate conditions to ensure the correct design is taken forward.

The Highway Authority therefore does not object to the revised application, subject to the securing of an approved Travel Plan by suitable legal agreement and the imposition of the following conditions:

- No part of the development hereby permitted shall be occupied or brought into use until the construction of suitable vehicular and pedestrian access to the development has been carried out in accordance with a design generally in accordance with the layout shown on drawing 4746-55-03A (but with details, including but not limited to kerb radii dimensions and the location of informal pedestrian crossing points amended in consultation with the Local Planning Authority). The Design and specification are to be approved in writing by the Local Planning Authority and shall be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- No part of the development hereby permitted shall be occupied or brought into use until a scheme to provide a safe and attractive route for pedestrians from the development to The Taunton Academy, including measures such as new and widened footways informal pedestrian crossings and entry treatments, has been submitted to and approved in writing by the Local Planning Authority. The scheme is to be fully implemented in accordance with the approved plans and to a specification approved in writing by the Local Planning Authority prior to the occupation of any dwelling hereby approved;
- Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme

shall also indicate the eventual use of that area;

- 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 construction works commencing, and thereafter maintained until the completion of construction works on the site;

- A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site;

- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;

- 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 first occupation of any dwelling hereby approved and thereafter maintained at all times;

- Before any dwelling hereby permitted is first occupied, a footway shall be constructed along the frontage of the site in accordance with a design and specification to be approved in writing by the Local Planning Authority;

- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site, with appropriate links through the site boundary to the existing external network, in accordance with a strategy and scheme to be submitted to and approved in writing by the Local Planning Authority;

- 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 54 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;

- There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 1.5 metres back from the carriageway edge on the centre line of any informal pedestrian crossing point provided on Cheddon Road as part of this development and extending to points on the nearside carriageway edge 54 metres either side of the crossing point. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times; and

- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - o Construction vehicle movements;
  - o Construction operation hours;
  - o Construction vehicular routes to and from site;
  - o Construction delivery hours;
  - o Expected number of construction vehicles per day;
  - o Car parking for contractors;
  - o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - o A scheme to encourage the use of Public Transport amongst contractors; and
  - o Measures to avoid traffic congestion impacting upon the Strategic Road Network

As some work relating to this development will need to be undertaken within or adjacent to the existing public highway, the following note should be added to any planning certificate:

- The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.*

**LEAD LOCAL FLOOD AUTHORITY** - The submitted FRA states that there is a ditch along the hedgerow in the central part of the site. At the southern end of the ditch, there is a small pond located centrally on the southern boundary of the site, with an outfall pipe which flows to the south under Cheddon Road. The FRA states that it is believed that the watercourse flowing downstream of the pond is culverted under Cheddon Road and flows south towards St Patricks Close where it emerges above ground level and becomes a main river.

At this stage of the project, surface water runoff is proposed to be discharged to the ground. However it is understood that (if required) any offsite discharge will be attenuated to equivalent greenfield rates. We highlight that these must demonstrate no increase in flood risk between the 1 year and 100 year + climate change events, with consideration given to the capacity of the downstream watercourse (and culvert) and opportunities for betterment. Attenuation storage calculations for offsite discharge have not been provided at this stage as the proposed method is to infiltrate to ground. We highlight that this would also need to be designed for the 100 year event + 40% climate change allowance.

No information was submitted to demonstrate how surface water that exceeds the capacity of drainage features will be managed within the site. However, the proposed attenuation pond looks to be located at the lower extent of the site and the submitted FRA states that areas of existing surface water flow/ponding will be left undeveloped. It is therefore considered likely that appropriate measures can be implemented to manage exceedance flows within the site boundary. This will need to be demonstrated as part of the detailed design.

It is noted that the calculations were estimated using FSR rainfall data. In

accordance with the SUDS Manual, the storage volumes and discharge rates should be calculated using FEH methods and the FEH 2013 rainfall data. Updated calculations will be required for the detailed design.

No information was submitted regarding the adoption, operation and maintenance arrangements for the surface water drainage system.

In principle we do not object to the proposed development on flood risk and drainage grounds. However, prior to the Council granting permission we recommend that the Council requests the following information:

- Confirmation that the development will not be delivered in phases. If the development is to be delivered in phases, we recommend that further information is provided to demonstrate how the drainage system will be constructed, designed and operated to meet the required design standards for each phase;
- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water drainage system as this may affect the proposed design.

Should the Council be minded to grant planning permission, we recommend that the information requested above and the following information is included within any reserved matters application:

- Results of infiltration testing undertaken in accordance with BRE365 at the location of the proposed infiltration basin, as recommended in the submitted FRA;
- Detailed drawings that demonstrate the inclusion of SuDS and location and size of key drainage features;
- Drainage calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Drainage systems and attenuation storage should be designed using FEH methods and 2013 rainfall data;
- Drawing showing details of the proposed attenuation storage. The drawing should include a cross-section through the storage showing invert levels of the inlet pipe and base of the storage basin;
- Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the

drainage system;

- Demonstration that appropriate access is available to maintain drainage features.

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy with supporting calculations must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

*SCC - ECOLOGY* - The conservation objectives for the Hestercombe House SAC include 'to maintain and restore' the population of the qualifying species. It is considered that the development would have an effect on this objective. Since designation is that of about 44% of the qualifying population as recorded in 2017.

Taunton Deane Borough Council, as the competent authority' under the Habitats Regulations, considers that there is unlikely to be an effect on the integrity of the conservation objectives of Hestercombe House SAC provided the following conditions are applied to the planning permission or are subject to a s106 agreement. As the application is for outline permission there is scope for mitigation to be conditioned in order to counter-act the risk of a significant effect occurring.

1. A habitat enhancement area of a minimum of 4.16 hectares shall be provided either on or off site. The replacement habitat shall be of woodland, ponds and species rich meadow is created, which is accessible to Lesser Horseshoe bats. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with Taunton Deane Borough Council prior to work commencing on site. This enhancement will be planted at the earliest possible date following permission unless otherwise agreed with the Borough Council.
2. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority to ensure that the habitat creation / enhancement is managed appropriately for Lesser Horseshoe bats. The plan will include the aims and objective of management of the whole site in perpetuity from completion of the works. Prescriptions for management actions shall be included with measures to promote the establishment and maintenance of the planting to a favourable structure for Lesser Horseshoe bats. It should also include a monitoring strategy to ensure that Lesser Horseshoe bats continue to use the site and remedial measures to rectify the situation should negative results arise. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.
3. To minimise the effects on Lesser Horseshoe bats (and other bat species), a specific lighting strategy shall be produced at the reserved matters stage, showing how and where external lighting will be installed (through the provision of lighting contour plans down to 0.1 Lux, technical specifications and other mitigating measures) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory. All external lighting 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 be installed without prior written consent from the local planning authority.

**It is considered by Taunton Deane Borough Council that provided these measures are conditioned or subject to a s106 agreement and thereafter implemented in full there is unlikely to be an effect on the integrity of the conservation objectives of the Hestercombe House SAC.**

Provided the above measures are implemented it is considered Stage 3 of the Habitats Regulations Assessment is not required.

*SCC - CHIEF EDUCATION OFFICER* - No comment received.

*SCC - NOW HISTORIC ENV SERVICE( AS NOT PART OF SCC 2015)* - The Archaeological desk-based assessment submitted by the applicant concludes that there is some potential for buried archaeology on the site of local significance. This is a reasonable conclusion and we agree with the suggestion that a condition should be applied to permission (if granted) that can deal with the archaeology issues.

For this reason I recommend that the developer be required to archaeologically investigate the site for heritage assets and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of the following conditions attached to any permission granted.

Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) that involves geophysical survey, trial trenching and further investigation, which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

*WESSEX WATER* - No comment

*HISTORIC ENGLAND* - No comments to make.

*BIODIVERSITY* - The application is outline for the erection of 180 dwellings on land off Cheddon Road, Taunton. A total of 30m of hedgerow will be removed for access.

The site is 1.4km south of Hestercombe SAC.

Pyrland Park LWS is located 235m to the west of the application site.

FPCR carried out an ecological appraisal of the site in October 2017.

Findings were as follows

### **Bats**

The site lies within Bat consultation Zone B for lesser horseshoe bats.

Please see Larry Burrows Habitat Regulation assessment for Pyrland farm, Cheddon Road.

I agree with conclusions in the assessment. There is a shortfall of 1.28ha of

mitigation for lesser horseshoe bats in the submitted masterplan. Any mitigation should be functional at the time of development. Lux light levels should not increase on any retained or new bat habitat

### **Birds**

The vegetation on site offered bird nesting potential. Vegetation shall only be removed outside of the bird nesting season.

I support the erection of bird boxes on site

### **Badger**

No information available (A confidential plan referred to in the report has not yet been sent to the case officer)

### **Reptiles**

The site was assessed as having sub optimal habitat for reptiles

### **Great crested newts**

Waterbodies 430+ to the west of the site are known to support GCN but ponds on and close to the site did not contain GCN.

Given the low likelihood that GCN travel no more than 250m from their breeding grounds and given the lack of suitable terrestrial habitat on site, I agree that the risk of GCN being affected is low.

### **Dormice**

Nest tube surveys returned no evidence of dormice

If permission were granted I suggest the following condition

### **Suggested Condition for protected species:**

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 FPCR's Ecological Appraisal report, dated October 2017 and include:

5. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
6. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
7. Measures for the retention and replacement and enhancement of places of rest for nesting birds
8. A Construction and Environmental management plan (CEMP) and a Landscape and Ecological management plan (LEMP)
9. Details of lighting

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 nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented

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

### **Informative Note**

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for

planning consent) must comply with the appropriate wildlife legislation

*LANDSCAPE* - I cannot support this proposal of 180 houses as it is a much larger proposal than identified in the SADMP ( TAU 3). The development encroaches further into the open countryside than initially accepted in the SADMP.

It is not clear how much hedging bordering the south of the site will need to be removed to assess the site I consider that the proposal will impact on the landscape character of immediate locality.

*TREE OFFICER* - No comment.

*HOUSING ENABLING* - 25% of the new housing should be in the form of affordable homes, with a tenure split of 60% social rented and 40% intermediate housing in the form of shared ownership. As part of the site sits within the West Monkton and Cheddon Fitzpaine Neighbourhood Plan area consideration should be given to the plans' Housing Policy H4 – Affordable Housing with a tenure split of 80% social rent and 20% intermediate housing in the form of shared ownership if deemed viable.

The type and size of the affordable housing units to be provided should fully reflect the distribution of property types and sizes in the overall development. 10% of the total affordable housing provision should be in the form of fully adapted disabled units in accordance with Part M4, Category 3: Wheelchair user dwellings of the Building Regulations 2010.

Taking the Homefinder information for Taunton into account, there appears to be a significant need for 1b2p accommodation, which we would seek in the form of maisonette style properties with their own access and garden area. There is also a considerable amount of people looking for 2b4p accommodation.

On this basis, we would suggest a mix along the lines of:

- 10-15%        1b2p
- 40%            2b4p
- 35-40%       3b 5/6p
- 10%            4b6p

The shared ownership housing should be in the form of 2b4p and 3b5/6p houses.

Whilst no indication of the location of the affordable units has been provided at this stage, these should be an integral part of the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to be evenly distributed across the site and in clusters of no more than 15 units. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. Early engagement with the Housing Enabling Lead to agree the affordable housing provision is recommended.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

**QUANTOCK HILLS AONB** - We concur with the comments of your Landscape Officer that an increase in houses to 180 is much larger than the 40 allocated in the SADMP and, considering other allocated sites coming forward for development on the northern side of Taunton, we ask you to consider if the cumulative push of the urban and suburban environment towards the nationally protected Quantock Hills has potentially reached a critical limit.

The Quantock Hills AONB Service requests that when assessing the number of houses and extent of the site, this application is considered in the context of other development sites, in order to fully understand potential effects on landscape character, landscape resource and visual amenity. This should include those already allocated as well as those under construction that are extending Taunton into open countryside on its northern fringes. Ongoing and proposed development (Nerrols Farm, Monkton Heathfield and Staplegrove for example) must all be considered in the context of this proposal as, both individually and collectively, they are bringing the urban/suburban landscape closer to the boundary of the Quantock Hills. This is reducing the actual area of land and the perceived sense of separation between townscape and high quality rural landscape of national significance.

The juxtaposition of the Quantock Hills with the Vale of Taunton Deane makes for a very important perceptual relationship. Whilst we recognise the setting of the AONB is not protected, Taunton Deane's own LCA recognises the importance of the relationship between the Vale and the protected landscape. The National Character Area description recognises them as so intrinsically linked in terms of character that they are mapped together and form a joint description (NCA 146: Vale of Taunton Deane and Quantock Fringes). Therefore, change within the vale, must be fully considered in terms of its proximity to and relationship with the Quantock Hills.

The preservation of the setting and character of the AONB is supported by the Vision for Taunton in the adopted Core Strategy, which states:

***“Despite accommodating substantial levels of growth, the urban form of Taunton will remain self-contained, below ridge lines which are sensitive to development and preserving the setting and character of the Quantock Hills AONB and Blackdown Hills AONB.”***

It is unclear why, as statutory consultees, Natural England have made no reference to the setting of the protected landscape and the potential effects on views and character to the AONB.

Section 85 of the CRoW Act 2000 states that:

***“In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty”.***

We trust that the Quantock Hills AONB will be given due consideration during your assessment of the application.

**CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE** - No comments

**POLICE ARCHITECTURAL LIAISON OFFICER** - Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

***“Safe and accessible environments where crime and disorder, and the fear of***

***crime, do not undermine quality of life or community cohesion."***

Guidance is given considering 'Crime Prevention through Environmental Design', 'Secured by Design' principles and 'Safer Places.

**Comments:-**

**Crime Statistics** – reported crime for the area of this proposed development during the period 01/05/2017-30/04/2018 (within 500 metre radius of the grid reference) is as follows:-

**Burglary** - 12 Offences (comprising 9 dwelling burglaries & 3 business/community burglaries)

**Criminal Damage** - 5 Offences (incl. 3 criminal damage to vehicles)

**Drug Offences** - 3

**Other Offences** - 5

**Sexual Offences** - 2

**Theft & Handling Stolen Goods** - 15 Offences (incl.2 theft of motor vehicles & 2 theft from motor vehicles)

**Violence Against the Person** - 55 Offences (incl. 1 malicious wounding, 12 assault ABH, 13 common assault & battery & 11 causing harassment/alarm/distress)

**Total - 97 Offences**

This averages 8 offences per month, which is classed as a low reported crime level.

**Design & Access Statement** – the DAS at page 63 includes a section entitled 'Safer Places and Crime Prevention', which indicates to me that the applicant has considered crime prevention measures in the design of this proposed development.

I

support the comments made in this section and expand on some of them below.

**Layout of Roads & Footpaths** - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features such as road

surface changes by colour or texture, rumble strips or similar 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 also has advantages from a crime prevention viewpoint in that it can help frustrate the search and escape patterns of the potential offender.

**Orientation of Dwellings** - all appear to overlook the street and public spaces which

allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. The majority of the dwellings also appear to be 'back to back', which is also recommended, as this helps restrict unauthorised access to the rear of dwellings where the majority of burglaries occur.

**Public Open Space** - communal areas have the potential to generate crime, the fear

of crime and ASB and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. The landscape buffer around the perimeter of the site appears to be well overlooked by a number of dwellings, as is the green lane through the centre, and all appear to comply with this recommendation.

**LEAP** – the proposed LEAP is located in a fairly large communal area on the edge of

the development with limited surveillance from nearby dwellings. From a safeguarding children perspective, I recommend it be more centrally located with safe routes for users to come and go and good all-round surveillance from

dwellings.

**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 areas, so walls, fences, hedges at the front 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 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fences and lockable. Judging by the masterplan in the DAS, this appears to

be catered for but at this outline stage is difficult to fully assess.

**Car Parking** – appears to be a mix of in-curtilage garages and parking spaces and small communal on street parking spaces, the former being the recommended option, but is also difficult to fully assess.

**Landscaping/Planting** – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good

visibility is needed, i.e. dwelling frontages shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

**Street Lighting** – all street lighting for both adopted highways and footpaths, private

estate roads and footpaths and car parking areas 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 and ground floor or easily accessible windows and rooflights must be tested to comply with PAS 24:2016 security standard or equivalent.

**Secured by Design** - the applicant refers to this national police initiative in the DAS and, if planning permission is granted, is advised to refer to the '**SBD Homes 2016**' design guide, which is 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 dwellings.

**LEISURE DEVELOPMENT** - In accordance with the TDBC adopted SADMP Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings.

The Design & Access Statement proposes a Locally Equipped Area of Play Space (LEAP) however this should be centrally located and overlooked by the front of properties to promote natural surveillance.

Children aged 8 years and under should not have to walk more than 400m to their nearest equipped play area. The location of the LEAP should not therefore be more than 400m from each dwelling via pavement or footpath, not as the crow flies.

Children aged 8 years and above should also not have to walk more than 1000m by footpath or road, not as the crow flies, to their nearest play area (NEAP). The proposed development appears to be more than 1000m from the nearest NEAP. Provision for over 8's should therefore be made on site.

A development of 180 dwellings if all 2 bed+ should provide 20sqm of equipped and non-equipped play space giving a total of 3600sqm. The development should therefore provide 1x LEAP and 1 x NEAP (Neighbourhood Equipped Area for Play) as a minimum of the equipped play space.

The LEAP of at minimum of 400sqm should contain 5 pieces of play equipment for children aged 4-8 years to cover all the play disciplines of swinging, sliding, rotating, climbing, rocking and balancing.

The NEAP of at least 1000sqm should contain at least 8 pieces of equipment to cover the disciplines and be suitable for ages 8 years to adult. Both areas should contain seating , bin and signage. All equipment to have a manufacturer's guarantee of at least 15 years.

The LEAP if fenced must have at least 2 x outward opening self-closing pedestrian gates and a gate for maintenance access. The design of the play areas should be submitted for approval by TDBC Open Spaces. Open Spaces should also be asked to comment on green infrastructure and its layout proposals.

*ENVIRONMENT AGENCY* - The Environment Agency has no objections to the proposed development, but wishes the following informatives and recommendations are included in the Decision Notice:

The proposed development is located in Flood Zone 1, which is low flood risk and the ideal location for development with regards to flood risk.

Somerset County Council, as the Lead Local Flood Authority, should be consulted to ensure the surface water drainage proposals for this site do not adversely affect their interests. Especially as the Flood Risk Assessment makes reference to a ditch running across the development site.

To prevent pollution of the water environment, during construction the following issues should be considered:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off. To include managing how soil deposits will be minimised from being deposited on the road.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.
7. Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

#### *NATURAL ENGLAND* -

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is in close proximity to Hestercombe House Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Hestercombe House Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have

regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

### **No objection**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, provided that the mitigation measures specified by the appropriate assessment are appropriately secured in any permission given.

## **Representations Received**

35 letters of objections received on the grounds of:

- Outside of Local plan policy
- Loss of green space and valuable farming land.
- Loss of privacy
- Overdevelopment of the site
- No need for housing and lack of employment
- Non compliance with Neighbourhood plan policies
- Not in keeping with garden town
- Outside of settlement limit
- An unplanned extension
- Not in keeping with surroundings of northern side of road
- Increase in traffic and therefore accidents. Roads cannot cope with extra volume
- Will lead to parking and congestion problems



- Inadequate access
- Danger to cyclists and pedestrians
- A 20mph speed limit should be imposed from the site to the school and a safe pedestrian route planned.
- Inadequate infrastructure locally and Council cannot keep up with road maintenance.
- Traffic impact on narrow lanes
- Will isolate fields and force agricultural traffic onto the road
- Roads too narrow to take heavy machinery
- Impact on conservation area
- Listed building at King's Hall school would be overshadowed
- Impact on views from Hestercombe House spoiling character of landmark
- Impact on Cheddon Corner and King's Hall School
- Impact on AONB
- Negative landscape impact
- Loss of peace and tranquility
- Noise and air pollution
- Loss of hedgerow impacting on rural nature of area and environment.
- Impact on wildlife including bats
- Strain on local services
- Loss of prime agricultural land
- Surface water drainage and increased flood risk
- Will lead to water shortage
- Will lead to increase in fly tipping

- Loss of view
- Loss of value
- A similar application outside of the development area at Creech St Michael was refused.
- Local resources including schools and doctors surgery's cannot cope.

9 further objections on amended Transport and access detail raising the following:

- The nearest bus stop could be half a mile from the furthest dwellings, this is not local and there is no Sunday service, or evening service
- No local jobs
- Nearest bus stop in Ladymead Road not convenient
- Pressure on primary and secondary schools
- Will add to congestion
- Crossing will be at a dangerous point
- Will increase traffic and emissions and no acceptable travel plan
- Baseline traffic flows are incomplete - certain junctions missing
- Traffic speeds along this stretch of road
- Road narrow in parts and traffic often has to slow to pass
- Traffic increase will put significant strain on inadequate local transport infrastructure
- Impact on Cats Lane
- Poor junction visibility
- Impact on lay-by opposite
- Will make road busier and more dangerous
- Contrary to Local Plan loss of countryside and wildlife
- No infrastructure
- Inadequate access and increase in traffic would be unsafe
- Not in keeping with surroundings
- Overdevelopment
- Outside settlement on valuable farm land
- No need for more housing
- Detrimental and damaging to rural character of the area

- Loss of hedging
- Would overload water/drainage/recycling services
- Increase flood risk
- Increase in traffic, air pollution, congestion and noise pollution
- Bat roosts at Hestercombe have European protected status.
- Will disturb wildlife
- Hazard of construction vehicles

## 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.

SP1 - Sustainable development locations,  
 CP1 - Climate change,  
 CP4 - Housing,  
 CP6 - Transport and accessibility,  
 CP8 - Environment,  
 DM1 - General requirements,  
 DM2 - Development in the countryside,  
 DM4 - Design,  
 SB1 - Settlement Boundaries,  
 TAU3 - Pyrland Farm,  
 A1 - Parking Requirements,  
 A2 - Travel Planning,  
 C2 - Provision of recreational open space,  
 D7 - Design quality,  
 ENV1 - Protection of trees, woodland, orchards and hedgerows,  
 ENV2 - Tree planting within new developments,  
 ENV4 - Archaeology,  
 I4 - Water infrastructure,

West Monkton and Cheddon Fitzpaine Neighbourhood Plan was adopted on 23 April 2018

Policy H1 – Housing suitable for older people

Policy H3 – Refuse Bin Storage for residential development

Policy H4 – Affordable Housing.  
Policy E5 – Wider roll-out of Broadband connectivity  
Policy T1 – Developing a comprehensive and high quality cycle and footpath network  
Policy R1 – Dark skies  
Policy R4 – Recreation and community facilities

This takes into account the recent adoption of the SADMP.

## Local finance considerations

### Community Infrastructure Levy

Creation of dwellings is CIL liable.

Outline application and no details of density included in application.

Assumed medium density and used residential testing assumptions on 40dph for CIL calculation.

Most of the application site is within the £125 charging zone but a small portion is within the £70 charging zone. CIL calculated on the £125 charging zone only.

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 £2,000,000.00. With index linking this increases to approximately £2,750,000.00.

### New Homes Bonus

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

#### *1 Year Payment*

Taunton Deane Borough	£194,232
Somerset County Council	£48,558

#### *6 Year Payment*

Taunton Deane Borough	£1,165,394
Somerset County Council	£291,348

## Determining issues and considerations

The main considerations with this proposal are compliance with policy and impacts on the wildlife and ecology of the area, landscape, setting of listed buildings, traffic and drainage.

### POLICY

The policy for the area is set out in the development plan consisting of the Core Strategy, the Site Allocations and Development Management Plan and the West

Monkton & Cheddon Fitzpaine Neighbourhood Plan. The Core Strategy sets out the locations suitable for new developments and in general seeks to concentrate development in sustainable locations under policy SP1. The Site Allocations and Development Management Plan identifies part of the site nearest Cheddon Road as suitable for residential development of around 45 dwellings under policy TAU3: Pyrland Farm. The policy requires offset planting to compensate for the loss of any bat habitat as well as affordable housing, the design and mix of dwellings and recreational space. All of these points are either addressed below or are subject to reserve matter details.

The provision of a development outside of the development limit has to be considered in light of policies in the development plan and there must be identified harm to warrant a refusal. So merely because the site exceeds the defined allocated site is not in itself a reason for refusal but there must be some element of harm as a result. This was reflected in the recent legal argument at appeal in Wellington. The current proposal therefore has to cause significant harm on material planning grounds for it to be refused.

A further consideration with the site is the application of Neighbourhood planning policies as the West Monkton and Cheddon Fitzpaine Neighbourhood Plan was adopted on 23 April 2018. The Parish Council make reference to a number of policies, however the current proposal is in outline form and does not specify at this stage the number and design of dwellings, nor the refuse provision, footpath links or recreation provision as referred to in policies H1, H3, T1 and R4. A note can be added drawing attention to the need to comply with H1 as part of any detailed layout and a condition will be proposed concerning children's play provision and controlling lighting as this is also required to address bat impacts. The provision of broadband connectivity is not something that can be controlled through the planning process and affordable housing is a requirement set out in the Core Strategy under policy CP4. The Housing Enabling Officer has commented on the need and has made recommendations in terms of the provision and tenure split. This would be controlled through a Section 106 legal agreement which the applicant has made clear they are happy to do in principle. A note to the applicant is proposed to draw their attention to the need to comply with Neighbourhood Plan policies as part of any reserved matters submission.

## ECOLOGY

The site consists of existing grass land and hedges and has been subject to various wildlife surveys. The site is also within the consultation distance of Hestercombe SAC and so the impact on Lesser Horseshoe bats has to be considered. The Biodiversity Officer is in agreement with the submitted wildlife assessment and recommends a condition to ensure appropriate mitigation is carried out. The County Ecologist has undertaken a Test of Likely Significant Impact on the SAC at Hestercombe and Natural England raise no objection. The conclusion is that there is a potential for a significant likely effect but this can be avoided by implementing a number of mitigation measures. These include habitat enhancement both on and off site, provision of a Landscape and Ecological Management Plan (LEMP) and provision of a lighting strategy. These elements can be secured through conditions and a legal agreement for any off site provision. Subject to securing this mitigation there is no adverse impact on wildlife to warrant an objection to the scheme.

## LANDSCAPE

The landscape around the site is undulating with a general rise in levels towards the north and the Quantocks Area of Outstanding Natural Beauty. A visual impact assessment has been submitted with the application and this has been considered in terms of assessing the impacts of the site. I have considered the impacts on long distance views and views from the AONB with the Landscape Officer following initial comments. The site is screened from many views to the north and where it is visible the impact is limited and blends in with the existing residential development. Given that the proposed development at Staplegrove is larger, has a bigger impact and has been supported by Committee it is not considered that the very limited impact on the AONB of the current scheme is one that warrants a refusal. In fact to do so would be unreasonable.

