

## SWT Planning Committee

Thursday, 11th July, 2019,  
1.00 pm



Somerset West  
and Taunton

The John Meikle Room - The Deane  
House

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**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 the 20 June 2019

(Pages 5 - 10)

**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.

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|---|------------------------|
| <p><b>5. 08/17/0040</b></p> <p>Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 180 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point off Cheddon Road, Taunton</p>  | <p>(Pages 11 - 62)</p> |
| <p><b>6. 32/18/0008</b></p> <p>Extension of hardcored area at Holbaines Meadow, Whiteball Road, Sampford Arundel, Wellington (Retention of works already completed)</p>   | <p>(Pages 63 - 66)</p> |
| <p><b>7. 3/04/19/003</b></p> <p>Erection of balcony to the rear elevation, replacement garage and workshop/store with garden room<br/>Erection of balcony to the rear elevation, replacement garage and workshop/store with garden room at Moorland View Cottage, Oldways End, Tiverton, EX16 9JQ at Moorland View Cottage, Oldways End, Tiverton, EX16 9JQ</p> | <p>(Pages 67 - 72)</p> |
| <p><b>8. 23/19/0008</b></p> <p>Conversion of dwelling into workshop/studio with ancillary flat and replacement of garage/outbuildings with erection of detached dwelling with detached garage/store at Olands Lodge, Huntash Lane, Milverton</p>  | <p>(Pages 73 - 78)</p> |
| <p><b>9. Appeals Received</b></p>   | <p>(Pages 79 - 80)</p> |
| <p><b>10. Appeals Decided</b></p>   | <p>(Pages 81 - 94)</p> |



**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](http://www.somersetwestandtaunton.gov.uk)

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## SWT Planning Committee - 20 June 2019

Present: Councillor Simon Coles (Chair)

Councillors Roger Habgood, Sue Buller, Ed Firmin, Marcia Hill, Mark Lithgow, Janet Lloyd, Brenda Weston, Gwil Wren, Norman Cavill (In place of Chris Morgan) and Caroline Ellis (In place of Martin Hill)

Officers: Martin Evans, Jo Humble, Tracey Meadows and Rebecca Miller

Also Present: Councillors John Hassall

(The meeting commenced at 1.10 pm)

### 16. Apologies

Apologies were received from Councillors Adkins, Aldridge, Martin Hill, Morgan, Nicholls and Tully

### 17. Minutes of the previous meeting of the Planning Committee

**Resolved** that the minutes of the Planning Committee held on 30 May 2019 with an amendment be confirmed as a correct record.

The **Motion** was carried.

### 18. 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	Description of Interest	Reason	Action Taken
Cllr S Buller	Councillor for one of the items on the agenda,	Personal	Spoke and Voted
Cllr N Cavill	West Monkton	Personal, knows applicant	Spoke and Voted
Cllr S Coles	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr C Ellis	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr Mrs Hill	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	Wellington	Personal	Spoke and Voted
Cllr J Lloyd	Wellington Town	Personal	Spoke and Voted

	Councillor, Sampford Arundel Parish Councillor and Ward Councillor for Application 43/18/0065		
Cllr B Weston	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr G Wren	Clerk to Milverton PC	Personal	Spoke and Voted

19. **Public Participation**

Application No.	Application	Name	Position	Stance
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	Mr Graham Gleed	Member of the Playing Field Committee and Chairman of the Stoke St Gregory Parish Council	Infavour
3/04/19/001	Variation of Condition No 6 (restriction of occupancy) of application 3/04/15/011at Allshire, Allshire Lane, Brushford	Annie Evans Cllr Nick Thwaites	Architect Ward Member	Infavour Infavour
43/18/0065	Erection of 23 No. Dwellings including 5 affordable units with vehicular access, public open	Mr Ed Khodabandehloo	Summerfield Development	Infavour

	space, landscaping and associated world on land off Taunton Road, Wellington as amended by revised Flood Risk Assessment and revised plans			
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20. **Public Question Time**

No questions were received for Public Question Time

21. **36/18/0047**

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

**Comments by Member of the Public;**

- Existing building was 113 years old and in poor repair;
- The building was used on a regular basis by the School and Tennis Club;
- Building widely used by the local School;
- The new Pavilion would benefit the social fabric of the village;
- Flood lighting would add an important dimension to the application;

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

- The application should be deferred to allow the recreation ground committee to reconsider the application regarding Flood Lights not being on this application;
- Concerns regarding parking spaces;
- Safety issues;
- Concerns with the lack of communication between the Agent and Applicant regarding the flood lights;
- Concerns with the removal of the hedgerow;
- Super addition to the local community;

Councillor R Habgood proposed and Councillor M Lithgow seconded a motion that the application be **APPROVED** as per Officer Recommendation;

The **Motion** was carried

22. **3/04/19/001**

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

**Comments be members of the public**

- No harm identified in this variation;
- Development was within the curtilage of the original building;
- Development meets local housing needs;
- This was a rural location with no public services in the area so vehicle was needed;
- The dwelling was not finished or in use yet;
- This was a sustainable development;
- There would be no loss of employment opportunities;

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

- The development had not been tried and tested as a Holiday Let;
- Dwelling did not meet the National Planning Policy framework;

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

The **Motion** was carried

23. **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 be revised Flood Risk Assessment and revised plans.**

**Comments made by member of the public;**

- This development was fully supported by the Somerset West and Taunton Housing Enabling team;

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

- Concerns that the S106 was not secured;
- Not enough parking on the site for residents and visitors;
- Traffic issues, the junction was not fit for this amount of housing;
- Concerns that only 9 properties were compliant with Policy D10;
- Concerns that this was a sub-standard development;
- Land was difficult to develop and not in the Core Strategy;
- Development was close to the green wedge;
- Concerns that the existing trees would not be retained;
- Concerns with the access and egress to the site;



- Concerns with increased traffic;
- Concerns with the cycle path route;
- No need for this development in Wellington;
- Concerns that this was not a sustainable development;
- Concerns with the loss of farm land;
- Flooding issues;
- Wildlife issues;
- Development did not address the climate change mitigation;
- This farm land was not fit for animal grazing;
- Concerns with the loss of Social housing;
- If the development was not viable the developer should look elsewhere for a more suitable site;
- Concerns that there was extant planning permission on this site;

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

### **Reasons**

1. Further information required around the 18 unit's permission and what was secured under that permission and to confirm that it is an extant permission;
2. Officers to go away and speak to the applicant to negotiate the issues raised by the Committee for the size of the units, the number of parking spaces the cycleway and the viability issues around numbers of affordable housing;

#### 24. **Latest Appeals and Decisions received**

Noted that there were three Decisions and one Appeal received.

(The Meeting ended at 3.10 pm)



08/17/0040

GLADMAN DEVELOPMENTS

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

Location: LAND OFF CHEDDON ROAD, TAUNTON

Grid Reference: 323158.127425

Outline Planning Permission

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## Recommendation

**Recommended decision: Conditional Approval**

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

### Recommended Conditions (if applicable)

1. Approval of the details of the (a) layout (b) scale (c) appearance and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

DrawingNo. 4746-55-03A - Junction layout with footway along frontage

DrawingNo. 7689-L-04 - Location Plan

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

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

Reason: To ensure the preservation of archaeological remains.

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

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of FPCR's Ecological Appraisal report, dated October 2017 and include:
  1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
  3. Measures for the retention and replacement and enhancement of places of rest for nesting birds
  4. A Construction and Environmental management plan (CEMP) and a Landscape and Ecological management plan (LEMP)

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

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

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

5. A specific lighting strategy shall be produced at the reserved matters stage, showing how and where external lighting will be installed (through the provision of lighting contour plans down to 0.1 Lux across the open space areas of the site, technical specifications and other mitigating measures) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the bat species using their territory. All external lighting shall be

installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

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

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

Reason: To ensure the adequate provision of drainage infrastructure.

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

Reason: In the interests of highway safety.

8. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 54 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

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

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

11. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation of any dwelling hereby approved and thereafter maintained at all times.

Reason: In the interests of highway safety.

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

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

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

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

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

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

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

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

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

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

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

17. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.  
  
(ii) The scheme shall be implemented within the first available planting season from the date of commencement of the development.  
  
(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

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

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
3. Your attention is drawn to the policies of the Local Neighbourhood Plan which will need to be complied with as part of any reserved matters application.

## **Proposal**

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

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

The application was deferred from the committee meeting in May in order to seek further information on the following:

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.

Explanation of the exact Agricultural Land Classification of the site in order to see whether or not it is appropriate for development.

A better explanation of the significance of the proposal in relation to policies DM2 and CP8 (is it in accordance with and why?)

Illustrative evidence showing where the off-site bat mitigation is proposed (plan)

Any impact upon the Councils 'aspirational' intentions in respect of the Northern Outer Distributor Road.

How does the proposal deal with the need for a footpath along the northern (hedge) edge of Cheddon Road.

Better traffic assessment and modelling. The existing evidence contains contradictions.

Explanation of the cumulative impact of this proposal together with all of the other housing schemes in the area.

An appendix is added to this report with the applicant's response to the above issues.

## **Site Description**

The site consists of 3 fields to the north of Cheddon Road between Pyrland Hall Farm and Pyrland Farm. The site was grazing land and has recently been planted with an arable crop and is surrounded by hedgerows with a public right of way to the west and north.

## **Relevant Planning History**



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

## Consultation Responses

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

- Policy H1 – no bungalows
  - Policy H3 – no reference to external refuse bin housing
  - Policy H4 – no adjustment made to the split to 80% Social Rented and 20% Shared Ownership.
  - Policy E5 – no recognition of broadband connection
  - Policy T1 – no connectivity to existing footpaths
  - Policy R1 – dark skies
  - Policy R4 – inadequate recreational space
2. The Parish Council notes the representation from the following Officers, and supports their recommendations:
- Principal Transport Planner for SCC Highways: comments regarding traffic flows, traffic modelling, parking, lack of suitable access and turning, emergency exit, pedestrian links, footway frontage, a Full Travel Plan. All this to be taken into account regarding the developments at Staplegrave, Firepool, Northwalls, and West Monkton.
  - Housing Officer: It is understood that comments made on 3.5.2018 (TDBC website) have been amended on 10.5.2018 to reflect the recently 'made' (23.4.2018) Neighbourhood Plan.
  - Community Leisure Officer: notes a lack of provision of NEAPs & LEAPs.
3. Highways: Staplegrave Parish Council have recently (2018) sought views from neighbouring parishes regarding 'connectivity' from Staplegrave new spine road to Nerrols Drive in Cheddon Fitzpaine. Cheddon Fitzpaine Parish Council support 'in principle' a North Taunton Link Road to be discussed at County level with Staplegrave PC taking the lead. Without this road, the increase in traffic from all new developments will arrive at Kingston Road/Cheddon Road and dissipate down country lanes. The rat-running at present is already problematical for local residents. Farm View was built with wide grass verges to 'allow' for this road to be built.

### Observations/Comments:

4. The Parish Council of Cheddon Fitzpaine should be a statutory Consultee for any amendments to the Design & Access Statement'. It is understood at

present that these may be agreed at TDBC without referring back to the Parish Council.

*Comment on revision*

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

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

NP Policy H1 – bungalows;

NP Policy H3 – external refuse-bin housing;

NP Policy H4 – 80% Social Rented and 20% Shared Ownership;

NP Policy E5 – broadband connectivity;

NP Policy T1 – interconnection with existing footpaths;

NP Policy R1 – dark skies;

NP Policy R4 – recreational space.

