

SWT Planning Committee

Thursday, 20th June, 2019,
1.00 pm



Somerset West
and Taunton

The John Meikle Room - The Deane
House

Members: Simon Coles (Chair), Roger Habgood (Vice-Chair),
Jean Adkins, Ian Aldridge, Sue Buller, Ed Firmin, Marcia Hill,
Martin Hill, Mark Lithgow, Janet Lloyd, Chris Morgan,
Simon Nicholls, Ray Tully, Brenda Weston and Gwil Wren

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Planning Committee held on 30 May 2019.

(Pages 5 - 12)

3. 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.)

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

5. Public Question Time

6. 36/18/0047

Erection of replacement pavilion, equipment store and multi-use games area, alteration's to the access and provision of car parking area (as revised) at The Recreation Ground, Stoke St Gregory

(Pages 13 - 22)

7. 3/04/19/001

Variation of Condition No. 06 (restriction of occupancy) of application 3/04/15/011 at Allshire, Allshire Lane, Brushford, EX16 9JG

(Pages 23 - 26)

8. 43/18/0065

Erection of 23 No. dwellings including 5 affordable units with vehicular access, public open space, landscaping and associated works on land off Taunton Road, Wellington as amended by revised Flood Risk Assessment and revised plans

(Pages 27 - 52)

9. Latest Appeals and Decisions received

(Pages 53 - 66)



**JAMES HASSETT
CHIEF EXECUTIVE**

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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.

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

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SWT Planning Committee - 30 May 2019

Present:

Councillors Norman Cavill (In place of Chris Morgan), Marcia Hill, Martin Hill, Mark Lithgow, Ian Aldridge, Simon Coles, Ray Tully, Brenda Weston, Sue Buller, Gwil Wren, Loretta Whetlor (In place of Jean Adkins), Janet Lloyd and Roger Habgood

Officers: Rebecca Miller, Andrew Penna, Martin Evans, John Burton, Tracey Meadows and Alex Lawrey

Also Present: Councillor Phil Stone and Mrs A Elder

(The meeting commenced at 1.10 pm)

1. **Appointment of Chair**

Resolved that Councillor Simon Coles be appointed Chair of the Planning Committee for the remainder of the Municipal Year.

2. **Appointment of Vice-Chair**

Resolved that Councillor Roger Habgood be appointed Vice-Chair of the Planning Committee for the remainder of the Municipal Year.

3. **Apologies**

Apologies: Councillors Mrs Adkins, Firmin, Morgan, Nicholls

4. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Item No	Description of Interest	Reason	Action Taken
All Councillors	9	Letter from Collier Planning		All Councillors spoke and Voted
Councillor S Buller	12	Ward Member	Personal	Spoke and Voted
Councillor Mrs J Lloyd	11	Ward Member	Prejudicial	Took no part in the debate or vote
Councillor R Habgood	11	Previous Ward Member	Personal	Spoke and Voted

5. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the previous Taunton Deane Borough Council and West Somerset Council Planning Committees held on the 27th and 28th March 2019 circulated with the agenda)

Resolved that the minutes be noted for information only

6. **Public Participation**

APPLICATION NO	NAME	STANCE
08/17/0040	Mike Ginger on behalf of Rebecca Robinson Mike Ginger Stephen Pattinson Jason Woollacott Parish Councillor, Cheddon Fitzpaine Jo Pearson, Parish Clerk Cllr Andy Prithchard Martyn Twigg – Gladman Cllr Libby Lisgo – Ward Member	Objecting Agent in favour
3/21/18/094	Letty Green Julie Worth Mr and Mrs Murry (unable to attend so letter will be read out by appointed nominee) Nigel Padfield	Objecting
27/18/0002	Rob Gully Cllr Frances Gully - Neighbourhood planning lead for Oake Parish Council Sue Davies, Chair, Oake Parish Council	
3/31/19/001	Stogumber Parish Council Chair - Mr Chris Bramall	Objecting
32/18/0008	Application withdrawn	
36/18/0048	Mrs Grant Mrs Ginger Nick Sloan Sarah Durrant on behalf of Georgia Thompson Mr Tim Slattery Gill Slattery David House Andy Lainer Cllr Phil Stone (Ward Member)	Infavour
36/19/0006	Jennifer Cochrane	Objecting

	Mr David Ryland Hannah Lawrence Jane Pine	Applicant
46/19/0004	Alan Muir	Agent

7. **08/17/0040 outline planning permission 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**

Comments by members of the public;

- ANOB opinions ignored;
- The increased scale of houses would have an impact on the surrounding historic properties;
- Bats;
- Street lighting/dark skies;
- Negative impact on wildlife;
- This development contradicts the Garden Town proposals;
- Concerns with the high volumes of traffic that this development would create;
- Concerns with the cumulative impact;
- This site was out of the development limits;
- Over development of the site;
- Good grazing land should not be used for housing;
- Concerns with the impact on the character of the locality;
- Concerns with the large amount of hedge that was going to be removed;
- Safety issues for pedestrians and safe route to school;
- Local Plan not taken into consideration;
- Poor consultation with local residents;
- Flooding;
- Current access lane was not wide enough for the amount of traffic this development would create;
- Concerns with the further development planned off of Lyngford Lane;

The Member's debate centred on the following issues;

- This development contradicts the Garden Town proposals;
- This looks like a bolt on development;
- Concerns with the scale of the development;
- Consultation process not adequate;
- Development undermines the impact on the ANOB;
- Wildlife concerns;
- Traffic safety issues;
- Flooding;
- Loss of hedgerows;
- Impact on pollution in the area;

- Impact on Kings Hall and Hestercombe;
- Mitigation of the development;
- Another development was not needed in that area;

Councillor S Coles proposed and Councillor R Habgood seconded a motion that the application be **DEFERRED**

Reasons

- (a) Photos to be taken from appropriate viewpoints within the Quantocks AONB (using a 50 mm lens to replicate the human eye), in order to demonstrate/illustrate the impact of the proposal upon the AONB;
- (b) Explanation of the exact Agricultural Land Classification of the site in order to see whether or not it is appropriate for development;
- (c) A better explanation of the significance of the proposal in relation to policies DM2 and CP8 (is it in accordance with and why?);
- (d) Illustrative evidence showing where the off-site bat mitigation is proposed (plan);
- (e) Any impact upon the Councils 'aspirational' intentions in respect of the Northern Outer Distributor Road;
- (f) How does the proposal deal with the need for a footpath along the northern (hedge) edge of Cheddon Road;
- (g) Better traffic assessment and modelling. The existing evidence contains contradictions;
- (h) Explanation of the cumulative impact of this proposal together with all of the other housing schemes in the area;

The **Motion** was carried

At this point in the meeting the Committee took a break.

The meeting resumed at 3.10pm

8. **3/21/18/094 Erection of a single storey dementia care nursing home (amended scheme to 3/21/18/026) Dene House, Bircham Road, Alcombe, Minehead, TA24 6BY**

Comments by members of the public;

- Development out of keeping with other properties in the area;
- Over development of the site;
- Covenant on properties that restrict business use;
- Concerns that trees with a TPO had been cut down;
- Concerns that the development had been built within 3 meters of the main sewer;
- Impact on the neighbourhood and its elderly residents;

- Properties would be devalued;
- Inadequate parking for existing staff of Dene Lodge;
- Concerns that the plans were constantly changing;
- Creeping development;
- Concerns with the large boiler house;

The Member's debate centred on the following issues;

- Over development of the site;
- Concerns with the foot print of the new proposal;

Councillor R Habgood proposed and Councillor S Buller seconded a motion that the application be **APPROVED**

The **Motion** was carried

9. **27/18/0002 Erection of 18 No. Dwellings (9 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**

Comments by members of the public;

- Development was not sustainable;
- Viability flawed;
- Concerns with lack of public transport;
- The Housing Needs Survey that was completed in 2014 was now out of date;
- Development did not comply with the Core Strategy;
- Conflicts with Policy DM2 (amenity) and CP4 (small scale housing);
- The development does not reflect the needs of the village;

The Member's debate centred on the following issues;

- The development looked a good fit for the village;
- Lack of a bus route;
- Not sustainable;
- The development needs to be in easy walking distance of other amenities;

At this point in the meeting the Committee took a vote to extend for half an hour

- No employment near the site;
- No justification for this development found;

Councillor R Habgood proposed and Councillor N Cavill seconded a motion that the applications be **DEFERRED**

Reasons

- (a) Need up-to-date and further information regarding the exact level of need for Affordable Homes in the village. There is sufficient conflict in the information supplied by both ourselves, the applicant and the Parish Council;
- (b) Evidence that the sequential test has been appropriately applied in respect of policy DM2 - check to see whether the identified need could be met at other more appropriate sites or within other Parish Council boundaries;

The **Motion** was carried

10. **3/31/19/001 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**

Comments by members of the public;

- Over development of the site;
- Concerns with the increased height of the building;
- Concerns with the increased volume of the property;

The Member's debate centred on the following issues;

- Concerns with the roof line;
- Concerns with the increased pressure on sewage;

Councillor R Habgood proposed and Councillor G Wren seconded a motion that the application be **APPROVED**

The **Motion** was carried

11. **32/18/0008 Extension of hardcored area at Holbaines Meadows, Whiteball Road, Sampford Arundel, Wellington (Retention or works already completed)**

This was deferred at officer's request. We need to look again at the recent appeal decision for this site and check to see whether we are making the correct recommendation.