The impacts on the local area around the site are greater and the greatest impact will be from Cheddon Road itself where the access has to be formed. However the southern part of the site is allocated and access would need to be formed in this location, even for the smaller allocated site. Given that there will need to be buffer planting of 20m around the site for wildlife mitigation purposes, it is not considered that the landscape impact on the character of the area is so adverse as to warrant an objection to the development and in my view the development in the longer term will be largely screened, other than the main road frontage, by the planting proposed. A condition with regard to translocation of the hedge on the road frontage is proposed to try and retain as much of the hedge as possible. A condition to secure the planting within the site is also proposed. Consequently there is not considered to be a significant adverse landscape impact from the proposal.

## SETTING AND IMPACT ON HERITAGE ASSETS

Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. This requires that in considering whether to grant planning permission, the Local Planning Authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The site lies within 250m of one listed building to the north-west, King's Hall and around 120m of Pyrland Farm to the east and Historic England has been consulted in terms of the impact on the setting of these properties. The site is currently bounded by hedgerows and the landscape mitigation planting will add significantly to that. Historic England has not made any comment in respect to the scheme and it is considered that space and screening between the properties is sufficient for there not to be any significant adverse impact of the development on the setting of these buildings. The proposal is therefore considered to comply with Section 66 and would not cause harm to the setting. The initial survey work has indicated there may be impacts on archaeology and consequently South West Heritage has suggested an archaeological condition to secure investigation of the site before construction and therefore a written scheme of investigation condition is proposed and is in compliance with the NPPF.

## ACCESS AND TRAFFIC

The access to the site will be provided off the Cheddon Road frontage with a new access and splay proposed as part of the current application. The Highway Authority has considered the revised information submitted and considers that there is a suitable means of access into the site that can be conditioned and that the level and impact of traffic on nearby junctions from the new development would not have a severe impact on the surrounding highway network. The internal road layout and parking provision would form part of the reserved matters and would need to be in line with County Highway guidance in terms of the road provision and the SADMP policy A1 in terms of parking. The applicant is in discussion with County Highways over the provision of a travel plan and this would need to be secured through a legal agreement. This forms part of the recommendation. Conditions are proposed by the Highway Authority in terms of the formation of the new access and visibility off Cheddon Road and these are recommended together with conditions in respect of safe route for pedestrians to the Academy, a footway along the site frontage, a contractor's compound, surface water disposal and footway/cycle links.

## DRAINAGE

The site lies within an area outside of the flood risk area and the provision for foul and surface water would need to be provided in consultation with statutory bodies. The foul drainage would be connected to Wessex Water systems and there is no reason this could not be achieved. In terms of surface water the site lies within flood zone 1 where there is no risk of flooding. The surface water drainage scheme will need to be designed to prevent the risk of flooding elsewhere and limit any outfalls to greenfield rates. As the site is over 1ha the surface water drainage will need to be agreed by the Lead Local Flood Authority and a suitable condition to secure this is recommended. The drainage strategy proposes the managing of surface water and sufficient attenuation for all events up to the 1 in 100 year event inclusive of 40% climate change factor. Therefore subject to a suitable condition the development of the site should not be precluded on flood risk grounds.

## CONCLUSION

In summary while part of the site lies outside of the identified Local Plan allocation, the assessment of the scheme identifies no significant adverse impacts on the wildlife and ecology, landscape, listed building setting, traffic, highway safety and drainage. Consequently in light of recent case law and the policies of the Local Plan the provision of the housing scheme as submitted is considered to comply substantially with policy and is recommended for approval subject to appropriate conditions and a legal agreement.

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

**Contact Officer: Mr G Clifford**





<b>Application No:</b>	<a href="#">3/21/18/094</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Anna-Mari Galliot
<b>Grid Ref</b>	Easting: 297921    Northing: 145008
<b>Applicant</b>	Mr J Sykes Brown
<b>Proposal</b>	Erection of a single storey dementia care nursing home (amended scheme to 3/21/18/026)
<b>Location</b>	Dene House, Bircham Road, Alcombe, Minehead, TA24 6BY
<b>Reason for referral to Committee</b>	

## Recommendation

Recommended decision: Grant

### Recommended Conditions

- 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:

(A3) DRNO 218-2B BLOCK PLAN

(A3) DRNO 218-3A PROPOSED GROUND FLOOR PLAN

(A3) DRNO 218-1 SITE PLAN

(A3) DRNO 218-4 ELEVATIONS

(A4) WESSEX WATER PLAN

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

- 3 (i) A full landscaping scheme including the proposed new tree planting for the northern boundary shall be submitted to and approved in writing by the Local Planning Authority prior to 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.

- 4
- i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
  - 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.
  - iv) Prior to commencement an arboricultural method statement including a tree protection plan shall be submitted to the Local Planning Authority detailing proposed pruning works for any protected trees.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

- 5
- Prior to any work commencing on site access to the site from Dunster Close shall be stopped up by fencing as shown on the submitted Block Plan dwg. no. 218 -2B, and retained in this manner at all times thereafter.

Reason: To safeguard residential amenity in the area, during the construction period and after the development is completed.

- 6
- Refuse generated from Dene House shall be taken to the allocated area behind Dene Lodge Nursing Home and collected accordingly, and there shall be no waste collection from Dunster Close.

Reason: To safeguard residential amenity in the area, during the construction period and after the development is completed.

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

## **Proposal**

This proposal is for erection of single storey dementia care nursing home (amended scheme to 3/21/18/026) Dene House, Bircham Road, Alcombe, Minehead.

In 2017,19 Dunster Close was granted permission for the demolition of the existing 3- bed bungalow to slab level, and erection of 6-bed bungalow as assisted living unit annexe to Dene Lodge Nursing Home with associated car parking. A pedestrian access onto Bircham Road was also proposed with no proposed access from Dunster Close.

The term Assisted Living (also termed Sheltered Housing) relates to persons living independently under the same roof and who share the main facilities in the unit. They have the use of a piperline system to call for care if and when required and/or can purchase additional care from the adjoining home. However, because the proposal was for a maximum of six people sharing all essential facilities, no change of use occurred and the property is currently in residential (C3) use.

Since the previous approval the site was cleared and fenced off from Dunster Close and a new access from the Dene Lodge Nursing Home was formed. The site address and building is now known as Dene House, Bircham Road, Minehead. The construction ceased in December due to the decision by Dene Lodge Nursing to use the new building for long term care of people suffering from dementia, referred from Musgrove Park Hospital. The amended proposal is to erect a larger 'hospital' bedrooms and en-suite wet rooms, easier access corridors for the use of body hoist equipment etc which proved impossible to incorporate into the shape of the approved building. The number of bedrooms (people in care) will remain the same. Also, since the previous approval the existing soil drainage pipe has been deemed susceptible to failure and consequently Wessex Water has introduced a non-building zone over this type of pipe to alleviate any additional pressure on the drain which affected the proposed siting of the building.

The original approved application was for assisted living whereas this amended

application is for dementia care which by definition requires full time care, and would require a change of use from C3 to C2. The size, height and shape of the proposed building has also changed since the previous approval of application (ref:3/21/18/026).

Materials used are similar in texture and colour to those on the adjoining estate building. Solar panels have been shown on the rear side of the roof and are subject to further approval. The dimensions of the proposed boiler room (3m x 1.2m with a height of 2.3m) have been included on the amended plans.

## **Site Description**

19 Dunster Close, is located in a residential area on the outskirts of the centre of Alcombe and is accessed from Combeland Road from either Bircham Road and Church Street or Brook Street or via the 'back road' from Ellicombe Lane off the Ellicombe roundabout. The site is one of 17 single storey bungalows, both detached and semi-detached, some with adjoining garages and some with detached single garages arranged in a linear arrangement and with no. 19 and 14 (adjacent) at the end of the cul-de-sac and turning head.

The dwellings are a mixture of two and three bedrooms constructed in a mix of brick and painted render with tiled roofs and have a mix of wooden and upvc windows and doors. All of the dwellings have open front gardens facing the access road. Numbers 14 and 19 are corner plots which also share the main Bircham Road boundary. Number 19 itself is tucked into the north western corner and directly adjoins the Dene Lodge Nursing home which is to the west of the site.

The site is well screened by trees that are protected by a Tree Preservation Order and tall hedging including hedging along the boundary with Dene Lodge (to the west) and is not visible from Bircham Road. There is wire fencing along the western boundary, with wooden panel fencing along part of the northern, eastern and southern boundaries. Stone walling is also on part of the northern boundary and concrete walling on the southern side of the main building. The site also contains a single garage workshop in the south western corner and two timber sheds in the north west corner. A current hardstanding/drive is located on the southern boundary with paving linking the bungalow with the garage and workshop and sheds.

On the opposite side of Bircham Road, to the north of the site is West Somerset College and further residential development. The site is currently vacant and it is close to local facilities and public bus stops can be found on Bircham Road opposite the site and to the east towards the local Rugby Club.

## **Relevant Planning History**

3/21/17/025 Extension and conversion of 3 No. bed bungalows into a 6 No. bed bungalows as an assisted living unit annexe to Dene Lodge Nursing Home approved in 2017.

3/21/18/026 Demolition of bungalow and erection of 6 -bed bungalow as assisted

living unit annexe to Dene Lodge Nursing Home with associated car parking (amended scheme to 3/21/17/025) approved in 2018.

## Consultation Responses

**Highways Development Control** - The current applicant is for the erection of a single-story dementia care nursing home and is an amended scheme of consented application 3/21/18/026. In relation to associated vehicles movements the proposed development is likely to generate on a daily basis, there is no objection from the Highway Authority. It is noted the current application proposes that associated emergency vehicles will access the site via an existing access off Bircham Road that currently serves a residential home. However, no suitable swept path analysis of the largest emergency service vehicle likely to utilise the site has been demonstrated. Submitted drawing number 218-2 has highlighted an emergency service parking/turning area, however it is unclear whether all associated emergency service vehicles can safely access, manoeuvre within and egress from the site onto the classified public highway in a forward gear.

With the above in mind, a suitable swept path analysis demonstrating that the largest associated emergency service vehicle can safely achieve the above is recommended (1:200 scale advised). The Highway Authority would require all associated vehicles to the proposed development to have the capacity to safely enter the site, maneuverer within and egress onto the local highway network in a forward gear.

The Highway Authority would also like confirmation on how refuse vehicles will serve the site. Drg No: 218-2 would indicate that this will be off the unclassified Duster Close, however for the avoidance of doubt clarity on this proposed arrangement is advised. Whilst there is no objection to the principle of the development proposed, it is recommended that the applicant demonstrate/clarify the above, to the satisfaction of the Highway Authority before conditions are recommended.

**Wessex Water Authority** - Wessex Water has no objections to this application and can advise the following information for the applicant:

### The Planning Application

The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via soakaway.

### Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found here.

### Are existing public sewers or water mains affected by the proposals?

Wessex Water will not permit the build over of public shared sewers by new properties.

Your contractor must undertake private survey to determine the precise location of the existing 150mm public foul sewer which crosses the site. Easements are

usually 3 metres either side of public sewer, subject to application sewers can sometimes be diverted, at the applicants cost, to achieve suitable easements. Further details can be found here

Wessex Water are satisfied with the easements in place to protect the public foul sewer shown on drawing number 218 -2.

Is the surface water strategy acceptable to Wessex Water?

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via soakaway.

The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority. The planning authority will need to be satisfied that soakaways will work. Soakaways will be subject to Building Regulations. The use of soakaways currently attracts a discount in the sewerage infrastructure charge, proof of arrangements will be required when applying for foul sewerage connection. There must be no surface water connections to the foul sewer network.

**Biodiversity and Landscaping Officer** - No comments received

**Tree Officer's**- most recent comments on the proposal; I met David Hancock on site last week and can now confirm that I have no objection to the proposed building. We measured the notional Root Protection Area of the nearest sycamore in relation to the proposed building location, and although there will be some incursion into the RPA, I think that the tree will be able to withstand this level of root cutting. It is a sycamore, a hardy tree and it is only the corner of the building and therefore a relatively small percentage of the whole RPA that will be affected. David has agreed to move the building slightly to the south if possible – any shift in that direction would be welcome. Some pruning of the lateral branches will be required, and this should be detailed in an arboricultural method statement that would also include the tree protection plan. Although the tree will be close to the building, it will be on the north side, so potential for shading the building will be low. A good boundary of new tree planting is proposed for the northern boundary, and this should be detailed in their landscape scheme as a condition.

**Minehead Town Council** -

The planning committee have strong objections to the revised plans as submitted for the following reasons:

- a) This represents a substantial enlargement of the existing domestic bungalow and is not in keeping with the surrounding bungalows in Dunster Close
- b) We are also concerned that this will allow a back entrance into the retirement home from Dunster Close; it is purported to be already used as such, allowing easy access for visitors and staff, thus causing parking problems in the immediate area
- c) There is insufficient parking within the home for staff and visitors as it is, besides the additional staff and visitors that this extension would require
- d) The original application was for assisted living whereas this one is for Dementia Care which by definition requires full time care thus is a complete change of use which again is inconsistent with the existing use of a domestic dwelling and out of character with the area
- e) The application also indicates a change of use of the semi-detached garage from domestic use to Refuse/store and since it has a party wall is considered

inappropriate and indications are that the owner of the other part would object strongly

f) The height of the proposed building is also an issue as at some 5m in height is far higher than any in the vicinity and is incongruous with the surrounding buildings

g) There is also mention of a boiler-house but no specifics are mentioned. This again is an additional building on the site

h) Finally, there have been many local objections to this development and resentment of the existing disregard of their opinions and blockages caused to the turning circle in Dunster Close by staff and visitors' cars.

**South West Heritage Trust** - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

## Representations Received

4 objections have been received from local residents which are summarised below;

- The proposal is larger and in a different position and no longer on the footprint of the original bungalow.
- The proposal represents over development of a plot that was originally intended only for a family home
- Business property in a residential setting is not in keeping with the other bungalows on Dene Estate
- The new plans have a footpath which leads down onto Bircham Road and comes out opposite the West Somerset College encouraging staff, visitors and tradesmen to park in Bircham Road causing traffic congestion right in front of the college entrance.
- There is a refuse store shown on the plans but there appears to be no access road for the refuse men to approach the store to collect the refuse.
- There is also the addition of a Boiler House but there are no details of its size or height.
- The current position of no access of any kind from Dunster Close should be maintained
- Objection to the placement of refuse store in the garage due to smell in the summer months ; a semi-detached building adjoins to our garage
- Concerns raised regarding lack of detail regarding the dimensions of the proposed boiler room and whether it will be placed at the end of Dunster Close requiring access through the current fence for maintenance, which would allow a way into the site from Dunster Close.
- Concerns about increase in parking and traffic at the rear end of Dene Road
- Concerns about staff parking in the turning bay immediately outside the rear entrance, the current parking facilities for staff are inadequate resulting in Dene Gardens being used daily as a Dene Lodge car park.
- Sufficient parking for staff and visitors should be provided so that the surrounding public roads are not used as a car park.
- The current plan shows an access footpath from Bircham Road. If the parking requirements are not satisfactorily addressed this could result in car parking along this road opposite the College which would not be safe.

## 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 the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

### West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
MD1	Minehead Development
EC1	Widening and strengthening the local economy
E/6	Expansion of Existing Business
NH6	Nature conservation & biodiversity protection & enhancement
NH13	Securing high standards of design

### Retained saved policies of the West Somerset Local Plan (2006)

n/a

## Determining issues and considerations

### 1. Principle of development

The site is located in a residential area on the outskirts of the centre of Alcombe, Minehead. Policies SC1 and MD1 define Minehead/ Alcombe as sustainable service and employment centre where majority of new development will be supported in order to protect it's role in the local economy and also in the provision of community services for the wider area. The original approved application was for assisted living whereas this amended application is for dementia care which by definition requires full time care, and would require a change of use from C3 to C2. Although the proposal is located in a residential area considering the proximity and history of the site in connection with Deane Lodge Nursing Home the change of use is considered acceptable.

### 2. Impacts on the Character and Appearance of the Area

The size, location and shape of the building have been amended from the consented scheme. The proposal is also 0.8m higher than the approved building.



The proposed building has been designed to mirror existing houses to the east of the site backing onto Bircham Road. The 25 degree pitched roof and clay interlocking tiles reflect the adjoining estate bungalows. The gutter line is 400mm beyond the brick face creating a generous overhang. Bricks that will be used are similar in texture and colour to those used on the adjoining estate building. The amended scheme is considered acceptable in terms of scale and appearance, and the proposal is not considered to cause any significant adverse impact on the character and appearance of the area in general. It is therefore considered that the proposal is in accordance with policy NH13 of the adopted West Somerset Local Plan to 2030.

### 3. Landscape impact

Tree and screen planting will be along the Bircham Road frontage and to the end of Dunster Close. Boundary fences closing off Duster Close and to the side of no. 17 have already been erected under the current approval. The amended scheme show the building located within the root protection area of the TPO trees on the north elevation. The Council's tree officer has confirmed that although there will be some incursion into the root protection area the sycamore tree affected is likely to be able to withstand this level of root cutting and as only a small percentage of the whole root protection area will be affected. Although the tree will be close to the building, it will be on the north side, so potential for shading the building will be low. Some pruning of the lateral branches will be required. It is recommended that the application is conditioned to include a full tree protection and landscape scheme which will also include the proposed new tree planting for the northern boundary.

### 4. Highways impact

The proposed vehicular access and car parking arrangements have been approved in association with the consented scheme. The Highway Authority have no objection in relation to the associated vehicles movements that the amended scheme is likely to generate on a daily basis. Access for emergency vehicles to Dene House will be across the lawned garden over recyclable cellular paving blocks with grass inserts. Access from Bircham Road for visitors and emergency services will be from controlled gates in the existing stone wall and via a shallow ramp to the main entrance. Revised Plans have been received which indicate the manoeuvrability of fire tenders attending the site in accordance with B5 of the Regulations (section 11). Incidentally fire vehicles could also attend the site for small incidents from Bircham Road.

As agreed as part of the consented scheme parking for the unit is kept to the front of Dene Lodge with access from Bircham Road. The site is fenced off to block access to the site from Dunster Close as shown on Block Plan drawing no. 128 -2B. This will help to limit the number of staff who park in Dunster Close and there will be parking spaces on site for the residents of and visitors to the building, this will also help reduce the need for on street parking.

A number of representations from local residents as well as Somerset County Council's highways department have requested clarification on whether Duster Close will be used as a route to collect waste from the site. The agent has confirmed that refuse generated from Dene House will be taken to the allocated area behind

Dene Lodge Nursing Home and collected accordingly. The application has been conditioned to ensure there will be no waste collection from Dunster Close.

#### 5. Widening and strengthening the local economy

The original approved application was for assisted living whereas this amended application is for dementia care which by definition requires full time care. However as the proposed dementia care nursing home will be operated in connection with the Dene Lodge Nursing Home together they will provide housing for current and future needs for older and disabled members of the local community. As such this new use on the site will accord with policy EC1 (widening and strengthening the local economy) by redeveloping the current site and which will generate some employment for the proposed care providers.

Retained policy E/6 (Expansion of Existing Business), is also applicable and this revised scheme is also considered compatible with the role and size of the development and accords with the advice of this policy.

#### 6. Residential amenity

The positioning of windows has changed from the consented scheme. The proposed windows on south west elevation will now face bungalow no. 17, and windows on south east elevation will face bungalow 14. However, the proposal is not considered to give rise to significant overlooking given that the proposed building is single storey structure, and the site is enclosed by 1.8 timber fencing. The proposal is generally well screened by existing and proposed landscaping.

#### 7. Ecology

The Ecological Statement was prepared and formed part of the previous approved planning application. There are no additional ecological issues that affect the amended scheme.

#### Conclusion

The proposed change of use is considered acceptable due to the proximity and history of the site in connection with Deane Lodge Nursing Home. The proposal is considered to comply with adopted West Somerset Local Plan to 2030 policies SD1, MD1, EC1, E/6, NH6 and NH13, and is recommended for approval subject to the proposed conditions.

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

27/18/0002

FIRST STEP HOMES (WESSEX) LTD

**Erection of 18 No. dwellings (9 No. affordable) with pumping station, car parking, landscaping and formation of vehicular access on land to the east of Oake as amended revisions to Plot 18; increase in parking provision, revised visibility splays; provision of motorcycle parking; parking bay for the pumping station**

Location: LAND TO THE EAST SIDE OF OAKE

Grid Reference: 315503.125605

Full Planning Permission

---

## Recommendation

**Recommended decision: Conditional Approval**

### Recommended Conditions (if applicable)

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

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

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

(A3) DrNo 160927-1.2-OT-TPP-NC Tree Protection Plan  
(A3) DrNo 160921-1.0-OT-TCP-NC Tree Constraints Plan  
(A3) DrNo 1600-A-PL-34 Plots 16 & 18 Plan & Elevations  
(A3) DrNo 1600-A-PL-33 Plot 17 Floor Plan & Elevations  
(A3) DrNo 1600-A-PL-32 Plots 14 & 15 Floor Plans  
(A3) DrNo 1600-A-PL-31 Plots 14 & 15 Floor Plans  
(A3) DrNo 1600-A-PL-30 Plot 11 Elevations  
(A3) DrNo 1600-A-PL-29 Plot 11 Floor Plans  
(A3) DrNo 1600-A-PL-28 Plots 10, 12 & 13 Elevations  
(A3) DrNo 1600-A-PL-27 Plots 10, 12 & 13 Floor Plans  
(A3) DrNo 1600-A-PL-26 Plot 9 Floor Plans & Elevations  
(A3) DrNo 1600-A-PL-25 Plots 6, 7 & 8 Elevations  
(A3) DrNo 1600-A-PL-24 Plots 6, 7 & 8 Floor Plans  
(A3) DrNo 1600-A-PL-23 Plots 4 & 5 Elevations  
(A3) DrNo 1600-A-PL-22 Plots 4 & 5 Floor Plans  
(A3) DrNo 1600-A-PL-21-Plots 1, 2 an 3 Elevations

(A3) DrNo 1600-A-PL-20 Plots 1, 2 & 3 Floor Plans  
 (A1) DrNo 1600-A-PL-11 Site Elevations  
 (A1) DrNo 14.1600.PL-10 Proposed Site Layout Plan  
 (A0) DrNo 14.1600.PL-02 Existing Site Plan  
 (A1) DrNo 14.1600.PL-01 Site Location Plan  
 (A3) DrNo 1600-A-PL-29-Plot 11 Floor Plans  
 (A3) DrNo 1600-A-PL-27-Plots 10\_ 12 & 13 Floor Plans  
 (A3) DrNo 1600-A-PL-20 Rev A-Plots 1\_ 2 & 3 Floor Plans  
 (A1) DrNo 1600-A-PL-11 Rev B-Site Elevations  
 (A1) DrNo 14.1600.PL-10 Rev B-Proposed Site Layout Plan  
 (A0) DrNo 14.1600.PL-02-Existing Site Plan  
 (A1) DrNo 14.1600.PL-01-Site Location Plan  
 (A3) DrNo 1600-A-PL-23 Rev A-Plots 4 & 5 Elevations  
 (A3) DrNo 1600-A-PL-24-Plots 6\_ 7 & 8 Floor Plans  
 (A3) DrNo 1600-A-PL-25-Plots 6\_ 7 & 8 Elevations  
 (A3) DrNo 1600-A-PL-26 Rev AA-Plot 9 Floor Plans & Elevations  
 Land to the East of Oake email 3 25 Feb 2019  
 (A3) DrNo 1600-A-PL-27-Plots 10\_ 12 & 13 Floor Plans  
 (A3) DrNo 1600-A-PL-28-Plots 10\_ 12 & 13 Elevations  
 (A3) DrNo 1600-A-PL-29-Plot 11 Floor Plans  
 1600-A-PL-30-Plot 11 Elevations  
 (A3) DrNo 1600-A-PL-31 Rev A-Plots 14 & 15 Floor Plans  
 (A3) DrNo 1600-A-PL-32 Rev A-Plots 14 & 15 Elevations  
 (A3) DrNo 1600-A-PL-33 Rev B-Plot 17 Floor Plan & Elevations  
 (A3) DrNo 1600-A-PL-34 Rev B-Plots 16 Floor Plan & Elevations  
 (A3) DrNo 1600-A-PL-35 Rev B-Plots 18 Floor Plan & Elevations

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

3. 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 SLRs submitted report, dated September 2016 and include:
  1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  3. Measures for the retention and replacement and enhancement of places of rest for the species;
  4. Details of any lighting.

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

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

Reason for Pre-commencement: To ensure that a ecological mitigation strategy has been approved before works start on site.

4. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

5. 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 any onsite works take place and thereafter maintained at all times.

Reason: In the interests of highway safety.

6. Prior to first occupation of the development hereby permitted, access to covered cycle, and electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage and support the use of electric cars.

7. 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: To ensure that the highway works are carried out satisfactorily.

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

Reason: In the interests of pedestrian and highway safety.

9. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

10. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety.

Reason for Pre-commencement: To ensure that adequate measures are in place to avoid traffic congestion prior to construction starting on site.

11. 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 at the site, and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety.

12. The cycle storage facilities shown on the approved plan shall be constructed and fully provided prior to the buildings being occupied/use commencing, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport.

13. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to the occupation of the first dwelling. 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.

14. Before any part of the development hereby permitted is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health.

Reason for pre-commencement: To ensure that appropriate measures are in place to protect the hedgerows prior to construction starting on site.

15. Details of the proposed boundary treatments on the application site shall be submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwellings hereby approved.

Reason: To safeguard the character of the area.

16. Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the area.

17. i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the

location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.

- 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: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

Reason for pre-commencement: To ensure the safeguarding of protected trees prior to works starting on site.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, outbuildings, gates, walls, fences or other means of enclosure shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

19. Prior to the occupation of the approved dwellings, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and/or the monitoring of travel habits. The development shall not be occupied until the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To encourage sustainable travel patterns.

#### Notes to Applicant

##### 1. LEAD LOCAL FLOOD AUTHORITY ADVICE NOTE

- The Applicant should discuss flood risk with the sewerage undertaker and confirm that the risk of sewer flooding is low.
- The Applicant should demonstrate that infiltration will not be viable before



discharging to a watercourse. This should be supported by information about infiltration rates, ground water depth, land contamination, and/or the solubility of the ground.