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

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

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

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

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

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

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

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

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

## *SCC - TRANSPORT DEVELOPMENT GROUP -*

### COMMENTS ON REVISED DETAIL

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

#### **Traffic Impact**

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

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

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

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

#### **Travel Plan**

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

#### **Parking**

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

#### **Highway Works**

##### **General**

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

##### **Access**

The revised TA includes a number of different access arrangement options.

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

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

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

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

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

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

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

### **Conclusions**

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

The access proposals have been revised, and while options have been put forward

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

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

- No part of the development hereby permitted shall be occupied or brought into use until the construction of suitable vehicular and pedestrian access to the development has been carried out in accordance with a design generally in accordance with the layout shown on drawing 4746-55-03A (but with details, including but not limited to kerb radii dimensions and the location of informal pedestrian crossing points amended in consultation with the Local Planning Authority). The Design and specification are to be approved in writing by the Local Planning Authority and shall be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- No part of the development hereby permitted shall be occupied or brought into use until a scheme to provide a safe and attractive route for pedestrians from the development to The Taunton Academy, including measures such as new and widened footways informal pedestrian crossings and entry treatments, has been submitted to and approved in writing by the Local Planning Authority. The scheme is to be fully implemented in accordance with the approved plans and to a specification approved in writing by the Local Planning Authority prior to the occupation of any dwelling hereby approved;
- Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area;
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to construction works commencing, and thereafter maintained until the completion of construction works on the site;
- A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site;
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on

site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;

- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation of any dwelling hereby approved and thereafter maintained at all times;

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

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

- There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 54 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;

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

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

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

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

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

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

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

It is noted that the calculations were estimated using FSR rainfall data. In accordance with the SUDS Manual, the storage volumes and discharge rates should be calculated using FEH methods and the FEH 2013 rainfall data. Updated calculations will be required for the detailed design.

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

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

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

may affect the proposed design.

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

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

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

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

Taunton Deane Borough Council, as the competent authority' under the Habitats Regulations, considers that there is unlikely to be an effect on the integrity of the conservation objectives of Hestercombe House SAC provided the following



conditions are applied to the planning permission or are subject to a s106 agreement. As the application is for outline permission there is scope for mitigation to be conditioned in order to counter-act the risk of a significant effect occurring.

1. A habitat enhancement area of a minimum of 1.63 hectares shall be provided either on or off site. The replacement habitat shall be of woodland, ponds and species rich meadow is created, which is accessible to Lesser Horseshoe bats. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with Somerset West and Taunton Council prior to work commencing on site. This enhancement will be planted at the earliest possible date following permission unless otherwise agreed with the Borough Council.

2. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority to ensure that the habitat creation / enhancement is managed appropriately for Lesser Horseshoe bats. The plan will include the aims and objective of management of the whole site in perpetuity from completion of the works. Prescriptions for management actions shall be included with measures to promote the establishment and maintenance of the planting to a favourable structure for Lesser Horseshoe bats. It should also include a monitoring strategy to ensure that Lesser Horseshoe bats continue to use the site and remedial measures to rectify the situation should negative results arise. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

3. To minimise the effects on Lesser Horseshoe bats (and other bat species), a specific lighting strategy shall be produced at the reserved matters stage, showing how and where external lighting will be installed (through the provision of lighting contour plans down to 0.1 Lux, technical specifications and other mitigating measures) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority.

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

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

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

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

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

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

*WESSEX WATER* - No comment

*HISTORIC ENGLAND* - No comments to make.

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

The site is 1.4km south of Hestercombe SAC.

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

FPCR carried out an ecological appraisal of the site in October 2017. Findings were as follows

### **Bats**

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

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

I agree with conclusions in the assessment. There is a shortfall of 1.28ha of mitigation for lesser horseshoe bats in the submitted masterplan.

Any mitigation should be functional at the time of development. Lux light levels should not increase on any retained or new bat habitat

### **Birds**

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

I support the erection of bird boxes on site

### **Badger**

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

### **Reptiles**

The site was assessed as having sub optimal habitat for reptiles

### **Great crested newts**

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

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

### **Dormice**

Nest tube surveys returned no evidence of dormice

If permission were granted I suggest the following condition

**Suggested Condition for protected species:**

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of FPCR's Ecological Appraisal report, dated October 2017 and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented

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

**Informative Note**

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

*LANDSCAPE* - I cannot support this proposal of 180 houses as it is a much larger proposal than identified in the SADMP ( TAU 3). The development encroaches further into the open countryside than initially accepted in the SADMP. It is not clear how much hedging bordering the south of the site will need to be removed to assess the site I consider that the proposal will impact on the landscape character of immediate locality.

*TREE OFFICER* - No comment.

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

The type and size of the affordable housing units to be provided should fully reflect

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

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

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

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

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

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

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

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

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

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

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

Hills. This is reducing the actual area of land and the perceived sense of separation between townscape and high quality rural landscape of national significance.

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

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

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

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

Section 85 of the CRoW Act 2000 states that:

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

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

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

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

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

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

**Comments:-**

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

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

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

**Drug Offences** - 3

**Other Offences** - 5

**Sexual Offences** - 2

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

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

**Total - 97 Offences**

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

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

I

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

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

**Orientation of Dwellings** - all appear to overlook the street and public spaces which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. The majority of the dwellings also appear to be ‘back to back’, which is also recommended, as this helps restrict unauthorised access to the rear of dwellings where the majority of burglaries occur.

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

**LEAP** – the proposed LEAP is located in a fairly large communal area on the edge of the development with limited surveillance from nearby dwellings. From a safeguarding children perspective, I recommend it be more centrally located with safe routes for users to come and go and good all-round surveillance from dwellings.

**Dwelling Boundaries** – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front should be kept low, maximum height 1 metre to assist this. More vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fences and lockable. Judging by the masterplan in the DAS, this appears to be catered for but at this outline stage is difficult to fully assess.

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

**Landscaping/Planting** – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, i.e. dwelling frontages shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

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

**Physical Security of Dwellings** – in order to comply with *Approved Document Q: Security – Dwellings* of building regulations, all external doorsets and ground floor

or easily accessible windows and rooflights must be tested to comply with PAS 24:2016 security standard or equivalent.

**Secured by Design** - the applicant refers to this national police initiative in the DAS and, if planning permission is granted, is advised to refer to the '**SBD Homes 2016**' design guide, which is available on the Secured by Design website – [www.securedbydesign.com](http://www.securedbydesign.com) – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **NATURAL ENGLAND -**

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

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

#### **No objection**

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

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

## **Representations Received**

Ward Cllr Lees - This proposal is in conflict with Council policy which allows for only 45 houses. Allowing four times the number of houses, as proposed will cause considerable **harm** as follows:

1. Negative landscape impact. This is a sloping and raised site and the development will be prominent in a rural setting. The Council's own landscape officer says " *I cannot support this proposal of 180 houses as it is a much larger*



*proposal than identified in the SADMP (TAU 3). The development encroaches further into the open countryside than initially accepted in the SADMP". The AONB state "We concur with the comments of your Landscape Officer that an increase in houses to 180 is much larger than the 40 allocated in the SADMP and, considering other allocated sites coming forward for development on the northern side of Taunton, we ask you to consider if the cumulative push of the urban and suburban environment towards the nationally protected Quantock Hills has potentially reached a critical limit"*

2. Both the landscape and transport assessment fail to consider the cumulative impact of this development and the impact of the Dennis Wilson homes application for approximately 330 house to the east of this site. These two applications must be considered together. Both developments will feed substantial additional traffic onto a highly unsuitable road, passing a large school, Taunton Academy, where students are being encouraged to walk and cycle.

3. Negative impact on wildlife. For example, the landscape officer comments that: *"There is a shortfall of 1.28ha of mitigation for lesser horseshoe bats in the submitted masterplan"*.

If you approve this application, it will leave the council wide open to future applications that breach policy. It will set a very bad precedent. This bodes badly for the Garden Town Vision that the council has just consulted upon.

The treatment of local residents has been poor with this meeting being held on a bank holiday and school holiday week when many concerned residents are away and preventing working people from attending.

35 letters of objections received on the grounds of:

- Outside of Local plan policy
- Loss of green space and valuable farming land.
- Loss of privacy
- Overdevelopment of the site
- No need for housing and lack of employment
- Non compliance with Neighbourhood plan policies
- Not in keeping with garden town
- Outside of settlement limit
- An unplanned extension

- Not in keeping with surroundings of northern side of road
- Increase in traffic and therefore accidents. Roads cannot cope with extra volume
- Will lead to parking and congestion problems
- Inadequate access
- Danger to cyclists and pedestrians
- A 20mph speed limit should be imposed from the site to the school and a safe pedestrian route planned.
- Inadequate infrastructure locally and Council cannot keep up with road maintenance.
- Traffic impact on narrow lanes
- Will isolate fields and force agricultural traffic onto the road
- Roads too narrow to take heavy machinery
- Impact on conservation area
- Listed building at King's Hall school would be overshadowed
- Impact on views from Hestercombe House spoiling character of landmark
- Impact on Cheddon Corner and King's Hall School
- Impact on AONB
- Negative landscape impact
- Loss of peace and tranquility
- Noise and air pollution
- Loss of hedgerow impacting on rural nature of area and environment.
- Impact on wildlife including bats
- Strain on local services

- Loss of prime agricultural land
- Surface water drainage and increased flood risk
- Will lead to water shortage
- Will lead to increase in fly tipping
- Loss of view
- Loss of value
- A similar application outside of the development area at Creech St Michael was refused.
- Local resources including schools and doctors surgery's cannot cope.

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

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

- Inadequate access and increase in traffic would be unsafe
- Not in keeping with surroundings
- Overdevelopment
- Outside settlement on valuable farm land
- No need for more housing
- Detrimental and damaging to rural character of the area
- Loss of hedging
- Would overload water/drainage/recycling services
- Increase flood risk
- Increase in traffic, air pollution, congestion and noise pollution
- Bat roosts at Hestercombe have European protected status.
- Will disturb wildlife
- Hazard of construction vehicles

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

SP1 - Sustainable development locations,  
 CP1 - Climate change,  
 CP4 - Housing,  
 CP6 - Transport and accessibility,  
 CP8 - Environment,  
 DM1 - General requirements,  
 DM2 - Development in the countryside,  
 DM4 - Design,  
 SB1 - Settlement Boundaries,  
 TAU3 - Pyrland Farm,  
 A1 - Parking Requirements,  
 A2 - Travel Planning,  
 C2 - Provision of recreational open space,

D7 - Design quality,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
ENV2 - Tree planting within new developments,  
ENV4 - Archaeology,  
I4 - Water infrastructure,

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

Policy H1 – Housing suitable for older people  
Policy H3 – Refuse Bin Storage for residential development  
Policy H4 – Affordable Housing.  
Policy E5 – Wider roll-out of Broadband connectivity  
Policy T1 – Developing a comprehensive and high quality cycle and footpath network  
Policy R1 – Dark skies  
Policy R4 – Recreation and community facilities

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwellings is CIL liable.

Outline application and no details of density included in application.

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

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

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £2,000,000.00. With index linking this increases to approximately £2,750,000.00.