12. **36/18/0048 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**

Comments by members of the public;

- Concerns that the buffer zone created by the developer would not be maintained and responsibility passed onto the Parish Council;
- Drainage issues;
- Concerns with the sustainability of the village if this development did not go ahead;

- Parking issues;
- Residents were pleased that the Pavilion was being brought back to use;
- More smaller homes needed to enable young people to stay in the village;
- The development would help the local economy;
- Local services were gone or in decline in the village, the development would benefit this community;

At this point in the meeting Cllr Loretta Whetlor left the committee

The Member's debate centred on the following issues;

- This development would be a real boost to the community;
- This development was a good mix of social and affordable housing;
- Concerns of overcrowding in the local School;

At this point in the meeting the Committee took a vote to extend for half an hour

Councillor Mrs M Hill proposed and Councillor G Wren seconded a motion that the application be **APPROVED**

The **Motion** was carried

13. **36/19/0006 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**

Comments by members of the public;

- Concerns with the noise and disturbance that this change of use would cause to the neighbours;
- Not the right place to hold this type of venue;
- Concerns that this road was used by heavy vehicles;
- No risk assessments were carried out;
- Parking issues;
- Pedestrian access issues;
- The venue would benefit the local economy;
- Delightful small niche venue;

The Member's debate centred on the following issues;

- Concerns that there would be lots of weddings over a short period of time;
- Concerns with activities that would happen outside of the building;
- Concerns with the number of vehicles coming and going from the venue;

Councillor J Lloyd proposed and Councillor M Lithgow seconded a motion that the application be **APPROVED**

The **Motion** was carried

At this point in the meeting the Committee took a vote to extend for half an hour

14. **46/19/0004 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**

Comments by member of the public;

- Property had been on the market for 5 years with only eight viewings on the property;
- The DM2 Condition (Amenity) should be ignored;
- There were five letters of support and no objections for the removal of this condition;

The Member's debate centred on the following issues;

- The property did not have any outdoor amenities;
- The property was over marketed;
- Redundant farm building unsustainable in the open countryside;

Councillor Mrs M Hill proposed and Councillor G Wren seconded a motion that the application be **REFUSED** as per Officer Recommendation

15. **Latest Appeals and Decisions received**

Appeals Lodged/Decided – noted

(The Meeting ended at 7.30 pm)

36/18/0047

STOKE ST GREGORY PLAYING FIELD MANAGEMENT COMMITTEE

Erection of replacement pavilion, equipment store and multi use games area, alterations to the access and provision of car parking area (as revised) at The Recreation Ground, Stoke St Gregory

Location: Recreation Ground, Stoke St Gregory

Grid Reference: 334543.127285

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:

DrNo 18.74.01
DrNo 18.74.02B
DrNo 18.74.03
DrNo 18.74.04A
DrNo 18.74.05
DrNo 18.74.06
DrNo 18.74.07
DrNo 18.74.08A

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

3. No part of the development hereby permitted shall be first brought into use 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.

4. 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.

5. 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.

6. The development hereby permitted shall not be first brought into use 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: In the interests of highway safety.

7. During construction 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 construction phase of the site discontinues.

Reason: In the interests of highway safety.

8. The development hereby permitted shall not be commenced (including any demolition of the existing pavilion) 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.

Reason: To ascertain accurate and up to date usage of the site by bats.

Reason for Pre-Commencement: To safeguard a protected species.

9. The demolition of the existing pavilion shall not be commenced until details of a strategy to protect bats and nesting birds, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall 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 wildlife could be harmed by disturbance;
 3. Measures for the retention and replacement and enhancement of places of rest for bats;
 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 shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roost and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife.

Reason for Pre-Commencement: To safeguard a protected species.

10. (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.

Notes to Applicant

1. *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.*

Proposal

Planning permission is sought to replace an existing sports pavilion, implement store, relocation of 2 no. tennis courts, provide a new Multi-Use Games Area (MUGA), alterations to the existing vehicular access and provision of 14 parking spaces. No floodlighting is proposed.

Site Description

The application site relates to an existing village playing field located on the west side of Willey Road, Stoke St Gregory. It lies to the north of Huntham Close and to the south of no's 9 - 16 Willey Road. No's 5 - 8 Willey Road are sited opposite the site, close to the existing vehicular access into the site. The site is bounded on three sides by established hedgerows and trees. The roadside boundary onto Willey Road comprises a mix of hedgerow, post and rail fencing and a hedge set behind a grassed bank. The existing facilities on the playing fields comprise a small pavilion, an equipment store, 2 no. tennis courts, a small equipped playing area, a cricket square and open playing fields.

Relevant Planning History

36/18/0048 - Planning permission has been granted in principle by the Planning Committee for 34 no. dwellings and associated works on land on the opposite side of Willey Road (30th May 2019). This is subject to a Section 106 agreement to secure affordable housing and a financial contribution to off-site play provision. It is the applicant's intention to use this contribution to provide the new sports pavilion and improved recreational facilities which forms this application.

Consultation Responses

STOKE ST GREGORY PARISH COUNCIL - We support this application because it will solve many long-standing problems with the village playing field, and provide a very welcome improvement to the facilities available.

SCC - TRANSPORT DEVELOPMENT GROUP - Whilst there was no objection to the principle of the development proposed, the Highway Authority recommended the current access arrangements were revised in order to accommodate the intensification of vehicular movements into the site that the proposed development would generate.

A suitable pedestrian link was also recommended to accommodate the link between this proposal and a live residential application on the other side of Willey Road (36/18/0048). Therefore, the additional detail submitted has been assessed alongside the additional pedestrian/cycleway detail for the adjacent residential application site (36/18/0048). The following is with reference to drawings 18.74.02 & 18.74.08.

The most recent proposal put forward is for a simple T priority junction arrangement on Willey Road with visibility splays of 2.4 metres x 43 metres in both directions. This is considered acceptable. The Y distance needs to extend to the nearside carriageway edge in both directions with no encroachment onto third party land. The

proposed access road of 5.5 metres is considered acceptable.

The proposed access is likely to require the relocation of a telegraph pole and existing sign. Exact details of this will need to be agreed at a later stage and secured appropriately within the decision notice.

It is noted from the drawings that a 2m footway will be provided to the western side of Willey Road. This is the minimum recommended width in the DfT's Inclusive Mobility and is acceptable to the Highway Authority. However, for clarity the existing width of Willey Road shall not be narrowed as a compromise. No pedestrian crossing visibility splays have been shown on the drawings. 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, should be provided and shown on the drawings for assessment.

It is also unclear at the northern end of the proposed footway whether the applicants redline plan reaches the existing highway boundary. For clarity the applicant will need to demonstrate that they can lawfully and legally carry out the required highway works prior to any suitable legal agreement being negotiated.

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.

No swept path analysis has been provided at this time. Swept path analysis should be shown for vehicles moving around the bend within the recreation ground as well as in/out of the proposed junction itself. Swept path drawings should be provided based on the largest FTA Design Vehicle expected to use the junction at a scale of 1:200. All associated vehicles will need to be able to safely enter, manoeuvre and exit onto the public highway in a forward gear.

The applicant has proposed 14 vehicle spaces to accommodate the proposal, whilst the Highway Authority do not object to this level of proposed parking, it would be beneficial to provide additional overflow parking spaces to decrease any potential likelihood of vehicles parking on the nearby public highway. No cycle parking has been provided to date, it is recommended that a suitable number of cycle parking spaces are provided to encourage and promote sustainable travel as part of SCC Policy. Cycle parking should be sheltered, secure and easily accessible.

Adequate drainage provision will need to be made within the access road to prevent the discharge of surface water run-off from the site out onto the public highway. Interceptor drainage will need to be sized appropriately to ensure it can accommodate extreme rainfall events. Drainage measures may need to be introduced on both channels of Willey Road to intercept surface water upstream of both the proposed pedestrian crossing point and the new access junction.

The amended plans proposed now provide an improved access onto the public highway network where broadly speaking the points raised in our previous comments dated 5 February 2019 have been addressed. It is also recommended that a pedestrian and cycle access proposed is appropriately secured within the decision notice, which will require a suitable legal agreement.

With the above in mind there is no objection to the proposal, subject to the following conditions and detail to be agreed at a later stage:

- No part of the development hereby permitted shall be first brought into use 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.
- 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.
- 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 brought into use 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 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
- During construction 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 construction phase of the site discontinues.

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.

SCC - FLOOD RISK MANAGER - No comment.

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 existing 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 soakaways.

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 and 125mm rising main 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

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.

Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

According to the EA Flood Risk Maps the location is at risk of surface water flooding. The planning authority will need to be satisfied that the site is not at risk from surface water flooding or that the proposal will increase surface water flood risk elsewhere.

BIODIVERSITY - I cannot comment in detail on this application as no wildlife survey

has been submitted . In the Design and access it states that a bat survey will be undertaken in due course. I am uneasy about this as the building has potential to support bats.

I note that the applicant would like to quickly proceed with the games area and parking, so could any decision be split?

LEAD LOCAL FLOOD AUTHORITY - No comments to make.

Representations Received

Five letters of support have been received in respect of the original application:

- the courts and playing fields are well used and could benefit from floodlighting and a separate multi-use court;
- the old pavilion is decrepit and too small to entertain visiting clubs;
- improving the facilities will encourage wider local participation;
- the existing arrangement of parking outside the playing field during winter months discourages the use of the facilities.

Three letters of objection have been received in respect of the original application:

- there was poor consultation with the Playing Fields Management Committee prior to the planning application being submitted;
- the car lights from the new car park will shine into the houses on Willey Road;
- no details of floodlighting have been given;
- the existing vehicular access is unsafe and no improvements are proposed;
- the drainage on site is poor and the site gets flooded;
- not sure that there is a need for 3 tennis courts.

Two letters of support have been received in relation to the revised access and new pedestrian path.

A petition of 14 local signatures have been received objecting to the loss of the hedgerow to facilitate the new access and improve visibility.

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.

CP5 - Inclusive communities,
CP8 - Environment,
DM1 - General requirements,
C3 - Protection of recreational open space,

ENV1 - Protection of trees, woodland, orchards and hedgerows,

This takes into account the recent adoption of the SADMP.

Determining issues and considerations

The Principle of Development

The existing playing field is identified as a formal recreational space protected under SADMP Policy C3. The proposed new pavilion, new MUGA and relocated tennis courts will provide an enhanced recreational facility within the village. This would also accord with Core Strategy Policy CP5 which encourages the protection and improvement of good quality formal and informal play space within walking distance of where people live and work. The improvement works to the playing field will be funded by a Section 106 financial contribution associated with the new housing development on the opposite side of Willey Road, which was granted permission in principle at the last Planning Committee (36/18/0048). The principle of the development is therefore considered acceptable subject to detailed considerations on highways, impact on residential amenity and ecology.

Impact on Adjoining Residential Occupiers

The existing play equipment, tennis courts and pavilion are located close to the northern boundary of the site, some distance away from residential dwellings. The proposed new pavilion will be sited further to the east and south of the site, some 65 metres from the nearest dwellings in Willey Road. The new MUGA and tennis courts will be sited in the north west corner of the site, approximately 100 metres from nearby dwellings. This distance is considered to be a reasonable degree of separation. The applicant has confirmed that no floodlighting is currently proposed and this overcomes local concerns over light pollution. If floodlighting is required in the future, planning permission will be required and assessed on its merits. With regard to light pollution from the new car park, it is understood that the existing playing field is used for car parking when the ground is dry. It is considered that the formalisation of the parking on site will not result in a significant increase in light pollution. The proposal is considered to be acceptable in terms of impact on adjoining residential occupiers.