- In line with the latest Environment Agency guidance, the Applicant's drainage calculations should use an FEH rainfall model
- The Applicant should include a surcharged outfall in their calculations or demonstrate that the risk of the outfall being surcharged is low.
- Flooding of roads is allowable during rainfall events larger than the 1 in 30 annual probability event. However, the applicant must demonstrate that water is retained within the site and does not pose a risk to people or property.
- The Applicant should confirm that they own the land where the proposed sewer will be laid to connect to the Oake Stream, or that they have permission from the land owner to undertake and maintain the proposed work.
- The Applicant should demonstrate how the proposed surface water discharge will not adversely impact the water quality of receiving water bodies, both during construction and when operational. This should include demonstration of how the first 5mm of rainfall (or 'first flush') will be managed.
- The Applicant should provide an overland flow drawing which shows overland flow routes for water landing on the site and for of water which may enter the site from elsewhere.
- The applicant must demonstrate that this water will not pose flood risk to the development o Water should be stored until it can enter the system and should not leave the site.
- The Applicant should confirm which organisations will adopt and maintain, which parts of the proposed drainage system.
- The Applicant should demonstrate that it will be possible to maintain the proposed attenuation tank.

## 2. HIGHWAYS DRAINAGE ADVICE

The following observations, which should be taken into consideration as part of any detailed design process.

1. The surface water management strategy makes reference to the potential for the use of oversized pipes positioned within the area of prospective highway. If such storage is permitted under prospective highway areas then any pipe with a clear span of 900m or greater will be considered as a structure requiring Highway Authority approval and will be subject to the DMRB AIP process and detailed design approval.
2. The access to the site should be designed to fall away from Oake Road with all surface water runoff incorporated into the on-site drainage infrastructure. A gully should also be provided upstream of the new bellmouth junction to intercept surface water runoff.
3. Drainage provision will be required immediately upstream of the uncontrolled pedestrian crossing points proposed on Oake Road.

## 3. ECOLOGY ADVICE NOTE

The condition relating to wildlife requires the submission of information to protect bats and birds. The Local planning Authority will expect to see a detailed method statement clearly stating how bats and birds will be protected through the development process and be provided with a mitigation proposal

that will maintain favourable status for the bats and birds that are affected by the development.

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

#### 4. PUBLIC RIGHT OF WAY ADVICE

The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided.

#### 5. HIGHWAYS ADVICE

The applicant will be required to secure an appropriate legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

## **Proposal**

Full planning permission is sought for the erection of 18 No. dwellings (9 No. affordable) with a pumping station, associated car parking, landscaping and the formation of a new vehicular access off the main road through the village. The application is supported by a Statement of Community Involvement; Ecological Impact Assessment; Arboricultural Impact Assessment; Transport Statement, Landscape and Visual Impact Assessment; Ground Investigation report; Drainage report; Housing Needs Assessment; Viability Assessment and Design and Access Statement.

The application has been drawn up following the Housing Needs Survey carried out by the Community Council for Somerset in 2014, in partnership with First Steps Homes and Taunton Deane BC on behalf of the parish council. This identified a need for up to 10 affordable houses within the Oake Parish. Pre-application consultation has been carried out with the Council. An Open Day within the village was held to canvas local opinion and further meetings held with the Council and the parish.

The housing mix comprises the following:

- 4 no. 4 bedroom open market dwellings;
- 3 no. 3 bedroom open market dwellings;
- 2 no. 3 bedroom open market bungalows;
- 2 no. 2 bedroom open market bungalows;
- 2 no. 3 bedroom discounted open market dwellings;
- 3 no. 2 bedroom discounted open market dwellings;
- 1 no. 2 bedroom affordable rent dwellings; and
- 2 no. 1 bedroom affordable rent flats.

A new access road will be formed off the main road which will require the removal of the existing roadside hedgerow to provide visibility splays. The new dwellings will be arranged in a linear form on either side of the new access road, with a turning head at the end of the cul-de-sac. The proposed materials are red brick with tiled roofs. A total of 46 parking spaces will be provided which includes 8 visitor parking spaces and parking for the pumping station. There will be 5 double garages and 4 single garages provided. Cycle storage will be provided within garden sheds and the garages. A small pumping station will be provided adjacent to Plot 14 which will discharge foul water into the existing system.

The plans have been revised since originally submitted. This includes amendments to the visibility splays at the access; an increase in visitor parking; re-aligning Plot 18 to have a frontage onto the main road and an increase in the size of the units.

## **Site Description**

The site forms part of a large arable field located on the north eastern edge of the village. It lies outside the defined settlement boundary within open countryside. It is largely flat and it has wide ranging views towards the Blackdown Hills, The Quantocks and Taunton. The site is also visible from the main Hillcommon Road further to the north of the village. The north west boundary is defined by a bank with an established hedgerow. This adjoins a public footpath. There are some large trees on the north eastern field boundary along with some native hedgerows of approximately 1-1.5m in height. These oak trees are protected by a Tree Preservation Order. There is currently no immediate eastern boundary to the site as

this is part of a larger agricultural field. The south western boundary along the roadside comprises of a grass verge with low grass bank and an extensive length of native hedgerow species. On the opposite side of Regent Street to the south, lies existing social housing in Oake Acres, which is situated within the settlement boundary.

## **Relevant Planning History**

27/15/0019/ENQ - Pre-application advice was sought in 2016 for residential development of up to 16 dwellings on this site. The advice given was that the site could be categorised as a rural exceptions site provided that a justified housing need could be demonstrated to support the provision of affordable housing.

## **Consultation Responses**

*OAKE PARISH COUNCIL* - The Parish Council has provided a series of detailed objections citing that the development conflicts with a number of planning policies. Due to the level of detail, the submissions have been summarised below.

*ORIGINAL COMMENTS MARCH 2018* - The Parish Council wishes to OBJECT to the application and request that it is refused.

The proposal conflicts with Policy DM2. It is outside the settlement boundary of Oake. The site is well related to some existing facilities in the village such as the school, shop and reasonably well located relative to the village hall and playground but it is poorly related to public transport and to other basic facilities such as a pharmacy and doctor's surgery. Proximity to good public transport links and the full range of basic facilities is why policy ensures development is focussed at or around rural centres.

Nowhere in the application is it discussed that the local need cannot be met in the nearest rural centre. The housing needs survey did not identify why this need cannot be met in the nearest rural centres. Our nearest rural centre is Cotford St Luke, closely followed by Milverton as they are our neighbouring parishes. To meet the above policy the developer must assess the available sites and housing in at least Cotford St Luke to find out whether they can meet the specific needs of the families or individuals in Oake who have said they require affordable housing.

No such assessment has been made. Given that housing land supply is in excess of a 5 year period (ref TDBC SHLAA 2017) in the allocated areas, including affordable housing overall in Taunton Deane, there does not appear to currently be any justification for development in the open countryside around Oake.

First Step Homes also appear to own the whole piece of land. This could leave Oake being open to future development.

The proposal does not meet Policy CP1 as Oake is in an unsustainable location for development where people will have to use their car to travel to work. This is because there is relatively poor public transport provision and there are no significant employers in the Parish. There is no provision for the protection of water in terms of water conservation or recycling measures. There is no evidence of the most basic consideration of sustainable drainage(SuDS)]. As a minimum SuDS ensures adequate treatment of run-off from development to protect existing local

watercourses, and ideally in this location would provide ecological benefit as well.

The proposal currently fails to demonstrate that it complies with policy CP4 as it does not appear to be in accordance with the settlement hierarchy established in policy SP1, and the prescribed mix of affordable housing does not reflect a locally evidenced need in respect of type, size and tenure. The 50% proportion proposed is very low for what aims to be an affordable housing site, supplemented by only the minimum necessary element of market housing to make it viable.

The applicant has not entered into any meaningful discussion with the Parish Council regarding what community facilities or local services the Parish may need now or as a result of the proposed development under CP5. Furthermore, the Parish are building evidence for their Neighbourhood Plan which is highlighting other facilities and services which the community would support, therefore further discussion would be welcomed.

The proposal is not in accordance with Policy CP6 as it is not located near a strategic road network or rail link, it does not improve links to Taunton and Wellington or the college or hospital. The service to Wiveliscombe & Taunton, which the applicant claims is an approx. 800m walk away, is well beyond the accepted rural walking distance stated by Taunton Deane of 300-400m. There is no public transport to Wellington.

This is an unallocated Greenfield site outside the settlement boundary and should be protected and where possible enhanced. The site is relatively large (given that it should be seeking to serve a small defined group of households whose needs can only be met in Oake). Due to its scale and location it would likely be intrusive on the landscape outside the main settlement boundary of Oake. The current surface water design does not provide ecological enhancement to mitigate for the loss of the open countryside. Although the applicant proposes to provide a new hedge line along the eastern boundary, the 'ornamental' hedge to the south would be inappropriate in this location and should be planted with naturally and locally occurring hedge plants and trees. This conflicts with Policy CP8.

This proposal is not at all in accordance with policy SP1. Whilst they have submitted a document they refer to as a 'sequential test', it does not conduct the test required by SP1 and jumps straight to considering sites around Oake without justification. There is no assessment submitted with the application to indicate that the closest minor rural centres (Milverton &, Cotford St Luke etc.) or the major rural centres (Wiveliscombe & Bishops Lydeard), which are all close to Oake, have been assessed for available and appropriate sites.

Local Need was assessed in 2014 with a Housing Needs Survey which is submitted with the application. 4 years have passed since this survey was carried out and it was not married with a detailed analysis of the actual households whose needs could only be met in Oake Parish. Given the limited scope of questioning, and lack of detailed matching of the development with households, we do not consider that it demonstrates an up-to-date picture of the needs in the Parish. Page 7-8 of the AH SPD para 1.15 indicates that the survey should be of a standard to provide robust evidence, and that exception sites will require the local housing need to be demonstrated through an up-to-date Parish Survey. The Parish Council do not

believe that the document submitted fits with this description. In addition, with our joint work with Somerset Community Council (SCC) we have been told that Surveys undertaken in 2014 are considered a poor attempt, which provided limited results compared to the surveys which are now carried out by SCC.

The Parish Council are carrying out the Neighbourhood Plan Process, therefore a better presented application could reflect an up-to-date and comprehensive housing need survey which we will be carrying out in the next month, rather than the ageing inadequate survey submitted.

The proposed design of houses is far from exemplar. To meet this SADM Policy D7, the design should be creating places with locally inspired or otherwise distinctive characteristics and materials and integrating into the surroundings through reinforcement of connections and the creation of new ones, to create legible and connected street networks.

Finally, an important omission seems to be the lack of any mention of moving the 30 mph zone out past the golf club entrance. When this was discussed with a highway engineer we understood this would be an integral part of the scheme. We would hope that a 20mph. sign would replace the present 30 mph sign. Evidence from our local speed watch team show that vehicle speeds along this route far exceed the speed limit and this must be addressed before any new development takes place.

*FURTHER COMMENTS JULY 2018 -*

Our Objection dated March 12th, 2018 still applies. A fully up-to-date housing needs survey (HNS), carried out by Community Council for Somerset (CCS), has just been completed by residents and the results are being collated. This will entirely supersede the ageing survey undertaken by the applicant and help identify the actual tenure, mix, and number of dwellings to meet an identified need in Oake for the next 5 years. The current HNS survey has asked questions that will allow a proper assessment of need to be undertaken, whereas the out-of-date survey's questions were less specific.

*FURTHER COMMENTS NOVEMBER 2018 -*

We write further to the email submission from TDBC's Housing Enabling Lead dated 3rd October 2018 which we have recently had an opportunity to consider as a Council. We are concerned that the response rates referenced in the email misinterpreted the structure of the 2018 survey, which makes the response rate to the housing Survey specifically (rather than the recent survey as a whole) an irrelevant and misleading comparator. We have written to explain this error and which we trust clearly sets out why the 2018 data is up-to-date, valid and should entirely supersede the 2014 survey. The community council for Somerset have described it as such : The 40% response rate, representing around 2 in 5 households in the Parish is statistically robust, and in CCS's experience is a strong community response.

*FINAL COMMENTS* - The Parish Council still OBJECT to the application and request it is refused. The applicant has not overcome all the issues we raised regarding this application. We refer you to our previous letters.

*SOMERSET COUNTY HIGHWAYS* - The proposal is for the erection of 18

dwelling with associated parking, vehicular access, landscaping and a pumping station. The proposal site sits off the classified Bradford Road in Oake. For clarity, the Highway Authority raises no objection in principle to the current application but does have concerns regarding some of the details of the application as submitted.

### **Transport Statement**

The submitted application included a Transport Statement (TS) which has been analysed. On reviewing the submitted documentation, peak hour traffic generation was in reference to TRICS database calculations. Weekday peaks of 08:00-09:00 and 17:00-18:00 were provided although no justification of the selected time periods was given.

It is envisaged by the applicant that dwellings in areas such as the site in question typically have a trip rate of around 0.6 - 0.7 trips per dwelling in the peak hours where the residential development scheme is anticipated to generate a total of 11 two-way vehicular movements in the AM peak hour and similarly, 12 two-way vehicle trips in the PM peak hour. It is in the opinion of the Highway Authority that the current proposal would not require assessment or junction modelling in this instance. It is unlikely the traffic of this proposal on the highway would be severe. However any additional movement over and above the anticipated levels may require full travel details in the future.

### **Travel Plan**

No Travel Plan Document was submitted with the current application. For clarity, a Measures-only Travel Statement with robust measures would be required for this proposed development and agreed once the relevant information is received and be secured via a S106 agreement. The submitted Transport Statement includes everything required from a Measures-only Travel Statement, apart from a list of measures. Car parking and cycle parking is in accordance with SCC Parking Strategy 2013. However please note, appropriate covered areas should be provided for cycle and motorcycles. A commitment to electric vehicle charging points should also be included. This is standard policy requirement.

The nearest bus stop is 750m from the site. To access this, pedestrians will have to walk on a grass verge in an un-lit area. The likelihood of a resident walking this distance on their own, with a buggy or in the dark is unrealistic. Given 50% of the proposed development is for affordable housing, consideration should be given for a stop nearer to the site. Please note, the function of the Travel Plan Coordinator (TPC) will need identifying. The Travel Plan (TP) must state the following: *The TPC will be responsible for implementing the TP and reporting against the Measures-only Travel Statement action plan. The TPC function will be fulfilled from the construction of the development, to occupation.* The TP must also state the amount of time per week that the TPC will have to manage the TP (please refer to Table 3.2 of the SCC TP guidance for guidelines) and give a commitment to getting the TPC qualified further to training provided by ACT Travelwise. The TPC should be given a budget to implement TP initiatives. Physical measures and features shown in the Transport Statement are to be included within the Measures-only Travel Statement.

### **Access**

The proposal is for a simple T junction for means of access into the proposed development which in this instance is considered acceptable. It is noted from the

drawing provided than an 'x' distance of 2.4m is to be provided for the new junction access which is in accordance with Manual for Streets and is considered acceptable to the Highway Authority. It is noted from the drawing provided that a 'y' distance of 60m will be provided for the junction access. The current posted speed limit for the classified road is 30mph. The Highway Authority does note the proximity of the derestricted signage south of the proposed access and accepts the proposed 60m 'y' visibility splay in both directions in this instance.

However, the proposed uncontrolled crossing is to be across the classified road to connect to an extended footway on the southern side of Bradford Road. No visibility splays are shown for this uncontrolled crossing. An 'x' distance of 1.5m and an appropriate 'y' visibility splay for this uncontrolled crossing will be required. The proposed 5.5m width of the internal access road to be provided and the 6.0m junction radii is considered acceptable to the Highway Authority. The submitted swept path analysis for the largest associated vehicles to the site appears acceptable. The 2m proposed footways are in accordance with DfT's inclusive mobility.

The approach gradient for the access road to Bradford Road should be a maximum 2% uphill gradient over 15m where it connects into the channel line of Bradford Road. This will ensure that surface water drains back into the site and not out onto the highway. It will also provide a level section of carriageway for vehicles to pull out safely. Carriageway cross section drawings for each chainage across the frontage of the site would need to be submitted to show appropriate features such as channel line levels, tops of kerbs, centre line of the carriageway etc. whilst encompassing the full width of the adopted highway. Longitudinal or contour drawings haven't been submitted. Suitable approach gradients for the access road to ensure surface water drains back into the site and not the highway whilst ensuring level sections of the carriageway to enable vehicles to pull out safely. Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards.

It is recommended that suitable and sufficient road markings are provided for consideration whilst the 'gateway' arrangement to the east is amended to improve the traffic calming nature of the feature. The designer must submit a comprehensive set of traffic management drawings and sign schedules for approval by the SCC area traffic engineer. The Highway Authority would recommend the following:

1. Refresh the carriageway markings forming the gateway entry feature
2. Replace the existing offside 30 mph sign with a new yellow backed sign to the same size as the near side sign and in line with the nearside sign in the new verge to increase the impact of the gateway feature.

### **Estate Roads**

The applicant should be aware that it is likely 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.

The proposed tactile paved crossing location between plots 17 and 18 must be located outside of the extent of the driveway serving plot 18.

An adoptable 2.0m wide footway should be provided between the back of the parking bays and plots 6-8. The length of footpath that extends between the boundary wall of plot 6 and the parking bays serving plot 5 will not be adopted by the Highway Authority and should therefore be privately maintained. The parking



bays fronting plots 6-8 should be constructed to a minimum length of 5.5m as measured from the back edge of the prospective public highway boundary. For clarity the junction of the proposed site access should incorporate 6.0m radii.

The applicant will need to confirm who will be responsible for the future maintenance of the grass areas with trees adjacent to plots 1-2, 4-5 and northeast of plot 14. Surface water from private areas, including drives and parking bays will not be permitted to discharge onto the prospective public highway. Private interceptor drains shall be provided to prevent this from happening. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required, with a copy forwarded to the Highway Authority. The gradient of the proposed access road shall be no steeper than 1:20 for a distance of 10m as measured from the edge of the existing public highway. It has been presumed that the internal estate road will take the form of a type 4 bituminous macadam carriageway. On this basis, the carriageway should be designed with a longitudinal gradient no slacker than 1:90/1:100.

It is noted that the turning arm between plots 13 and 14 will provide access to a field. If this access is to be used by farming machinery any gates hung must be set back an acceptable distance to allow a vehicle to be parked off the highway when opening the gates, and the gates should be hung to open inwards.

With regard to the pumping station, parking bays should be provided for vehicles using the facility, especially when carrying out maintenance works etc.

Where private access paths crossover the prospective public highway margins they should be constructed as per typical footway specifications. Paving slabs will not be permitted.

Any planting either within or immediately adjacent to the prospective public highway will need to be supported by the submission of a comprehensive planting schedule to the Highway Authority for checking/approval purposes. Any planting within the highway will need to be supported by a commuted sum payable by the developer. Allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers.

No doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.

The developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times. The developer shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance of this requirement.

The developer shall be held responsible for any damage caused to the public

highway by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer's representative in the presence of the SCC Highway Supervisor showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.

Any existing service located within the carriageway, verge or footpath fronting this development that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services to be lowered to a depth to allow full road construction, inclusive of capping material, to be constructed over. Any design must comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major works (diversionary works) under Section 64 NRASWA 1991.

A Section 50 licence will be required for sewer connections within or adjacent to the highway. Licences are obtainable from [BSupport-NRSWA@somerset.gov.uk](mailto:BSupport-NRSWA@somerset.gov.uk). At least four weeks' notice is required. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

### **Drainage**

Whilst there are no objections in principle to the proposed surface water management strategy proposed within the submitted documents from the applicant, the Highway Authority wishes to make the following observations, which should be taken into consideration as part of any detailed design process.

1. The surface water management strategy makes reference to the potential for the use of oversized pipes positioned within the area of prospective highway. If such storage is permitted under prospective highway areas then any pipe with a clear span of 900m or greater will be considered as a structure requiring Highway Authority approval and will be subject to the DMRB AIP process and detailed design approval.
2. The access to the site should be designed to fall away from Oake Road with all surface water runoff incorporated into the on-site drainage infrastructure. A gully should also be provided upstream of the new bell mouth junction to intercept surface water runoff.
3. Drainage provision will be required immediately upstream of the uncontrolled pedestrian crossing points proposed on Oake Road.

### **Conclusion**

The Highway Authority considers that the TS submitted in support of this application, is broadly acceptable and the traffic impacts anticipated from the proposed development cannot be regarded as 'severe'. Therefore the Highway Authority does not object to this proposed development. If the Local Planning Authority were minded to grant planning permission the Highway Authority recommend the following conditions are attached:

1. Prior to the commencement of the development, a Travel Plan is to be

- submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and or the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.
2. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.
  3. 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 any onsite works take place and thereafter maintained at all times.
  4. Prior to first occupation of the development hereby permitted, access to covered cycle, and electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
  5. 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.
  6. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
  7. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
  8. No work shall commence on the development hereby permitted until details of amendments to all associated access roads including pedestrian and vehicle visibility splays have been submitted to and approved in writing by the Local Planning Authority. This is to include but not limited to adjacent speed reduction features (e.g. potential signs and gateway features). Such works to the accesses shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before the development is brought into

use.

9. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
    - Car parking for contractors;
    - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
    - A scheme to encourage the use of Public Transport amongst contractors; and
    - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
11. 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 at the site, and thereafter maintained until the use of the site discontinues.

#### Note

The applicant will be required to secure an appropriate legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

*SOMERSET COUNTY COUNCIL HIGHWAYS (Final Comments)* - It is noted that Transport Statement produced, together with a summary of action plan covers a vast majority of what is required within a Measures-only Travel Statement. However, It should be noted within the summary of measures that EVC's, car share and Travel Plan Management Fund to cover promotional events are also required and will be delivered. In this instance a suitable Measures-only Travel Statement can be agreed in writing and conditioned prior to first occupation, given it falls into the lower threshold.

It is also noted that there are changes to the latest proposed Site Plan (14.1600.PL-10 B), whilst no comments have requested to date, any further comments will be made at the S38 stage (subject to consent) should the site be offered up for adoption.

*WESSEX WATER* - No comments received.

*LOCAL LEAD FLOOD AUTHORITY* - The Applicant proposes the construction of 18 dwellings with associated infrastructure (including a pumping station). The site occupies an area of 0.79 ha and is currently used for agricultural purposes. The

Oake Stream is located approximately 150m northeast of the site at an elevation of 40m AOD. The nearest Main River to the site is the Hillfarrance Brook, approximately 850m to the south. The topography of the site is relatively level, standing at approximately 50m AOD.

We recommend that the following information is provided prior to the Council granting planning permission for this development:

- The Applicant should discuss flood risk with the sewerage undertaker and confirm that the risk of sewer flooding is low.
- The Applicant should demonstrate that infiltration will not be viable before discharging to a watercourse. This should be supported by information about infiltration rates, ground water depth, land contamination, and/or the solubility of the ground.
- In line with the latest Environment Agency guidance, the Applicant's drainage calculations should use an FEH rainfall model.
- The Applicant should include a surcharged outfall in their calculations or demonstrate that the risk of the outfall being surcharged is low.
- Flooding of roads is allowable during rainfall events larger than the 1 in 30 annual probability event. However, the applicant must demonstrate that water is retained within the site and does not pose a risk to people or property.
- The Applicant should confirm that they own the land where the proposed sewer will be laid to connect to the Oake Stream, or that they have permission from the land owner to undertake and maintain the proposed work.
- The Applicant should demonstrate how the proposed surface water discharge will not adversely impact the water quality of receiving water bodies, both during construction and when operational. This should include demonstration of how the first 5mm of rainfall (or 'first flush') will be managed.
- The Applicant should provide an overland flow drawing which shows overland flow routes for water landing on the site and for of water which may enter the site from elsewhere.
- The applicant must demonstrate that this water will not pose flood risk to the development. Water should be stored until it can enter the system and should not leave the site.
- The Applicant should confirm which organisations will adopt and maintain, which parts of the proposed drainage system.
- The Applicant should demonstrate that it will be possible to maintain the proposed attenuation tank.

However, should the Council be minded to grant planning permission, we recommend that the Applicant submits the information requested above along with the following information requested in suitably worded planning conditions:

- Demonstration of how proposed measures have been incorporated into the proposed development, which ensure no increased risk to people and property elsewhere;
- Detailed construction layout drawings that demonstrate the inclusion of SuDS, where appropriate, and the location and size of key drainage features;
- Detailed construction drawings of proposed features such as infiltration structures, attenuation features and outfall structures;
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event;
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event;
- Calculations that demonstrates there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Details of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authority;
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company;

*LANDSCAPE* - The submitted LVIA is sound. I have no landscape objection to the proposal, subject to the proposed new hedgerow planting.

*BIODIVERSITY* - The application is for the erection of 18 dwellings with pumping station, car parking and landscaping and formation of vehicular access on land to the east of Oake. Approximately 85m of hedgerow will be lost to the development. In compensation, 110 m of new hedgerow will be planted along the eastern boundary of the site along with 80 m of hedging to the south of the site.

SLR carried out an Ecological Impact assessment on the land dated September 2016. Findings were as follows:

### **Bats**

Bat transect surveys were undertaken on three occasions and two emergence surveys were carried out on the barn and the four oak trees on site. In addition an anabat was placed on site.

No bats emerged from the trees but the surveyor noted three bats emerging from the eastern gable of the outbuilding. Hedgerows on site provide opportunities for commuting and foraging bats mainly pipistrelle but also serotine and noctule bats. No artificial lighting shall be permitted on the eastern gable of the barn and retained hedgerows should also remain unlit. I support the proposal to erect bat boxes.

### **Dormice**

One hundred nest tubes were placed in the hedgerows on site but no evidence of dormice was found.

### **Great crested newts**

Twelve ponds were identified but permission for access was only given for eight of the ponds. Surveyed ponds had low HIS scores and so low potential for GCN.

### **Birds**

Vegetation on site provides suitable nesting habitat for birds.

A barn owl was observed during the October bat survey flying along the western hedgerow.

Clearance of vegetation should take place outside of the bird nesting season. I support the proposal to erect bird boxes.

### **Reptiles**

Habitat for reptiles is restricted to the hedgerow margins and an area of rank grass within the western corner of the site.

An adult grass snake was observed basking at the base of the western hedgerow in June. I support suggested precautionary measures with regards to reptiles.

### **Suggested Condition for protected species:**

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 SLRs submitted report, dated September 2016 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of any lighting

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 wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new

bird and bat boxes and related accesses have been fully implemented

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

### **Informative Note**

The condition relating to wildlife requires the submission of information to protect bats and birds. The Local planning Authority will expect to see a detailed method statement clearly stating how bats and birds will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the bats and birds that are affected by the development.

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

*ENVIRONMENT AGENCY* - No comments received as site is in Flood Zone 1.