### **New Homes Bonus**

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

#### *1 Year Payment*

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

#### *6 Year Payment*

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

## Determining issues and considerations

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

### POLICY

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

The provision of a development outside of the development limit has to be considered in light of policies in the development plan and there must be identified harm to warrant a refusal. So merely because the site exceeds the defined allocated site is not in itself a reason for refusal but there must be some element of harm as a result. This was reflected in the recent legal argument at appeal in Wellington. While the site partly lies outside of the settlement where policy DM2 applies, this policy is a positive one in allowing certain forms of development in the countryside. It does not prevent specific development. The current proposal therefore has to cause significant harm on material planning grounds for it to be refused. Policy CP8 seeks to control development that impacts on the Environment. However the sections below look at the impact on heritage, ecology and drainage and do not conclude that there is a significant harm on material planning grounds for it to be refused.

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

A deferral query related to the land classification of the site. The land is classed

Grade 1, however there is no policy in the Local Plan that prevents development on any specific grade of land and part of the site is allocated in the development plan.

## ECOLOGY

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

## LANDSCAPE

The landscape around the site is undulating with a general rise in levels towards the north and the Quantocks Area of Outstanding Natural Beauty. A visual impact assessment has been submitted with the application and this has been considered in terms of assessing the impacts of the site. I have considered the impacts on long distance views and views from the AONB with the Landscape Officer following initial comments. The site is screened from many views to the north and where it is visible the impact is limited and blends in with the existing residential development. Given that the proposed development at Staplegrove is larger, has a bigger impact and has been supported by Committee it is not considered that the very limited impact on the AONB of the current scheme is one that warrants a refusal. In fact to do so would be unreasonable. The applicant has submitted a Landscape and Visual Impact Assessment and it is not considered that the limited landscape impact warrants a refusal given the mitigation planting of 20m wide that is proposed around the site.

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

## SETTING AND IMPACT ON HERITAGE ASSETS

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

## ACCESS AND TRAFFIC

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

One of the main reasons for the delay in bringing the application to committee was the need for further assessment of the traffic implications of the development. A revision to the transport assessment was made to address this and this has been formally assessed by the County Highway Authority. The existing traffic flows in the area are considered modest and the impact of the existing schemes at Staplegrave and Nerrols were assessed not to have a material impact on the current proposal. Clearly the forecast traffic from the development would see an increase in growth but this would not result in any harm and the impact on key junctions was well within capacity even based on 2023 figures. The Highway Authority asked that the developer to look also at the wider network, taking in the Kingston gyratory, Obridge



roundabout and the Venture Way roundabout. In addition the area is not considered to have a road safety problem and the proposed development is not considered to be at a level that would materially change this. The cumulative impact on the local and wider road network was not considered material or severe and the Highway Authority raise no objection to the scheme.

Reference has been made to the possible implications on an 'aspirational' intention in respect of the Northern Outer Distributor Road. While this may be an aspiration in the Transport Strategy, however the provision for such a road has yet to be suggested as part of any local plan and any possible route for it has not been identified let alone protected. The frontage of this site is already allocated for housing and we are not able to protect the route of a road that doesn't exist yet. In conclusion there is no highway reason to object to the development.

## DRAINAGE

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

## CONCLUSION

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

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

**Contact Officer: Mr G Clifford**

APPENDIX 1.

**Additional Information for Committee**

**08/17/0040**

**Land off Cheddon Road, Taunton**



**June 2019**

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## **INTRODUCTION**

- i. The outline planning application for up to 180 dwellings on land off Cheddon Road was reported to Somerset West and Taunton Planning Committee on the 30<sup>th</sup> May 2019 with a recommendation of approval from the Case Officer. At the committee meeting, Members resolved to defer the application for a number of concerns to be addressed.
- ii. The reasons for deferral provided by the Case Officer were:
  - a. Illustration of the impact of the proposal upon the AONB
  - b. An explanation of the Agricultural Land Classification
  - c. An explanation of the proposal in relation to Development Plan policies
  - d. Illustrative evidence for the location of the off-site bat mitigation
  - e. Impact on the Council's intentions in respect of the Northern Outer Distributor Road
  - f. The proposed footpath on the northern side of Cheddon Road
  - g. Transport Assessment and modelling
  - h. The cumulative impact of the proposal with other housing schemes in the area.
- iii. This document provides Members with further information in respect of Highways, Ecology, Landscape, and Agricultural Land.

# 1 HIGHWAYS

## 1.1 Introduction

1.1.1 A full Transport Assessment accompanied the original planning application. Following detailed discussions with Somerset County Council (as Highway Authority) the impact analysis and access design was refined and a final Transport Assessment was submitted and accepted by the County Council who have now removed their objection to the application on transport grounds subject to suitable conditions, which are agreed.

## 1.2 Access

1.2.1 It is important to note that the site is allocated in the adopted Site Allocations and Development Management Plan 2016 for 45 dwellings (Policy TAU3). In highway terms the access design would need to be exactly the same for 45 dwellings as for the current application for 180. Consequently, any loss of hedgerow would arise whether the site was developed for 45 (as allocated) or 180 dwellings. The impact would be inevitable and was anticipated when the Council chose to allocate this site for housing.

1.2.2 The proposed access has been refined through discussions with the County Council. The key points are:

- The proposed access meets current design standards;
- The access allows safe access for large refuse vehicles;
- Vehicular movements in and out of the site do not impact on the use of the parking bays opposite;
- Pedestrian crossing points are positioned to avoid the parking bay and are linked to the site access by a pedestrian footway along the site edge;
- Mitigation is proposed for any impact on the existing hedgerow;
- Locating the footway behind the existing hedgerow was rejected by the County Council for legitimate reasons which included pedestrian visibility.

## 1.3 Local Impact

1.3.1 Traffic impact on the local road network is shown not to be a material (or severe) impact in the final Transport Assessment based on the latest traffic modelling which has been discussed, checked and accepted by Somerset County Council. In particular:

- Cheddon Road is an urban road with development and car parking on the southern side;
- Flows past the site are modest and will continue to be so with development in place;
- All the local junctions will operate within capacity when the development is complete;

- On the wider network, the impact of the development traffic which will be well dispersed, is negligible.

## **1.4 Cumulative Impact**

1.4.1 At the request of the County Council, the Transport Assessment had agreed to examine the major developments on the northern side of Taunton. It was confirmed that they have little impact on the local road network considered here and did not need to be considered in the local network analysis for this development.

1.4.2 For the key junctions further afield traffic forecasts containing these developments were considered.

## **1.5 Road Safety**

1.5.1 Following the submission of the original Transport Assessment, on the request of Somerset County Council, further analysis confirmed the traffic movements from the development would not have a material impact on road safety in the area.

## **1.6 Sustainability**

1.6.1 Subject to local improvements (e.g. proposed pedestrian crossing points and improved route to secondary school) it was agreed with the County Council that in transport terms the site is in a sustainable location allowing residents a choice of travel modes to a range of destinations. This will be reinforced by a Travel Plan which will evolve and be agreed with the County Council as the development comes forward.

## **1.7 Northern Outer Distributor Road**

1.7.1 Members were concerned that the proposals would prejudice the proposed Northern Outer Distributor Road.

1.7.2 However, our transport advisors have been unable to evidence any provision or support for any such road infrastructure (or a potential route for the road) in either an adopted or emerging planning or transport policy document. Furthermore, there is no evidence of any funding being secured, or applied for, to deliver or investigate the feasibility of such a road assuming the requisite land could be secured, either through compulsory purchase or other means. The only reference identified is a Somerset County Council consultation leaflet from 2009 which included such an option as one of many possible transport solutions to town centre congestion in Taunton. However, this option has evidently not been carried forward in the adopted Development Plan or pursued further by the County Council.

1.7.3 Accordingly, it is concluded that any such infrastructure provision remains aspirational only at this time and cannot, therefore, be afforded any weight in the determination of this application. It is

also noted that, were the proposed road to be developed at some point in future, it would have a significantly greater impact on the AONB than the current application proposals.

## **2 ECOLOGY**

### **2.1 Introduction**

2.1.1 The following is a summary of the conclusions reached by both the former Taunton Deane Borough Council and Natural England as 'Competent Authority' and statutory consultee respectively under the Habitats Regulations 2018 and the process through which the likely significant effects of the proposed development on Hestercombe Houses SAC were assessed. It is hoped that this allays any potential concerns that the use of the site by bats associated with Hestercombe House SAC has been thoroughly assessed in the detail necessary for the Appropriate Assessment completed by Somerset Council on behalf of Taunton Deane Borough Council in July 2018.

### **2.2 Survey Design and Effort**

2.2.1 To ensure the appropriate level of survey was conducted for a Habitats Regulations, early contact was made by FPCR Environment and Design Ltd with both Larry Burrows of Somerset District Council and with Natural England through their Discretionary Advice Service (DAS). It was agreed with Somerset Council and Natural England that the recently developed North Somerset and Mendips Bat SAC Guidance on Development was a suitable document to use as it would form a Hestercombe House SAC guidance document in the future (as is now the case).

2.2.2 The recommended survey effort in the SAC Guidance was followed and further detail on the survey design was agreed with Natural England through the DAS including the number and positions of automated bat detectors. The maximum recommended survey effort for a full April - October survey period was conducted and a comprehensive and robust data set produced.

### **2.3 Assessment of Effects**

2.3.1 The Habitats Evaluation Procedure (HEP) Biodiversity Offsetting metric within the Bat SAC Guidance was used to calculate the habitat required to offset the loss of lesser horseshoe bat habitat from development. This is designed to assess both commuting and foraging habitat. This was calculated using the HEP spreadsheet through consultation with Larry Burrows. The process led to revisions of the landscape framework to maximise the habitat provision on the application site. An overall deficit of -0.85 hectares of optimal lesser horseshoe was the result. On recommendation from Larry Burrows, contact with the National Trust was made and following a meeting with the Trust, a 0.9 ha area of land close to the application site was agreed in principle for conversion to optimal lesser horseshoe bat deciduous woodland habitat under a management agreement.

2.3.2 The onsite only HEP figure has since been revised through further consultation with Somerset Council, and the overall deficit is now -0.07 hectares based on the outline Development Framework Rev H and newest SAC Guidance released in 2019. The potential use of the National Trust land should it be required at Reserved Matters will provide contingency with a maximum estimated 0.5



ha gain in optimal lesser horseshoe bat habitat overall. It is understood that the HRA is being updated by Somerset Council accordingly.

## **2.4 Habitats Regulations Conclusions**

2.4.1 A Habitats Regulations Assessment (Including both a Stage 1 Scoping and Stage 2 Appropriate Assessment) was prepared by Somerset County Council on behalf of Taunton Deane Borough Council, as the competent authority under the Habitat Regulations 2018. The HRA concluded:

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

2.4.2 Natural England concluded:

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

2.4.3 Accordingly, suitable provision will be made within the S106 Agreement to secure the necessary mitigation.

## **3 LANDSCAPE**

### **3.1 Introduction**

3.1.1 Members raised concerns and further clarification will be provided regarding:

- The impact of the proposed development on the AONB;
- The cumulative impact of the proposed development with other housing schemes in the area;
- The loss of hedgerow on Cheddon Road.