Highways

When the application was originally submitted, it was not proposed to carry out any changes to the existing access in the south east corner of the site. However, the existing access is located on a bend on a narrow road with no footway connection to the village. The plans have been revised at the request of the Highway Authority to show a widened access point opposite nos 5 & 6 Willey Road. In addition, it is proposed to remove a 50 metre section of hedgerow along the roadside boundary to improve visibility. The improved access will be tarmacked and 14 parking spaces laid out along the eastern boundary. Currently, cars are able to park informally on the grass during dry weather. During wet weather, cars park on Willey Road which restricts the road width. The formalisation of the on-street parking will result in an improvement in highway safety. The Highway Authority raises no objection in principle to the development subject to further details being secured by condition.

Ecology

It is noted by the Council's ecologist that there is the potential for bats within the existing dilapidated pavilion structure. Ideally, a bat survey should be carried out during the appropriate season, before the existing building is demolished. The applicant states that "It is understood that the demolition of the existing pavilion will first require a bat survey to be undertaken before any works are begun. It is the applicant's intention for this development to be phased so that the new pavilion will be constructed first before the re-organisation of the tennis courts which will require demolition of the existing structure. It is therefore suggested that this matter be dealt with by way of a condition to the planning permission so that this survey work can be done during the appropriate season. The existing structure will not be disturbed until this survey work and recommendations are undertaken." This is considered to be an appropriate way forward to safeguard the bats.

Visual Impact

The existing playing fields are very well screened from public view points due to established hedgerow boundaries. The existing pavilion is very discrete and partly screened by trees. The proposed new pavilion will be of a simple design with red/orange brick elevations and a tiled roof, with a verandah along the south elevation overlooking the cricket pitch. It will be larger in size in order to provide 2 separate changing rooms, a tea room with kitchen and changing facilities for officials. A separate implement store will also be provided. It appears that it may be necessary to fell a couple of trees and so new tree planting will be required by planning condition. The loss of part of the roadside hedgerow is regrettable but is considered necessary in terms of improving highway safety. New boundary planting will also be a requirement by condition.

Conclusion

The proposal will result in the loss of part of an established hedgerow which forms an attractive feature at the edge of the village. However, the principle of partial hedgerow loss has already been accepted on the site opposite which is to be developed for housing. On balance, it is considered that the community benefits arising from the improved recreational facilities and footway weigh in favour of granting permission. It is recommended that planning permission is granted subject to conditions.

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

Application No:	3/04/19/001
Parish	Brushford
Application Type	Variation of conditions
Case Officer:	Briony Waterman
Grid Ref	Easting: 287912 Northing: 124494
Applicant	Mrs Frances Nicholson
Proposal	Variation of Condition No. 06 (restriction of occupancy) of application 3/04/15/011
Location	Allshire, Allshire Lane, Brushford, EX16 9JG
Reason for referral to Committee	

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 Having regard to sustainability considerations, the site is not considered to be an appropriate location for an additional permanent dwelling. The development within the countryside would be contrary to the principles of sustainable development. In circumstance where the proposal would fail to contribute to wider sustainability benefits of the area, there is no identified need for a countryside location, the use would be likely to increase reliance on the car, the proposal would result in identified harm contrary to Policy OC1 of the West Somerset Local Plan to 2032 and paragraph 79 of the National Planning Policy Framework (2018).
- 2 The proposed change of use would result in the loss of an employment opportunity and the benefits of the proposal do not outweigh the loss of such an opportunity as such the proposal is considered contrary to policy EC5 of the West Somerset Local Plan (2032).
- 3 The application fails to demonstrate that any reasonable attempt has been made to secure a business use of the building has been carried out to satisfy policy H/6 of the West Somerset Local Plan (2032) and as such the proposal will result in a new dwelling in an unsustainable location.

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. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority. The proposal was considered to be unacceptable in principle because it was contrary to [the strategic policies within the Development Plan / policies within the National Planning Policy Framework] and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw the application.

The application was considered not to represent sustainable development [and the development would not improve the economic, social or environmental conditions of the area].

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

Proposal

Permission is sought for the variation of condition 6 (restriction on occupancy) of application 3/04/15/011.

Site Description

The holiday let is situated within the curtilage of Allshire Farm, a Grade II listed building. The buildings are stone, rendered or constructed with red brick with slate and corrugated iron being used on the roofs. The site is approximately 0.4km away from the Dulverton-Oldways End Road and is reached via an unadopted track. The site is on land lower than the highway.

Relevant Planning History

Applications 3/04/15/011 was granted in 2015 for the conversion of a barn to a holiday let and application 3/04/15/012 for the conversion of listed building to a dwelling, granted in 2015.

Consultation Responses

Brushford Parish Council - The parish council reviewed this application at its meeting last night and unanimously approved it.

Representations Received

No comments received.

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

OC1	Open Countryside development
SC1	Hierarchy of settlements
BD/3	Conversions, Alterations and, Extensions
H/6	Conversion to Residential of Holiday Accomodation
EC5	Safeguarding existing employment uses

Retained saved polices of the West Somerset Local Plan (2006)

OC1	Open Countryside development
SC1	Hierarchy of settlements
BD/3	Conversions, Alterations and, Extensions
H/6	Conversion to Residential of Holiday Accomodation
EC5	Safeguarding existing employment uses

Determining issues and considerations

The main considerations in determining this application are the principle of development and the impact on residential amenity.

Principle of development

It is considered that the principle of development, to change from a holiday let to a

residential dwelling is unacceptable in principle. It is contrary to both policies H/6 and OC1 of the West Somerset Local Plan and paragraph 79 of the National Planning Policy Framework and would constitute development within the open countryside.

Policy EC5 states that sites and premises with existing commercial activities will be safeguarded against change of use to residential unless it can be demonstrated that the activity is no longer appropriate or sustainable in that location, or that the business has been marketed for a minimum of twelve months and has generated no interest. Therefore the Council would require evidence that the property has been marketed which has not been provided and therefore fails to comply with policy EC5.

Residential amenity

Due to the position of the barn in relation to the main dwelling is considered to result in diminished residential amenity for both properties if it were to be used as a separate dwelling.

It is therefore recommended that planning permission be refused.

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

43/18/0065

SUMMERFIELD DEVELOPMENTS SW LTD

Erection of 23 No. dwellings including 5 affordable units with vehicular access, public open space, landscaping and associated works on land off Taunton Road, Wellington as amended by revised Flood Risk Assessment and revised plans.

Location: TAUNTON ROAD WELLINGTON, TA21 9AE

Grid Reference: 314944.121248

Full Planning Permission

Recommendation

Recommended decision: Awaiting S106 Completion DO NOT ISSUE

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:

- (A2) DrNo CSL-01 Rev A Site Layout
- (A3) DrNo HT.S3A.pe1 Rev A House Type S3/A Plans and Elevations Brick
- (A3) DrNo HT.S2C.pe Rev A House Type S2/C Plans and Elevations
- (A3) DrNo GAR3.pe Rev A Carport Plans and Elevations
- (A3) DrNo GAR2.pe Rev A Double Garage Plans and Elevations
- (A3) DrNo GAR1.pe Rev A Single Garage Plans and Elevations
- (A0) DrNo 909-01D Landscape Proposals
- (A3) DrNo SK-101 Rev B Extent of Highway to be Adopted
- (A3) DrNo PHL-101 Rev B Proposed Access Arrangements
- (A1) DrNo PHL-201 Rev C Preliminary Highway Layout
- (A2) DrNo PHL-301 Rev B Preliminary Highway Profiles
- (A1) DrNo ATR-101 Rev B Swept Path Analysis
- (A3) DrNo HT.S3A.pe2 Rev B House Type S3/A Plans and Elevations Render
- (A3) DrNo HT.S3D.pe Rev A House Type S3/D Plans and Elevations
- (A3) DrNo HT.S3D-A.pe Rev A House Type S3D - Variation A Plans and Elevations
- (A3) DrNo HT.S4B.e1 Rev B House Type S4/B Elevations Brick

- (A3) DrNo HT.S4B.e2 Rev A House Type S4/B Elevations Render
- (A3) DrNo HT.S4B.p Rev C House Type S4/B Plans
- (A3) DrNo HT.S4F.e Rev B House Type S4/F Elevations
- (A3) DrNo HT.S4F.p Rev B House Type S4/F Plans
- (A3) DrNo HT.SCHA.pe Rev A House Type SCHA Plans and Elevations
- (A2) DrNo ML-01 Rev B Materials Layout
- (A2) DrNo RSL-01 Rev B Refuse Strategy Layout
- (A2) DrNo SL-01 Rev B Site Layout
- (A3) DrNo SLP-01 Rev B Site Location Plan
- (A2) DrNo SS-01 Rev B Street Scenes

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

3. Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy shall demonstrate that the surface water run-off and volumes generated up to and including the 1 in 100 year critical storm will not exceed the run-off and volumes from the undeveloped site following the corresponding rainfall event. The scheme shall include details of phasing and maintenance. The development shall subsequently be implemented in accordance with the details approved.

Reason: To ensure that flood risk is not increased off site.

Reason for Pre-commencement: To ensure that a drainage strategy is agreed prior to commencement on site.

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 Green Ecology's preliminary ecological appraisal submitted report, dated July 2018 and the Bat Addendum report 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. A Construction and Environmental Management plan (CEMP);
5. A landscape and ecological management plan(LEMP);
6. Details of external 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 measures for safeguarding protected species are in place prior to commencement on site.

5. 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 the use of the site discontinues.

Reason: In the interests of highway safety.

6. 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. 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 final surface dressing for the roads and footpaths shall be applied within 3 months of the occupation of the final dwelling.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site.

7. (i) Prior to the commencement of the development hereby permitted, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also show the existing hedges to be protected and retained during the course of the development and the method of protection.

(ii) The scheme shall be completely carried out within the first available

planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

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

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

Reason for Pre-commencement: To ensure that satisfactory landscape details are agreed prior to commencement.

8. Prior to their positioning on site, details of the siting of any temporary building(s) construction and materials storage compound, including details of where soil is to be stored on site will be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with such details.