*HOUSING STANDARDS* - No comments received

*HOUSING ENABLING* – A Housing Needs Survey was undertaken in 2014 which highlighted the need for 10 affordable homes, in the form of Discounted Open Market and rental properties, of which 7 showed a need within the next 2 to 5 years. Furthermore, the current Homefinder Somerset figures indicate 5 applicants for rented properties stating Oake as their Parish First Choice.

The proposed mix includes:

- 6 Discounted Open Market Units – 3 x 2b4p and 3 x 3b5p
- 3 Affordable Rent – 2 x 1b, 2 x 2b

Taking into account the results of the Housing Needs Survey, along with the current Homefinder figures, the proposed mix and tenure is considered to meet local demand.

Housing Enabling are concerned that the proposed discount of only 20% would not be affordable to local residents. A discount of at least 30% would be required to provide an affordable housing option within the reach of the local incomes. The developer should seek to provide the rented units from Taunton Deane's preferred affordable housing development partners list and should be allocated through the Choice Based Lettings system, Homefinder Somerset with a local connection requirement.

*HOUSING ENABLING (FURTHER COMMENTS)* - Following the Housing Enabling comments made in March 2018, a revised Housing Needs Survey has been provided by the Parish showing a reduced level of need for 3 affordable homes.

The response rate for the Oake Parish July 2018 Housing Need Survey was 8% . A response rate of around 20% upwards is generally considered a reflection of a Parishes housing need. The 2014 Housing Needs Survey had a 32% response rate.



In light of the low response rate to the recent survey, Housing Enabling have reviewed Homefinder Somerset Choice Base Lettings data. The information shows 7 applicants currently expressing Oake as their Parish first choice of which the 2 x 1 bed and 1 x 2 bed proposed rented homes would contribute to meeting this housing need.

In terms of low cost home ownership, Housing Enabling have taken into consideration the 2014 Housing Needs Survey that identified a need for 5 - 6 Low Cost Homes during the next 2-5 years, along with the lack of low cost home ownership options currently available within the parish.

Housing Enabling therefore support the mix and tenure proposed in the application. However, Housing Enabling re-iterate that the proposed discount of only 20% would not be affordable to local residents. A discount of at least 30% would be required to provide an affordable housing option within the reach of local incomes.

The developer should seek to provide the rented units from Taunton Deane's preferred affordable housing development partners list and should be allocated through the Choice Based Lettings system, Homefinder Somerset with a local connection requirement.

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE* - No comments received.

*POLICE ARCHITECTURAL LIAISON OFFICER* - No objections subject to the following comments –

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

*"Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."*

Guidance is given considering '*Crime Prevention through Environmental Design*', '*Secured by Design*' principles and '*Safer Places*'.

**Layout of Roads & Footpaths** – vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features such as road surface changes within the development helps reinforce defensible space giving the impression that the area is private and deterring unauthorised access. Such changes are indicated in the communal parking area near the entrance to the development and the innermost junction and I recommend they also be considered at the entrance to the development. The single vehicular entrance/exit also has advantages from a crime prevention viewpoint in that it can help frustrate the search and escape patterns of the potential offender. I have some concerns regarding the proposed footpath link to the PROW between Plots 10 & 11, as this increases the permeability of the cul-de-sac and enables the potential criminal to legitimately gain access to the entire development. It also increases the potential vulnerability of the adjacent Plots.

The alternative route to the entrance to the PROW is not that long and, from a crime prevention perspective, it would be preferable if this footpath link were omitted from the proposal. Presumably, the field access indicated opposite this footpath link is required by the landowner for maintenance purposes etc.

**Orientation of Dwellings** – all the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal feel 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 areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. From the Site Layout Plan, this appears to be the case, with dwelling frontages being mainly laid to lawn with low level shrub planting to front gardens.

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 1.8 metres. The Site Plan indicates that the existing rear hedgerow boundary will be retained where feasible and new native hedge planting where necessary. This new hedging may require reinforcement with fencing until established. The plan also indicates that timber close board fence will be installed in rear gardens which, provided it is the above recommended height, should prove sufficient for the crime risk. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable.

**Car Parking** – parking comprises a mix of in-curtilage garages and parking spaces and two areas of communal on street parking spaces, the former being the recommended option. Both of the communal parking areas are small, close to and overlooked by the dwellings they serve, which is also recommended for communal parking.

**Landscaping/Planting** – should not impede opportunities for natural surveillance and must avoid the creation of 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 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

**Street Lighting** – all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.

**Physical Security of Dwellings** – in order to comply with **Approved Document Q: Security - Dwellings**, all external doorsets and easily accessible windows and rooflights must be tested to PAS 24:2016 security standard or equivalent.

**Secured by Design** - if planning permission is granted, the applicant is encouraged to refer to the 'SBD Homes 2016' design guide available on the police approved 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 dwellings.

*SCC RIGHTS OF WAY* – I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs alongside the western boundary site at the present time (footpath WG 9/6). Any proposed works must not encroach on to the current available width of the footpath. The link from the development to the footpath is welcomed and if the estate road is to be adopted then the link to the public footpath should be included as part of any adoption agreement.

We have no objections to the proposal, but the following should be noted: The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided.

*LEISURE DEVELOPMENT* – In accordance with TDBC adopted Plan policy C2 and appendix D (SADMP), provision for children’s play should be made for the residents of these dwellings. An off-site contribution for children’s play of £3150.00 per each 2 bed+ dwelling should be made. The contribution should be index linked and spent on play equipment within the vicinity of the development.

*PLANNING POLICY* - Oake is identified as a village in Policy SP1 of the adopted Taunton Deane Core Strategy. The application site is situated outside the existing settlement limit and in open countryside. The boundary of the site touches the settlement limit at two points; adjoining the main street through the village and the property called The Forge. Oake has limited services and facilities albeit more than many of the other smaller settlements not recognised as Minor Rural Centres in the adopted Core Strategy

Policy DM2 (Development in the Countryside) permits affordable housing outside settlement limits but states that it should be located within the nearest rural centre (Milverton and Cotford St Luke), and then in other locations as defined by local need and where it is well related to existing facilities.

The Affordable Housing Statement & Sequential Test Report accompanying the

application includes a sequential appraisal of sites adjacent to the settlement limits of Oake. There appears to be no information about consideration of sites within Milverton and Cotford St Luke and, whilst the 2014 evidence to support local need shows requirements up to 5 years, how housing need may have changed since then (particularly important as since this time new development has been consented in Cotford in-particular which has made provision for new affordable housing).

It is primarily for our Enabling colleagues to comment on the justification for the scheme in respect of local need.

TDBC's adopted Site Allocations and Development Management Plan (SADMP) contains detailed development management policies on specific planning issues not included in the Core Strategy.

Policy A1: sets our car, motorcycle and cycling parking provision. The application exceeds the maximum car parking spaces to housing type, and under provides for visitor spaces (0.2 spaces per dwelling where less than 50% of parking is unallocated). It does not provide any motorcycle spaces (A minimum of 1 motorcycle parking space per 5 dwellings or 1 motorcycle space per 20 car spaces, whichever is the greater) or cycle parking spaces (a minimum of 1 per dwelling).

The scheme or indeed, any proposed housing scheme within Oake is unlikely to fully comply with Policy A5 on transport accessibility standards. This is because of the rural nature of the village and its relative remoteness from higher order services and facilities.

Policy D10: sets minimum internal floor space, storage and external space requirements for new dwellings. Plots 2, 4, 5, 9, 14 and 15 fall below this minimum standard for internal floor space, and plots 1 and 2 do not appear to have access to a shared outdoor garden or usable outdoor space.

Oake Parish Council have recently undertaken to produce a Neighbourhood Development Plan for their Parished area. At present this community-led plan does not carry any material weight.

*TREE OFFICER* - Overall, the proposed layout appears to locate the houses so that they are far enough away from the boundary hedges and trees to not cause undue harm to the roots. Whereas initially I was concerned about the loss of the oak on the western boundary, having inspected this tree more closely, I find that I agree with the assessment in the tree survey, in that it is an old coppice tree that has decayed and partially split apart. The existing foliage is clearly sparser than normal for the species, with minor dead wood throughout. It therefore does not merit a TPO, and should not be considered a constraint to development.

Although the mature trees along the northern boundary (protected by TPO) are far enough away to avoid being significantly damaged by the new houses, with regards to the roots, I do have some reservations about having dwellings this close to mature trees that typically have minor dead wood throughout, drop leaves and generally cause concern to new residents because of the fear of them falling, or branches falling. The trees would inevitably be more vulnerable because of the new

proximity to 'targets', i.e. people and property.

Shame about the loss of hedgerow along the front boundary. Although new hedgerow can be planted, under the Hedgerow Regulations this would not be considered a justification for removing an important hedge. It should also be noted that if houses are built on the site, the boundary hedges would no longer be protected by the Hedgerow Regulations, so there would need to be a condition that protected the hedges indefinitely.

## Representations Received

Six letters of objection have been received and are summarised below:

- the village school is at capacity;
- the roads are too busy and the new access close to a blind corner is dangerous;
- there is no need for more housing in the village;
- only part of the field is included within the site, what happens to the rest of the field?;
- the scheme fails the sequential approach to identify rural exceptions site;
- alternative sites are available north west of Saxons Close;
- excessive amount of open market housing;
- loss of greenfield agricultural land;
- insufficient detail on drainage/SUDS
- unsustainable location.

A further 6 letters of objection have been received following the submission of revised plans earlier this year.

A letter from the Oake, Bradford & Nynehead CEVC Primary School states:

**"Pressure on road safety:** Traffic flow and speed is already an issue on the public road through Oake. We monitor this as part of our Health & Safety responsibilities from the perspective of the school, but are concerned that measures need to be taken to mitigate the impact of the increased traffic due to the development to ensure the safety for both pedestrians and vehicular traffic. We ask the planners to consider Highway improvements. We believe the following traffic calming measures would be beneficial:

- > Speed table on corner of road to reduce traffic speed and enable a safer children's / pedestrian crossing;
- > Safe road crossing serving school e.g. Zebra crossing;
- > Improve ease of access to school site.

**Pressure on school places:** Our pupil numbers are currently comfortably within our four-class school structure this year. We expect numbers to rise to 115 next year leaving 5 places before we are at capacity. With the addition of 11 three bedroom plus family homes and smaller homes which are 50% affordable, by design we believe that a higher proportion of homes will have young families that will need our school facilities. This would require us to run a 5th class which we would be pleased to implement, but we would need investment in the school building to achieve, the ideal solution would be to convert the existing hall into a classroom and construct a new hall that is fit for purpose for 120 plus children. We ask the planners to consider

contributing CIL to fund improvements to the school to provide extra school capacity.

**Pressure on school grounds:** Although our outdoor space is a brilliant resource, it is substantially under the required guidelines at 0.4875 hectares and we need additional grounds of at least 0.3319 hectares to meet national recommendations for delivering education. We ask the planners to consider contributing CIL to fund increasing the school grounds to address an issue the development will worsen.

**Planning requirements could potentially be met in partnership with our school:** We are a community space for the village where young people naturally meet due to education, after school clubs etc. We think there is potential for:

- **Community playground:** We are the natural location for the community playground TDBC have specified as a planning requirement in the vicinity of the development. It would be used by the wider community outside of school hours as well as by our pupils during school hours, and provide the greatest possible scope for community use. The design might include elements that support play for the Oake youngest children in addition to fixed fitness equipment that could be used by everyone in the community, whatever their age.
- **Wildlife area:** It might be possible for an extension of school grounds to support the provision of a location for a new wildlife area to provide replacement habitat and increase species numbers. Oake plantation is directly behind the school and if grounds were extended in this direction would provide the ideal base while the area was established. It might be possible to provide a learning base for children to learn about nature and to establish a forest school while also allowing the wildlife to flourish.

We ask the planners to consider making the school part of the solution to planning requirements of the development and to make CIL contributions available to enable this. The school would be pleased to take on these areas for the benefit of the community. The school could work in partnership with TDBC and First Step Homes to address our and the communities' concerns with the aim of developing a solution that leaves a worthy legacy for our community."

## Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

DM1 - General requirements,  
DM2 - Development in the countryside,  
SP1 - Sustainable development locations,  
SP4 - Realising the vision for rural areas,  
CP8 - Environment,  
D10 - Dwelling Sizes,

D12 - Amenity space,  
D7 - Design quality,  
A1 - Parking Requirements,  
SD1 - Presumption in favour of sustainable development,

This takes into account the recent adoption of the SADMP.

## Local finance considerations

### Community Infrastructure Levy

Creation of dwellings is CIL liable.  
Proposed dwellings measure approx. 1700sqm.

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 £212,500.00. With index linking this increases to approximately £282,750.00.

### New Homes Bonus

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

#### *1 Year Payment*

Taunton Deane Borough	£21,943
Somerset County Council	£5,486

#### *6 Year Payment*

Taunton Deane Borough	£131,659
Somerset County Council	£32,915

## Determining issues and considerations

### The Principle of Development

The Taunton Deane Core Strategy 2012 sets out the most accessible and sustainable locations for development within the Borough. Policy SP1 sets out a settlement hierarchy with the Taunton urban area being the main focus of growth. Within the rural areas, Oake is identified as a smaller village where settlement boundaries will be retained. Development outside of these boundaries will be assessed as being in open countryside under Policy DM2.

Policy DM2 states that affordable housing will be supported outside settlements if:

- a) adjoining settlement limits, provided no suitable site is available within the rural centre,*
- b) in other locations well related to existing facilities and to meet an identified local need which cannot be met in the nearest identified rural centre.*

Core Strategy Policy SP4 relating to the vision for rural areas seeks to encourage a "step change" in the provision of rural housing, including Rural Exceptions Sites.

Such sites are to be considered under Core Strategy Policy DM2.

The proposed development is considered to fall into the Exception Site criteria set out within the Affordable Housing SPD adopted in May 2014. It recognises that some affordable housing needs and priority sites for affordable housing within or adjacent to rural settlements can be acceptable as long as there is an identified housing need.

The SPD states that *"the Council will expect these developments to be small scale and should:*

*Meet or help to meet a proven and specific local need for affordable housing in the Parish or adjoining rural Parishes, which would not otherwise be met. Local housing needs will need to be demonstrated via an up to date Parish survey. The cost of the survey is to be borne by the applicant.*

*Be within or adjacent to the settlement boundary, well related to existing community services and facilities and sympathetic to the form and character of the village.*

*Consider all available sites around a settlement in order to identify the most suitable site. The development should be of an appropriate size as not to have an overbearing impact on the settlement or the countryside.*

*Arrangements will be secured to ensure that initial and subsequent occupancy of the dwellings is restricted first to those having an identified local need for affordable housing through the use of appropriate safeguards, including planning conditions or Section 106 obligations.*

*In the event that a small proportion of cross subsidy through open market housing is required to facilitate the provision of the remaining affordable housing to meet an identified local need, this will need to be discussed with the planning officer and housing enabling lead prior to submitting a planning application. A detailed statement, including viability information independently verified at the applicants cost by the Council's preferred independent assessor should be submitted with the planning application."*

In this case, the site is located adjacent to the village settlement boundary to the west and to the south. Although the village is classified as being within the lowest tier of settlements under Policy SP1, it does benefit from some services. The village has a primary school in close proximity to the site and there is also a small community shop, post office, pre-school and a well served community hall and recreational ground. Although the village is not served by public transport, this is a common feature of rural areas. Pedestrian access to these existing local facilities makes this site an acceptable sustainable location for the proposed housing. It is therefore considered that the site can be treated as a Rural Exceptions site provided that an identified housing need can be demonstrated.

### **Identified Need for Housing**

A Housing Need Survey (HNS) was carried out in 2014 by the Community Council for Somerset in partnership with First Step and Taunton Deane BC on behalf of Oake Parish Council. It identified a need for up to 10 affordable houses within the parish. This survey has a lifespan of up to 5 years and so remains a material consideration in the determination of this application. The application proposes 9 affordable units



on site to meet the identified need, a provision of 50%. The Viability Assessment has demonstrated that the scheme would not be viable without the proposed 9 no. open market dwellings.

The Parish Council has robustly objected to the proposed development, citing that the current HNS is out-of-date and was not properly executed. However, the HNS was carried out using standard methodologies and is still of relevance. It is acknowledged that the Parish carried out their own HNS in 2018 as part of their Neighbourhood Development Plan process. This survey concluded that the housing need was much lower at 3 dwellings. However, this has not been subject to scrutiny or balanced with objective data at this current time. This plan is at an early stage of preparation and is not an adopted document. Therefore very little weight can be given to it in planning terms.

With regards to the comments from the Housing Lead over the discount applied, the applicant has agreed to 30%. This will bring the affordable housing option within the reach of local incomes. The Housing Lead is satisfied that the development would meet an identified need for affordable housing. It is also concluded that there are no sequentially preferable sites within the parish.

## **Design and Layout**

The character of Oake is derived of a mixture of older traditional red brick houses, interspersed with rendered or brick bungalows and more recent development in Saxon Close. The proposed layout shows a mix of bungalows and two storey terraced, semi-detached and detached dwellings arranged around a central access road and cul-de-sac. The scale of the proposed dwellings in terms of their height will be in keeping with the rest of the village. The proposed materials of red brick with reconstituted stone window heads and cill fits in with the predominant materials used in the village. Plot 18 has been re-orientated to have a frontage onto the main road adjacent to the main road. Plots 1 - 3 will have rear elevations and rear gardens backing onto the main road, which is not ideal in visual terms. The size of each unit has been increased so that the internal floor areas exceed the prescribed National Space Standards, which are incorporated within SADM Policy D10. Overall, the design and layout of the scheme is considered to be fairly standard. However, this is a Rural Exceptions Site being driven by the need for affordable housing which will benefit the local community. The development is considered to broadly fit in with the mixed character of development in the surrounding area. On balance, the design and layout is considered acceptable.

## **Highways**

The plans have been revised to amend the car parking provision in relation to an increase in visitor parking and revised visibility splays. A footpath link will connect to an existing Public Right of Way (PROW) to the west of the site boundary. No objection has been raised by the PROW officer subject to no damage being caused to the public path. In addition, a new pedestrian path will provided to the west of the new access, which will terminate where the existing footway on the opposite side of the road begins. Somerset County Highways has raised no objection in principle subject to the imposition of a number of conditions. These will ensure that the

highway works are carried out satisfactorily.

### **Trees**

The site comprises an arable field with well defined boundaries of hedgerows and trees. There are 5 oak trees on the north west field boundary which are protected by a Tree Protection Order. The proposed development will be sited sufficiently far from these trees so that the trees will not be directly affected. It is acknowledged that future residential occupiers may in the future wish to cut back branches. However, any works to the protected trees will require consent and therefore the extent of any future surgery can be controlled. It is proposed to fell a young oak tree within the western hedgerow in order to facilitate the development. The arboricultural survey notes that this tree has lost a principal branch and has a major wound at the base. It is therefore assessed as a Category C tree, of low quality. There will also be loss of part of a hedge along the west boundary to enable the proposed pedestrian connection to the adjoining PROW. In addition, the hedgerow on part of the southern boundary will be lost to enable an access into the site. This hedgerow is also assessed as being Category C. Whilst the loss of the hedgerow is regrettable a new hedgerow will be planted and secured by condition. The protection and retention of the remaining boundary hedges will also be controlled by condition.

### **Ecology**

The proposal will result in the loss of an 85 metre section of hedgerow. It will be compensated by a 110 metre new hedge on the eastern boundary and a further 80 metre section to the south of the site. This is considered acceptable subject to appropriate conditions. The ecological report noted that there was no evidence of dormice. The hedgerows along the boundaries provide commuting and foraging areas for bats. The proposed ecological mitigation measures are the erection of bat and bird boxes which will be secured by condition.

### **Public Open Space**

Development on the site would generate a requirement for a financial contribution towards off-site play equipment. There is an existing well-equipped play area close to the village hall. The applicant will need to liaise with the Parish Council as to how the financial contribution can be best utilised. This can be secured via Section 106 agreement.

### **Flood Risk and Drainage**

The site is located in Flood Zone 1, an area of the lowest flood risk. The nearest main river, Hillfarrance Brook, is located 850 metres to the south. The site is therefore not at risk of significant fluvial flooding. The area is also identified by the Environment Agency as being of "very low" risk of surface water flooding. It is also at low risk of ground water flooding. There has been no evidence of historic flood events in this area.

Soakaway drainage via a SUDS system is not appropriate for this site due to the underlying geology of mudstones. It is proposed to install a surface water drainage system comprising of oversize pipes and an underground storage tank which will discharge into the Oake Stream to the north. Due to gravity, it will not be possible to drain the new foul water into the existing public foul water system. The new dwellings will drain to the new pumping station and then will discharge into the public manhole in Oake Close by a rising main.

The principle of the proposed drainage systems is considered acceptable. This is subject to planning conditions and the submission of further information to the drainage and highway authorities for separate approval.

### **Conclusion**

The NPPF encourages a proactive approach to providing affordable housing in areas where there are identified needs and where open market housing is also required to allow the site to be developed. The proposed housing scheme also accords with the wider aims of the Taunton Deane Core Strategy in providing for sustainable mixed and inclusive communities for housing for people in need. The proposal accords with Core Strategy CP4 which supports Rural Exceptions Sites where there is an identified local housing need. The proposal also complies with Policy DM2 as the site adjoins the settlement boundary and is within walking distance of local services.

It is recommended that planning permission should be granted subject to conditions and a Section 106 agreement to secure a financial contribution for off-site play provision.

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

**Contact Officer: Ms A Penn**



<b>Application No:</b>	<a href="#">3/31/19/001</a>
<b>Parish</b>	Stogumber
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Jackie Lloyd
<b>Grid Ref</b>	Easting: 309968    Northing: 137355
<b>Applicant</b>	Mr Woodward
<b>Proposal</b>	Replacement of garage with the erection of 1 No. detached dwelling (amended scheme to 3/31/17/011) (retention of part works already undertaken)
<b>Location</b>	Sunnydene, 14 Hill Street, Stogumber, TA4 3TD
<b>Reason for referral to Committee</b>	

## Recommendation

Recommended decision: Grant

### Recommended Conditions

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

(A3) DRNO 218.15-001 REV A    SITE LOCATION PLAN  
 (A3) DRNO 218.15-020 EXISTING SITE PLAN (REVISED SCHEME)  
 (A3) DRNO 218.15-021 REV B    PROPOSED SITE PLAN (REVISED SCHEME) PLAN...  
 (A3) DRNO 218.15-022 REV B    PROPOSED FLOOR PLANS & SECTION (REVI...  
 (A3) DRNO 218.15-023 REV A    PROPOSED ELEVATIONS (REVISED SCHEME) PLA...  
 (A3) DRNO SAS121PL12A    PROPOSED VISIBILITY PLAN

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

2

There shall be no obstruction to visibility greater than 900mm above the adjoining carriageway level within the visibility splays shown in the approved plans. Such visibility splays shall be fully provided before the dwelling is occupied and shall thereafter be maintained in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

- 3 The new access shall be hard surface for at least the first 5.0 metres of its length, as measured from the edge of the carriageway way before being

brought into use and maintained thereafter.

Reason: In the interests of highway safety.

- 4 Details for the disposal of surface water drainage, including details to prevent run-off to the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. The surface water drainage scheme shall be based on the results of percolation tests which shall be submitted in support of the proposed scheme. The works shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the adequate provision of drainage infrastructure.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

- 6 (i) A landscaping scheme to include screening along the western elevation of the patio area shall be carried out within the first planting season following the occupation of the dwelling details of which shall have been previously submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the species, siting and numbers to be planted.  
(ii) The scheme shall be completely carried out prior to occupation of the dwelling.  
(iii) For a period of five years after the completion of the landscaping scheme , the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs or similar size and species.

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

## **Informative notes to applicant**

### **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application concerns were raised by

neighbours in respect of height of the building. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

## **Proposal**

This is an application to make changes to a previous permission granted on 5.1.2018 for a detached two-storey house. The main changes are:

- Increase in the overall height of the dwelling by 862mm through changes to scale, bulk and design of the roof
- Fenestration changes

5 No. bedroomed dwelling with integrated garage. The dwelling comprises a utility room, study, toilet and guest bedroom on the ground floor and 3 No. bedrooms, open plan kitchen and dining area, snug and bathroom on the first floor. The roofspace contains a further en-suite bedroom and storage area. To the rear (south) of the building a raised patio area leading off the open plan living area is proposed.

A vehicular access from the public highway has been created by breaching the existing roadside hedgerow /embankment. A 0.9m high retaining wall will be constructed to the right hand visibility splay which will increase to 1.6m along the eastern elevation of the dwelling.

The building will have rendered external walls and a red/brown double Roman tile roof. The windows and doors are uvpc.

The development includes the formation of a number of rendered retaining walls due to the site topography and planters against the retaining walls.

## **Site Description**

The application site is on the north eastern limits of the village of Stogumber. The site was previously an overgrown orchard/garden area for use in association with the adjacent dwelling Sunnydene and was bounded on 3 sides by 3m high hedgerows. A single garage occupied the site. Along the northern boundary, adjacent to the public highway is a tree lined hedgerow. A public footpath runs immediately adjacent to the western boundary of the site and to the east and west is pastureland.

The land rises upwards from the west of the site to the east.

Following the grant of planning permission for the construction of a 4-bedroom dwelling, construction work commenced. However changes to the external appearance of the dwelling has prompted this application which is now retrospective.

## Relevant Planning History

Planning permission was granted on the 5.1.2018 for the erection of 1 detached dwelling.

## Consultation Responses

*Stogumber Parish Council* - Strongly object - the increase in height would not only excessively dominate the surrounding buildings but as the increase in height would enable the roof space to be used as an extra room would effectively place a 6 bed house onto a plot of restricted size. ( overdevelopment of site) The developer should have been stopped from any further building until an acceptable outcome had been agreed. Deplore the fact that the previous owner had been charged a significant sum for slow worm survey which planning has ignored allowing work to go ahead without any remediation.

*Highways Development Control* - Standing advice

*Wessex Water Authority* - Recommend condition (now superseded - see report)

*Biodiversity and Landscaping Officer* - Recommends a condition regarding the ecology report

*Rights of Way Protection Officer* - Confirms location of PROW

*Planning Enforcement* - No response

## Representations Received

5 letters of objection on the following grounds:

- Developer ignoring previous approval
- The increases present a more taller profile exacerbated by a larger gable on the east elevation.
- Neighbours on the north/south are much more overlooked and dominated.
- Shall lose morning sun
- Building more dominant
- Total disregard for rules and regulations
- Original plans were drawn up with consideration to the impact on surrounding neighbours
- Roofline was intended to be as low as possible.
- Object to roofline higher than 12 and 14 Hill Street
- Upstairs window overlooks 2 Deane Close

## 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 the West Somerset planning area comprises the West



Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
SC2	Housing Provision
SD1	Presumption in favour of sustainable development
CC2	Flood Risk Management
NH13	Securing high standards of design

### **Retained saved policies of the West Somerset Local Plan (2006)**

SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
SC2	Housing Provision
SD1	Presumption in favour of sustainable development
CC2	Flood Risk Management
NH13	Securing high standards of design

## **Determining issues and considerations**

### **Design and visual impact**

Stogumber contains a mixture of house styles and materials and a combination of old and modern properties. The application site falls outside of the boundary of the Stogumber conservation area and is located within an area with a mixed pattern of development from the large spacious bungalow developments to the north, to the 2 storey semi-detached brick properties to the east fronting the public highway, the detached dwellings beyond and to the bungalow complex development at Deane Close. Although sited at the eastern fringe of the settlement adjacent to open countryside, the site already forms part of the residential curtilage of No. 14 and accommodated the garage to that property. The site was bordered by natural screening on all four sides and thus there were no views of the open farmland that abuts the site whilst passing on the public highway.