3.1.2 Each of these matters will be addressed below.

### **3.2 Impact of the Proposed Development on the AONB**

3.2.1 The site is distant from the AONB (2.7km from the identified viewpoint) and is seen as a small element within a much wider panorama that includes screening elements and is set against the backdrop of the settlement areas of Taunton. For this reason the visual effects on completion were only considered in the submitted Landscape and Visual Impact Assessment (LVA) to be Minor Adverse. The provision of an extensive buffer of native tree planting on the northern portion of the site will add to and complement the existing vegetation that obscures views into the site from the AONB, such that by 15 years post completion<sup>1</sup> it is considered that the visual effects will have reduced to Minor Adverse/Negligible Adverse.

3.2.2 The extra development in this proposal represents a modest increase in visual effect, compared to that represented by the allocation TAU3, as seen from the vantage point identified within the Quantock Hills AONB. This is illustrated in the accompanying Figure 2 at Appendix 4.

3.2.3 The visibility from the viewpoint identified in the LVA is illustrated in the accompanying Figure 2 at Appendix 4. The larger photo in this figure shows the view experienced from the AONB and was taken using an equivalent focal length of 50mm to replicate the human eye.

### **3.3 Cumulative Impact**

3.3.1 The other developments that potentially add to the visual effects of the proposed development are shown on the accompanying Figure 1 at Appendix 3. These are large mixed use and residential developments that form part of the allocations under policy SS1 (4,500 dwellings), SS2 (900 dwellings) and TAU2 (1,500 dwellings) allocations on the northern settlement edge of Taunton. These developments largely lie further away from the viewpoint identified in the AONB in Figure 1. These areas are difficult to discern from this viewpoint due to distance and intervening vegetation

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<sup>1</sup> 15 years is the standard time period for assessing the impacts of landscape mitigation, to allow for planting to be established and matured

and built elements in the landscape that obscure them. In this respect it is not considered that they will create any discernible addition to the overall visual effect as seen from the AONB.

### **3.4 Loss of Hedgerow**

3.4.1 It is proposed that the vehicular access to the site is on a central point on Cheddon Road. This is in accordance with the Design Brief in Appendix C of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016, the site requirements in which include a 'Central vehicle access point to allow for adequate visibility in both directions'.

3.4.2 This proposed access, along with an accompanying footway (and pedestrian crossings) require the removal of 140 linear metres of the hedgerow along Cheddon Road. This hedgerow would be lost whether for the allocation of 45 dwellings or for this application of 180 dwellings. Furthermore, 140m of new native hedgerow will be planted as part of this proposal, to replace this, set back from the visibility splay on Cheddon Road.

## **4 AGRICULTURAL LAND**

### **4.1 Introduction**

- 4.1.1 Members requested explanation of the exact Agricultural Land Classification of the site in order to see whether or not the site is appropriate for development.

### **4.2 Agricultural Land Classification**

- 4.2.1 A review of the Agricultural Land Classification (ALC) on Magic Map show the area the site is within to be Grade 1 agricultural land. The ALC uses a grading system to assess and compare the quality of agricultural land. It assesses the potential for land to support different agricultural uses. However, it does not consider the land's current use and intensity of use. Natural England advise that the ALC maps are intended for strategic planning purposes only and is not suitable for the definitive classification of any local area or site.
- 4.2.2 Natural England do not comment on sites less than 20 hectares in size and which are part of an adopted Local Plan or Neighbourhood Plan. The site is partially allocated in the Site Allocation and Development Management Plan where the ALC would have been considered by the Council and its loss was not considered to be significant in isolation or in combination with the other allocations made in the Plan.
- 4.2.3 Natural England provided a consultee response to the application in June 2018 and made no comment in relation to the loss of BMV.
- 4.2.4 The NPPF defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification. Paragraph 170 requires planning policies and decisions to contribute to and enhance the natural and local environment by

**“(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.”**

- 4.2.5 BMV covers much of the rural area surrounding Taunton, including for sites where permission has been granted both by the Council and Inspectors appointed by the Secretary of State.

### **4.3 Current Use**

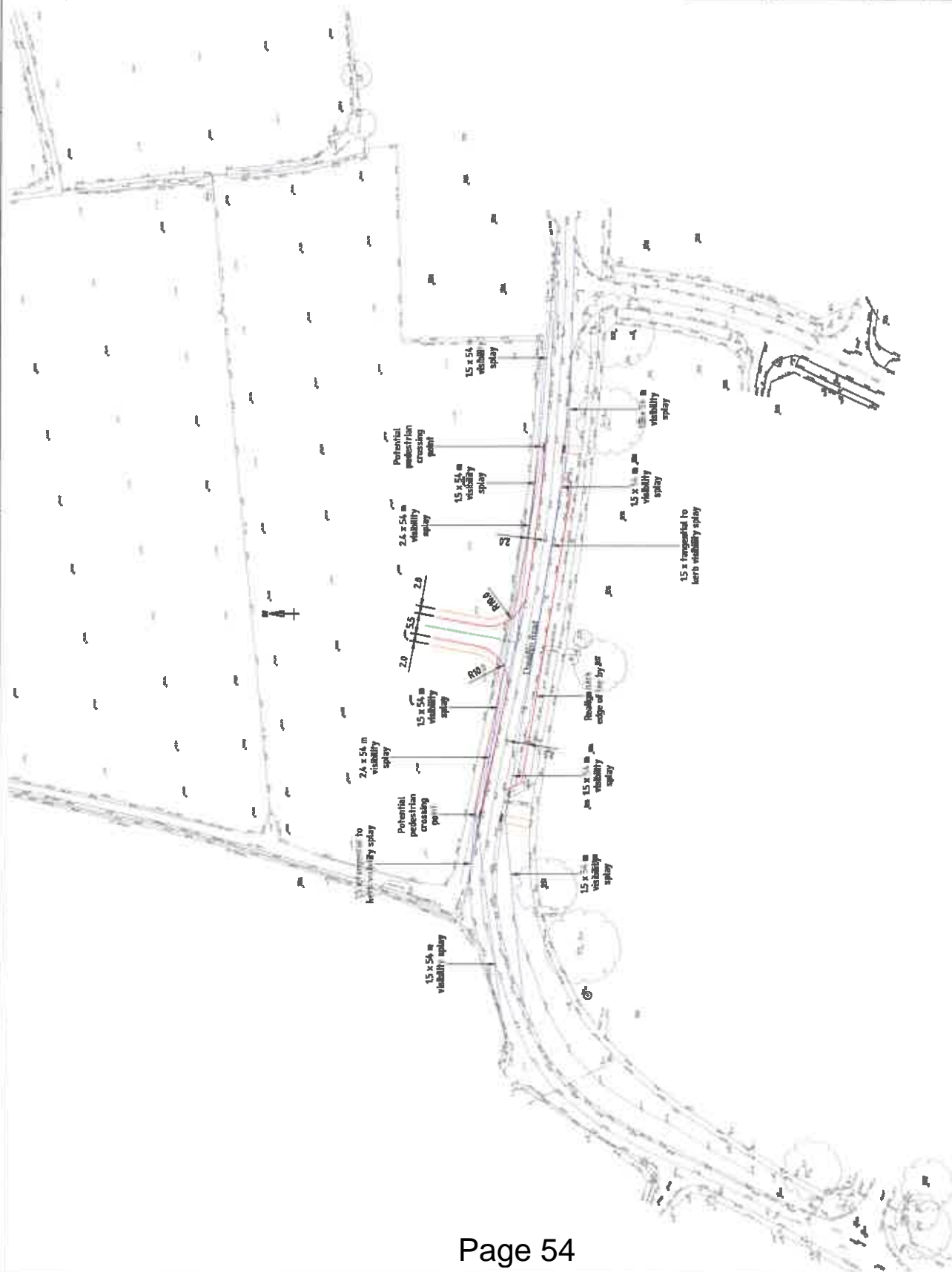
- 4.3.1 The land is currently consist of grass and maize for cattle grazing and is of limited economic value. The Landowner is still intending to farm and there will be no operational impact from the proposed development on the existing operations.

## **APPENDIX 1: ACCESS PLAN**

Drawing No.  
**4746-55-03 A**

**NOTES**

- 1. All dimensions are in metres unless stated otherwise.



DESIGN INFORMATION	
Design stage	Feasibility
Description of proposed intervention	Single priority T junction
Client authority	County Council / Delivery Authority
Design code	PC15 Design speed 60 kph
Intelligence of Present Conditions	100' Unimproved 150' Unimproved

Project Name	F S SHALLON	Drawing Title	PRELIMINARY
Client	PSS	Scale	1:500
Date	Jan 2019	Client Ref	4746-55-03 A

**STIRLINGWAYWARD**  
Consultants

27 High Street, High Street, Taunton, Somerset, TA1 1AA  
Tel: 01202 85200 Fax: 01202 30200  
Email: enquiries@stirlingwayward.co.uk

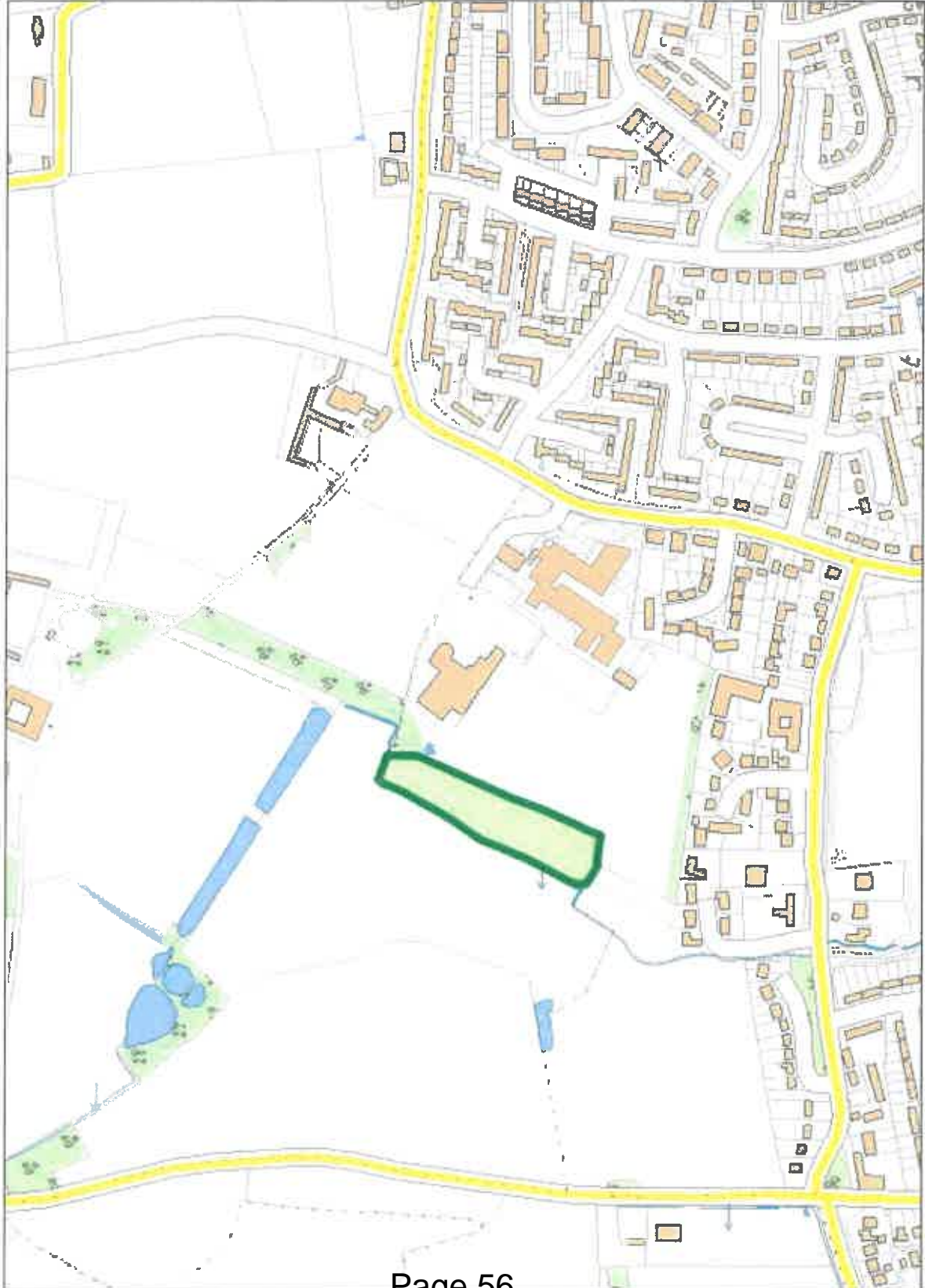
**GLADMAN DEVELOPMENTS LTD**

LAND AT CHEDDON ROAD  
TAUNTON, SOMERSET

JUNCTION LAYOUT WITH  
FOOTWAY ALONG FRONTAGE

**APPENDIX 2: AREA UNDER CONSIDERATION FOR BIODIVERSITY ENHANCEMENT**

# Area under consideration for Biodiversity Offsetting



Legend

1: 5,000



**Notes**  
This map is a user generated static output from an intranet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