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

9. Prior to the occupation of the dwellings hereby permitted, a highway signage strategy for Taunton Road shall be submitted to and approved in writing by the Local Planning Authority. Such highway signage shall be fully provided in accordance with the approved plans to an agreed specification before the development is first occupied.

Reason: In the interests of highway safety.

10. Prior to the occupation of the 9th dwelling, the proposed pedestrian link to the west between plots 14 and 15 shall be constructed and surfaced in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage walking and cycling in order to reduce the reliance on the private car.

11. Prior to the occupation of the 9th dwelling, the public open space shall be laid out in accordance with the details agreed pursuant to condition 9 and shall thereafter remain available for use by the general public and be maintained in accordance with those agreed details.

Reason: The development is partly considered acceptable due to the provision of enhanced public open space and to ensure delivery of the facilities required

for the future occupiers of the site.

11. 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 that the trees are protected before any site clearance commences on site.

12. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

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

13. Prior to the construction of the dwellings, 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.

14. 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 and to safeguard the appearance of the area.

15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) revision C by AWP and dated 24 January 2019 and the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To prevent the increased risk of flooding.

Notes to Applicant

1. **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.

Proposal

This application, as amended, seeks full planning permission for the erection of 23 dwellings on land to the south of Taunton Road, Wellington. The site will be accessed from Taunton Road from an existing access that serves a Veterinary Hospital on land to the north of the site. This access is left hand turn only when approached from the south. There is no right turn entry when approaching from the north. An existing large, protected tree will be retained towards the eastern extent of the area proposed for development. The new development will be on the western part of the site whilst the eastern extent will be left open as Public Open Space.

The dwellings will be a mix of detached, semi-detached and terraced dwellings, arranged around a curved cul-de-sac. The dwellings will be two-storey, finished in render and red brick under reconstituted slate and Double Roman roof tiles. Five affordable houses will be provided.

Site Description

The site comprises a parcel of agricultural land on the eastern side of Wellington, south of Taunton Road. The site immediately adjoins the Cades Farm development to the west and the south. To the north between the main part of the site and Taunton Road, lies a new veterinary hospital. A tributary of the River Tone runs along the southern boundary of the site.

Relevant Planning History

43/13/0128 - Planning permission for the erection of 18 dwellings was granted in 2013 subject to a S106 agreement to secure the following:

- 5 units of affordable housing, with 3 no. social rented and 2 no. shared ownership;
- Children's play - £2,904 per dwelling;

- Active recreation - £1,571 per dwelling;
- Allotments - £209 per dwelling;
- Community halls - £1,208 per dwelling;
- Public art - either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

Consultation Responses

WELLINGTON TOWN COUNCIL -

Recommended that planning permission be granted, although the Council would expect the Section 106 agreement to be enhanced to include more affordable housing, additional play areas and sympathetic landscaping. It was also hoped that the arrangement at the existing junction onto the Taunton Road would remain and be enforced.

(FURTHER COMMENTS) - Recommended that permission be granted with the present access arrangements remaining in place.

SCC - TRANSPORT DEVELOPMENT GROUP (Original Comments) -

I refer to the above-mentioned planning application received on 17 July 2018 and after carrying out a site visit on 27th July 2018 have the following observations on the highway and transportation aspects of this proposal. I apologise for the delay in our response.

The proposal is for the erection of 23 dwellings, and vehicular access at the above address. The proposal site has planning consent for the erection of 18 dwellings (ref:43/13/0128).

It is important for the applicant to note that the red line plan doesn't appear to encompass all of the proposed access to/from the veterinary surgery and the access from the B3187 that would require works. In order for any suitable works to be carried out at this location the applicant will need to ensure that the red line plan covers the whole desired area that would require such works. The following comments are on the basis that the applicants red line plan has the capacity to cover all of the area in question.

The Highway Authority did not consider previous application 43/13/0128 would be likely to hold capacity issues on the local highway network. Whilst the current proposal would generate small additional vehicle movements compared to the consented planning application (43/13/0128), the Highway Authority do not view this a reason to recommend refusal in this instance.

However, previous Highway Authority comments did highlight the additional distance and direction of travel vehicles would travel given the nature of the now existing access design onto Taunton road and the increased likelihood that drivers would look to use one of the accesses closer to the site to turn around.

It is important to note that should a future application be submitted that would result in a cumulative impact to the access/site the Highway Authority may need revisit the existing access arrangement and reserve the right to request mitigation measures (e.g. a right turn lane) into the site for the betterment of all associated users.

Access

The Highway Authority stated in our previous response for application 43/13/0128 dated 18 December 2013 that the primary route into the site should be to serve the residential development not the veterinary practice and appropriate signage/give way markings should be located.

A small length of footway has been provided linking the estate road with the footway/cycle way to the west. However, no consideration has been given to how cyclists are expected to access this route safely from the development. Furthermore it would appear that this length of footway stops at the back of a parking area and that pedestrians are expected to walk in the carriageway.

Given the current access arrangement onto the B3187 there does not appear to be any clear means by which cyclists can enter and leave the shared cycle route that runs alongside the B3187 Taunton Road. This will increase the potential for vehicles to collide with cyclists. The applicant may wish to consider how this arrangement will work.

The proposed footway to the eastern side of the estate road terminates next to some car parking spaces and there is no provision for pedestrians or cyclists on the western side increasing the potential for collisions between pedestrians, cyclists and vehicles.

It is recommended that the footway/cycleway is extended round in to the development and that signs, drop kerbs and tactile paving are provided/alterd to facilitate this. The footway/cycleway should also be extended round across the entrance of the veterinary practice access.

There are concerns that vehicles leaving the B3187 Taunton Road and turning left in to the development may not be able to see far enough around the curve to a stationary vehicle waiting to turn right in to the veterinary hospital increasing the potential for shunt type collisions at this location.

Suitable and sufficient forward visibility around the curve demonstrated on a suitably scaled drawing should be submitted by the applicant for consideration with the next submission.

No details of the proposed carriageway have been provided to demonstrate that suitable gradients, surface water, drains/gullies, lighting, road markings/signs etc can be achieved. Additional drawings would be required for this purpose, especially if there is a desire for this to become adopted public highway.

Estate Road

The following comments are in relation to the proposed internal layout and submitted drawing numbers sk-101/A and CSL-01/A.

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.

Following the publication of The Department for Transport's (DfT) Inclusive Mobility Strategy Local Highway Authorities have been told to 'pause the development of

shared space schemes, which incorporate a level surface while we review and update guidance'. No further guidance has at yet been released by the DfT, and in the meantime the Highway Authority is currently unlikely to consider new roads that incorporate a shared surface as suitable for adoption as highway maintainable at the public expense. The Highway Authority does not object to the principle of shared surfaces, but it will remain the developer's responsibility to ensure they are appropriate and the applicant should bear in mind that such roads are likely to remain private.

Allowance shall be made to resurface the full width of the carriageway 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 section of the access road extending south between the new junction and the ramp should be a type 4 bituminous macadam carriageway with a longitudinal gradient of no slacker than 1:90 to assist with surface water drainage disposal. The proposed block paved shared surface carriageway that will serve the site, should be constructed with a longitudinal gradient of no slacker than 1:80 to aid surface water drainage.

Drawing number CSL01/A shows a proposed footpath link extending north-east/south-west connecting the type 4 access road with the housing estate. However drawing number SK-101/A does not show this link. If the proposed development site is offered up for adoption, the limits of the adoption may need revisiting as indicated within drawing umber SK-101/A. A link design that would accommodate a mixed use of pedestrians and cyclists may be beneficial.

An adoptable 17.0m forward visibility splay will be required across the carriageway bend opposite plot 1. There shall be no obstruction to visibility within the splay that exceeds a height greater than 600mm above the adjoining carriageway level. The full extent of the splay should be clearly indicated within all future revisions of the layout drawing(s). The insides of carriageway bends within the shared surface road, should be widened by 500mm.

Surface water from all private areas, including drives and parking bays, must not discharge onto the prospective publicly maintained highway. Private interceptor drains shall be put in place to prevent this from happening.

There appears to be a proposed footpath link within the site that terminates at the western site boundary immediately to the north of plot 11. The applicant will need to clarify whether this link will be offered to SCC for adoption and potentially continue beyond the western site boundary as part of any future development.

Private drives serving garage doors should be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary. Parking bays should be 5.0m in length except where they immediately but up against any form of structure (plants, walls or footpaths), when a minimum length of 5.5m should be provided. Tandem parking bays should be 10.5m in length. All measured from the back edge of the prospective public highway boundary. 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 submitted to SCC.

No doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface carriageways. 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 applicant should note any proposed retaining/sustaining structures to be built as part of this scheme that will either be offered to SCC for adoption or will remain within private ownership but will be located 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary will require detailed drawings/calculations will need to be submitted to SCC for checking/approval purposes.

Parking

The applicant has proposed 63 parking spaces, including visitor parking. The Somerset Parking Strategy (SPS) optimum standard in this instance would be 64 before visitor parking. The proposed parking arrangements are nominally below the optimum that would be expected for this location. The Highway Authority would prefer all proposed dwellings provide suitable parking spaces in line with the SPS. It may be considered necessary to request that a designated motorcycle parking space be provided (in line with the current the County Council's parking strategy) for the dwellings that do not meet their optimum parking strategy standard. Suitable electric vehicle charging facilities should be conditioned on any planning consent. Safe, secure and accessible cycle parking should be provided at a rate of 1 space per bedroom.

Drainage

The application was accompanied by a Flood Risk Assessment this has been submitted for a drainage audit. This has now been completed and whilst there is no objection to the contents a

the conclusion the Highway Authority's comments are set out below.

It is important the developer is aware that only the section of the hospital access junction falling within the public highway limits has been designed and constructed to adoption standards.

As such, if it remains the intention to seek adoption of the development access road then this approximately 16 metre length of access road will need to be reconstructed to a profile and specification approved by the Highway Authority. Further, the surface water run-off from the entire 'adoptable' highway will need to be collected into a positive system, ideally the surface water system proposed in the drainage strategy, which will omit the need to secure discharge rights and easements for the

current

drainage arrangements at the hospital junction. It should also be noted that surface water from the unadoptable 'private' entrance into the hospital from the access road will need to be prevented from discharging onto the prospective public highway and interceptor drainage will therefore be necessary.

Arrangements should be incorporated within the design to enable access from the

access road to maintain the attenuation pond.

Conclusion

With the above in mind the proposed residential development is unlikely to have a detrimental impact on traffic movements on the local highway network, considered severe in this instance. The Highway Authority would recommend the following conditions in the event of planning permission being approved.