The changes in the design of the application under consideration include a steeper pitch to the roof which has allowed an en-suite bedroom in the roofspace. The overall height has increased by 862mm from the original top (lantern) of the approved building. The permitted dwelling was higher than the properties to the

west, 12 and 14 Hill Street partially due to the topography, with the land rising from west to east. Objections have been received with regard to the higher roofline and the building being more dominant.

It is acknowledged that the roof is higher than previously granted which has allowed for an extra room within the roofspace resulting in a dormer on the east elevation and an increase in the pitch of the gable on the southern elevation. The resultant building however, and in particular the roof, does not appear overly bulky or dominant to such an extent that would warrant a refusal of planning permission.

The application proposes rendered external walls as opposed to stone and render previously approved. Render is predominant in the village. The site is outside the conservation area where dwelling designs are also varied. This variation in materials is considered acceptable. Changes to the fenestration are considered minor in detailing. The large area of glazing previously proposed for the southern elevation which extended from ground floor to ridge has been replaced with a simple casement window in the roofspace.

The new access, as previously approved requires the removal of a section of roadside vegetation and banking. The hedge will be trimmed back behind a 0.9m high lime rendered retaining wall to match the render of the house. Although the public highway is characteristic of a narrow country lane bordered by tall hedgerows, the proposed access is immediately adjacent to the entrance to the public footpath and beyond the parking area to No.14. Thus the new access will be seen as a continuation of this open aspect on entering/leaving the village. I do not consider this will adversely affect the character of the lane.

Overall the scale of the development and in particular increase in the height is considered acceptable. It is not considered that the dwelling would affect the character of the settlement.

### **Highway safety**

The proposal includes the creation of an access into the site by breaching the existing roadside hedgerow and embankment. The Highway Authority raises no objection subject to the recommendation of standing advice. With a reduction in the last 1.8m length of the retaining wall from 1.5m to 0.9m and the cutting back of roadside vegetation to the rear of this wall, a distance of 43m visibility can now be achieved. The maintenance of this visibility splay can be conditioned should permission be granted.

The access adjoining the public highway will be tarmacked and then a block paviour driveway formed leading up to the dwelling and garage within. This will entail a consolidated driveway of over 8m from the edge of the carriageway and will be of a sufficient width to meet standing advice.

In terms of parking, the Somerset County Council Parking Strategy identifies the site within a zone C. For a 5 bedroomed property 3.5 parking spaces must be provided. With the proposed formation of a double garage and substantial driveway to the front of the dwelling, the proposed development meets the required parking

standards.

### **Amenity of neighbouring occupiers**

Sunnydene located to the west is the closest dwelling to the site but separated from the site by a public footpath. This is a semi-detached property set at a lower ground level than the application site. There are no additional windows proposed on the western elevation other than one obscure glazed window which serves a bathroom. Previous concern was expressed by a resident about the higher ground levels of the proposed dwelling and that the patio could enable overlooking of the semi-detached dwellings. The site is already screened to the western boundary by a 3m hedge but this has been partly removed to enable the construction works. However it is proposed to reinstate this which can be secured by a planning condition. Beyond this hedge and abutting the proposed patio area will be a planter to provide additional screening to the patio. Again this can be conditioned and the applicant is willing to accommodate sufficient screening within the site.

The southern elevation faces onto pastureland and towards the shallow rear gardens of properties in Deane Close, notably 2 and 4. An additional window within the roof serving bedroom 5 is proposed in the southern elevation. I have viewed the impact of this window in terms of overlooking of such rear gardens. Due to the distance involved and oblique position of the window in relation to the gardens, I do not consider that it would result in a loss of amenity through overlooking so serious as to warrant a refusal of permission.

The increase in the height of the building would not result in any material loss of sunlight or daylight to adjacent occupiers due to their aspect and position in relation to the building.

### **Drainage**

The application has a letter from Wessex Water which agrees the connection to a public sewer. In terms of surface water it is proposed to use soakaways. The design of the soakaway would be dealt with at the building regulations stage. However a condition should be imposed requiring the submission of a surface water drainage system prior to the occupation of the dwelling .

### **Conclusion**

The proposed development will not affect the character or visual amenities of the surrounding area or amenity of neighbouring occupiers. The proposal is acceptable on highway safety grounds and subject to conditions to address screening and surface water drainage of the site, it is 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.

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

32/18/0008

MR P SPARKS

## **Extension of hardcored area at Holbaines Meadow, Whiteball Road, Sampford Arundel, Wellington (Retention of works already completed)**

Location: HOLBAINES MEADOW, WHITEBALL ROAD, SAMPFORD  
ARUNDEL, WELLINGTON, TA21 0LS

Grid Reference: Full Planning Permission

---

## **Recommendation**

**Recommended decision: Conditional Approval**

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

1. (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 decision  
  
(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.

### **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 and has imposed planning conditions to enable the grant of planning permission.

## **Proposal**

Permission is sought for the extension of hardcored area,

## Site Description

The site is in the open countryside, just to the south of the hamlet of Holywell Lake, between the settlement and the A38.

## Relevant Planning History

32/16/0001 for the formation of a new access onto the A38 was refused in 2016., the decision was appealed and dismissed.

32/13/0007 for the erection of security fencing with gate was approved in 2014.

## Consultation Responses

*SAMPFORD ARUNDEL PARISH COUNCIL* - Objects to planning permission being granted as any further hardstanding on the site is totally out of keeping with the rural location and surrounding area. The Parish Council totally supports TDBC's issuing of an enforcement notice to the applicant and the site for the removal of the hardcore that has been stored there for some time and supports any actions that may be required to implement the enforcement notice.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing advice

*PLANNING ENFORCEMENT* - The application was submitted as a result of a current pending planning enforcement case.

## Representations Received

Three letters of objection making the following comments (summarised):

- The field has been an eyesore as been used as a waste transfer station which is wrong in the countryside.
- Entrance to the site is already looking like the access point to a military base, steel fences and RSJs piled into the ground
- the hard standing must be required to store heavy plant or large vehicles on the land
- This is a green field in the country, it should be used to grow food or provide grazing, it should not be used to slip industry or any non-agricultural or non-horticultural business in the area.
- it is green, it should stay green
- not be covered with building rubble
- Spread of hardcore on the land is completely out of keeping with the nature of the property
- A caravan and a large plastic tank in static positions
- Retaining the area of hardcore is required if the intention is to develop it for non-agricultural commercial of industrial activity.
- Road access to the site is limited
- Cannot support any increase in traffic of any sort

## 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.

CP8 - Environment,  
DM1 - General requirements,

This takes into account the recent adoption of the SADMP.

## **Determining issues and considerations**

The main consideration in determining this application is the impact upon the visual amenity of the area.

It is noted that an enforcement appeal on the site, stated that the hardcored area should be removed within six months, however this decision did not look at the planning implications only that the proposal was not considered to be permitted development.

The site has permission to be a commercial nursery, which is the last lawful use of the site. It is considered that the hardcored paths and associated drainage adjacent to the existing hardcored area would be a development associated with this use class.

Comments from neighbours discuss the impacts upon the highway, however the regularising of the hardcored areas is not considered to have an impact upon the highway safety.

There were several comments from neighbours relating to the state of the land, however the use is considered appropriate in a countryside setting.

The site is screened from the A38 by trees and hedging.

It is therefore recommended that permission be granted.

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

**Contact Officer: Briony Waterman**



36/18/0048

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) NO 2 LTD

**Erection of 34 No. dwellings, (7 No. bungalows and 27 No. houses) with associated works including drainage, landscaping and highways works on land adjacent to Willey Road, Stoke St Gregory**

Location: LAND ADJACENT TO WILLEY ROAD, STOKE ST GREGORY,  
TAUNTON

Grid Reference: 334690.127403

Full Planning Permission

---

## Recommendation

**Recommended decision: Conditional Approval**

### Recommended Conditions (if applicable)

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

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

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

- (A3) DrNo 18.29.01 Site Location Plan
- (A1) DrNo 18.29.02A Site Layout House Types
- (A1) DrNo 18.29.03A Site Layout Block Plan
- (A2) DrNo 18.29.04 Floor Plan House Type A
- (A2) DrNo 18.29.05 Floor Plan House Type B
- (A2) DrNo 18.29.06 Floor Plan House Type C
- (A2) DrNo 18.29.07 Floor Plan House Type D
- (A2) DrNo 18.29.08 Floor Plan House Type E
- (A2) DrNo 18.29.09 Floor Plan House Type F
- (A2) DrNo 18.29.10 Floor Plan House Type F
- (A2) DrNo 18.29.11 Floor Plan House Type G
- (A2) DrNo 18.29.12 Floor Plan House Type H
- (A2) DrNo 18.29.13A Floor Plan House Type J
- (A2) DrNo 18.29.14 Plots 1 & 2 Type F Elevations
- (A2) DrNo 18.29.15 Plots 3 & 4 Type F Elevations
- (A2) DrNo 18.29.16 Plot 5 Type H Elevations
- (A2) DrNo 18.29.17 Plot 6 Type H Elevations
- (A2) DrNo 18.29.18 Plots 7 & 8 Type F Elevations

(A2) DrNo 18.29.19 Plots 9 &10 Type F Elevations  
 (A2) DrNo 18.29.20 Plots 11 & 12 Type G Elevations  
 (A2) DrNo 18.29.21 Plots 13-15 Type G Elevations  
 (A2) DrNo 18.29.22 Plots 16-19 Type J Elevations  
 (A2) DrNo 18.29.23 Plot 20 Type B Elevations  
 (A2) DrNo 18.29.24 Plot 21 Type A Elevations  
 (A2) DrNo 18.29.25 Plot 22 Type D Elevations  
 (A2) DrNo 18.29.26 Plot 23 Type D Elevations  
 (A2) DrNo 18.29.27 Plot 24 Type B Elevations  
 (A2) DrNo 18.29.28 Plot 25 Type C Elevations  
 (A2) DrNo 18.29.29 Plot 26 Type A Elevations  
 (A2) DrNo 18.29.30 Plot 27 Type E Elevations  
 (A2) DrNo 18.29.31 Plot 28 Type E Elevations  
 (A2) DrNo 18.29.32 Plot 29 Type E Elevations  
 (A2) DrNo 18.29.33 Plot 30 Type E Elevations  
 (A2) DrNo 18.29.34 Plot 31 Type E Elevations  
 (A2) DrNo 18.29.35 Plot 32 Type C Elevations  
 (A2) DrNo 18.29.36 Plot 33 Type B Elevations  
 (A2) DrNo 18.29.37 Plot 34 Type A Elevations  
 (A2) DrNo 18.29.38 Garages - Sheet 2 of 2 Floor Plans & Elevations  
 (A2) DrNo 18.29.39 Garages - Sheet 2 of 2 Floor Plans & Elevations  
 (A1) DrNo 18.29.40A Site Elevations  
 (A2) DrNo 18.29.41 Access Elevations  
 (A1) DrNo 2321/500 Drainage Strategy Plan  
 (A1) DrNo SPP.3065.001 Rev C Soft Landscaping Plan  
 (A1) DNo 2321/500 Rev A Drainage Strategy Plan  
 (A2) DrNo 18.29.42A Footpath Link

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

3.

The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental submitted report, dated September 2018 and a Dormice survey and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of any outside lighting.

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

Reason: To protect and accommodate wildlife.

4. No part of the development hereby permitted shall be first occupied until the access works have been carried out generally in accordance with a design and specification that will be submitted to and approved in writing in conjunction with the Highway and Local Planning Authority.

Reason: In the interests of highway safety.

5. The proposed estate roads, footways, footpaths, tactile paving, 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: To ensure that the highway works are carried out satisfactorily.

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

Reason: In the interests of pedestrian and highway safety.

7. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety.

8. There shall be an area of hard standing at least 6m in length (as measured

from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Reason: To ensure that adequate on-site parking is provided.

9. 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 made before commencement and maintained thereafter at all times.

Reason: In the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

Reason: To ensure that adequate off-street parking is provided.

11. There shall be no obstruction to visibility greater than 300 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 commenced brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

12. The development hereby permitted shall not be first occupied until an agreed number of vehicle parking spaces and layout for the development have been provided and approved in conjunction with the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Reason: To ensure that adequate off-street parking is provided.

13. Prior to first occupation of the development hereby permitted, access to covered cycle and motor cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

14. Prior to first occupation of the development hereby permitted, access to covered electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage and support the use of electric cars.

15. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network, if required.

Reason: In the interests of highway safety.

Reason for Pre-commencement: To ensure that adequate measures are in place to avoid traffic congestion prior to construction starting on site.

16. 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 and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety.

17. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interests of highway safety.

18. No development shall be commenced until details of the surface water drainage scheme in accordance with the FRA (Rev C) and Drainage Strategy Plan (Spring Design 2321/500 Rev A dated 01/04/2019) together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance

to the National Planning Policy Framework.

19. (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.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, outbuildings, gates, walls, fences or other means of enclosure shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent over development in the an area.

21. Prior to the occupation of the approved dwellings, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and/or the monitoring of travel habits. The development shall not be occupied until the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To encourage sustainable travel patterns.

22. Prior to the construction of the buildings, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the area.

## Notes to Applicant

### 1. **Ecology Informative Note**

The condition relating to wildlife requires the submission of information to protect wildlife. The local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal.

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

### 2. **Highways Advice Note**

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development

### 3. **Public Right of Way Advice Note**

We recommend that a connecting link to the footpath T 25/28 is provided as part of a S38 agreement.

Any proposed works must not encroach onto the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.



- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided.

## Proposal

Full planning permission is sought to erect 34 no. dwellings with associated new access onto Willey Road, car parking, garages and landscaping. The application is supported by a Design and Access Statement; a Transport Statement; a Housing Needs Assessment; a Viability Assessment; a Flood Risk Assessment and Drainage Strategy and a Preliminary Ecological Report.

The proposed housing mix is as follows:

- 3 no. 2 bedroom discounted open market dwellings;
- 1 no. 2 bedroom discounted open market bungalow;
- 1 no. 3 bedroom discounted open market dwelling;
- 2 no. 2 bedroom social rent dwellings;
- 4 no. 1 bedroom social rent dwellings;
- 1 no. 2 bedroom social rent bungalow;
- 2 no. 3 bedroom social rent dwellings;
- 10. no 3 bedroom open market dwellings;
- 8 no. 4 bedroom open market dwellings;
- 2 no. 5 bedroom open market dwellings.

A new access road will be created off Willey Road with the provision of a new footway along the road frontage down to the boundary with no. 8 Willey Road. This will require the partial removal of the roadside hedgerow to provide visibility splays. The new dwellings will be sited around a double ended cul-de-sac with 5 bungalows backing onto Willey Road. A 20 metre landscaped buffer zone will be laid out to the north of the Church Close boundary. A new pedestrian footpath link will connect with Church Close to the south. A new attenuation pond will be provided to the north east of the site.

## Site Description

The site comprises an open field sited to the north of Church Close, Stoke St Gregory. It is bounded by hedgerows on to the west and south. The eastern boundary opens out onto the village allotments. The north boundary is open to the remainder of the field, which is outside the application site but within the same ownership. On the opposite side of Willey Road to the west are four pairs of semi-detached dwellings (no's 9 - 16) which are outside the settlement boundary. These dwellings lie to the north of the village playing fields. The dwellings in Church Close to the south lie within the settlement boundary. The site itself is situated outside the settlement boundary in open countryside

## Relevant Planning History

36/18/0047 - An application for the erection of replacement pavilion, equipment store, multi-use games area and provision of car park on land on the opposite side of Willey Road is currently under consideration.

## Consultation Responses

*STOKE ST GREGORY PARISH COUNCIL* - We support this application because it is agreed Parish Council policy that the housing stock in Stoke St Gregory has become increasingly skewed in the direction of larger and more expensive properties. We have been made aware of a strong demand locally for smaller and more affordable houses, both as starter homes and for downsizing.

We are also conscious of the need to support services in the village, particularly the school, the shop and the pubs, and we feel that a moderate increase in population is necessary to make the community more viable.

*STOKE ST GREGORY PARISH COUNCIL (Further Comments)* -

This planning application is the result of four years of sustained activity on the part of the Parish Council; an activity which was instigated from the community. The first engagement with TDBC Housing Department four years ago (in which I participated) was extremely constructive as they themselves had perceived a similar need. A housing needs survey was commissioned from which, surprisingly to all involved, little need emerged. There are several reasons why this could be the case. Firstly, most of the respondents were occupants of large detached dwellings, secondly no account was taken of the many young people who had been forced to move outside the Parish but who wished to move back and thirdly the survey only dealt with Social Housing when there is a clearly expressed need for small open market housing for people who wish to remain in the village to downsize or to start on the housing ladder within their own community.

It is widely held in the village that there is a need, and consultations in the village that have occurred over the several months, prior to and during this application have confirmed that this development would be welcomed by an overwhelming majority in the village. This is also endorsed by Southwestern housing in a communication to your department, which has not yet displayed on your web site. In short, the housing survey is a single data point which occurs as an outlier to a population of data which

suggests the contrary.

The Parish Council was sufficiently convinced of this need that they publicly requested proposals for land which could be used for housing. This was publicised throughout the Taunton Deane area where it could be seen by both landowners and potential developers. While there were several preliminary offers, the only one that could be taken to this next stage is the one that is before you. So far from being a speculative planning application by an opportunistic developer, it is the culmination of several years of consistent effort led by the Parish Council and supported by the village. The site proposed was in the most sustainable possible location in the village, being next to existing housing and within easy walking distance of the village shop, the village hall, the pub, the parish Churches and the playing field.

Moving to Planning Policy; when the policy was published some nine years ago its position on rural settlements was driven by a need to protect rural life and particularly the heritage of its many villages. Sustainability of development sites was a key issue but how this is defined is very much open to interpretation. There are many in the Parish who would define sustainability in terms of whether proposed development will help to sustain the local community, particularly key facilities like the school, the village shop the pubs etc. That, we believe, should be one of the key measures of sustainability. Rigorous implementation of the policy as it was defined has led to collateral impacts which could have not been anticipated at the time. The issue is not with the implementation of the policy but the long-term corollary damage that this policy, as originally envisaged is causing. While this was recognised in Point 4.50 of the Core Strategy, no mitigating actions were put in place. During the period of this policy, not one new house has been constructed in Stoke St Gregory. There have been many house extensions and a few barn conversions. The consequence of this is that Stoke St Gregory, almost certainly not uniquely, has an ageing population living in increasingly large houses while younger people, and older people wishing to downsize are forced to move from the village as there is no suitable housing stock. In several cases this has happened to families who have lived in Stoke St Gregory for several generations and reinforces the issue of missing data in the housing survey. So, far from protecting rural life, the current policy is causing its demise. This is further evidenced by the fact that all of the community services are vulnerable and under threat. Already one of our two pubs has been granted consent to be turned into a residential property. The village shop has been for sale for a considerable time and will close at the end of this year unless the community takes it over and the second pub is also threatened with closure.

Failure to refresh the demography of the village will result in its terminal decline which is accelerating as each year goes by. This planning application seeks to address this impact. The concept of rural centres is flawed by the assumption that it is fine to increase capacity nearby (North Curry), allowing smaller neighbouring villages (Stoke St Gregory) to wither.

I hope that by sharing this view with you and putting some perspective into the reasons behind this application a dialogue can ensue. You may well ask why a Neighbourhood Plan was not prepared to highlight these concerns. Stoke St Gregory is a small parish, managed with a fiscally prudent budget. It was felt that to place on the community the burden of time and cost associated with following the complex neighbourhood plan process, and reaching a conclusion which in all likelihood would be close to what has been presented, did not represent the best

use of either financial or human resources. While, in retrospect, that can be questioned, we now have an opportunity to take a major step towards fulfilling the most obvious and likely result of a such a plan. We ask that you view this application in this light. If you fail to do so the very existence of our village as a viable community is seriously threatened.

#### SCC TRANSPORT DEVELOPMENT GROUP (Original Comments) -

For clarity the Highways Authority do not object to the principal of the proposed development.

#### **Transport Statement**

The applicant has submitted a Transport Statement (TS) in support of the application which has since been assessed.

The forecasted residential trip rates in the AM/PM peak within the submitted TS are considered lower for such an application, however anticipated AM/PM peak movements for a development of this nature are unlikely to have a significant impact on the surrounding highway network that isn't, with reference to the NPPF considered as severe. As such, the Highway Authority do not object to the development proposed on traffic impact grounds.

#### **Access**

The proposal site lies off the unclassified Willey Road in Stoke St Gregory where traffic is subject to a 30mph speed limit.

With reference to the submitted plan (Drg No: 18077-001) the 2.4m x 43m dimensions proposed from the access point onto Willey Road is considered as acceptable in this instance and in line with Manual for Streets for a 30mph speed limit. The applicant must ensure there is no obstruction to the visibility proposed visibility greater than 300 millimeters above adjoining road level.

The swept path analysis shows that a refuse vehicle is accommodated by the proposed layout, but a slightly larger than normal radii has been used to accommodate the refuse vehicle. Ideally the corner radii should be 6m in this instance to help reduce turning vehicle speeds. Other means could be sought to accommodate the refuse vehicle, such as local widening on Willey Road (this can be appropriately secured under a suitable legal agreement).

The applicant must ensure that all associated vehicles to the development proposed have the capacity to safely manoeuvre within the internal layout and enter the public highway in a forward gear. The applicant should also note that a detailed technical swept path analysis will be carried out if offered for adoption (and subject to consent) which will have to clearly demonstrate this.

Collision data has been taken from SCC's Collision Database and covers the 5-year period between 01/09/2013 and 31/08/2018. There have been no recorded collisions along Willey Road, Stoke St Gregory during this period.

Longitudinal or contour drawings haven't been submitted. Contouring at 25mm intervals should be provided for consideration with the detailed design submission so

that the drainage and drivability aspects can be fully determined. Suitable approach gradients for the access road to ensure surface water drains back into the site and not the highway whilst ensuring level sections of the carriageway to enable vehicles to pull out safely. Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards.

Highway Improvement Schemes should be subject to a Stage 3 Road Safety Audit within 1 month of opening. It is recommended that a Stage 3 Road Safety Audit is undertaken within 1 month of coming into operation, subject to planning consent.

Whilst it is not within the site boundary limits, it would be advantageous (and in line with the Local Plan and NPPF) if the applicant provided a suitable pedestrian and cycle access to the local playing field across Willey Road from the proposed site. It is likely that the desire line would see pedestrians travelling down Willey Road to gain access to the existing playing field access. Suitable implementation of a pedestrian/cycle access nearer the proposal site would reduce the potential for pedestrian/vehicle conflict on Willey Road.

### **Internal Layout**

Turning to the internal layout the following comments are in relation to the details contained within submitted drawing number 18.29.03/A.

The applicant should be aware that it is likely that the internal layout 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

Allowances shall be made to resurface the full width of Willey Road where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers.

The approach gradient for the access road to Willey Road should be a maximum 2% uphill gradient over 15m where it connects into the channel line of Willey Road. This will ensure that surface water drains back into the site and not out onto the highway. It will also provide a level section of carriageway for vehicles to pull out safely.

Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to SCC.

Surface water from any private areas, including drives and parking bays will not be permitted to discharge onto the prospective public highway boundary. Private interceptor drains will need to be provided to prevent this from happening.

It is noted from the drawings that a footway will be provided from the southern end of the site to link to Church Close. No dimensions have been shown but the minimum recommended footway width in the DfT's Inclusive Mobility is 2m throughout the site. However, if the intention for the proposed link at the southern end of the application site that will connect onto an existing residential development site is to be used by a combination of cyclists and pedestrians a mixed use is to use the link then it should

be constructed as a footpath/cyclepath and not purely as a footpath to provide a safe and inclusive environment for all.

Adoptable 17.0m forward visibility splays will be required across the inside of carriageway bends outside of plots P7 and P33. There shall be no obstruction to visibility within these areas that exceeds a height greater than 600mm above the adjoining carriageway level.

The applicant will need to confirm who will be responsible for the future maintenance of the proposed Attenuation basin at the northern end of the application site.

The private drives serving Plots P23, P24 and P32 should either be 6.0m or 10.5m in length as measured from the back edge of the prospective public highway boundary. Their current lengths may give rise to parked vehicles overhanging the footways.

Tandem parking bays should be designed to a length of 10.5m as measured from the back edge of the prospective public highway boundary. This will have to be checked by the designer to see that this has been adhered to within the site.

The parking bays to the west of Plot 11 and to the north of plots P11-P15 should be 5.5m in length as measured from the back edge of the prospective public highway boundary, so as to prevent any overhanging by parked vehicles of the footpath that runs behind the bays.

It is assumed that the parking court fronting Plots 11-P19 will be privately maintained. On this basis, in terms of addressing Advance Payments Code legislation, SCC may be prepared to adopt the footways that serve the afore-mentioned plots.

The applicant will need to confirm what the 4 no. bays behind the footway between plots P19 and P34 represent

Any gates shall be hung so that they open inwards and not out over the prospective public highway.

Any planting immediately adjacent to the prospective public highway will need to be supported by the submission to SCC of a comprehensive planting schedule for checking/approval purposes. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made-up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage services and 1.0m from the carriageway edge. Root barriers of a type to be approved by SCC will be required for any tree that is to be planted either within or adjacent to the prospective public highway in an effort to prevent structural damage to the highway. Any planting within the adopted highway will require the payment of a commuted sum by the developer.

No doors, gates or ,low-level windows, utility boxes, down pipes or porches are to obstruct footways. The Highway limits shall be limited to that area of the footway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted) and steps etc.

Any proposed adoptable retaining/sustaining features to be constructed as part of this development will require the submission of an Approval In Principle and the

payment of a commuted sum.

A Section 50 licence will be required for sewer connections within or adjacent to the Highway. Licences are obtainable from BSupport-NRSWA@somerset.gov.uk – At least four weeks' notice will be required.