0.2 Kilometers

0.10

0

0.2

British\_National\_Grid  
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## **APPENDIX 3: FIGURE 1 – VISIBILITY FROM THE AONB**

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Site Boundary



Quantock Hills AONB



Viewpoint: see Figure 2 for photo viewpoint



Application via Planning Portal	Roads Farm, Myncliffe Heathfield	Staplogrove West	Staplogrove East	Further Construction
45/1/6/0029	34/1/6/0007	34/16/0014	Not Determined but Resolution to Grant	Status
Structure	Built Out	Garaged Outlets	Premises	Status

Scale: 1:25000 @ A3



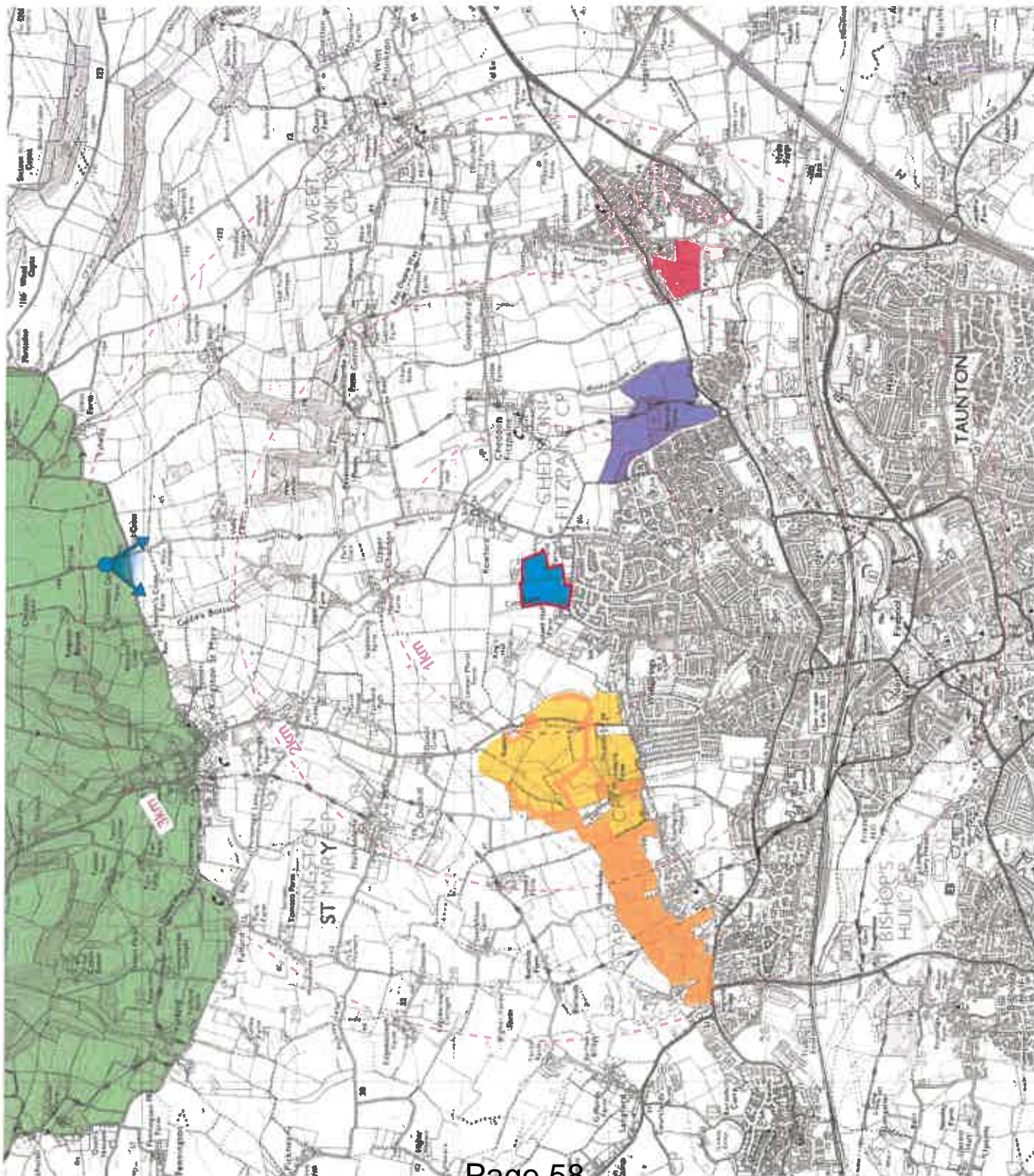
VISIBILITY FROM AONB

1:25,000 @ A3

JTB

06 Jun 2010

Figure 1



## **APPENDIX 4: FIGURE 2 – PHOTOVIEWPOINT QUANTOCK VIEWS AONB**





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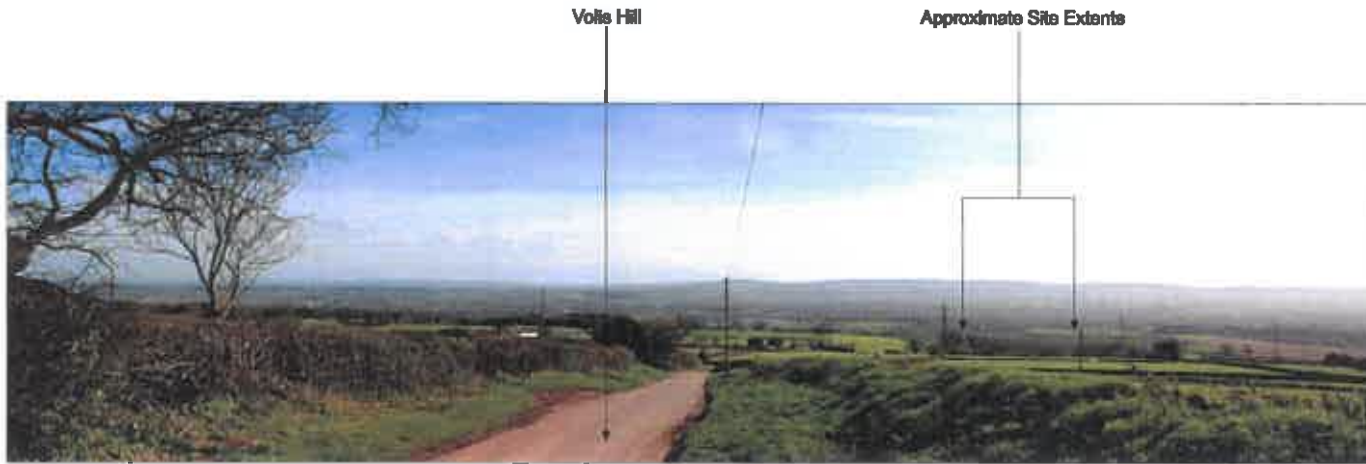
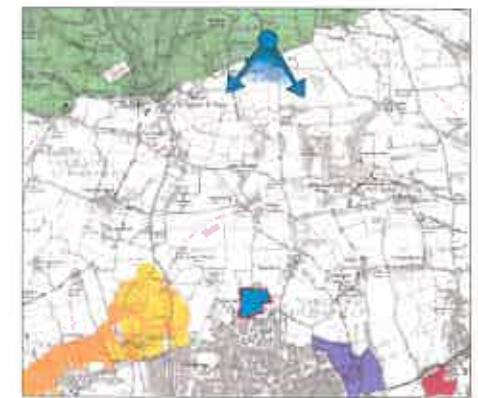
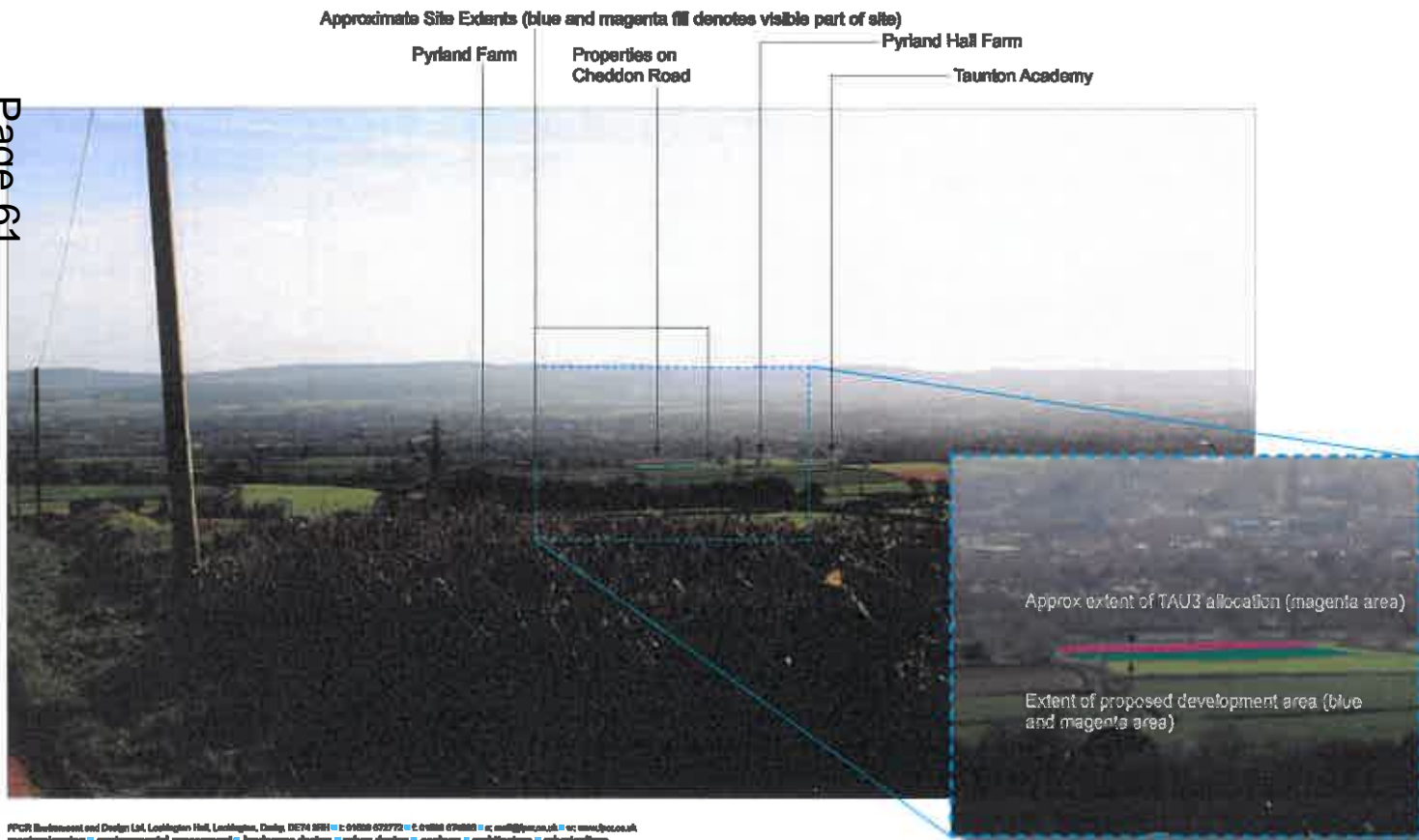