1. 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.

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 commencement and thereafter maintained at all times.

4. 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, electric vehicle charging facilities 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.

5. 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.

6. 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.

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.

8. 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 in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

9. 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.

10. A condition survey of the existing public highway network will need to be carried out and agreed jointly between the developer and the Highway Authority prior to works commencing on site. Any damage caused to the existing highway as a result of this development, is to be remedied by the developer to the satisfaction of the Highway Authority prior to occupation of the development. It is recommended that contact be made with the Highway Service Manager (Taunton Deane Area – 0845 345 9155 to arrange for such a survey to be undertaken.

11. 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.

12. No work shall commence on the development hereby permitted until the proposed signage strategy has been submitted to and approved in writing by the Local Planning Authority.

Note

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.

SCC TRANSPORT DEVELOPMENT GROUP (FURTHER COMMENTS FOLLOWING A HIGHWAYS AUDIT) -

he additional information provided in further support of the application has been assessed and audited by the Highway Authority, where it still appears that a number of points raised in our previous comments dated 3 September 2018 remain relevant and outstanding.

Access

It is noted that the revised entry radius in to the hospital access from the estate road is to be 5m. Whilst this is tighter than the minimum 6m radius for an urban environment, it is likely to be acceptable to the highway authority subject to any

comments made by the supervision engineer at the Detailed Design stage.

It is noted from the revised drawings that the carriageway width will be 6m which is likely to be acceptable to the Highway Authority.

It would appear from the estate road layout that pedestrians and cyclists will share the same space as motorised vehicles. The link between the development and the existing highway infrastructure does not appear to be adequate enough to protect pedestrians and cyclists from passing vehicles.

It is recommended that the footway/cycleway is extended round in to the development and that signs, drop kerbs and tactile paving are provided/alterd to facilitate this. The footway/cycleway should also be extended round across the entrance of the hospital access.

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.

Longitudinal or contour drawings haven't been submitted. Suitable approach gradients for the access road to ensure surface water drains back into the site whilst ensuring level sections of the carriageway to enable vehicles to pull out safely.

It is noted from the long section provided that the new access road will fall back in to the site at a gradient of 3.3%. It is not clear how this will tie in with the existing carriageway. It is recommended that the long section is extended beyond the tie in point along the centre line of the existing access road and provided for consideration with the Detailed Design Stage.

Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards. Where necessary, 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 retains concerns that vehicles leaving the B3187 Taunton Road and turning left in to the development may not be able to see far enough around the curve to a stationary vehicle waiting to turn right in to the veterinary hospital increasing the potential for shunt type collisions at this location. It is recommended that the applicant Re-landscape this area within the visibility splay to minimise future maintenance and the potential for the forward visibility splay to be obscured.

B3187 there does not appear to be any clear means by which cyclists can enter and leave the shared cycle route that runs alongside the B3187 Taunton Road. This will increase the potential for vehicles to collide with cyclists. The applicant may wish to consider how this arrangement will work.

To reiterate from our previous comments the proposed footway to the eastern side of the estate road terminates next to some car parking spaces and there is no provision for pedestrians or cyclists on the western side increasing the potential for collisions between pedestrians, cyclists and vehicles.

It is recommended that the footway/cycleway is extended round in to the development and that signs, drop kerbs and tactile paving are provided/alterd to

facilitate this. The footway/cycleway should also be extended round across the entrance of the veterinary practice access.

Estate Roads

The following highway related comments in terms of the Estate Road have been made as a result of looking at submitted drawing numbers **0748/ATR-101/B**, **0748/SK-101/B**, **0748/PHL-101/B** and **0748/PHL-201/C** together with our previous planning comments contained within our response dated 3 September 2018.

The applicant will need to provide confirmation if any proposed retaining/sustaining structures to be built as part of this scheme that will either be offered to SCC for adoption or will remain within private ownership but will be located 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary. This will require detailed drawings/calculations will need to be submitted to SCC for checking/approval purposes.

It appears that parking bays that immediately butt up against footpaths, have not been indicated as being 5.5m in length as measured from the back edge of the prospective public highway boundary and that tandem parking bays have not been constructed to a length of 10.5m (between plots 3 and 4 for example). The design engineer will need to re-visit these items.

The required adoptable forward visibility splays as indicated within drawing number **0748-PHL-101/B** as being outside plot 18 and across a corner of the Public Open Space to the east of plot 19, need to be clearly shown within drawing number **0748-SK-101/B**.

The remaining comments within our previous Estate Roads comments (dated 3 September 2018) remain relevant.

TREE OFFICER -

I think that it would be useful to have sight of the tree survey. There must have been one, and it's standard practice for it to be submitted as part of the application.

My current thinking on this one is that, as is often the way, they've squeezed plots 20, 21, 4 and 5 as close to the theoretical RPAs of the oak and ash as possible, but realistically this may be the cause of concern to future residents of these plots who may be affected by:

- a) excessive shade;
- b) shedding of leaves, seeds, minor branches, sap, bird droppings etc;
- c) perceived threat of the trees or branches falling in severe weather.

These are often not considered by potential residents until they have moved in. Whereas at present they only overhang a field, after development they will overhang 'targets' – people and property. This could result in pressures to prune or fell them. They are, as the Design and Access Statement says, distinctive key features of the site.

I would therefore like to see more space given to these trees, either by omitting these plots, or by re-designing the layout (possibly by continuing the plots alongside

plot 1?).

WESSEX WATER - No comment.

DRAINAGE ENGINEER - We would like to raise the following points which have not been addressed in the submitted FRA and drainage strategy. Additional information in that respect will need to be submitted prior to planning permission being granted.

- We concur with the EA's view that the WYG 2013 model of the unnamed watercourse should be reviewed in light of the revised climate change allowances. This should be 40%, not 30%. As any change in the flood extent may result in a need to amend the site layout, and consequently the drainage proposals and location, sizing etc. of the attenuation pond. Therefore, any drainage calculations would need to be reviewed and updated.
- The assumed private surface water system that serves the adjacent Mount Vets site is identified on the plans and in the FRA as passing through the gardens of several properties. The risk of an exceedance event within this system is mentioned in the FRA, but not addressed. It is not appropriate for the gardens of these properties to flood when the site layout could be amended to deal with this risk, but also, the issue of access and maintenance of that surface water system becomes problematic when located within the grounds of private dwellings. A full understanding of overland and exceedance flow routes from offsite, through the proposed development to the watercourse, should be provided.
- The drainage principles put forward in the FRA seem sound and reasonable, but as highlighted in my email to AWP prior to submission of this application, the LLFA are looking for SUDS to have both a flood risk and environmental enhancement element (i.e. water quality, amenity, biodiversity). Opportunities to utilise SUDS throughout the development have not been considered and the drainage strategy relies on a large single attenuation feature. There are a broad range of SUDS that can be utilised, particularly given that there are several areas within the site boundary not shown to be earmarked for development. We would be looking at this stage for a commitment to using SUDS and indication of where features could be utilised, with a more detailed strategy coming forward in later design phases post-permission.

We would wish to be consulted again should the LPA decide to grant the permission prior to the information above being submitted, so that we can look to provide suitably worded conditions.

DRAINAGE ENGINEER (REVISED COMMENTS) - My understanding has always been that the guidance seeks to avoid development over or near a sewer to allow for appropriate maintenance. However, the developer states that this has been undertaken on a site elsewhere and this appears to have been acceptable. I understand the developer wants to maximise his space for viability, but it does then put the potential risk on the property owners for the future. My email to yourself was to advise the LPA of the potential issues, and see if it could be addressed through better design, but this is not a matter we will pursue.

ENVIRONMENT AGENCY - OBJECTS to the proposed development, as submitted,

on the following grounds:

We object to this application as the Flood Risk Assessment (FRA) is relying on the 1 in 100 year flood level from the 2013 WYG river model, which was not validated by us.

The WYG model also used a 30% figure for Climate Change, while the current practice is to use 40%.

We therefore do not know if the current flood level prediction in the FRA is correct. Before we can agree the finished floor level for the site, and agree the location of the houses and attenuation pond, the applicant must review the predicted 1 in 100 year flood level from the WYG model, and assess the impact of the new climate change factor on the site. We would ask that the residential development and the attenuation pond are located outside the 1 in 100 year level plus climate change, and that the finished floor levels are set a minimum of 300 mm above the 1 in 100 year plus climate change flood level.

We would also request the applicant to submit a copy of the revised model of the stream for our review, and a plan drawing of the development showing the revised Flood zones, with and without climate change in relation to the dwelling and attenuation pond.

ENVIRONMENT AGENCY (FURTHER COMMENTS) - We object due to the close proximity of the houses to Flood Zone 3, and because climate change has not been taken into account. Therefore in time, there is a high risk that the houses that are nearest to Flood Zone 3 will be located within an area at a higher risk of flooding. We also have doubts as to the accuracy of our model at that location. The previous application for this site was subject to a model to improve the understanding of flood risk at the site. Unfortunately, this application is not using the outcome of the model to inform development layout and finished floor level.

We are also concerned that the back gardens of the houses are within Flood Zone 3 and that the developer is going to erect sheds and fences across the flood plain reducing the flood conveyance, removing connectivity between the river and the floodplain. The developer needs to make sure that there is no development taking place within the floodplain and that includes fences and land raising within Flood Zone 3.

ENVIRONMENT AGENCY (FINAL COMMENTS) -

The Environment Agency would WITHDRAW its earlier objection to the proposed development, subject to the inclusion of the following condition within the Decision Notice:

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) revision C by AWP and dated 24 January 2019 and the mitigation measures detailed within the FRA: The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

REASON:

To prevent the increased risk of flooding.

The above proposal falls on the edge of Flood Zone 3 which is an area with a high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year.

We therefore request that permitted development rights are removed for any property which has the garden located within Flood Zone 3. This is to ensure that future extensions are not permitted at risk of flooding.

CRIME PREVENTION- No Objection

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.

Design & Access Statement – the DAS, under the heading 'Crime Prevention' includes a number of bullet points relating to designing out crime and disorder, which indicates to me that the applicant has taken into account crime prevention measures in the design of this development. In particular, the section refers to Secured by Design, which is the UK Police flagship initiative founded on the principles of designing out crime. I agree with the comments made in this section and would expand on them further 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 at the entrance to and within the development would help reinforce the defensible space of the development giving the impression that the area is private and deterring unauthorised access. The short cul-de-sac nature of the development with a single vehicular entrance/exit and limited pedestrian links 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.