Any existing services located within the carriageway, verge of footway fronting this development that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services should be lowered to a depth to allow full road construction, inclusive of capping, to be constructed over. Works shall comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major works (diversionary works) under Section 84 NRASEA 1991.

I refer to the additional information received by the Highway Authority on 12 March 2019 in relation to the above-mentioned planning application. The following observations are with regard to the highway and transportation aspects of this proposal.

### **Parking**

The proposed development is to be accommodated by the provision of 100 vehicle spaces for the 34 dwellings. Whilst this figure is considered in line the SPS (Somerset Parking Strategy), it is important to note, not all dwellings will individually meet the required parking provision. This is likely to lead to some resident parking outside their residential units on the proposed estate road for personal convenience instead of using the allocated parking spaces within the site.

No visitor parking has been provided by the applicant. The Highway Authority do not support any proposed on-street parking. Associated parking should be within the relevant curtilage of the dwellings or off the local highway to reduce any risk on vehicle conflict. It is recommended that a suitable number of visitor parking is provided in line with the SPS.

Cycle parking is to be provided at a rate of 1 space per bedroom. It is advised that garages are designed and built to accommodate both cycle and vehicle parking spaces should no separate suitable cycle storage parking be provided.

Access to 16-amp electric vehicle charging points is to be provided for all residential dwellings in accordance with the SPS.

### **Travel Plan**

A Travel Plan Statement (TPS) was submitted as part of the application. This has been reviewed and identified several issues, that will require addressing to achieve an acceptable TPS that will need to be secured via a S106.

The key points that require addressing are:

- A Travel Plan fee must be included in the TPS, in accordance with the adopted SCC Policy. This is required to be paid in full to SCC prior to commencement of the development. For a development of this size, the fee is £700 plus VAT;
- A tabular action plan needs to be provided showing the measure, responsible party

and timescale for implementation;

- Cycle parking is not shown on the plan in appendix A and details of provision need to be supplied. Details on cycle routes for longer distances should include gradients, speed limit on road and comfort of use;
- Bus Timetables and route map should be included as an appendix. Photos should be included to illustrate issues or locations. The reference to Moving Forward should be removed;
- The TPS must state the amount of time per week that the TPC will have to manage the TPS;
- Physical measures and features are not shown clearly in the figures provided in the Travel Plan. Clear figures showing the location of proposed measures/features (such as secure sheds for cycles) and demonstrate that they are being considered in the planning of the development;
- Cycle and motorcycle parking has been committed to in the TPS, however no details other than this have been provided in the TPS. Design parameters for cycle and motorcycle parking needs to be set in the TPS. These should be in line with SCC TPS and SCC Parking Strategy guidance. A plan should be included to show the parking for these modes, clearly showing the number of vehicles that can be stored and how users will gain entry etc.

It is therefore anticipated that an amended TPS will be provided to address these issues.

## **Drainage**

The following is with reference to the Flood Risk Assessment and Drainage Strategy Report, ref. 2321-FRA01 Rev A submitted in support of this application. Whilst it doesn't affect the outcome of the flood risk assessments, it should be noted that the site is incorrectly located on the maps shown against items 3.3, 3.5 and 3.6.

The designer will need to consider the construction detail at the interface between the proposed permeable paved areas and the access roads to ensure that the introduction of surface water at the interface doesn't compromise the structural integrity of the road or footway.

Item 5.17 confirms the intention that all sewers upstream of the detention basin will be adopted by Wessex Water, with the basin itself being maintained by a management company. The report should confirm the ownership of the flow control manhole and the outfall pipe downstream from the basin to the proposed outfall into the ditch. It should also be noted that as this outfall pipe will cross the existing public footpath T25/28, a licence to install the pipe will be required from the Highway Authority.

Access arrangements will need to be considered to accommodate the routine maintenance operations required to both the detention basin and the flow control manhole. Consideration should be given to providing a suitable access provision from the existing field gate access off Slough Lane at the north eastern corner of the development land.



Land drainage consent will be required to construct the proposed outfall headwall within the existing ditch/watercourse.

## **Conclusion**

With the above in mind, whilst the development proposed will generate an increase in vehicle movements onto the local highway network, it is not considered that the residual impact can be considered as severe in this instance.

If members are minded granting planning permission, please note that a suitable Travel Plan will need to be agreed and secured in writing via a S106. It is also recommended that a suitable pedestrian and cycle access is to be provided (and agreed in writing by the LPA) between the proposal site and local playing field that will be appropriately secured within the decision notice.

The Highway Authority would also recommend that the following conditions are imposed.

- No part of the development hereby permitted shall be first occupied until the access works have been carried out generally in accordance with a design and specification that will be submitted to and approved in writing in conjunction with the Highway and Local Planning Authority.
- The proposed estate roads, footways, footpaths, tactile paving, 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.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.
- 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 made before commencement and maintained thereafter at all times.
- Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

- There shall be no obstruction to visibility greater than 300 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 commenced brought into use and shall thereafter be maintained at all times.
- The development hereby permitted shall not be first occupied until an agreed number of vehicle parking spaces and layout for the development have been provided and approved in conjunction with the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.
- Prior to first occupation of the development hereby permitted, access to covered cycle and motor cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
- Prior to first occupation of the development hereby permitted, access to covered electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network, if required.

- 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 and thereafter maintained until the use of the site discontinues.
- A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

#### NOTE

*The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development*

(REVISED COMMENTS) - In our previous comments dated 6 February 2019, there was no objection to the principle of the proposal subject to highway conditions and a suitable Travel Plan secured under a S106. It was also recommended that a suitable pedestrian and cycle access be provided by the applicant (and agreed in writing by the LPA) between the proposal site and the local playing field (which is also subject to a live planning application – 36/18/0047) that will be appropriately secured within the decision notice.

The following comments are made alongside the additional submitted detail for the adjacent Recreational Site (36/18/0047) given both proposals are now interlinked in providing a pedestrian/cycle way between the two sites.

It is noted from the drawings that a footway will be provided from the southern end of the site to link to Church Close and a proposed footway is shown adjacent to Willey Road heading south to a crossing point to continue the footway to the recreational area. No dimensions have been shown but the minimum recommended footway width in the DfT's Inclusive Mobility is 2m. For clarity, the proposed footway will not result in any narrowing of the Willey Road.

No pedestrian crossing visibility splays have been shown on the submitted Footpath Link drawing 18.29.42. Visibility splays with an 'x' distance of 1.5m and a suitable 'y' distance, 43m or that required by the results of a speed survey, will be provided and shown on the drawings for assessment. The current location of the proposed uncontrolled pedestrian footway (on the eastern side) on drawing no 18.29.42 would not allow for suitable visibility splays, given that it would appear to encroach on third party land to the south. Whilst it is technically possible to provide a suitable uncontrolled footway to the recreational site, the applicant will need to revisit current design to address the above.

Carriageway cross section drawings for each chainage across the frontage of the

site would need to be submitted to show appropriate features such as channel line levels, tops of kerbs, centre line of the carriageway etc. whilst encompassing the full width of the adopted highway.

Longitudinal or contour drawings haven't been submitted. Suitable approach gradients for the access road to ensure surface water drains back into the site and not the highway whilst ensuring level sections of the carriageway to enable vehicles to pull out safely. Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards.

*(FURTHER COMMENTS) -*

Please find the following that require amending within the TPS.

Point 3.15 states 1 space per garage rather than per bedroom. Point 3.16 states 1 space in a cycle store in rear of garden, rather than a minimum of one space per bedroom. Cycle parking needs to state within the document at a level of one cycle space per bedroom. Therefore this requires amending.

Under point 4.9 the site audit identifies that there are limited footways through the village, which are unlit. The applicant should detail within the TPS what facilities are available at the nearby bus stop. e.g. shelter, timetable information, flag, etc.

Regarding the Travel Plan Management Fund (to cover promotional events), the applicant will need to provide a budget to cover 3 events per year. Regarding Point 6.22, although current guidance states GTV reimbursement up to 50% of costs, it would be more effective to reimburse 100% i.e. instead of the resident having to spent £400 in order to receive £200, they

would spend £200 in order to receive £200, which would not impact on the developer and become more effective with changing the ways in which we travel by making this a more inclusive scheme.

Point 7.3 states produce welcome packs at completion of each residential and commercial unit – the applicant will need to clarify what part of the site, if any, is commercial.

Regarding Point 6.15, please note that Carshare Somerset no longer exists. Please refer to liftshare.com.

*SCC - RIGHTS OF WAY* - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (**public footpath T 25/28**). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

*SCC - RIGHTS OF WAY* - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (**public footpath T 25/28**). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

## **1. Specific Comments**

We recommend that a connecting link to the footpath T 25/28 is provided as part of a S38 agreement.

## **2. General Comments**

Any proposed works must not encroach onto the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided.

### *LANDSCAPE & BIODIVERSITY -*

#### **Landscape**

I consider that this scheme should have a more robust northern boundary. In addition the opportunity could be taken to extend the existing orchard further into the new development.

#### **Biodiversity**

The application is for the erection of 34 dwellings on land adjacent to Willey Road, Stoke St Gregory. The site comprises the southern extent of a single species poor semi improved field, bounded on three sides by hedgerows. New allotments, an orchard and a small area of unmanaged grass are also present within the site

adjacent to the eastern boundary.

A section of the western hedgerow will need to be removed to access the site.

Blackdown Environmental carried out a Preliminary ecological appraisal of the site, in September 2018.

The findings were as follows:

### **Badgers**

The surveyor found no evidence of badgers on site, but it is considered likely that badgers pass through the site.

### **Bats**

The eastern and western boundaries are the most likely to be regularly used by foraging and commuting bats. There are no trees or buildings on site that could support roosting bats. I support the installation of bat tubes within half of the new properties.

### **Dormice**

The eastern and western hedges are suitable for dormice. Part of the western hedgerow will require removal to access the site and so I agree that a dormice survey should be carried out. If dormice are identified an EPS licence will be required to access the site.

### **Great crested newts**

There are no ponds on site although there are four ponds within a 250m radius of the site. The hedgerows and areas of long grass and tall ruderal vegetation are suitable for Great crested newts. Reasonable precautions should be undertaken when clearing the hedgerow when an ecologist should undertake a hand search for GCN.

### **Reptiles**

The hedgerows and areas of long grass and tall ruderal vegetation are suitable for reptiles. I agree that the main area of grassland should be maintained by grazing or mowing to ensure that it does not establish into a habitat suitable for reptiles or great crested newts.

Reasonable precautions should be undertaken when clearing the hedgerow when

an ecologist should undertake a hand search for reptiles.

### **Birds**

Nesting birds are likely to use the hedgerows on site so clearance of vegetation should take place outside of the bird nesting season.

I support the installation of terrace nest boxes on the new properties.

### **Suggested Condition for protected species:**

The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental submitted report, dated September 2018 and **a Dormice survey** and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of any outside lighting.

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

Reason: To protect and accommodate wildlife.

### **Informative Note**

The condition relating to wildlife requires the submission of information to protect wildlife. The local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal.

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

*HOUSING ENABLING* - This application has been submitted as a rural exception site, which should be affordable housing led. Currently the level of market housing is significantly greater than the affordable housing provision, therefore it is not an exception site in its true sense. As per the adopted Affordable Housing SPD (Section 1.10 – Exception Sites), where cross-subsidy is required to facilitate the provision of the affordable housing ‘a detailed statement, including viability information independently verified at the applicants cost by the Council’s preferred independent assessor should be submitted with the planning application’. To date, no information to demonstrate the level of open market housing required to bring forward the 14 affordable homes has been submitted.

A Housing Needs Survey was undertaken in 2016. At the time of the survey, it was not considered necessary to provide any additional affordable housing at that time. However, since that time the level of applicants on Homefinder Somerset expressing Stoke St Gregory as their Parish First Choice has increased from 4 to 10.

The affordable housing mix of 14 for this proposed site has been discussed with the Housing Enabling Lead and it is considered that the scheme would provide a broad mix of tenure and sized affordable properties, although these could go beyond meeting the increased local demand.

With reference to the Discounted Open Market properties, a discount of at least 30% would be required to provide an affordable housing option within the reach of the local incomes.

The developer should seek to provide affordable homes through a Registered Provider on Taunton Deane’s preferred affordable housing development partners list and the rented units should be allocated through the Choice Based Lettings system, Homefinder Somerset. All of the affordable homes should have a local connection requirement.

*HOUSING ENABLING COMMENTS – Updated 17 May 2019:*

Following detailed discussions with the applicant and representatives of the Parish Council further work has been undertaken to establish the housing need within the Parish. Housing Enabling are supportive of the findings identified within the updated Housing Need Assessment report received 9<sup>th</sup> May 2019.



An independent viability assessment was commissioned in line with the adopted Affordable Housing SPD (Section 1.10 – Rural Exception Sites) and concluded the proposed scheme is unable to provide more additional affordable housing to that proposed.

The affordable housing mix of 14 for this proposed scheme is considered to provide a broad mix of tenure and sized affordable properties to meet the local communities housing needs, With reference to the Discounted Open Market properties, a discount of at least 30% would be required to provide an affordable housing option within the reach of the local incomes.

The developer should seek to provide affordable homes through a Registered Provider on the Councils preferred affordable housing development partners list and the rented units should be allocated through the Choice Based Lettings system, Homefinder Somerset.

All the affordable units should be subject to the local connection and as such the local connection clause is to be included within a S106 agreement.

*HOUSING STANDARDS* - No comment.

*LEISURE DEVELOPMENT* - A LEAP and a children's play area should be provided. Alternatively, as the development is near to an existing playing field, an off-site contribution of £3,263 per each 2 bed + dwelling could be accepted. The contribution to be index linked and spent on additional children's play equipment in the playing field.

*SCC - CHIEF EDUCATION OFFICER* - No comment.

*ENVIRONMENT AGENCY* - No comment.

*WESSEX WATER* - We have no objections in principle to this application, please review the additional information below which confirms an approach as the site progresses through planning.

### **Surface Water Strategy**

No comments as the applicant has indicated a connection to land drainage and in line with the SUDs hierarchy.

### **Foul drainage Strategy**

As indicated under section 6 – FOUL DRAINAGE of the attached drainage report. The Applicant has requested a point of connection to our 150 mm dia foul sewers in church road with a mixed scheme utilising both pumped and gravity sewers.

The 150 mm dia foul sewers at the point of connection has adequate capacity to accommodate the proposed flows.

The sewer line upstream from the point of connection is a 100 mm dia foul sewers. It has been clearly communicated to the developer that upsizing will be required if the point of connection is to be reviewed closer to the site and to this 100 mm dia.

The foul sewers after the point of connection gravitate southwards through back gardens; Upsizing this length of sewers will prove significantly difficult and as such

any changes to the proposal are to be communicated effectively to Wessex water. A revised drainage strategy may require a split connection to minimise the impact from any additional flows.

As the developer is proposing to pump a portion of said foul flows. WW will need to agree a flow rate which considers capacity as well as septicity as the site progresses.

Additional consideration should also be given to the easement around the pumping station; Design guidance published by WRc “Sewers for Adoption” provides for a minimum clearance of 15 metres from site boundary to habitable dwellings. This recognises the potential risk of nuisance from odour, noise and vibration. This measure is stated to overcome repeated complaints arising from operating conditions and maintenance activities. We will advise against habitable dwellings being constructed closer than 15 metres to pumping stations to avoid nuisance or complaint.

A separate system of draining the site is required to service the site and can be reviewed in detail at detailed design.

(a plan showing route and temporary storage areas, detailed calculations based on final layout as well as any maintenance and adoption proposals.)

Where the site’s revised layout affects our 100 mm dia foul sewers and rising mains to the south of the site. Statutory easements will be required.

*DRAINAGE ENGINEER* - The drainage strategy is based on connecting the site drainage to a ditch to the north of the development. It is not clear how this ditch connects to the wider network. I have been in contact with the Somerset Drainage Boards Consortium, who share similar concerns.

The surface water flood maps for the area suggests a flow route along Slough Road and within the Granny Gothards ice cream site, which then heads towards the Drainage Boards district to the north east. The impact of the development on this area needs to be fully considered in the FRA and drainage strategy.

We are extremely disappointed to see a piped-to-pond network proposed at this development. There are many opportunities to deliver a high quality, multi benefit SUDS scheme as part of this development, given the space available and the rural location, and we urge this to be strongly encouraged through the planning process. The layout of the site should be designed so as to respect the existing drainage regime as much as possible.

The applicant is advised to contact us to discuss the SUDS proposals should the point of discharge be resolved.

*DRAINAGE BOARD* - The Board **objects** to the proposals for the following reasons:

The proposals are to discharge into a watercourse towards the north of the proposed development. This watercourse is not shown on ordnance survey plans and therefore it cannot be determined if this connects to the wider network of watercourses within the Board’s District where watercourses are well managed. If it is not connected, the proposals could increase flood risk. Further information is

required.

*LOCAL LEAD FLOOD AUTHORITY* - I am happy with the proposals in terms of the on site drainage and SUDS provision. I assume that the Drainage Board are satisfied with the rates? I would want any condition to secure those SUDS features shown on the plans, as they offer a range of benefits. It is a shame that the main attenuation is not more integrated into the development site, so that it can become a landscape and amenity feature, but this isn't a point of objection.

Right of connection/ access to the receiving ditch going forward must be secured and Land Drainage Consent for the structures and any amendments to the ditch will need to be sought from ourselves.

Condition: No development shall be commenced until details of the surface water drainage scheme in accordance with the FRA (Rev C) and Drainage Strategy Plan (Spring Design 2321/500 Rev A dated 01/04/2019) together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National

Planning Policy Framework.

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE* - No comment.

*POLICE ARCHITECTURAL LIAISON OFFICER* -

**Layout of Roads & Footpaths** - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. 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. I have some concerns regarding the proposed footpath link between Plots 12-13, which potentially increases these dwellings to the risk of burglary and ASB at the side via this footpath. There appears to be an alternative route close by via the gable end of Plot 11 and I recommend that the former footpath link be eliminated from the scheme.

**Orientation of Dwellings** – all the dwellings appear to overlook the street and public open spaces which allows neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection.

**Communal Areas** – have the potential to generate crime, the fear of crime and ASB and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. The proposed communal area in this development comprises the landscaped buffer to the rear of Plots 1- 4, 11-15 and side of Plots 5 & 10, enabling surveillance from first floor bedrooms only. Some of these dwellings comprise bungalows, however, I recommend that a first floor window be incorporated into the gable end of Plot 5 which overlooks the landscaped buffer.

**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 areas, 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 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fencing and lockable. This is particularly relevant in respect of the dwellings backing onto the landscaped buffer. Judging from the Indicative Site Layout Plan, these recommendations have been incorporated into the scheme.

**Car Parking** – appears to be a mix of on-plot garages and parking spaces and a communal on-street parking court. On-plot parking is the recommended option but the communal parking court is small in nature, close to and well overlooked from homes they serve, which is also recommended in respect of this type of parking

arrangement.

**Landscaping/Planting** - should not impede opportunities for natural surveillance and must avoid creating 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 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. This is particularly relevant in respect of the proposed landscaped buffer.

**Street Lighting** – all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas 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 means of access into 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 police approved '**SBD Homes 2016**' design guide available on the Secured by Design website which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

**SOMERSET CPRE** - **objects** to this planning application. There is no evidence of demand for housing in the area and this proposed development is not in accord with planning policy.

This is a speculative application for a significant housing development in open countryside outside the settlement boundary of Stoke St Gregory. The site was not identified for development at any stage in the TDBC consultations on planning policy and site allocations and settlement boundaries. In addition, the location is unsustainable because there is limited employment in the area and the occupants of the houses would be reliant upon the private car to access employment and services. The development would promote what the [Transport for New Homes](#) campaign identifies in their recent report as 'carbased living'.

In light of the above, the proposal is contrary to Policies CP1 (Climate Change), CP4 (Housing), CP8 (Environment), SP1 (Sustainable Development Locations) and SP4 (Realising the vision for the Rural Area) of the Taunton Deane Core Strategy. These policies clearly define the areas in which the development of new housing will be supported and aim to avoid dispersed patterns of development which increase the need to use the private car to access employment and services.

This development would be an unplanned and unwarranted incursion into open countryside and should be refused.

*SCC HISTORIC ENV SERVICE* - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

## **Representations Received**

Eighteen letters of support have been received and are summarised below:

- Supports the principle but the design doesn't reflect local character;
- New housing will support the local shop, pub and school;
- It provides affordable housing;
- CIL funds should go to support the local school;
- It will improve the housing choice within the village.

Thirty letters of objection have been received in relation to the original plans. Five additional letters have been received in connection with the revised plans. The main issues raised include:

- The site is outside the settlement boundary and the development would be contrary to policy;
- No housing need has been identified and the Council's own survey carried out 2 years showed no demand;
- The Parish Council's survey is limited in scope and not independent. There is no information to show that any of the respondents are connected to the local area;
- The village school is already at capacity;
- The new access onto Willey Road is dangerous and close to a bend;
- Pedestrian access to the village is poor due to the lack of pavements;
- The pre-application consultation was poor;
- It will result in loss of light and overlooking of adjoining properties;
- Partial loss of ancient hedge;
- The local bus service terminates in April 2019 so the development will be car - reliant;
- Alternative sites are available in the village which are owned by a Housing Association and should be developed first;

- Alternative accesses are available from Church Close and Slough Lane

Letter of support from Coates English Willow, a local employer. The lack of available local housing in the village makes it difficult to recruit staff.

A petition of 14 signatures has been received, raising an objection to the loss of the hedgerow to enable the footpath to be provided.

**SOUTHWESTERN HOUSING SOCIETY** - There is a need for the properties earmarked at Stoke St Gregory. We feel that the mix and tenure of the properties lend themselves well to fulfilling a variety of needs, many of which may be latent within the settlement. We have other properties in the village that are always relet very quickly whenever vacancies arise. We discussed the mix with enabling colleagues at TDBC prior to the application being made.

**STOKE ST GREGORY PRIMARY SCHOOL** - The school is already full to capacity. Currently the school does not have enough space to accommodate extra pupils and will need to extend its buildings. The Governors seek assurances that the CIL funding arising from this development will go specifically to the local school.

## **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.

SD1 - Presumption in favour of sustainable development,  
SP1 - Sustainable development locations,  
CP4 - Housing,  
CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
DM4 - Design,  
DM5 - Use of resources and sustainable design,  
SB1 - Settlement Boundaries,  
C2 - Provision of recreational open space,  
D7 - Design quality,  
D10 - Dwelling Sizes,  
D12 - Amenity space,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwellings is CIL liable.

Proposed development measures approx. 3650sqm.

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 £456,250.00. With index linking this increases to approximately £607,000.00.

### **New Homes Bonus**

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

#### *1 Year Payment*

Taunton Deane Borough	£36,688
Somerset County Council	£9,172

#### *6 Year Payment*

Taunton Deane Borough	£220,130
Somerset County Council	£55,032

## **Determining issues and considerations**

### **The Principle of Development**

The Taunton Deane Core Strategy 2012 sets out the most accessible and sustainable locations for development within the Borough. Policy SP1 sets out a settlement hierarchy with the Taunton urban area being the main focus of growth. Within the rural areas, Stoke St Gregory is identified as a smaller village where settlement boundaries will be retained. Development outside of these boundaries will be assessed as being in open countryside under Policy DM2. Core Strategy Policy SP4 relating to the vision for rural areas seeks to encourage a "step change" in the provision of rural housing. Such sites are to be considered under Core Strategy Policy DM2. As the site lies outside the settlement boundary, the application must be assessed against Policy DM2. It states that affordable housing will be supported outside settlements if:

*a) adjoining settlement limits, provided no suitable site is available within the rural*



centre,

*b) in other locations well related to existing facilities and to meet an identified local need which cannot be met in the nearest identified rural centre.*

The proposed development cannot be considered to fall within the Rural Exception Sites criteria as it is not wholly affordable. However, the Council's Affordable Housing SPD adopted in May 2014 states that affordable housing within or adjacent to rural settlements can be acceptable as long as there is an identified housing need.

The SPD states that *"the Council will expect these developments to be small scale and should:*

*Meet or help to meet a proven and specific local need for affordable housing in the Parish or adjoining rural Parishes, which would not otherwise be met. Local housing needs will need to be demonstrated via an up to date Parish survey. The cost of the survey is to be borne by the applicant.*

*Be within or adjacent to the settlement boundary, well related to existing community services and facilities and sympathetic to the form and character of the village.*

*Consider all available sites around a settlement in order to identify the most suitable site. The development should be of an appropriate size as not to have an overbearing impact on the settlement or the countryside.*

*Arrangements will be secured to ensure that initial and subsequent occupancy of the dwellings is restricted first to those having an identified local need for affordable housing through the use of appropriate safeguards, including planning conditions or Section 106 obligations.*

*In the event that a small proportion of cross subsidy through open market housing is required to facilitate the provision of the remaining affordable housing to meet an identified local need, this will need to be discussed with the planning officer and housing enabling lead prior to submitting a planning application. A detailed statement, including viability information independently verified at the applicants cost by the Council's preferred independent assessor should be submitted with the planning application."*

In this case, although the site is in open countryside it is located adjacent to the village settlement boundary, which lies to the south. The village has limited services including a primary school, a shop and a pub. It is no longer served by public transport with the bus service ceasing in April 2019. Pedestrian access to these existing local facilities is currently difficult due to a lack of a footpath along this section of Willey Road. The site does not perform well in terms of being a sustainable location due to the lack of public transport, meaning that the new occupiers will be dependent on the private car. However, the site is within walking distance of the local school, shop, pub and playing fields.

## **Identified Need for Housing**

A Housing Need Survey (HNS) was undertaken by Taunton Deane BC in 2016, on behalf of Stoke St Gregory Parish Council. It identified a need for up to 11 affordable houses within the parish. This survey has a lifespan of up to 5 years and remains a material consideration in the determination of this application. The Parish Council has recently carried out its own updated HNS based on a questionnaire publicised from the village shop. The Parish Council felt that the level of housing need is higher than that identified in 2016. This survey is not a full HNS but the methodology for the revisions has been carried out following advice from the Council's Housing Lead. The revised survey identifies that there is a need for 21 affordable units within the parish.

The application proposes 14 affordable units on site to meet the identified need, a provision of 41%. The Viability Assessment has been independently assessed and concludes that any increase in the number of affordable housing units would affect the viability of the scheme. In other words, any reduction in the number of open market dwellings will result in fewer affordable units being provided. The Council's Housing Lead is satisfied that the development would meet an identified need for affordable housing.