PHOTO VIEWPOINT 21: View looking south from Volls Hill (within Quantock Hills AONB)

**Photograph Information**

**View from Volls Hill (in Quantock Hills AONB)**  
**Grid reference:** 323361, 130193  
**Elevation AOD:** 170m  
**Distance to Site:** 2.7km  
**Date and time:** 20.04.2017  
**Weather:** Clear and Sunny  
**Focal length:** 50mm  
**Viewing distance at A3:** 350mm

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**Location Plan**

**client**  
**Gladman Developments Ltd**  
**project**  
**Cheddon Road,**  
**Taunton**  
**drawing title**  
**PHOTO VIEWPOINT FROM**  
**QUANTOCK HILLS AONB**

**scale** NTS @ A3 **drawn** JUB **issue date** 08 June 2019  
**checked** [initials] **approved** [initials]

**Figure 2**

Area of site zoomed in by 200%



32/18/0008

MR P SPARKS

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

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

Grid Reference: Full Planning Permission

---

## **Recommendation**

**Recommended decision: Conditional Approval**

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

1. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of the approval and prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.  
  
(ii) The scheme shall be completely carried out within the first available planting season from the date of decision  
  
(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

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

2. 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 alterations, outbuildings, gates, walls, fences or other means of enclosure shall be erected on the site other than that expressly authorised by this permission without the further grant of planning permission.

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

## Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

## Proposal

Permission is sought for the extension of hardcore area intended for the horticultural use of the site.

## Site Description

The site is in the open countryside, just to the south of the hamlet of Holywell Lake, between the settlement and the A38. The area of hardstanding sits to the north of the site adjacent to the existing hard surfaced area.

## Relevant Planning History

32/16/0001 for the formation of a new access onto the A38 was refused in 2016., the decision was appealed and dismissed.  
32/13/0007 for the erection of security fencing with gate was approved in 2014.

## Consultation Responses

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

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing advice

*PLANNING ENFORCEMENT* - The application was submitted as a result of a current pending planning enforcement case.

## Representations Received

Three letters of objection making the following comments (summarised):

- The field has been an eyesore as been used as a waste transfer station which is wrong in the countryside.
- Entrance to the site is already looking like the access point to a military base, steel fences and RSJs piled into the ground
- the hard standing must be required to store heavy plant or large vehicles on the land



- This is a green field in the country, it should be used to grow food or provide grazing, it should not be used to slip industry or any non-agricultural or non-horticultural business in the area.
- it is green, it should stay green
- not be covered with building rubble
- Spread of hardcore on the land is completely out of keeping with the nature of the property
- A caravan and a large plastic tank in static positions
- Retaining the area of hardcore is required if the intention is to develop it for non-agricultural commercial or industrial activity.
- Road access to the site is limited
- Cannot support any increase in traffic of any sort

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

CP8 - Environment,  
 SD1 - Presumption in favour of sustainable development,  
 DM2 - Development in the countryside,  
 DM1 - General requirements,

This takes into account the recent adoption of the SADMP.

## **Determining issues and considerations**

The main consideration in determining this application is the impact upon the visual amenity of the area.

It is noted that an enforcement appeal on the site, stated that the hardcored area should be removed within six months, however this decision did not look at the planning implications only that the proposal was not considered to be permitted development. At the time of the enforcement notice no application was submitted to either Taunton Deane or the Inspectorate for determination therefore the planning merits of the case were never considered and the appeal was decided on procedural matters only. This application seeks to regularise the hardstanding.

Clarification has been sought from legal who state that the use of the land as a plant nursery (as opposed to a garden centre) which falls under the agricultural use class. It is considered that the hardcored paths and associated drainage adjacent to the existing hardcored area would be a development associated with this use class.

Comments from neighbours discuss the impacts upon the highway, however the regularising of the hardcored areas is not considered to have an impact upon the highway safety. The land has use as a plant nursery therefore any increase in vehicle movements by virtue of the hardstanding cannot be controlled, highways have referred to the standing advice and as the access and use is already authorised there is no additional effects on highway safety. The existing access to the site is via the lane that runs from the A38 to the north.

There were several comments from neighbours relating to the state of the land, however this application seeks to regularise the site where the use as plant nursery has the potential to tidy up the site. The area of hardstanding to the west of the of the site is deemed lawful. It is noted that the road access is narrow and unsuitable for a garden centre as the visibility splays are overgrown. However as an existing access with permission it is outside the remit of this application.

The site is screened from the A38 and surrounding areas by trees and hedging, which are not subject to protection therefore a landscaping condition has been included to maintain this screening.

It is therefore recommended that permission be 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: Briony Waterman**

<b>Application No:</b>	<a href="#">3/04/19/003</a>
<b>Parish</b>	Brushford
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sarah Wilsher
<b>Grid Ref</b>	Easting: 286973    Northing: 124867
<b>Applicant</b>	Mrs Jan Aldridge
<b>Proposal</b>	Erection of balcony to the rear elevation, replacement garage and workshop/store with garden room
<b>Location</b>	Moorland View Cottage, Oldways End, Tiverton, EX16 9JQ
<b>Reason for referral to Committee</b>	

## Recommendation

Recommended decision: Refuse

### Reasons for refusal:

- 1 In the opinion of the Local Planning Authority the significance and the character the Methodist Chapel, a historical monument and non-designated heritage asset, will be harmed by the close proximity of the proposed garage extension. This identified harm is not outweighed by the proposed benefits of the proposal. The proposal is therefore not in accordance with policies NH1 and NH2 of the West Somerset Local Plan and the Government's policy as laid out in the NPPF, particularly Section 16 and paragraph 197.

### Informative notes to applicant

- 1 This decision relates to Drawing Numbers:  
 (A4) DrNo M.V.1.A Location Plan  
 (A3) DrNo M.V.3.A Proposed Floor Plans and Elevations  
 (A3) DrNo M.V.5.A Proposed Balcony - Floor Plan and Elevations
- 2 **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. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority. During the course of pre-application discussions the applicant was informed that, in the view of 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 in respect of its effect on a heritage asset. Despite this advice the applicant chose to submit the application. The concerns raised during the pre-application discussions/ correspondence remain and, for the avoidance of doubt, were reiterated to the applicant during the course of the application.

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**

It is proposed to extend the existing garage to the south on the roadside elevation. Currently the single garage is 11m long and 5.1m wide and 4.4m in height, built of painted stone with a corrugated metal hipped roof. In order to use it more easily more vehicular storage it is intended to extend it to the west by about 3m and to raise it in height by about 400mm. The extension will be rendered blockwork and the roof will be replaced with natural slates. Originally there were to be two timber double doors on the front elevation, but as these would open out onto the adjacent highway they have been replaced with two roller shutter doors.

To the east of the garage there is a workshop/store building which has a steel frame under a dual-pitched corrugated metal roof. Behind this there is a second workshop/store which sits perpendicular to the first. This is similar in appearance to the workshop to the south but has some timber cladding and is lower in height. The two workshops are linked with a flat roofed section. The two workshop/stores form in effect an L-shaped building which is 9m long on the roadside elevation and protrudes to the north by about 11.3m, with a width of about 4m. It is proposed to replace these buildings with an L-shaped building to comprise a workshop on the roadside elevation with a garden room and garden store behind. This building will cover the same footprint as the existing buildings but will be slightly higher by about 300mm. It will be rendered with a dual-pitched slate roof to match the garage.

In addition, it is proposed to extend the existing raised platform to the rear of the bungalow to create a balcony with storage space beneath. This will be about 0.8m high with 1.1m high balustrading. It will be accessed from ground level by steps to the west elevation and by a door on the rear elevation. On part of the west elevation there was proposed to be a screen, which would fit beneath the eaves and slope down from about 2.4m in height to about 1.8m in height, then 1.1m high balustrading would be erected on the most northern part of the west elevation. To prevent any loss of privacy to the neighbouring property, amended plans were sought to continue the screen for the whole of the west elevation. A 2m screen is thus proposed on the west elevation.

## **Site Description**

Moorland View Cottage is a rendered bungalow under a concrete tiled hipped roof with upvc fenestration. It is on an elevated position situated between two roads. There is a high hedge bordering part of the front garden to the south beyond which is a parking area with a fence of about 1m bordering the roadside. Within the west side of the front garden there is the L-shaped workshop/store and further to the west there is the garage to be extended.

## Relevant Planning History

None.

## Consultation Responses

*Brushford Parish Council* - The parish council examined it at their meeting on May 14th and approved it.

*Highways Development Control* - The red line and part of the development encroaches onto the adjoining highway, ie the new garage doors. This element of the proposal should be amended otherwise refusal is recommended.

*Conservation Officer* - The garage extension will adversely affect the setting of the chapel, which is considered to be a heritage asset (verbal).

## Representations Received

One letter giving comments - requesting clarification on distances of garages from boundaries.

Four letters of support as follows:

- The existing buildings are an eyesore and replacing them will improve the aesthetic appearance.
- Their current delapidated state mean that they are susceptible to coming apart in severe weather.
- The land between the existing structures and the chapel should be utilised as part of the proposal. This will not have a detrimental affect on the chapel itself and will improve the overall appearance of the village.
- The proposed buildings are in keeping with the rest of the village and will improve the overall appearance of the local area.

## Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

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

SD1	Presumption in favour of sustainable development
BD/3	Conversions, Alterations and, Extensions
NH1	Historic Environment
NH2	Management of Heritage Assets

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

SD1	Presumption in favour of sustainable development
BD/3	Conversions, Alterations and, Extensions
NH1	Historic Environment
NH2	Management of Heritage Assets

## **Local finance considerations**

New Homes Bonus would not be applicable to this application.

## **Determining issues and considerations**

The determining factors for consideration are the affect on the amenities of neighbours, the appearance of the development, the impact on the street scene and highway implications.