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 POS at the front of this development appears to be well overlooked by the 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, which appears to be proposed. 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, as the dwellings around the perimeter back onto open fields or the veterinary hospital. Plot 1 immediately abuts the POS, so the gable end of this plot should incorporate an element of defensible space to deter crime and ASB affecting this particular dwelling.

Similarly, Plots 21 & 22 abut a public footpath and an element of defensible space should be incorporated into the gable ends of these plots, even if only in the form of a narrow strip of planting or similar.

Car Parking – the majority of parking appears to be on-plot garages and parking spaces, which is the recommended option. The communal on-street parking spaces for Plots 8-11 are close to and well overlooked by these dwellings, which is also recommended.

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. This is particularly relevant in respect of the dwellings overlooking the public open space.

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 PAS 24:2016 security standard or equivalent.

HOUSING ENABLING (ORIGINAL COMMENTS) - Following the submission of a viability appraisal detailing the abnormal works required across the site including :

- Delivery of a large public open space to an appropriate standard.
- Upgrading the existing access.
- Delivering an abnormally long spine to adoptable standards for only 23 houses.
- Flood mitigation works.

It has been agreed the affordable housing requirement will be 5 Discounted Open Market (My Home) houses to be sold at no greater than 80% of the open market value in perpetuity. The mix of these homes are intended to be 4 x 2 bedroom semi-detached houses and 1 x 2 bedroom coach house.

The S106 Agreement will contain the Taunton Deane Standard Clauses to detail the conditions for the sale and any subsequent resale of Discounted Open Market

properties, such clauses to be agreed with the Housing Enabling Lead or such post that supersedes this role.

HOUSING ENABLING (FURTHER COMMENTS) - Following the submission of a viability appraisal detailing the abnormal works required across the site including :

- Delivery of a large public open space to an appropriate standard.
- Upgrading the existing access.
- Delivering an abnormally long spine to adoptable standards for only 23 houses.
- Flood mitigation works.

It has been agreed the affordable housing requirement will be 5 Discounted Open Market (My Home) houses to be sold at no greater than 80% of the open market value in perpetuity. The mix of these homes are intended to be 4 x 2 bedroom semi-detached houses and 1 x 2 bedroom coach house.

The S106 Agreement will contain the Taunton Deane Standard Clauses to detail the conditions for the sale and any subsequent resale of Discounted Open Market properties, such clauses to be agreed with the Housing Enabling Lead or such post that supersedes this role.

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.

LEISURE DEVELOPMENT - Provision for childrens play should be made. 20 sq.m of both equipped and non-equipped child's play space per each 2 bed + dwelling is required.

1 x LEAP at 400 sq.m should be provided. The LEAP shall contain at least 5 items of play equipment covering the play disciplines of swinging, sliding, climbing, spinning, rocking and balancing along with a seat, bin and sign. If fenced, 1 x access gate and 2 x pedestrian outward opening gates should be provided.

All play equipment must have a manufacturers guarantee of at least 15 years. Wooden equipment should be in metal feet.

A detailed plan of the LEAP should be submitted for approval prior to implementation.

BIODIVERSITY - Landscape

The site already has outline permission for the development of 18 dwellings. I consider that the new houses should be located further away from the southern stream, which should be buffered.

There is also scope for much more landscaping, adjacent to the stream but also in the open space to the west of the development.

Species chosen are typical of new housing areas but I would like to see the planting of native trees in the open space.

The design of the pond should provide biodiversity gain. For what amount of time will it hold water? Is there scope for some marginal vegetation?

Biodiversity

Given that several years have passed since the previous ecological surveys were carried out, Green Ecology carried out a preliminary ecological appraisal of the site dated July 2018.

Findings were as follows:

Habitats

The habitats within the site have mainly remained unchanged since 2013.

Protected sites

There are several statutory sites located within 5km of the site as well as several non-statutory sites located within 2km of the site.

Badgers

The surveyor noted no signs of badgers on site although there were several mammal crossings on the stream banks and there is potential foraging in the grassland.

Bats

At least 8 species of bat use the site, including lesser horseshoe. During surveys carried out in April and June 2018 common pipistrelle, soprano pipistrelle and noctule bats were seen foraging on site. Surveys are ongoing.

Birds

Hedgerows and potentially grassland offer nesting and foraging potential for birds on site.

No vegetation should be removed outside of the bird nesting season and the grass within the field should be regularly mown to deter ground nesting birds.

Dormice

A dormouse nest was recorded in August 2013 so dormouse are still assumed to be present on site. Hedgerows will remain unaffected. I would like to see all vegetation retained and a sensitive lighting strategy designed to minimise effects on dormice. Additional planting on this site would also be of benefit to dormice. If any vegetation is removed an EPS licence would be required.

Great crested newts

Two ponds that link to the site via hedgerows are located within 0.5km of the site. A low population of GCN was recorded in the area in 2005. eDNA surveys returned a negative result for GCN so no impact is envisaged. I think it unlikely that GCN would be present in the stream.

Reptiles

The hedgerow bases may offer suitable habitat for reptiles.

White clawed crayfish

Given the stream's silty bed and lack of large boulders and submerged rocks the stream is considered sub optimal for WCC.

Otter

No field signs of otter were noted on site.

Water vole

The banks of the stream are shaded. No signs of water vole were noted. I support the proposal to carry out native, shrub and tree planting, create a pond and install bird and bat boxes. However I would like to see the area of planting increased and a buffer planted adjacent to the stream.

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 Green Ecology's preliminary ecological appraisal submitted report, dated July 2018 and the Bat Addendum report 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. A Construction and Environmental Management plan (CEMP);
5. A landscape and ecological management plan(LEMP);
6. Details of external 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

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.

SCC - RIGHTS OF WAY - No comment.

Representations Received

Four letters of objection are summarised below:

- there is no need for more housing in Wellington;
- it will result in an increase in traffic and use of a dangerous access;
- loss of wildlife;
- the discharge of storm water into an adjacent stream will cause flooding down stream.

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,
 A5 - Accessibility of development,
 C2 - Provision of recreational open space,
 D10 - Dwelling Sizes,
 D2 - Approach routes to Taunton and Wellington,
 D7 - Design quality,
 ENV1 - Protection of trees, woodland, orchards and hedgerows,
 SB1 - Settlement Boundaries,

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. 2312sqm.

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 £289,000.00. With index linking this increases to approximately £384,500.00.

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	£24,819
Somerset County Council	£6,205

6 Year Payment

Taunton Deane Borough	£148,911
Somerset County Council	£37,228

Determining issues and considerations

Principle of Development

This application lies outside, but adjoining, the settlement limit for Wellington. Residential development of this land is therefore contrary to Policy DM2 and CP8 of the Core Strategy and there is a presumption against the development. The Site Allocations and Development Management Policies Plan (SADMPP) identifies the land as recreational space protected under Policy C2. The site comprises a parcel of semi-improved grassland formerly in agricultural use. Although the site is allocated for recreational space, there is no formal public right of access to the site. The application proposes to confine built development to the western part of the site whilst making the eastern part of the site closer to the main road, available as a new public open space. The formalisation of this open space with the additional planting proposed is considered to be a positive benefit that weighs in favour of the application.

This site is on the edge of Wellington and is some distance from the facilities and services offered by the Town Centre. The site is around 800m from the closest Primary School (St. Johns) and around 1200m from the Town Centre (North Street/South Street; Fore Street/High Street cross roads) as the crow flies. The proposed footpath link into the main Cades Farm development from the eastern site boundary means that the walking routes are not much greater than these (c.900m and 1400m respectively). The site is also well served by frequent buses between Wellington and Taunton, which would stop close to the site entrance on Taunton Road and provide an easy and regular link into town. It is also close to employment opportunities at the Chelston and Westpark Business Parks. The site is therefore within a reasonably sustainable location on the edge of Wellington.

Notwithstanding the fact that the total amount of housing for Wellington is already allocated in the plan, the proposal will result in the delivery of additional housing and the economic benefits that stem from that. The NPPF is clear that housing, generally, is considered to be a benefit and that permission should generally be granted for 'sustainable development'. It is also of relevance that planning permission for 18 dwellings on this site (including 5 affordable units) was granted in 2014. Although the permission has expired, it is a material consideration. In addition, there has been no material change to local plan policy since that date. It is considered that sufficient weight can be attributed to these considerations to outweigh the conflict with the development plan in terms of the principle of the development.

Affordable Housing

The previous permission was for 18 dwellings including 5 affordable units. This scheme was unviable and none of the dwellings complied with the National Space Standards as now set out under Policy D10. The proposal now seeks to provide a total of 23 dwellings with 5 affordable units. There has been a lengthy dialogue with the applicant over the viability of the site taking into account the site constraints. It has now been agreed with the Council's Housing Lead that 5 no. Discounted Open Market dwellings will be provided. In addition, the house types have been amended to increase the number of dwellings that will comply with the National Space Standards. In total, 9 no. will be fully compliant; 10 no. will be partially compliant and 4 no. will have minimal compliance. This increase to 9 fully compliant dwellings is considered to be a significant improvement on the previous scheme.

Impact on the Green Wedge

The site is bisected north to south by a green wedge, as identified in the SADMPP. The proposed development would be to the west of the green wedge and will abut existing residential development at Cades Farm and the veterinary hospital to the north. The land to the east will remain undeveloped and will be formalised as public open space. Roughly in the centre of the site, towards the eastern extent of the proposed development, there is a large Oak tree, protected by a Tree Preservation Order. This is broadly in line with the access to the veterinary hospital. This large tree is an important visual feature in the area and helps to define the open space between Wellington and Chelston. This tree provides an obvious marker for the eastern edge of the development. This tree will remain the dominant landscape feature of the site and be clearly visible through the access from Taunton Road. It will also help screen the development behind and assimilate it into the open countryside. Although the housing will still be outside the settlement limit, it will be located outside the green wedge. It is therefore considered appropriate for development. It will not harm the visual amenities of the area or harm the visual and recreational function of the green wedge.

Wildlife

Wildlife surveys submitted with the application indicate the presence of dormice in the boundary hedgerows, which birds may also use for nesting and bats may use for foraging. There was no evidence that otters, water vole, reptiles and crayfish are present in the watercourse as a constraint to development of the site.