## **Design and Layout**

The character of Stoke St Gregory within the vicinity of the application site is defined by inter- and post-war two storey dwellings and bungalows. The relatively modern development in Church Close to the south is a mix of two storey dwellings and bungalows grouped around a series of cul-de-sacs. The predominant material is red brick with clay tiled roofs. Four pairs of semi-detached dwellings with rendered elevations are located opposite the site in Willey Road. The proposed layout shows a row of 5 bungalows which will back onto Willey Road. The rest of the layout comprises a mix of semi-detached, detached dwellings and two bungalows arranged around three cul-de-sacs. The proposed materials are a mix of red brick, render and reconstituted stone with slate or clay type roof tiles. The proposed materials will fit in with the overall character of the adjoining dwellings. The scale and extent of the development is considered to be rather large in relation to the size of the existing village. It constitutes a large proportion of new build within a small settlement, in a less than sustainable location. The design and layout is fairly standard and is rather suburban for a rural site such as this. However, the design reflects recent development at Overlands in North Curry which was initially allowed on appeal. Furthermore, there is an identified need for affordable housing within the village with its associated community benefits. It is not considered that a refusal on design grounds could be sustained on appeal.

## **Highways**

The plans have been revised to increase the level of car parking; to improve the visibility splays and to provide a new pavement on Willey Road. This pavement will, in future, link up with a new pavement on the opposite side of the road which is associated with the playing field improvements. These are proposed as part of a separate planning application which has yet to be determined. A new footpath link will be made to an existing PROW to the south of the site which will connect to

Church Close. The two new pavements will improve the permeability of the site, enabling two separate pedestrian routes into the village. The removal of the hedgerow to create a new vehicular access will improve the visibility. Somerset County Highways has raised no objection in principle subject to the imposition of a number of conditions. These will ensure that the highway works are carried out satisfactorily.

### **Ecology**

The proposal is supported by a Preliminary Ecological Survey which identified that the eastern and western hedges may be suitable for dormice. These hedgerows may also be used by foraging and commuting bats. It is recommended that a dormice survey is carried out and mitigation measures put in place to protect bats, birds and reptiles. This can be secured by condition.

### **Public Open Space**

Development on the site would generate a requirement for a financial contribution towards off-site play equipment. There is an existing playing field almost opposite the site in Willey Road. This is the subject of a separate planning application which is undetermined. A financial contribution for improvements to these playing fields can be secured via a Section 106 agreement.

### **Flood Risk and Drainage**

The site is located in a Flood Zone 1, an area of the lowest flood risk. The surface water will drain to a ditch in the north east boundary and also to a new attenuation pond. Foul water will either drain by gravity, or by a new pumping station. The principle of the proposed drainage system is considered acceptable subject to the submission of further information. This can be secured by planning condition and also by separate approvals from the drainage and highway authorities.

### **Conclusion**

The NPPF encourages a proactive approach to providing affordable housing in areas where there are identified needs and where open market housing is required to facilitate the development. The proposal accords with Policy DM2 as the site adjoins the settlement boundary and is within walking distance of the school, playing fields, pub and shop. It is recommended that planning permission is granted subject to a Section 106 agreement to secure the affordable housing and the financial contribution for off-site play provision.

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

**Contact Officer: Ms A Penn**



36/19/0006

MRS J PINE

**Change of use from barn to licensed wedding ceremony venue/meeting room with formation of access and track at The Malt Barn, Meare Green Farm, Meare Green, Stoke St Gregory**

Location: THE MALT BARN, MEARE GREEN FARM, MEARE GREEN, STOKE  
ST GREGORY TAUNTON, TA3 6HT

Grid Reference: 333428.126616 Full Planning Permission

---

## **Recommendation**

**Recommended decision: Conditional Approval**

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

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

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

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

(A3) DrNo P\_01 Rev 2 General Arrangement & Visibility Splays

(A3) DrNo 1001-SK-103 Existing Floor Plan & Section

(A3) DrNo 1001-SK-104 Existing Elevations

(A3) DrNo 1001-SK-107 Location Plan

(A3) DrNo 1001-SK-108 Block Plan

(A4) Dr No P\_02 P1 Existing and Proposed access elevations

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

3. 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 79 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interest of highway safety.

4. Before the development hereby permitted is first brought into use :

(1) a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which, to include any gates and position of connection with the existing private consolidated area/road or car park shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

(2) Details of the proposed overflow car park shall have been submitted to and approved in writing by the Local Planning Authority. The car park shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

(3) Details of the proposed new hedge shown on drawing P\_02 P1 shall have been submitted to and approved in writing by the Local Planning Authority. The hedge shall be planted in accordance with the agreed details and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety.

5. Any entrance gates erected shall be hung to open inwards. Vehicular access gates shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

6. 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 use and thereafter maintained at all times.

Reason: In the interests of highway safety.

7. The area allocated for parking and turning on the submitted plan, drawing number 1001-SK-108 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

8. The premises shall be used for licensed wedding ceremonies and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To prevent changes to unacceptable uses.

## 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 has negotiated amendments to the application to enable the grant of planning permission.
2. The applicant may be required to secure an appropriate legal agreement/licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

## Proposal

Change of use from barn to licensed wedding ceremony venue with formation of new access track. No external changes to the elevations are proposed. The proposal provides 2 areas of parking, one which currently exists providing 22 laid out spaces (but the area has capacity to accommodate more) and an overflow proposed car park providing 6 spaces. This area is currently not laid out as parking but is a grassed area accessed from the private drive within the farm. A new private access track is proposed to be constructed on land owned by the applicant, from the existing internal access road/informal car park, constructed as a porous plastic paving grid system, which then exits onto Meare Green road.

## Site Description

Meare Green farm is a 420 cow dairy farm located to the west of the classified road, Meare Green. It is accessed from Frog Lane. The application site is a vacant single-storey traditional stone (blue lias) building positioned to the north of an existing vehicle access road within the working farm. The internal space measures 9.5 m x 6 m. It is a double height space but doesn't have a first floor. The main opening is located on the western elevation which opens out onto a courtyard of buildings. A public right of way runs outside the building and through the farm. There are converted buildings opposite the site which are in residential use. There is an existing car park to the north of the building which is laid out for 22 spaces but could accommodate more as the area is larger. A proposed overflow car park, positioned adjacent to the new proposed access track indicates 6 further spaces. This is currently a grassed area and used on an informal basis for the parking of cars.

## Relevant Planning History

Planning application for change of use of barn to licensed wedding ceremony venue was withdrawn on 16.4.2019

## Consultation Responses

*STOKE ST GREGORY PARISH COUNCIL* - We oppose this application because we believe that if it became a popular venue for large parties it could have a seriously negative effect on the surrounding residential area, in terms of both noise and traffic.

*SCC - TRANSPORT DEVELOPMENT GROUP* -

The proposal is for the change of use of a consented residential building into a licensed wedding ceremony venue/meeting room with the formation of an access track at the above address.

For clarity, in terms of traffic impact the Highway Authority do not object to the proposal.

The access to the proposal site sits off the classified Meare Green Road. The posted speed limit on the classified road is 40mph. The applicant has proposed visibility splay dimensions of 2.4 metres x 79 metres in both directions, which in this instance is compliant with Manual For Streets 2 (MfS 2) and is considered as the minimum acceptable 'Y' visibility distance for the nature of this application.

Detail within the application highlights the proposed access would be used solely for the wedding guests and associated parties. However, the application also proposes to use the consented building for meetings, workshops etc but does not clarify whether associated parties for such activities will have the capacity to also be served by the private access proposed. It is advised that this is made available such associates given the limited visibility from Frog Lane onto Meare Green Road. However, it is noted that the location of the proposed access does sit in close proximity to Frog Lane to the west, Huntham Lane to the south east and an existing access on the opposite side of the highway. Whilst Frog Lane and Huntham Lane are considered as lightly trafficked rural roads, the Highway Authority are mindful of the multiplicity of junctions and access points (including the access proposed for this application). Whilst it would be difficult to sustain an objection in this instance, should future vehicular intensification occur at the application site it would only increase the potential for vehicular conflict. The applicant may wish to consider the extent of their land ownership along Meare Green Lane and the practicality of an alternative access point which may help alleviate this.

The dimensions of the proposed access onto the classified highway would appear acceptable in this instance, although the applicant may also wish to consider a passing area within the internal access track.

Turning to the internal layout, it is unclear where the private access track will connect with the existing private consolidated area/road. Drawing No: 1001-SK-108 and P\_01 P2 appear to contradict one another. Should the private access track enter the consolidated area of the site as proposed on Drawing No: P\_01 P2, whilst anticipated vehicle speeds and movements coming from Frog Lane into the site are likely to be low, a splay of 2m x 12m to the south would be preferred. In this instance, the 'y' distance as measured from up to 1 metre out from the highway verge on Frog Lane would be acceptable in this instance.

If the LPA are minded approving the planning proposal, it is recommended that the following conditions are attached.

- 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 79 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.



- Before the development hereby permitted is first brought into use, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

- Any entrance gates erected shall be hung to open inwards. Vehicular access gates shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

- 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 use and thereafter maintained at all times.

- The area allocated for parking and turning on the submitted plan, drawing number 1001-SK-108 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted

The applicant may be required to secure an appropriate legal agreement/licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

*ECONOMIC DEVELOPMENT* - No response

*ENVIRONMENTAL HEALTH LICENSING* - No response

*ENVIRONMENTAL HEALTH - FOOD SAFETY* - No response

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - No response

## **Representations Received**

8 letters of support/no objection received stating the following:

- NFU Support for rural farmers and enables them to remain viable through diversified enterprises
- Farm diversification plays a huge part in enhancement of rural community
- Funding available from the Rural Development Programme for England
- Will help deliver another profitable and viable farming enterprise
- Positive revenue for local businesses eg B&B, holiday lettings.
- Lovely idea: unique and intimate space for people to get married.
- Would have loved to have my wedding ceremony conducted in a rural community.
- No objection providing adheres to reasonable licensing hours and provides adequate access.

11 letters of objection on the following grounds

- Increased traffic on already overused road which is used by heavy vehicles.
- Unacceptable noise/light pollution from inevitable wedding receptions which

would be held.

- Mission Creep: What is asked for and what takes place after will change. If granted nothing to stop marquees being erected to hold wedding parties.
- No consideration for neighbours of current farming enterprise: mud on road with no notification.
- Lack of information regarding business plan
- Nuisance to neighbours
- Health & safety concerns: access to car park and public footpath pass in front of marriage venue which is not safe.
- Introduces another exit point onto already busy road. Users of the venue will use the existing tarmac road which has poor visibility.
- Insufficient parking, some of which doesn't exist. Rental units already use some of the existing parking.
- Loss of hedgerow.
- Venue too close to the busy working farm.

## **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.

CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
CP6 - Transport and accessibility,  
A1 - Parking Requirements,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
CP1 - Climate change,  
SD1 - Presumption in favour of sustainable development,  
SP4 - Realising the vision for rural areas,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

N/A

### **New Homes Bonus**

N/A

## **Determining issues and considerations**

The application site is located in the open countryside beyond any defined settlement, where new development is strictly controlled. The main considerations in relation to this application are the principle of the development, landscape impact, amenity impacts and highways impacts.

### **Principle**

The National Planning Policy Framework offers support for economic growth in rural areas through the provision of sustainable new development proposals. It states that decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses

Policy DM2 relates to development in the countryside, and the conversion and reuse of existing buildings in the countryside, demanding that such development must be delivered sustainably promoting sustainable patterns of development and allowing for economic growth and diversification. A range of acceptable uses are specified together with associated criteria which must be met. Development Policy DM1 will be applied to all development proposals, providing a wide ranging set of criteria and consistent approach against which to assess planning applications. The proposed development would make use of the existing vacant building and would not prejudice its dairy operations. The proposal would appear to broadly accord with the requirements of policies DM1 and DM2. The proposal is for an economic use that would not prejudice nearby agricultural operations and would not harm the landscape character. Furthermore, the proposal would not require substantial alteration, reconstruction or extension of the existing building.

### **Landscape Impact**

The application site is not located within any national or local landscape designation. The proposed development would not require any alterations to the external appearance of the existing barn. The new access track would require removal of part of the front hedgerow, but a new hedgerow and gates are proposed. The appearance of the site would therefore, be largely unchanged by the development. It is considered that the proposed change of use of the existing building would not harm the landscape character of the site or its surroundings, in accordance with planning policy requirements.

### **Amenity Impacts**

A number of objections have raised the issue of noise and disturbance to neighbouring occupiers through potential reception events taking place after the ceremony. There are residential dwellings surrounding the dairy farm and residential buildings opposite the Malt Barn within the dairy farm. This application, however, is for the change of use of the building only to a wedding ceremony venue and does

not include the consideration of any issues relating to reception events. Planning permission would be required for the holding of events (such as wedding receptions in a marquee) within a field in excess of 28 days in any one year. Given the erection/dismantling of the marquee would take at least 2 days, no more than 9 receptions could be held in any one year without planning permission. Further it is likely that a liquor licence would be required in any event, regardless of the need for planning permission. As such the holding of a ceremony within the building, should not result in any noise disturbance, over and above what already exists within a working farm, to neighbouring residents.

## **Highways Issues**

The location of the site dictates that visitors would mostly be dependent on private transportation, and the application details two parking areas with space for 28 vehicles to serve the development within the site. Objections raised are centred on the amount of traffic that would be attracted to the site, the impact such traffic would have on the surrounding road network, the addition of an extra exit onto the road and insufficient parking provided.

The previous application for the change of use of the building was withdrawn due to concerns regarding poor visibility from Frog Lane exiting the site. The application now under consideration proposes a new private access within the front grassed area located east of Frog Lane but being able to provide acceptable visibility in both directions. The posted speed limit on the classified road is 40mph. The applicant has proposed visibility splay dimensions of 2.4 metres x 79 metres in both directions, which in this instance is compliant with Manual For Streets 2 (MfS 2). County Highways have not raised an objection to the proposal in relation to highway safety issues, subject to the conditions listed above. It is impossible to be entirely accurate on the number of guests that the venue would be able to accommodate. However given the overall size of the building, 50 would appear to be an approximate number. In terms of the amount of car parking, the areas shown on drawing 1001-SK-108, which provides 28 spaces are considered sufficient. Additionally whilst this is a working farm with other vehicles using these areas, the applicants would be able to control the allocation of parking for other users, as the farm has other hard standing areas suitable for car parking on site. In terms of use of the new access by wedding guests, it is likely that temporary signage would be erected on the day of the ceremony, to guide guests to the intended access.

Whilst the proposal would generate a material increase in traffic on the local highway network, given the anticipated times and frequency of vehicle movements, it is considered that the overall traffic impact on the local highway network would not be so severe as to warrant a refusal of planning permission.

## **Conclusion**

The proposed development would meet the requirements of the policy regarding conversion of existing buildings and would not harm the amenities of nearby residents or surrounding landscape character. The site access, visibility and the capacity of the local road network are considered sufficient to accommodate the volume of traffic associated with the proposed use of the site. Therefore it is recommended that permission is granted subject to the conditions listed.

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

**Contact Officer: Jackie Lloyd**



46/19/0004

MR GALE

**Removal of Condition No. 11 of application 46/04/0020 to allow property to be occupied as a single dwelling house at Church View, Sawyers Hill, West Buckland (resubmission of 46/17/0052)**

Location: VALLEY COTTAGE, SAWYERS HILL, WEST BUCKLAND,  
WELLINGTON, TA21 9JZ

Grid Reference: 317174.120331 Removal or Variation of Condition(s)

---

## Recommendation

**Recommended decision: Refusal**

- 1 The proposal would result in a new residential dwelling in a non-sustainable location in the open countryside contrary to Government guidance contained within the NPPF 2019 and would be contrary to the requirements governing development in the open countryside contained within the adopted Taunton Deane Core Strategy policies SP1, DM2 and CP1.

## Recommended Conditions (if applicable)

### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## Proposal

(Section 73) Removal of holiday occupancy condition to planning permission 46/04/0020 to allow unencumbered residential use, as an open-market dwelling

## Site Description

Single storey, two-bedroom dwelling with small curtilage (hard-surfaced) located on the edge of West Buckland. The building was converted from a storage building to a one-bedroom residential holiday use under permission 46/04/0020, it has subsequently been extended to two bedrooms.

## Relevant Planning History

- 46/04/0020 – conversion of storage barn to holiday let – C/A – 8/7/2004
- 46/10/0021 - Erection of a single storey extension at Church View - C/A
- 46/11/0010 - Erection of single storey extension at Church View, Valley Cottage, West Buckland (Resubmission of 46/10/0021) (retention of works already undertaken) - C/A
- 46/12/0033 - removal of holiday occupancy condition to permission 46/04/0020 – refused – 13/2/2013
- 46/17/0052 – removal of holiday occupancy condition to permission 46/04/0020 – refused – 21/12/2017

## Consultation Responses

*WEST BUCKLAND PARISH COUNCIL* - support the application  
*SCC - RIGHTS OF WAY* - no comments received  
*SCC - TRANSPORT DEVELOPMENT GROUP* - standing advice  
*ENVIRONMENT AGENCY* - no comments received  
*ECONOMIC DEVELOPMENT* - no comments received  
*LANDSCAPE* - no observations

## Representations Received

Five letters of support have been received citing the fact that the building has been empty and unused for a long time and that there is a shortage of housing in the south-west.

## 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.

SP1 - Sustainable development locations,  
DM2 - Development in the countryside,  
CP8 - Environment,

This takes into account the recent adoption of the SADMP.



## **Local finance considerations**

### **Community Infrastructure Levy**

This development could be liable to pay Community Infrastructure Levy (CIL) contributions, the applicant is advised to contact the local planning authority's CIL officer for details if permission is granted.

## **Determining issues and considerations**

The main issues are: the agreement of the planning authority to determine a repeat application which is, in terms of the proposed development, identical to two previously refused applications (the most recent being in 2017); the principle of development; submitted evidence in support of the application; and the evaluation of the viability of the consented use in regards to the mooted reasons for removing the planning condition.

### **Introduction**

This application represents the third such application in six years to remove a condition to permission 46/04/0020 restricting use of the building (now a two bedroom bungalow) to holiday occupancy only, the most recent application (46/17/0052) being refused in 2017, with a prior application (46/12/0033) for the same Section 73 variation of conditions proposal refused in 2013. The local planning authority (LPA) therefore has to initially, under section 70 of the 1990 Town and Country Planning Act and amendments under the 2011 Localism Act, reach a view on whether such an application should be either declined to be determined or allowed to proceed beyond the validation stage, and is, in terms of the submitted content accompanying the application, materially different to earlier applications. It is considered that the submitted marketing evidence is a material difference to the previous 2017 application and therefore the LPA should reach a determination as to the merits of the application.

### **Principle of development**

In terms of the principle of development the site is in an open countryside location in which residential development is generally not supported. The original consent for conversion to a residential use was granted in 2004 precisely because the intended use was for holiday accommodation only. Since that time the building was let out to tourists over an 8 year period but this appears to have stopped in 2013 and over the last six years the building has been vacant and the applicants have submitted now three applications to remove the holiday condition. The policy reasons to refuse the application discussed in the report in 2017 are still valid to this application in regards to an unsustainable location and conflict with policies in respect of spatial strategy SP1 and DM2. There have been no significant changes in the Local Plan since the last refusal in 2017, with some changes to the NPPF 2019 as compared to the 2012 NPPF but none that would support this type of accommodation in open countryside locations (unless used for essential rural workers or to provide affordable dwellings). There are therefore no significant material changes to the previous policy reasons for refusal which would warrant grounds to give 'in principle' support to the current application.

## **Submitted evidence**

The main and different 'evidence' provided with this application is of the marketing of the property for sale and accounts related to the years when the building was let out from 2006 to 2013. The submitted accounts show some fallow years with a loss being made in 3 of the 8 years (from 2006 to 2013 inclusive) for which accounts have been submitted, however taking the years in profit and loss into account the total profit over the 8 year period was a low five-figure sum (excluding 'drawings' from the business bank account by the wife of the applicant, this is discussed below). Since 2013 the site has not been used or marketed for holiday letting purposes so it is difficult to reach a thoroughly reliable determination as to the viability of the business in current economic conditions. The agent has not explained why the applicants have ceased to run the business or why no more recent attempts have been made to let out the building as a holiday unit. The LPA therefore has to rely on out of date information in regards to the current viability of the building as an extant business. The agent has offered information regarding the marketing of the property as a dwelling with a holiday occupancy condition (but perhaps not as a currently functioning holiday unit business for sale), however whilst there is no doubt that it has been offered to the market it is open to question whether this has been at a realistic price. The advertisement from the Somerset County Gazette which includes the unit (single storey, two bedroom house with a holiday occupancy condition) prices it at £230,000, the same advertisement also features a two-storey, three bedroom dwelling, without any holiday occupancy conditions in the local area, at £235,000. It is expected that in normal circumstances a holiday use restriction imposed via a planning condition would considerably reduce the asking price of a property. The submitted evidence does not provide a convincing justification of a realistic price for the property taking into account the holiday restriction, nor does it explain why the business is no longer extant or the building being put to use for tourist letting purposes. A recent application (and permission granted) for conversion of an outbuilding to a holiday use in the same LPA area included a submission from the holiday letting company Sykes Cottages stating that holiday accommodation in Somerset is 'very popular' (see 10/18/0030).

Whilst the LPA accepts that the submitted figures for the use of the building up to 2013 do not show a high profit margin, they do demonstrate profitability over the longer term and recent (admittedly anecdotal) evidence indicates that tourist accommodation in the vicinity is in demand.

The submitted accounts and financial information have been provided to demonstrate that the consented use as a holiday let is unviable. The details of the accounts are confidential and whilst reference will be made to them, the figures will not be cited in this report, except in deliberately ambiguous terms which would not break commercial confidentiality. The question that has to be addressed in relation to the accounts is that of:

do they evidence an unsustainable and economically unviable business?

The accounts contain a basic income/expenditure and profit/loss annual summary, and individual income/expenditure entries from bank records. Whilst these do show 3 out of 8 years with a loss the other years show a reasonable profit and evidence of monies paid into the bank account shows what appears to be clear evidence of regular occupancy of the property after letting out, through the services of a holiday letting company. The void periods when the property was not let out appear to be short, except in one year where perhaps there was another explanation as to why

the holiday use took a marked downturn. Whilst information about the rental has not been provided directly the information in the accounts details regular payments from the same holiday letting company over the 8 year period, and suggest that the operation was a modest but still sustainable business. Only in one year do these generally good levels of occupancy slacken to what could be considered an unviable level. The calculation of profit and loss calculates income against expenditure, but the expenditure includes several drawings from the company by an individual who is assumed to be the wife of the applicant, as part of the annual expenditure. It can therefore be reasonably postulated that these 'drawings' are income from the business which should be added to the overall profit (minus losses) over the 8 year period. When added together the average weekly income over the total 8 year period appears to be a low three-figure sum. Given that the building was for most of the period a one bedroom holiday cottage this does not appear to show an unviable enterprise.

The question of the viability and cessation of operation of the holiday let business use of the building is important in assessing the proposed removal of the condition, and has further implications in terms of the asking price for which the property has been marketed. As the business use appears to have ceased around 2013 it is not being advertised as a current and operational holiday let with bookings, but rather as a dwelling with a holiday occupancy condition. Whilst it is acknowledged that the planning use class of C3 applies to both unencumbered, open-market dwellings, and those with a planning condition restricting occupancy to holidaymakers, in property terms the impact on value is considerably different for such a dwelling. This could be especially true if the commercial tourism letting of the property has stopped some six years ago so potential buyers would not be sure of investing in an ongoing and modestly profitable enterprise. The previous application (46/17/0052) for the same proposed development noted in the officer's report, that

"Evidently points made by the agent steer officers to the view that the occupancy of the property was quite high, thus questioning its viability without any current evidence to suggest otherwise."

This report (46/17/0052) also highlighted that the asking price when the building was offered for sale prior to the 2017 application, appeared to be close to the expected range (£215-259k in Taunton) for bungalows without any holiday occupancy condition, and that in the same appeal case cited in this application (by the agent for GTH) 'Gerberstone' the marketed value there was between 43-47% below normal prices due to the holiday condition.

In the submitted planning statement the previous officer report to 46/17/0052 is summarised thus "...the evidence was deemed to be the correct information, but due to the limited, inaccurate and outdated nature of the marketing evidence gathered, did not enable a decision to be fully made in response to Policy DM2". The LPA would dispute that this is an accurate summation of the reasons given in the report in relation to evidence which were two-fold: firstly the officer questioned the case that the business was not viable, secondly the marketing evidence was deemed to have failed to have shown that the property had been marketed at a price which genuinely reflected the reduction in value resulting from the planning conditions to consent 46/04/0020. To quote from the report, "the price of the property has been decreased over the course of this period, however the sale figure has never been previously agreed with the Council as being 'reasonable'..."

This application has stated that the building was offered for sale in range from an initial £275k down to the current price of £230k. Research on websites such as Zoopla and RightMove indicates that the range for comparable two-bedroom bungalows in a ten mile radius of West Buckland goes from approximately £150k up to approximately £350k, but this is for properties without any holiday occupancy conditions. Of the specified holiday units found in the Somerset area, through internet research, most were park-home style properties on established holiday encampments at prices often below £100k (but the LPA accepts that park-homes are not directly comparable), although one converted barn for a one bedroom bungalow was found in the Dulverton area for £160k. In the report for the 2017 application the officer noted that the price offered had not been agreed as 'reasonable' with the LPA in terms of accepting that the building had been marketed at a value reflective of the restriction. If the figure of more than 40% below normal market value is accepted for the reduction caused by a holiday condition then it is considered that the submitted evidence of marketing the property has not adjusted the price to reflect the effect on value that a holiday occupancy condition creates. No information has been supplied by the agent, despite being from the estate agents who are currently marketing the property, as to how the 'fair' price was calculated in respect of the inevitable reduction that a holiday occupancy condition imposes. If a hypothetical 40% reduction had been given with the offered sale this would mean that the figures of £230k-£275k equate to between £380k-£450k as the 'normal' market value for an unencumbered dwelling, (ie 60% is £230-£275k, 100% is £380-£450k). This is a price range considerably over even the most expensive properties that are unencumbered, open-market, two-bedroom bungalows, in the ten-mile radius area, at current prices. In the relevant section of the submitted Planning Statement the agent argues that "...the property was marketed at £275,000 which is a fair market value for the property and reflective of the occupancy restriction in place".

The agents for this application are the firm of local estate agents who are currently marketing the property for sale. They are therefore in a very good position to have provided a robust market valuation of the property at normal market value without a restrictive planning condition, and a second value with the condition in place, showing the current state of the bungalow market locally and how the 'fair' price in respect of the holiday occupancy condition was calculated. If the price asked was a 'fair' reflection of the expected holiday-condition reduction then this should have been calculated with a readily understandable formula using a percentage-decrease price calculation against current market values. Even at a percentage decrease of perhaps 20-30% the asking price range of £275-230k is close to the top end of the current (unencumbered, open-market) bungalow price range locally, and in no way accords with prices for holiday lodges or similar.