### **Amenities of neighbours**

The only neighbour likely to be affected by the proposed works is the neighbouring dwelling to the west. There is a fence between the two curtilages which further down the garden has bushes behind, which will prevent some overlooking from the balcony. It is also noted that due to the low height of the fence to the side of the bungalow the neighbouring garden can already be clearly seen from the garden of Moorland View Cottage, but as a balcony can be a dominating and intrusive structure which is used for longer periods of time, than say, glancing out of a window or walking down a garden path, it is considered that the privacy screen will protect the privacy of the neighbour.

## **Appearance of the development**

The balcony is minor in scale but will add interest to the rear of the bungalow, enhancing its current appearance with the plain and bulky raised platform and steps. Although the bungalow is on a raised piece of land above the road to the north, the balcony would not be easily visible from the road due to the size of the back garden (about 19m long) and the trees to the rear. There would therefore be no impact on the street scene.

The rendered buildings with slate roofs will be much more in keeping with the rendered bungalow and the domestic setting than the corrugated agricultural style workshops. They will thus improve the appearance of the curtilage. The new rendered workshop on the south elevation will match the render and slate of the garage and enhance the appearance of the street scene.

The extended garage being wider and higher than existing will be more prominent in the street scene, but as it will be rendered with a slate hipped roof it will blend in with the materials of the proposed workshop to the east and the chapel to the west and provide a stepped appearance along the road frontage. Together the buildings would enhance the roadside elevation.

However, as mentioned above, to the west of the garage there is a small unused methodist chapel dating from 1845. This has rendered walls and a hipped slate roof with a small dual-pitched porch to the front elevation and low walls with railed balustrading enclosing the area to the front. It is 6m wide and 11m long with a height of 6.8m. Two plain pointed arched windows with obscured glass in the bottom panes face the west side of the garage. It is included on the Somerset Historic Environment Record website (no. 18485) but is not listed. Extending the garage will bring it closer to the church, leaving a gap of only about 1m. Although the chapel will continue to dominate the street scene in terms of height it is considered that the loss of space together with the close proximity of a much larger garage would detrimentally affect the presence and setting of the chapel and impact on its character. Its east elevation with the traditional windows would be lost to view and it would appear as just another rendered building along the roadside.

In addition, the size and proximity of the garage to the windows on the chapel's east elevation, which are the only windows in the building, will reduce the amount of light the chapel receives, thus restricting alternative future uses of the chapel. An old photo has been provided by the applicant showing a lean-to building between the garage and chapel in the past, when there used to be commercial premises on the site. This lean-to building looks much lower than the existing garage, so although close, would not create the overbearing presence of the proposed garage extension.

The chapel is considered to be a non-designated heritage asset. Chapter 16 of the National Planning Policy Framework (February 2019) looks at 'Conserving and enhancing the historic environment' and within this chapter paragraph 197 states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing

applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. Given the historical importance of the chapel it is considered that the scale of harm to the chapel that will be caused by the garage extension is significant, and as such the proposal is unacceptable.

During the pre-application stage and the course of the application, it was suggested that the garage be extended to the east instead in order to protect the setting of the chapel. However, as the applicant did not wish to lose the workshop/store and the large parking area to the east of the garage and forward of the garden, this would mean moving everything to the east by 3m resulting in the loss of the flat garden area to the front of the dwelling. The applicant did not wish to lose the front garden so this was not an option which she wished to explore. However, this is not a reason to allow the application as submitted.

### **Highway implications**

As the garage doors will not open out onto the highway there will be no encroachment onto the road to the south. The garage is currently a suitable size for a single garage being over 3m wide and 6m long internally. Its increased size of 10.3m long x 7.4m wide internally would comply with the recommended size of a double garage as per County Highways Standing Advice.

### **Conclusion**

The balcony and workshop/garden room and store are acceptable. They would improve the appearance of the curtilage and the street scene with no effect on residential amenity and thus comply with policy SD1 of the West Somerset Local Plan to 2032 and policy BD/3 of the West Somerset District Local Plan (2006). However, it is considered that the garage extension has a harmful and detrimental impact on the setting of the chapel, as a heritage asset, which is unacceptable. This harm is considered to outweigh the benefits of the proposed development and, as such the proposal is contrary to policies NH1 and NH2 of the West Somerset Local Plan to 2032 and paragraph 197 of the National Planning Policy Framework. It is recommended for refusal.

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



23/19/0008

MR & MRS J DAKOWSKI

**Conversion of dwelling into workshop/studio with ancillary flat and replacement of garage/outbuildings with erection of detached dwelling with detached garage/store at Olands Lodge, Huntash Lane, Milverton**

Location: OLANDS LODGE, HUNTASH LANE, MILVERTON, TAUNTON, TA4  
1NS

Grid Reference: 311873.125408

Full Planning Permission

---

## Recommendation

### Recommended decision: Refusal

- 1 The proposed development would result in new residential development in a countryside location which is inappropriate and not in an accessible location in the terms within the NPPF and would undermine the sustainable pattern of growth for settlements set out within the Council's Development Plan. In this regard, the development would be contrary to policies SP1, CP8 and DM2 of the adopted Taunton Deane Core Strategy 2011-2028 and policy SB1 of the adopted Taunton Deane Site Allocations and Development Management Plan (December 2016). These policies seek to, amongst other things, prioritise accessible and sustainable locations for development, restrict development in the countryside to ensure a sustainable approach and maintain the quality of the countryside.

### Recommended Conditions (if applicable)

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## Proposal

Planning permission is sought for the conversion of the existing 4 bedroom detached dwelling into workshop/studio space with an ancillary flat above. The accommodation would comprise 3 studios on the ground floor with a kitchenette, bathroom, living room, bedroom/office and roof terrace on the first floor. Part of an existing first floor flat roofed extension will be removed to create a roof terrace at the rear of the

dwelling.

It is also proposed to demolish 3 outbuildings/garage to the rear of the existing dwelling and to erect a new dwelling. The new dwelling will be sited to the east of the existing dwelling, set back from the road frontage. It will be clad in larch boarding with a slate roof. A new triple garage with first floor storage is also proposed and this will be sited in front of the new dwelling.

## Site Description

The site is located some 500 metres south of Milverton, opposite the entrance to the village school, at the junction of Huntash Lane and Burns Hill. The site lies 300 metres outside the village settlement boundary within open countryside. Once outside the centre of the village, the east side of Burns Hill is undeveloped with open fields. The nearest dwellings are located some 380 - 400 metres from the application site. The west side of Burns Hill is more developed with the village school opposite and Olands House and Olands Barn set well back from the road frontage.

The existing dwelling is situated right on the roadside and is highly visible. It has extensive gardens to the south and a field to the east. The site is very well screened along the Burns Hill boundary. The eastern boundary with the adjoining field is open and the existing outbuildings are visible from Huntash Lane. Vehicular access to the property is gained via a narrow driveway onto Huntash Lane, with limited visibility. Two of the existing outbuildings are in a very poor state of repair.

## Relevant Planning History

23/14/0002/LE - A Certificate of Lawful Use was granted in 2014 for the use of the land to the south of the dwelling as residential curtilage.

## Consultation Responses

*MILVERTON PARISH COUNCIL* - Councillors noted that this application falls outside the village boundary and therefore is not supported by current TDBC planning policies, however, it notes that these policies are mainly aimed at developments of 20 or more houses.

Nevertheless, this proposal is broadly compatible with the Parish Council's view on what represents appropriate 'organic' development for Milverton and this brown field site will be significantly improved by the redevelopment of the redundant and dangerous buildings currently occupying it.

The Parish Council therefore **supports** the application.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing advice.

*DRAINAGE ENGINEER* - We believe that this application is a minor application and falls below the requirements for LLFA statutory consultation. Therefore, the LLFA has no comments to make regarding this application.

*BIODIVERSITY* - Brookside Ecology undertook a Preliminary Bat Roost survey and a subsequently carried out an emergence survey in 2012 but found no evidence of bats at that time. However, lesser horseshoe bat droppings were found in Outbuilding 2, used as a garage in 2012 a building of concrete blocks and with timber lined corrugated roof. According to the ecology report this was not proposed for demolition at that time. However, the current proposals show that a dwelling would be built on the site of this outbuilding.

In addition under current Bat Conservation Trust guidelines, buildings deemed with 'low' roost potential require one emergence survey. Buildings with 'negligible' potential require no survey. Specific details of the emergence surveys are not given in the Brookside Ecology report. As the 2012 survey is a long time out of date I would therefore require an updated survey from a suitably qualified and licensed ecologist so that I can make an informed comment on the application.

*TREE OFFICER* - There are no significant trees affected by this proposed development, so no objection from me. The owners are keen to plant new trees, so the standard landscape condition will ensure some new native trees around the perimeters.

## **Representations Received**

Thirteen letters of support have been received and are summarised below:

- The applicants support many activities in the village and they would be missed if they left the village;
- The application makes good use of infill land;
- The provision of a small flat in the original dwelling will be ideal for young persons looking for a home;
- It will replace unsightly outbuildings and will enhance the area;
- The design is sympathetic to the environment and it will be energy efficient;
- Nature conservation interests have been considered;
- It will have no impact on neighbours;
- The increase in traffic will not affect the village.

## **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,

D7 - Design quality,

SB1 - Settlement Boundaries,

This takes into account the recent adoption of the SADMP.

## Local finance considerations

### Community Infrastructure Levy

Creation of dwelling is CIL liable.  
Proposed dwelling measures approx. 285sqm.

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 £35,500.00. With index linking this increases to approximately £47,750.00.

### New Homes Bonus

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

#### *1 Year Payment*

Somerset West and Taunton	£1,079
Somerset County Council	£270

#### *6 Year Payment*

Somerset West and Taunton	£6,474
Somerset County Council	£1,619

## Determining issues and considerations

### The Principle of Development

The application site lies 300 metres outside the defined settlement boundary in open countryside, some 500 metres from the centre of the village. Core Strategy Policy SP1 establishes the desire to provide sustainable development focusing development at the most sustainable and accessible locations. This policy states that outside of the settlement boundaries, development will be treated as within open countryside. Policy DM2 then identifies the type of development considered as acceptable within the open countryside. New residential development is only supported in the countryside if it is a replacement dwelling or affordable housing, which is not proposed here. The new dwelling cannot be considered as a replacement dwelling as the existing dwelling will be retained, albeit with studio/workshop space, capable of being occupied as a self-contained unit separate from the new dwelling. Consequently, there is an in principle conflict with the development plan.

Reference has been made by supporters and the Parish Council that the site is "brownfield land" as it contains dilapidated buildings. This term has been re-named as "previously developed land" within the National Planning Policy Framework (NPPF). This definition specifically excludes private residential gardens so the site cannot be considered as being previously developed land. In addition, the site cannot be described as "infill development" which refers to the infilling of a small gap

between existing buildings. The proposed new dwelling will be in open countryside and will not fill a gap between existing dwellings/buildings.

Also of relevance is an appeal decision dated October 2018 for a site just north west of the current application site, west of the primary school and within the grounds of Olands House. The proposal was for 4 new dwellings outside the settlement boundary and in the open countryside (ref: 23/17/0020). The Inspector noted that the proposal was located close to the settlement boundary and also close to other dwellings. However, the appeal was dismissed principally because the site lay outside the settlement boundary; the site was poorly connected to the village by way of lack of footpaths and lighting and there was a clear conflict with Policies SP1 and DM2. It is pertinent to note that the appeal proposal was closer to the settlement boundary and also closer to other built development than in this current application. This is a material consideration that must be taken into account when weighing up the merits of this application.