The proposed footpath link to the residential development to the west requires the formation of a new gap in the hedgerow. This will result in the deliberate disturbance of Dormouse habitat, which will require a license from Natural England. The hedgerow removal is only required to provide a footpath link to the adjoining residential development. The footpath would significantly reduce walking distances to the nearby children's play area, primary school and town centre services. The removal would be very limited and there are substantial benefits to be gained from providing the footpath link. It is proposed to mitigate the loss of vegetation from the hedgerow. Given that only a narrow gap is required for the footpath, the new planting should establish effectively and quickly.

In addition to the mitigation required for dormice, the bats require a sensitive lighting strategy to be designed and no works to the hedgerows or trees should be carried out within the bird nesting season. This can be dealt with by condition. Other wildlife is not considered to be harmed by the development of the site.

In considering the principle of the development, the benefits of this development would outweigh the conflict with the development plan. In this context, it is considered that the delivery of housing, including affordable housing on the site and provision of accessible informal recreation opportunities within the green wedge are considered to justify the wildlife disturbance.

Design and Layout

The dwellings are proposed to be arranged in a fairly informal layout around a shared surface access road. Given the edge of town location, it is considered that the layout is appropriate and the informal structure will assimilate well into the adjoining undeveloped area. The provision of further public open space between the large tree and Taunton Road will provide a 'soft edge' to the development, fitting of its edge of town location.

The dwellings are considered to be acceptably designed and would be constructed in a mixture of render and red brick. This will fit in with the vernacular of the new development on the adjoining sites.

A footpath link is proposed from the western site boundary into the wider Cades Farm development. This would be via the access track to an adjoining balancing pond and, as such, would not be a direct link to the public highway. However, it is still considered to provide an acceptable walking route through towards the town.

Highway Impact

The application proposes to use the left in – left out junction already approved for use at the veterinary hospital. The Highway Authority has expressed some concern that residents of the site are likely to find the access to the site inconvenient due to the need to use the roundabouts, particularly Chelston Roundabout when travelling from Wellington. They suggest that this may result in the use of other access points – particularly the entrance to Chelston House Farm – for informal turning, which may be detrimental to highway safety. However, given that the access was considered safe and appropriate for the vets, which would also attract some staff who would visit the site every day, it is considered that this is a somewhat unreasonable position to hold. For these reasons, the Highway Authority have not objected to the application, although they do consider that some further signage is required. This can be provided on highway land and, therefore, can be secured by condition.

The Highway Authority estate roads team have raised a number of comments about the detailed layout of the highway, but it is considered that these can be dealt with through their standard condition requiring final submission and approval of the estate roads. There will be no adverse impact on highway safety.

The Highway Authority has recommended a number of conditions. Included in their recommendations are requests for a construction traffic management plan and condition survey of the public highway. Given that the site is directly accessed from the main road network, which carries a large amount of traffic already, these conditions are not considered reasonable. Conditions requiring the access to be no steeper than 1 in 10 are not necessary as the site is relatively flat. Whilst drainage of the site is considered, it is not considered that obtaining the necessary connection rights to existing drainage infrastructure should be a pre-condition of development.

Flood Risk

The southern edge of the site is within flood zone 3 and is liable to flood. However,

the development has been designed to avoid this area and should be safe from flooding in a 1 in 100 year probability event, accounting for climate change. There are some shortcomings in the FRA, identified by the EA and the Council's Drainage Engineer, although both are satisfied that these can be overcome through the imposition of conditions requiring additional drainage information. The EA has also withdrawn its initial objection. It is, therefore, considered that the development will not be at risk of flooding, nor will it cause any increase in the likelihood of flooding downstream.

Conclusions

The development is contrary to the development plan as it lies outside the settlement limit and partly affects the green wedge. However, the new development will be contained behind the mature tree in the centre of the site. In addition, due to the strong tree line to the southeast, it is considered that the eastern extent of the development is a logical one that respects existing landscape features. The proposed landscaping within the public open space to the east would essentially screen the development from Taunton Road. This will help retain and reinforce the open break between Wellington and Chelston. The provision of a formal public open space will help the green wedge to fulfil one of its stated objectives which would otherwise be unachievable. This combined with the delivery of housing in a sustainable location is considered to outweigh the conflict with the plan.

With regard to the foregoing, and with suitable conditions in place, it is considered that the proposed development is acceptable. It is, therefore, recommended that planning permission is granted subject to a Section 106 agreement securing the affordable housing and the provision of public open space.

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

Appeal Decisions June 2019

Site: Cutsey Pavilion, Cutsey, TAUNTON, TA3 7NY

Proposal: Change of from ancillary to residential dwelling at Cutsey House, Cursey Pavillion, Cursey House Lane, Trull (retention of works already undertaken)

Application number: 42/18/0034

Reason for refusal

The proposed development site is outside of recognised settlement limits and is considered to be in an unsustainable location, and is not considered to be in conformity with the Taunton Deane Borough Council Core Strategy (adopted 2011) policies SP1, CP1a, DM2, and Site Allocations and Development Management Plan policy H1(a), and NPPF (2018) paragraphs 78 and 79.

Appeal decision: APPEAL ALLOWED



Appeal Decision

Site visit made on 7 May 2019

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2019

Appeal Ref: APP/D3315/W/19/3222247
Cutsey Pavilion, Cutsey, Trull, Taunton
TA3 7NY

- 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 Patrick Rose against the decision of Somerset West and Taunton Council, formerly Taunton Deane Borough Council.
 - The application Ref 42/18/0034, dated 20 September 2018, was refused by notice dated 18 December 2018.
 - The development proposed is for change of use from ancillary use to full residential.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from ancillary use to full residential at Cutsey Pavilion, Cutsey, Trull, Taunton TA3 7NY, in accordance of the terms of the application Ref. 42/18/0034, dated 20 September 2018 subject to the following condition:

1. Unless within 3 months of the date of this decision a dedicated scheme detailing

car parking and the provision for the storage of refuse and recyclable waste materials in accordance with the Council's adopted standards to serve the development hereby permitted, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site for independent residential occupation shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site for independent residential occupation shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, the parking and refuse/recyclable waste facilities shall thereafter be maintained and remain in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matter

1. As included within the description of development as set out upon the Council's decision notice, the appeal before me seeks to retain works already undertaken to the building, as well as its use as an independent unit of residential accommodation. Having undertaken a site visit and inspected the interior of the building, I can confirm that its internal layout is broadly in accordance with that shown on the submitted layout drawing. I have determined the appeal on this basis.

Main Issue

2. The main issue is whether the proposal amounts to sustainable development, with specific reference to its accessibility.

Reasons

3. The appeal site is situated within a rural area and forms part of a loose collection of dwellings, commercial uses and farms which form the hamlet of Cutsey. It is therefore in a relatively isolated location where new residential development is strictly controlled by the Council's Development Plan.
4. The location constitutes open countryside for the purposes of defining sustainable development locations, pursuant to Policy SP1 of the Adopted Taunton Deane Core Strategy 2011 – 2028 Development Plan Document (2012) (CS). CS Policy DM2 permits the conversion of existing buildings in the countryside to residential use, but only in exceptional circumstances, and being at the bottom of a sequential list of other uses. Furthermore, CS Policy CP1, where considering climate change, seeks to reduce the need to travel; one exception to this is for the provision of permanent housing for rural workers, pursuant to Policy H1a of the Taunton Deane Adopted Site Allocations and Development Management Plan December 2016 (SADMP).
5. However, of most recent publication, the February 2019 version of the National Planning Policy Framework (the 'Framework') in paragraph 79 states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply; this includes

where a development would involve the sub-division of an existing residential dwelling (criterion d.). I note from the Council's appeal statement that it's accepted that the building in question is ancillary to the main Cutsey House and also that it has built development surrounding it to the immediate north. I acknowledge that the site is located some distance from community facilities and other services, however paragraph 79 d) of the Framework does not actually require developments comprising from the sub-division of an existing residential dwelling to be near to such.

6. It is highly likely that existing and future occupants of the pavilion would be heavily reliant upon the use of the private motorcar for day-to-day living, however, by virtue of its modest scale which would unlikely accommodate more than two persons at a time, vehicle movements would be relatively low.
7. I note that historically the pavilion had been occupied as a dwellinghouse from approximately 1984 until 2015 when the former owner of Cutsey House died, with it having its own Council Tax record and being on a separate electricity meter. Whilst the appellant is not seeking to ascertain a Lawful Use for the building, I note that this evidence is not disputed by the Council and I give it moderate weight in the determination of this appeal as it demonstrates that, notwithstanding the floor area being below the Nationally Described Space Standard, it is capable of independent occupation. Furthermore, having inspected the bedroom, within which was a double bed, and having regard to all of the other facilities within the dwelling, I am content that it provides adequate accommodation for a couple to reside within. In addition, whilst I acknowledge that the proposal would not give rise to an additional affordable housing unit, nonetheless due to its modest scale would provide a more affordable dwelling suitable for first-time tenants leaving home to rent on the open market.
8. I accept that the curtilage provided to the dwelling is modest, but there is ample space to sit outside and the very fact that there would be no curtilage to the north-east or north-west is quite simply a symptom of the fact that it gives rise to the reuse of an existing building within the Cutsey House complex. I consider that there is adequate space to park a vehicle or two outside the appeal building, on land within the ownership and control of the appellant. Furthermore, refuse storage is provided within an external cupboard/shed on the north-west elevation of the building, albeit again outside the red line. Subject to the imposition of an appropriate condition, I am satisfied that the proposed development would provide an adequate level of residential amenity in meeting needs for parking, amenity space and refuse storage. With regard to the latter I consider it would not be unreasonable to share existing facilities at Cutsey House, especially as the appellant is the landlord for the pavilion.
9. I also note the Council's concerns with regard to access for maintenance if the building was lawfully used as a separate dwelling and was in different ownership to the rest of the surrounding land, however, that is not a determining factor in this appeal with it potentially being a civil matter in the future.
10. Therefore, notwithstanding the relatively isolated rural location of the site and the fact that occupants of the dwelling would be heavily reliant upon the use of the private motor car to access sources of employment, community facilities and other services necessary for day-to-day living, this is outweighed by paragraph 79 d) of the Framework which allows the development of isolated homes in the countryside where the development would involve the sub-division of an existing residential dwelling.