### **Conclusion**

No evidence has been submitted showing any attempt to continue using the building as a holiday unit, such as letters from holiday cottage companies stating that the building could not be let out. The submitted accounts show that when the building was in use for holiday letting occupancy rates were reasonable for such a property and a modest but generally steady income was accrued. The planning authority accordingly question the notion that the business use of the building is unviable as no robust evidence has been presented making this case, and the submitted

accounts appear to make the opposite case. Without clear evidence of an unviable business use for the consented holiday accommodation and of a marketing campaign to sell the property at a price reduction that concurs with that expected due to a holiday condition (on an agreed formula with the LPA) it is considered that there are no grounds to support the proposed removal of the condition. The reasons given to refuse the application in 2017 are essentially unchanged. It should be made clear to the applicant that any future period of marketing which may be used as evidence for subsequent applications to remove the condition, should be to a price where the LPA has been first consulted about how a fair evaluation of the reduction has been calculated.

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

**Contact Officer: Mr Alex Lawrey**



## Appeal Decisions Apr 2019

**Site:** Pipers Gate, Chapel Leigh Road, Lydeard St Lawrence, TA4 3RB

**Proposal:** Erection of Single Storey Extension to Front

**Application number:** 22/18/0018

### Reasons for refusal

The extension would be detrimental to the linear form and appearance of the dwelling and would adversely affect the historic nature and character of this curtilage listed building. It would not conserve the original appearance of the building as a traditional rural barn and would serve to domesticate the structure, therefore compromising and harming its appearance as a rural barn. This would be contrary to the very reason for its preservation in the form of a residential dwelling in the first place. The proposal is therefore contrary to Sections 79 and 196 and 127c of the NPPF and policies CP8, DM1d of the Taunton Deane Core Strategy and policy D5(A and D) of the Taunton Site Allocations and Development Management Plan (2016).

**Appeal decision: APPEAL DISMISSED**



---

## Appeal Decision

Site visit made on 16 April 2019

**by Andrew Tucker BA (Hons) IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 April 2019**

---

### Appeal Ref: APP/D3315/D/19/3223303

**Pipers Gate, Chapel Leigh Road, Lydeard St Lawrence, Taunton TA4 3RB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Paul and Kate James against the decision of Taunton Deane Borough Council.
  - The application Ref 22/18/0018, dated 31 October 2018, was refused by notice dated 24 December 2018.
  - The development proposed is single storey Kitchen extension.
- 

### Decision

1. The appeal is dismissed.

### Preliminary matter

2. On 1 April 2019 West Somerset Council merged with Taunton Deane Borough Council to become Somerset West and Taunton Council. The development plans for the merged local planning authority remain in place for the former area of

Taunton Deane Borough Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved Taunton Deane Borough Council.

3. The Council refer to the building subject of this appeal as listed, due to its historic association with the adjacent listed farmhouse. There is considerable doubt from the appellants that this is the case. I note that an application for listed building consent was not submitted for the proposed works, and I have no evidence to suggest that one has been requested by the Council. It is not necessary for me to come to a view on this in the context of this Section 78 appeal. The effect of the proposal on the significance of the building as a designated heritage asset would be considered through an application for listed building consent, were the Council to consider such an application to be necessary. However, it is appropriate for me to consider the effect of the proposal on the setting of the adjacent listed building.

## **Main Issue**

4. The effect of the proposal on the character and appearance of the building and the setting of the adjacent grade II listed building, referred to on the list description as Chipley Farmhouse.



## Reasons

5. Pipers Gates is a characterful historic stone property, that was converted to a dwelling from a barn in 2003. It has a simple linear form, with half hips at either end and is built from exposed uncoursed local stone, with render to the rear. It forms part of the setting of the listed building as it is approached along the lane to the east of the property, where the appeal property stands adjacent to stone boundary walls and outbuildings that together once formed an historic farmstead. The appeal property is located within a small rural hamlet called Chapel Leigh.
6. From within the garden area of the appeal property the residential character of the converted building is easily appreciated. A number of openings are arranged within its south elevation and the roof is fitted with an array of prominent silver edged solar panels, as well as a flue and the terminus of a soil vent pipe. Into this context the introduction of a simple lean-to extension, which adopts a contrasting roof pitch, thereby maintaining a distinction with the principle roof, and utilises a simple material palette, would not necessarily be harmful. The simple linear form of the building would be largely retained, and easily appreciated.
7. However, the simple form of the proposed extension would be compromised by the incorporation of an inverted dormer, to maintain natural light to an existing first floor room. This would be a significant interruption to the roof of what would otherwise be a suitably simple extension to a former agricultural building. The void within the roof plane, which would be drawn out across almost the entire length of the roof, would result in a complicated form that would not relate well to the simple agricultural character of the host building. I am of the view that this would harm the character and appearance of the existing building.
8. Although views of the extension from the lane are limited to the roof, the broken form of the roof plane would be quite apparent from this perspective. This would not relate well to what is otherwise a simple and pleasant group of buildings as viewed from the lane; comprising the former barn, walls and outbuildings. Although the principle listed building is not visible from this perspective, these buildings relate to the listed building in terms of their historical association. They form a clear component of the listed building's wider setting and contribute towards its significance. The proposal would erode this setting, harming the significance of the listed building.
9. The appellants refer to the existing rendered garaged, which is much closer to the listed building than the extension would be. However the garage has a simpler form, is detached and is not visible from the road.
10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
11. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The Framework states that when considering the impact of a proposed development on the significance of a designated

heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The Framework states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. There are no public benefits arising from the proposal that would outweigh the harm identified.

12. Therefore, I conclude that the proposal would harm the character and appearance of the appeal property, and the significance of the listed building by harming its setting, and would therefore be contrary to Policies CP8 and DM1 of the Taunton Deane Core Strategy adopted 2012, Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan adopted 2016 and the Framework, which together seek to ensure that development proposals are well designed, do not cause harm to the character and appearance of an area and conserve the historic environment.

## Conclusion

13. For the reasons above, the appeal is dismissed.

*Andrew Tucker*  
INSPECTOR

---

## Enforcement Appeal

**Site:** [Insert site address]

**Alleged Breach of planning control:** [Insert alleged breach]

**Reference Number:** [insert our reference]

**Appeal decision:** [INSERT DECISION]

**Site:** Land to north of Barnoaks, Worthy Lane, Creech St Michael, Taunton TA3 5EF

**Proposal:** Erection of 1 No. single storey dwelling

**Application number:** 14/18/0028

### Reason for refusal

The site lies outside a defined settlement boundary in the open countryside, where the policies of the Council restrict residential development in such locations, given their unsustainable location, unless the proposal serves an identified need. No such need is identified. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy DM2 (Development in the Countryside) and its associated sequential criteria, and policy SD1 (Presumption in favour of sustainable development) of the adopted Core Strategy 2011-2028. It is also contrary to policy SB1 (Settlement Boundaries) of the adopted Site Allocations and Development Management Plan 2016.

**Appeal decision: APPEAL DISMISSED**



---

## Appeal Decision

Site visit made on 16 April 2019

**by Andrew Tucker BA (Hons) IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 May 2019**

---

### Appeal Ref: APP/D3315/W/19/3220211

**Land to North of Barn Oaks, Worthy Lane, Creech St Michael, Taunton, Somerset**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs E Holland against the decision of Taunton Deane Borough Council.
  - The application Ref 14/18/0028, dated 13 September 2018, was refused by notice dated 13 December 2018.
  - The development proposed is the erection of single storey dwelling.
- 

### Decision

1. The appeal is dismissed.

## **Preliminary Matter**

2. On 1 April 2019 West Somerset Council merged with Taunton Deane Borough Council to become Somerset West and Taunton Council. The development plans for the merged local planning authority remain in place for the former area of Taunton Deane Borough Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved Taunton Deane Borough Council.

## **Application for costs**

3. An application for costs was made by Mrs E Holland against Somerset West and Taunton Council. This application is the subject of a separate Decision.

## **Main Issue**

4. Whether the site is suitably located for a dwelling, with particular regard to its location outside a defined settlement boundary.

## **Reasons**

5. Barn Oaks is a mid-20<sup>th</sup> century bungalow that sits in a large plot. The appeal proposal relates to the large garden to the rear. Part of this would be used to form a separate curtilage to serve a new single storey dwelling, accessed from a new driveway to the side of the existing bungalow.
6. The proposed dwelling would be sited outside of the defined settlement limit associated with Creech St Michael. I accept that Policy DM2 of the Taunton Deane Borough Council Adopted Core Strategy 2011 – 2028 (CS) does not

necessarily make a proposal for a single open market dwelling unacceptable outside a defined settlement limit, owing to the way the policy is worded.

However, Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016 (SADMP) makes it clear that development proposals outside settlement limits will be treated as being within open countryside. Supporting text to this Policy refers to the role settlement limits play in protecting the integrity of the countryside, providing a compact form to settlements, preventing sprawl and sporadic development and reducing the visual impact on the countryside. Policy SB1 of the SADMP also refers to CS Policy CP8, which states that development outside of settlement boundaries will be strictly controlled, and only permitted where it will, amongst other things, be appropriate in terms of scale, siting and design.

7. Although the group of existing dwellings associated with the appeal site are close to the village of Creech St Michael, an undeveloped field provides a break in built form between the edge of the village and these dwellings, which means that the existing dwellings have the appearance of being somewhat detached from the main settlement. The proposed dwelling would be close to three existing bungalows and could not be considered to be isolated, however it would stand in a somewhat detached position behind the existing bungalows. The proposed dwelling would be positioned adjacent to open agricultural land to the rear and would extend built form in that direction. This would be contrary to the pattern of development in the immediate area of the appeal site, where properties in the area front Worthy Lane, resulting in a consistent and simple linear form of development. There are no other examples of dwellings set back behind another in the immediate area.
8. Policy SB1 of the SADMP refers to policy SP1 of the CS, where settlement boundaries are identified. This Policy sets out the Council's approach for locating new development, insofar as it relates to the old area of Taunton Deane. In this Policy Creech St Michael is categorised as a Minor Rural Centre. The Policy states that development within such locations will be in the form of small scale allocations, sites within the defined settlement limit and sites fulfilling affordable housing exception criteria. The proposed dwelling would not accord with this Policy requirement, as it would not fit into any of these categories.
9. Policy SB1 of the SADMP also states that proposals will be assessed against Policy CP1 of the CS. Policy CP1 states that development proposals will need to demonstrate that the issue of climate change has been addressed by, amongst other things, reducing the need to travel through locational decisions.
10. I note that Creech St Michael has a good range of local services that have the potential to meet the everyday needs of its residents, and I am mindful of the appellant's clarification of what the term 'everyday services' could mean. Many of these services are within walking distance of the appeal site, however the walking route involves a short stretch of road that does not benefit from street lighting. This is moderately improved by the appellant's introduction of a street light, however, the route also has significant lengths with no dedicated footway. A substantial length of this would be along the main road through the village, which is narrow in places and appeared to be quite busy at the time of my site visit. I concur with the Inspector who determined the previous appeal<sup>1</sup>

---

<sup>1</sup> APP/D3315/W/17/3187285

and concluded that walking into the main part of the village to access local services would be generally unattractive to occupants of the proposed dwelling.

11. In support of the location the appellant has referred to significant growth allocations for Creech St Michael, and the planned development of nearby Monkton Heathfield, which would have a new district centre with a primary route that connects to the northern end of Creech St Michael. Although this may provide further services and facilities close to Creech St Michael in the future it is yet to be developed, so can only be given very little weight at this stage.
12. Further from the site is the large town of Taunton, with a wide range of services and facilities. The appellant has provided information relating to the potential to travel from the site to Taunton by bus, either via a service that runs through the village, making use of an accessible bus service or by travelling to the Park and Ride facility to access a much more frequent service into the town. The appellant suggests that this level of provision accords with Policy A5 of the SADMP. The proposed dwelling would appear to accord with the extracts of this Policy that the appellant has provided, however I do not have the full copy before me to enable me to make a proper assessment.
13. The appellant refers to an appeal decision in a different area<sup>2</sup>. In this decision the Inspector was satisfied that a 10-minute drive from a rural hamlet where the appeal site was located to an area with a substantial range of facilities was acceptable. I do not have full details of this case so am unable to be confident that this is directly comparable to this current appeal, so can only give this little weight.
14. In further support of the proposal the appellant refers to a paragraph from the Planning Practice Guidance<sup>3</sup>, which gives support for sustainable rural housing, and paragraph 103 of the National Planning Policy Framework which acknowledges a difference between sustainable transport solutions in urban and rural areas. The appellant also notes that the proposal is for a single dwelling so vehicle movements would be low. Whilst these factors, and those in the paragraphs above, carry some weight they are not sufficient to outweigh the clear conflict between the location of the proposed dwelling and the development plan position in terms of the settlement boundary of Creech St Michael.
15. Therefore the proposed site, located beyond the defined settlement boundary of Creech St Michael would not be suitably located for the proposed dwelling, as it would be in clear conflict with Policy SB1 of the SADMP and Policies SD1, SP1, CP1 and CP8 of the CS, which together, amongst other things, set out a presumption in favour of sustainable development, seek to ensure that development in the countryside outside defined settlement limits is strictly controlled, does not result in urban sprawl, does not increase the need to travel and is appropriate in terms of scale, siting and design.

---

<sup>2</sup> 3147166

<sup>3</sup> Paragraph: 001 Reference ID: 50-001-20160519 May 2016

## Conclusion

16. For the reasons above the appeal is dismissed.

*Andrew Tucker*  
INSPECTOR

**Site:** Dipford Farm, Gatchell Farm, Dipford Road, Trull, Taunton TA3 7NP

**Proposal:** Demolition of agricultural building with the erection of 1 No. detached dwelling with detached double garage and associated works

**Application number:** 42/18/0042

### Reason for refusal

The site lies outside a defined settlement boundary in the open countryside, where the policies of the Council restrict residential development in such locations, given their unsustainable location, unless the proposal serves an identified need. No such need is identified. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy CP1a (Climate Change), DM2 (Development in the Countryside) and its associated sequential criteria, and policy SD1 (Presumption in favour of sustainable development) of the adopted Core Strategy 2011-2028. It is also contrary to policy SB1 (Settlement Boundaries) of the adopted Site Allocations and Development Management Plan 2016.

**Appeal decision: APPEAL ALLOWED**



The Planning Inspectorate

---

## Appeal Decision

Site visit made on 16 April 2019

**by G Powys Jones MSc FRTPI**

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

**Decision date: 9<sup>th</sup> May 2019**

---

## **Appeal Ref: APP/D3315/W/19/3220853**

---

### **Barn and land to the east of Gatchell Farm, Dipford Road, Trull, Taunton, TA3 7NP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by AP and SM Parris and Son against the decision of Taunton Deane Borough Council.
  - The application Ref 42/18/0042, dated 26 October 2018, was refused by notice dated 18 December 2018.
  - The development proposed is the erection of a dwelling.
- 

## **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at Barn and land to the east of Gatchell Farm, Dipford Road, Trull, Taunton, TA3 7NP in accordance with the terms of the application Ref 42/18/0042, dated 26 October 2018, subject to the conditions set out in the attached Schedule to this decision.

## **Application for costs**

2. The appellants have made an application for costs against the Council. This is the subject of a separate decision.

## **Main issue**

3. The main issue is the locational acceptability of the proposal having regard to development plan policy.

## **Reasons**

4. The appeal site is comprised of land and agricultural buildings standing alongside Dipford Road, which itself leads into Trull, to the east. Although several dwellings are in evidence on this part of Dipford Road, agricultural fields predominate, conveying a distinct rural aura.
5. However, the locality is subject to significant future change in that the appeal site lies very close to the designated boundary of the proposed south-western expansion of Taunton as envisaged in Policy SS7 of the Council's Core Strategy (CS) and Policy TAU1 of Site Allocations and Development Management Plan (DMP). An outline planning application for a mixed development including approximately 2000 dwellings based on the designation awaits determination.
6. The appeal site lies close to, but outside the designated settlement boundary identifying the proposed urban expansion. DMP Policy SB1 deals with settlement boundaries and provides that proposals outside settlement



- boundaries will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2.
7. CS policy DM2 provides that, outside defined settlement limits, certain uses will be supported (not including housing development). However, as the Council has previously acknowledged at appeal<sup>1</sup> this policy does not state that other types of development will be refused. Other uses should be determined against CS Policy CP8, which deals with all development.
  8. CS Policy CP8 applies to all development outside the settlement boundary and is therefore relevant to this appeal. It provides that development outside settlement boundaries will be permitted where a number of criteria are met. Whilst the officer report, upon which the Council relies, lists Policy CP8 as one of the relevant development plan policies, there is no clear indication that it played any part in the assessment of the proposal made under the heading 'Determining Issues and Considerations'.
  9. The Council's sole reason for refusal does not cite a conflict with Policy CP8. In the absence of any evidence to the contrary presented by the Council, it appears to me, in so far as its criteria are applicable in the context of this appeal, that they are met. Of particular note, in terms of the local landscape, is that the Council acknowledges that the proposal would have no greater visual impact than the existing agricultural buildings. To my mind, this is to understate the position since, given the unsightly nature of the existing buildings and enclosures, which are largely comprised of concrete blockwork and rusting corrugated iron, the development would result in an enhancement of the local visual scene.
  10. Although CS Policy SD1 is cited in the reason for refusal, it does not appear in the list of relevant policies in the officer report, and nor is it discussed in the assessment of the proposal. It is, however, a policy directed to climate change, and one of its requirements is that development proposals should demonstrate that climate change has been addressed by reducing the need to travel through locational decisions. The Council says that since the nearest bus stop providing access to the nearest major centre is some 500m distant, along an unlit footway, it is likely that prospective occupiers of the new dwelling would be reliant on cars to access essential services.
  11. However, many of the day-to-day requirements of future residents would in my view be met, not in a major centre, but in the adjacent village of Trull. The village is not of an insignificant size, displaying a range of shops and services, including a primary school, post office, pub, community hall and church. Pedestrian access to the village centre would be obtained on the footway running alongside Dipford Road to its junction with Honiton Road. The footway is on the flat, within what I consider a reasonable walking and cycling distance of the services available in the village. That this part of Dipford Road is unlit is unlikely to act as a disincentive to future occupants to walk or cycle to the village during the day, when access to most services is likely to be required.
  12. When developed, additional facilities are planned to become available in the adjacent Taunton expansion development. With regard to access to services, I would not expect the car to be used more frequently by future occupiers of the

---

<sup>1</sup> APP/D3315/W/17/3179264

proposed dwelling than those residing in the dwellings comprised in the nearby major expansion scheme, when built.

13. I therefore conclude having regard to development plan policy that the appeal site is locationally acceptable and sustainable, and I find no conflict with the development plan in terms of settlement boundaries.

## Conditions

14. The Council has suggested the imposition of several conditions in addition to the one required by statute. I find that most are required, albeit that their form and wording may be subject to change.
15. It is necessary in the interests of certainty that the development be carried out in accordance with the approved plans.
16. The suggested landscaping condition is imposed in the interests of visual amenity. For the same reason a condition relating to external building materials is necessary.
17. In the interests of biodiversity, the conditions recommended by the Council's ecological officer are imposed.
18. In the interests of highway safety, the conditions suggested by the County Council as Highway Authority are imposed.

## Other matters

19. I have considered all other matters raised in the representations, including the views of the Parish Council and those of a local resident, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

## Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: 2618/1; /2; /3; /4; /5; /6; /7 & /8.
3. Prior to building above the dpc level, details of the external materials to be used in the construction of the dwelling shall be submitted to the local planning authority for its written approval. The approved details shall be implemented when the development proceeds above the dpc level.
4. Prior to the occupation or completion of the development hereby permitted, whichever is the sooner, a scheme of landscaping, including a scheme of site enclosure, shall be submitted to the local planning authority for its written approval.

5. All new planting in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following occupation of the building or completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. Before the dwelling is occupied details of the following matters shall be submitted for the written approval of the local planning authority: (a) the surface materials to be used in the construction of the proposed new access; (b) details of any entrance gates to be erected; (c) provision for surface water disposal; (d) a restoration scheme for the existing agricultural access, and (e) a scheme to ensure that the approved visibility splays are free of future obstruction. The access shall be built in accordance with the approved details and shall be retained thereafter as approved and in accordance with the approved schemes.
7. The use of the existing agricultural access shall cease no later than one month of the occupation of the dwelling, hereby permitted, and shall be restored in accordance with the approved details no later than 6 months of the occupation of the dwelling.
8. The development hereby permitted shall not commence (including any ground works or site clearance) until the applicant has undertaken a reptile survey of the site carried out at the appropriate time of year. The results of the surveys, and a scheme, shall be submitted to and approved in writing by the local planning authority before any work commences on site. The outcome of the survey should inform a scheme designed to avoid harm to any reptiles. Details in the scheme should identify:
  - methods for the safe trapping and translocation of any reptiles from areas where they're likely to come to harm from construction activities.
  - refuge or receptor areas for reptiles and providing protection to these areas from construction activities.
  - methods for preventing reptiles from re-entering areas where they are likely to come to harm from construction activities.
  - and provide information to all construction personnel about the scheme, including nature conservation and legal implications.
9. 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 and recommendations of the submitted Halpin Robbins Assessment, dated 13 May 2018 and shall include:
  - a. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - b. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
  - c. Measures for the retention and replacement and enhancement of places of rest for nesting birds

The measures or works and their timing shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local

Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently retained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

## APPEALS RECEIVED APRIL 2019

**Site:** 50 Northgate, Wiveliscombe, Taunton TA4 2LF

**Proposal:** Erection of 1 No. bungalow in the garden and formation of parking to serve both houses

**Application number:** 49/18/0010

**Appeal reference:** APP/D3315/W/19/3223963

**Enforcement Appeal:** No

---

**Site:** Staplegrove Inn, 206 Staplegrove Road, Staplegrove, Taunton TA2 6AL

**Proposal:** Change of use of public house (Class A4) to an 11 No. Bedroom house of multiple occupancy (Sui Generis - Large HMO)

**Application number:** 34/18/0014

**Appeal reference:** APP/D3315/W/19/3221218

**Enforcement Appeal:** No

---

**Site:**

**Proposal:**

**Application number:**

**Appeal reference:**

**Enforcement Appeal:** No

### Enforcement Appeal

**Site:** [Insert site address – normal text]

**Alleged breach of planning control:** [Insert description of development – normal text]

**Reference number:** [Insert application number – normal text]

**Appeal reference:** [Insert appeal number – normal text]

---



**APPEALS RECEIVED MAY2019**

**Site:** SAINSBURY SUPERMARKET, HANKRIDGE WAY, TAUNTON, TA1 2LR

**Proposal:** Installation of concession pod to the front of Sainsburys Supermarket, Hankridge Way Retail Park, Taunton

**Application number:** 48/18/0040

**Appeal reference:** APP/D3315/W/19/3224972

**Enforcement Appeal:** No

---

**Site:** DER BAUERNHOF, HEWS LANE, WIVELISCOMBE, TAUNTON TA4 3BU

**Proposal:** Erection of temporary farm workers accommodation at Der Bauernhof, Jews Lane, Wiveliscombe

**Application number:** 49/18/0008

**Appeal reference:** APP/D3315/W/19/3223097

**Enforcement Appeal:** No

-----  
**Enforcement Appeal**

**Site:** Land at Higher House Farm, Huntham, North Curry, Taunton, TA3 6EF

**Alleged breach of planning control:** S174 (2) (f) The steps required to comply with the requirements of the Notice are excessive and lesser steps would overcome the objections. Please state how the requirement should be varied.

Please note our exceptional circumstances at date of appeal.

Key Appeal Issues (Parts 1 and 2)

Appendix A Part 1 – Alleged Breach of Holiday Let Use / Occupation as Consented:-

Focusing carefully to the concise wording in Taunton Deane Borough Council's well respected Senior Enforcement Officer's letter dated 9 April 2010 we respectfully apply for a Minor Non Material Change of Condition 3 to Planning Applications 36/2003/026 and 36/2007/16 to "vary the holiday let condition" originally imposed on the property when it was converted, in order to equitably resolve this appeal.

This appeal, therefore, respectfully seeks the replacement of the 4 weeks in 12 limitation with the wording suggested in the "Government's Good Practice Guide" on Planning for Tourism in order make the holiday / recreational use of the building. I.e. the building should be used for holiday purpose only. The building shall NOT be occupied as a person's sole or main residence;

More importantly this Minor Non-material amendment would also concur with the precedent decisions made at other local comparable use premises eg

- a) Planning application no 36/18/0006 Stoke St Gregory, TA3 6HY.
- b) Planning Inspectorate Appeal Ref APP/D3315/A/07.2048307 A-C Kingston St Mary, TA2 8HL
- c) Planning application no 43/11/0006 Wellington, Somerset, TA21 9PQ
- d) Planning application no 28/10/001 Thurlbear, TA3 5AY

As this key point has not again been referred to since 2010, please may we most respectfully appeal for our LPA to make a similar minor, non-material modification to the permitted development under S96a of the TCPA 1990 as amended by the Planning Act 2008 to ensure a consistent approach to all respects.

Appendix A Part 2 – Re Alleged breach of use of adjoining Orchard Land (OS8669) as shown edged blue and red on the LFA enforcement plan as domestic curtilage;

- a) The fully enclosed orchard remains unchanged since purchase in 2004 and forms part of the freehold of the site. Its area including hedgerow boundaries has to be maintained under DEFRA guidelines to ensure against nuisance to adjoining arable land.
- b) The 3 very old, very modest, low height, temporary construction timber framed sheds and small greenhouse within this adjoining orchard area (as shown edged blue on the LPA plan) are located alongside the wind turbine site. Their use is primarily to store loges as winter fuel for the holiday let and implements and machinery necessary for the essential maintenance of the orchard.



These three old sheds have been on the site since the end of 2004 and have been seen by the LPA inspectors over the years during the site inspections for the siting of the wind turbine etc in connection with applications 26/07/0016, 26/2005/017 and APP/D3315.C/06/2019747.

The LPA has never previously objections or commented upon this particular matter until October 2018.

CONCLUSION – We were previously told by the LPA that planning consent would NOT be required for this old, modest sheds because of their temporary construction, sixe, low height et but it really deemed necessary, would very respectfully request consideration for a Certificate of Lawfulness for their existing use which has been continuous for more than 10 years prior to the date of issue of the enforcement notice.

**Reference number: E/0178/36/13**

**Appeal reference: APP/D3315/C/18/3214852**

---