Other Matters

11. I understand that Cutsey House is Grade II listed, therefore pursuant to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 it falls to me to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.
12. The proposal simply relates to a change of use of the existing building and no significant alterations to the external appearance of the structure, with its use as an independent dwelling not materially different to that of an ancillary annexe. Furthermore, taking into account the presence of a commercial business on the site, in addition to vehicular movements associated with it and the main residential use of Cutsey House and those dwellings adjacent, I consider that the proposal would preserve the setting of the listed building.

Conclusion and Conditions

13. For the reasons set out above and having regard to all other matters raised by the Council, I conclude that the appeal should succeed.
14. As the development has commenced and is substantially complete it is not necessary to impose the standard time limit condition for implementation and I note the Council have not provided a list of conditions recommended to be imposed upon the grant of planning permission. Notwithstanding this, as proposed by the appellant and acknowledged by the Council, I consider that it is necessary to require further details of the provision of dedicated parking and refuse and recyclable waste storage to serve the dwelling, in the interests of protecting the living conditions of existing and future occupants not only of Cutsey Pavilion, but also of Cutsey House itself.
15. The purpose of condition 1 is to require the appellant to comply with a strict timetable for dealing with these matters which need to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matters because the development has already taken place. The purpose and effect of the condition is therefore to ensure that the use of the site authorised by the grant of planning permission may only continue if the appellant complies with each one of a series of requirements.

C J Tivey

INSPECTOR

Site: Heywood Cottage, Stawley, Wellington, TA21 0HP

Proposal: Erection of garage at Heywood Cottage, Stawley, Wellington, TA21 0PH

Application number: 35/18/0025

Reason for refusal

Due to its elevated position above the road level and its prominent position in the street scene and the landscape and in relation to the Grade 1 Listed St Michael's Church, the visual impact of the proposed building, in relation to its setting, position and size causes unacceptable harm to the appearance and character of the landscape, the settlement, the street scene and the dwelling contrary to the criteria of Policy DM1 d and policy CP8.

Appeal decision: APPEAL DISMISSED, AWARD OF COSTS IS REFUSED



Appeal Decision

Site visit made on 7 May 2019

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2019

Appeal Ref: **APP/D3315/W/19/3222965**

Heywood Cottage, Stawley, Wellington, Somerset TA21 0HP

- 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 Adrian Ford against the decision of Somerset West and Taunton Council, formerly Taunton Deane Borough Council.
 - The application Ref 35/18/0025, dated 29 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is for the erection of a garage.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was also made by Mr Adrian Ford against Somerset West and Taunton Council, formerly Taunton Deane Borough Council which is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the appeal proposal upon the character and appearance of the area, including the setting of St. Michael and All Angels

Church and the surrounding landscape.

Reasons

4. The appeal site is situated in a relatively isolated rural location on a single track lane that leads to the Parish Church (St. Michael and All Angels). Heywood Cottage sits adjacent to a bungalow, Newlands, with their front elevations broadly in line with each other. The new garage would be situated to the south-west of the host dwelling in a forward position adjacent to the front boundary hedge. On approaching the appeal site from the east, the proposed garage would be the first structure that one would see; with the Church in the relatively close background. The Church is modest in its proportions and being grade I listed, is a fine example of ecclesiastical vernacular architecture and provides a very positive contribution to the pastoral scene.
5. On viewing the appeal site from east and from the churchyard to the west, the proposed garage would be clearly visible. On higher land, its suburban design and form would be out of character with its historic setting and it would be obtrusive and materially harmful within the rural street scene.
6. I have noted the planning history of the appeal site and notably the appeal decision of my colleague pursuant to appeal Ref. APP/D3315/D/15/3138558, although that was for a materially different proposal comprising the erection of a single storey extension to the front of the host dwelling to its eastern end, and which does not appear to have been implemented. Consequently, the planning permission is no longer extant, having expired in February of this year. I am also aware of the other examples cited by the appellant, however ultimately each case must be assessed on its own merits.
7. I understand the appellant's reasoning for submitting the appeal proposal, although I respectfully consider that the current proposal would be more obtrusive than that previously proposed and approved, notwithstanding that it would likely have a lesser impact upon the living conditions of the occupants of the adjacent Newlands. I accept that the previous appeal proposal permitted the creation of a new access further along Church Lane and also identified a parking and turning area to be provided, however the appearance of these features would visually be far less apparent than a double garage of a significant scale. I do however note that the proposal was not intended to be for an additional double garage, but a replacement for the one previously granted.
8. I accept that the garage would remain visually subservient to the two storey host dwelling, but it cannot be viewed in isolation. It would have a steeply pitched roof that would essentially enable some form of first floor accommodation to be provided, for storage or otherwise, and I am not convinced that this is the only design solution that would be feasible on this site, with it paying very little sympathy to its high quality rural setting. I note that additional screening would be provided although that in itself may not outlive the proposed structure and should not be used to conceal what essentially amounts to an unacceptable form of development.
9. From the submissions before me, including those from the appellants, I acknowledge the presence in the past of a pair of semi-detached cottages and a two storey Sunday School building to the west of the appeal site, although it is not clear when these were demolished; although they quite clearly no longer form part of the setting to the listed Church. Therefore I give their historic presence little weight in coming to my conclusions on these matters. I also note the appellant's comments with

regard to the changes and alterations that have been undertaken at Church Cottage, however it is not for me to comment on the appropriateness or otherwise of these.

10. Notwithstanding the above, overall I consider that the longer range views of the appeal proposal, having regard to the presence of the host dwelling, and the handful of other dwellings within the immediate locality, would not render it as incongruous within mid to long range views across the wider landscape.

However, overall, I conclude that the proposed garage would be highly prominent within the rural street scene and would give rise to harm to the setting of the listed Church. Consequently, the proposal would give rise to less than substantial harm to the setting of a Designated Heritage Asset and would be in conflict with paragraph 196 of the National Planning Policy Framework (the 'Framework'). No public benefits have been advanced that outweigh this harm.

11. I find the proposal contrary to Policies CP8 and DM1 of the Adopted Taunton Deane Core Strategy 2011 – 2028 Development Plan Document (2012) which together seek to conserve and enhance the natural and historic environment and do not permit development proposals that would harm these interests or the settings of rural centres unless other material factors are sufficient to override their importance; whilst ensuring that the appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by development.

Conclusion

12. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR



Costs Decision

Site visit made on 7 May 2019

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2019

**Costs application in relation to Appeal Ref:
APP/D3315/W/19/3222965 Heywood Cottage, Stawley,
Wellington, Somerset TA21 0HP**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).

- The application is made by Mr Adrian Ford against Somerset West and Taunton Council, formerly Taunton Deane Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a garage.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that awards against a Local Planning Authority may be either procedural or substantive.
3. I can understand the applicant's frustrations with regard to what they perceive to be a lack of communication from the Council over the determination of the planning application, although ultimately I consider that their decision to refuse planning permission was the right one, bearing in mind that I have dismissed the appeal.
4. With regard to other matters, the Council substantiated their reasons for refusal with evidence and, as I have concluded within my appeal decision, the proposal was contrary to not only the Development Plan, but also the National Planning Policy Framework.
5. I consider that the Council's reasons for refusal were precise and I find that unreasonable behaviour, resulting in unnecessary wasted expense, as described in the PPG has not been demonstrated. The application for an award of costs is therefore refused.

C J Tivey
INSPECTOR

Site: 37 Conygar View, Dunster, Minehead, TA24 6PW

Proposal: Conversion of garage into one dwelling (amended scheme to 3/10/18/002)

Application number: 3/10/18/007

Reason for refusal

The siting of the proposed dwelling, significantly forward of the established building line which is formed by existing buildings fronting the southern side of Bremis Road, would be an incongruous form of development, and would not be in accordance with the established layout of development in the area to the detriment of the character and appearance of the area and the street scene contrary to policy NH13 of the West Somerset Local Plan (2032) and the requirements of the National Planning Policy Framework (2018).

Appeal decision: APPEAL DISMISSED



Appeal Decision

Site visit made on 7 May 2019

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2019

Appeal Ref: APP/H3320/W/19/3223056

37 Conygar View, Dunster, Minehead TA24 6PW

- 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 Linhay Properties Ltd against the decision of the Somerset West and Taunton Council, formerly West Somerset Council.
 - The application Ref 3/10/18/007, dated 15 September 2018, was refused by notice dated 13 December 2018.
 - The development proposed is for conversion of detached domestic garage to a dwelling (amended scheme to 3/10/18/002).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

3. The appeal site is situated within a residential area predominantly comprising two storey semi-detached and terraced dwellings, many of which have been altered and extended over time. The site is at the junction Conygar View and Bremis Road with 19 Bremis Road located to the west, the front elevation of which is roughly in line with the flank elevation of the donor dwelling.
4. To the north of the dwelling at 37 Conygar View is a detached double garage which is partially screened by mature hedging and appears subordinate not only to its host, but also within the street scene.
5. The proposed dwelling would however be far more prominent by virtue of the increased verticality of the garage building to be converted/extended and its positioning forward of the Bremis Road building line. I acknowledge that the original ground floor kitchen of no 37 also projected beyond the building line of Bremis Road, although from the photographs provided by the appellant, in addition to being attached to the donor dwelling it was clearly subservient in its appearance with a significant differentiation in terms of its eaves and ridgelines.
6. I acknowledge that the original ridgelines of the proposed dwelling would also be lower than that of no 37, however nonetheless a 3m increase in the ridge would be significant. I have had regard to other examples where developments

project beyond building lines in close proximity to the site and, whilst it is not for me to comment on the appropriateness of these or otherwise, each case must be assessed on its own merits.

7. I acknowledge that the Council has not raised any objections to the scheme in respect of the impacts that it would have upon the living conditions of the occupants of surrounding residential properties; I also note the close proximity of the site to a bus stop and cycle path situated on the A39. I also applaud the measures sought to reduce the impact of the proposed dwelling upon climate change. However, these factors in favour of the scheme, including the fact that neither the Parish Council nor any other consultees or third parties raised objections to the development, outweigh the harm that the appeal scheme would have upon the character and appearance of the area, with its siting forward of the established Bremis Road building line rendering it as incongruous in the street scene.

Conclusion

8. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR

APPEALS RECEIVED JUNE 2019

Site: Land at Chilcombe House, 30 Trendle Lane, Bicknoller, Taunton, TA4 4EG

Proposal: Outline application for the erection of one detached dwelling and double garage with all matters reserved except access

Application number: 3/01/18/009

Appeal reference: APP/H3220/W/19/3224392

Enforcement Appeal: No – EOI Appeal