### **Visual Impact**

The proposal also has to be considered under Core Strategy Policy CP8, which states that unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. Development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. The application site is largely well screened from Burns Hill. However, the proposed new dwelling will be sited very close to the open eastern boundary. Whilst it is accepted that the existing outbuildings are right on this boundary, the new dwelling will be substantially larger in scale and prominence when viewed from Huntash Lane. The existing outbuildings are smaller in scale and lower in height. The proposed new dwelling will have a greater visual impact when viewed from Huntash Lane, contrary to Policy CP8.

The proposed new dwelling will not result in any loss of privacy or light to any neighbouring residential occupiers, due to the distances involved.

### **Sustainability of the Location**

As already described, the site is located outside the village in open countryside. It is not well connected to the village centre as Burns Hill has no footpaths or street lighting. There is a short section of a kerbed grass verge running from the school towards the village but this does not constitute a footway. Furthermore, it does not connect all the way into the village. Pedestrians would have to walk along a busy narrow road with tall hedgerows. Comparisons can be drawn to the appeal decision summarised above, where the Inspector concluded that Burns Hill "would not provide a suitably accessible location for a new dwellings having regard to planning policies that seek to create sustainable patterns of growth." It is therefore concluded that the proposed development is in an inaccessible location under Policy SP1 and the NPPF.

### **Highways**

The existing access onto Huntash Lane is to be retained to serve both the existing and proposed new dwellings. No alterations to this access are proposed. This access is narrow and has restricted visibility due to the boundary hedgerows. The County's Standing Advice requires that accesses serving 2 dwellings should be 5 metres wide for a minimum length of 6 metres to enable 2 cars to pass. In addition, improvements will be required to achieve satisfactory visibility splays. These revisions have not been sought from the applicant due to the "in principle" objection

to the development. The revisions could be accommodated on the site but would require partial removal of hedgerow. This would open up the site and make the development more visible from the road.

### **Ecology**

The application is supported by an ecological report dating from 2012 which principally considered the potential impact on bats by extending the existing dwelling. The outbuildings were surveyed and there was limited evidence of bats. However, the report is outdated and the County Ecologist requires an updated report to fully assess the potential implications for bats. However, this is a matter that could be dealt with by planning condition if planning permission was to be granted. The Ecologist has advised that the absence of an up-to-date report would not be sufficient grounds to refuse the application.

### **Conclusion**

The proposed development would represent the introduction of new residential development into a countryside location which is inappropriate. It is not an accessible location in the terms within the Framework and would undermine the sustainable pattern of growth for settlements set out within the Council's Development Plan.

In this regard, the development would be contrary to policies SP1, CP8 and DM2 of the adopted Taunton Deane Core Strategy 2011-2028 and policy SB1 of the adopted Taunton Deane Site Allocations and Development Management Plan (December 2016). These policies seek to, amongst other things, prioritise accessible and sustainable locations for development, restrict development in the countryside to ensure a sustainable approach and maintain the quality of the countryside.

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**

## APPEALS RECEIVED JULY 2019

**Site:** Land to the Rear of Yonderdown and 3 Curdleigh Lane, Blagdon Hill, Taunton, TA3 7SH

**Proposal:** Erection of 2 no single storey dwellings in the gardens to the rear of Yonderdown and 3 Curdleigh Lane, Blagdon Hill (amended scheme to 30/16/0047)

**Application number:** 30/18/0035

**Appeal reference:** APP/W3330/W/19/3229997

**Enforcement Appeal:**

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**Site:** Oakhampton Park, Ford Road, Wiveliscombe, Taunton, Somerset, TA4 2RW

**Proposal:** Development allegedly not as approved at Oakhampton Park, Ford Road, Wiveliscombe

**Application number:** E/0035/49/18

**Appeal reference:** APP/D3315/C/18/3218504

**Enforcement Appeal:** Yes

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**Site:** Newtons, Nailsbourne, Taunton, Somerset, TA2 8AQ

**Proposal:** Application for a Lawful Development Certificate for an existing dwelling at Newtons, Nailsbourne

**Application number:** 20/17/0011/LE

**Appeal reference:** APP/D3315/X/18/3218599

**Enforcement Appeal:**





## Appeal Decisions July 2019

**Site:** Main Barn, Castle Rocks Barns, Castle Lane, Wiveliscombe, Taunton, TA4 2TL

**Proposal:** Application for a Lawful Development Certificate for the proposed confirmation that the barn possesses full current permitted development rights at The Main Barn, Castle Rocks Barns, Castle Lane, Wiveliscombe

**Application number:** 49/18/0034/LP

**Reason for refusal:** Appeal Dismissed

Permitted development rights were removed under application 49/88/0046, this application still applies and therefore the Main Barn does not benefit from Permitted Development rights.

### Appeal decision:



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## Appeal Decision

Site visit made on 29 May 2019

**by Andy Harwood CMS MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 June 2019**

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### Appeal Ref: APP/D3315/X/19/3220806

**Castle Rocks Barn, The Main Barn, Castle Lane, Wiveliscombe, Taunton, TA4 2TL**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr and Mrs R Ballard against the decision of Taunton Deane Borough Council.
- The application Ref 49/18/0034/LP, dated 6 June 2018, was refused by notice dated 6 August 2018.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended (the Act).
- The development for which a certificate of lawful use or development is sought is described as:
  - “(a) the above dwellinghouse is not subject to any planning conditions restricting current permitted development rights for extensions, alterations and/or ancillary development within the domestic curtilage/garden, and accordingly;
  - (b) possesses full current permitted development rights for extension, alteration and ancillary development within the domestic curtilage/garden under the current Town & Country Planning (General Permitted Development) (England) Order 2015 (as

amended) without the need for prior formal planning permission from Taunton Deane Borough Council before such permitted development may lawfully be undertaken.”

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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A representative of the Council did not attend at the appointed time for the site visit which therefore had to be aborted. I am satisfied that I can deal with the case on the basis of the submissions and what I could see when waiting at the site and do not require another visit.
3. I have taken the above description from the letter that accompanied the application as no description was included on the application form. The Council did not include a description of the proposal in a schedule to their decision although it is not clear that this invalidates the application or this appeal.
4. The appellant in the appeal statement clarifies that the proposal relates to the “extension, alteration and ancillary development within domestic curtilage/garden of dwellinghouse under the current Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) without the need for prior formal planning permission.”

## Reasons

5. The appellant has therefore applied for general confirmation that the dwellinghouse has permitted development rights as provided by the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO), by reason of Article 3. The permitted development rights described relate to those set out within Schedule 2, part 1 of the GPDO. This covers a very broad range of potential developments.
6. Section 192(1)(b) of the Act states that if any person wishes to ascertain whether “any operations proposed to be carried out in, on, over, or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question”. The application was however made in very broad terms in order to try and establish a general principle rather than whether or not specific proposed operations would be lawful.
7. I cannot know without specific details of the particular operations proposed whether or not they would be lawful given that there are several classes of development, each being subject to limitations and conditions. Lawful Development Certificate applications must relate to specific operations or activities. Planning Practice Guidance makes it clear that “an application needs to describe precisely what is being applied for” and that “without sufficient or precise information, a local planning authority may be justified in refusing a certificate”.
8. The Council refused the application on the basis that they consider the conditions imposed on a previous planning application withdrew permitted development

rights. That is the main matter in dispute between the main parties. However, given the manner in which the application has been made, it is unnecessary for me to go into those matters. My remit is to review whether the refusal was well founded. The Council were justified in refusing the application although did not reach that position for the correct reason.

## Conclusion

9. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the description set out in the header to this decision, was well founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

*A Harwood*

INSPECTOR

**Site:** Staplegrove Inn, 206 Staplegrove Road, Staplegrove, Taunton, TA2 6AL

**Proposal:** Change of use of public house (Class A4) to a 11 no bedroom house of multiple occupancy (Sui Generis – large HMO) at the Staplegrove Inn, 206 Staplegrove Road, Staplegrove

**Application number:** 34/18/0014

**Reason for refusal:** The proposal is considered to be an over development of the site. The proposal provides a lack of amenity space, parking provision, adverse traffic movements and insufficient waste storage and is not considered to comply with Core Strategy policy DM1b, or D12 and C4 of the Site Allocations and Development Management Plan.

**Appeal decision:** Appeal Allowed

 The Planning Inspectorate

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## Appeal Decision

Site visit made on 14 May 2019

# by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2019

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## Appeal Ref: APP/D3315/W/19/3221218

### Staplegrove Inn, 206 Staplegrove Road, Staplegrove, Taunton TA2 6AL

- 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 D Studley against the decision of Taunton Deane Borough Council.
  - The application Ref 34/18/0014, dated 20 June 2018, was refused by notice dated 5 October 2018.
  - The development proposed is change of use of public house (Use Class A4) to an 11 No. bedroom house of multiple occupancy (Sui Generis – Large HMO).
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## Decision

1. The appeal is allowed and planning permission is granted for change of use of public house (Use Class A4) to an 11 No. bedroom house of multiple occupancy (Sui Generis – Large HMO) at Staplegrove Inn, 206 Staplegrove Road, Staplegrove, Taunton TA2 6AL in accordance with the terms of the application, Ref 34/18/0014, dated 20 June 2018, subject to the conditions set out in the attached Schedule.

## Preliminary Matters

2. The description and details of the proposed development were amended prior to the determination of the planning application. The description of the development given above reflects that upon which the Local Planning Authority (LPA) made its decision.
3. During the appeal, I requested clarification from the main parties on the status of the land marked 'amenity area' at first floor shown on Plan reference 3898- BB-XX-XXX-DR-A-0301 Rev B, as the appellant's appeal evidence appeared to indicate this was not part of the scheme. However, it was confirmed by both main parties that the area shown does in fact form part of the appeal proposal and was considered by the LPA on that basis. Whilst the plan does not show a definitive area for the amenity land, it is clear that it would be contained within the property boundary to the north of the building, as shown by the red line on the site location plan. Given the above, I am satisfied that no party would be prejudiced by my consideration of the appeal on that basis, and, accordingly, I have done so.
4. For the avoidance of doubt, whilst the appellant has referred to a separate, revised planning application on the same site (ref 34/18/0027), that is not the proposal before me. I have not been provided with details of that alternative scheme and I have not had regard to it in determining this appeal.

## Main Issues

5. The main issues are:
  - Whether there is a community need for the existing public house, whether it is financially viable and, if not, whether it could be re-used to another community use;

- the effect of the proposed development on highway safety and the operation of the highway network with regard to adequacy of parking provision and servicing arrangements for refuse collection; and
- whether the proposed development would provide suitable living conditions for future occupiers with respect to adequacy of outdoor amenity and storage space.

## Reasons

### *Need for and viability of the existing public house use*

6. Whilst lying within the built-up area of Taunton, the former Staplegrove Inn is located off a busy roundabout on a radial route into the town on the main A358. Whilst vacant and now in a poor state of repair, it nonetheless represents an existing community facility for the purposes of Policy C4 of the Site Allocations and adopted Development Management Plan (December 2016) (the SADMP). That policy sets out that the loss of such facilities will only be permitted where a) evidence is submitted to demonstrate there is no longer a community need for the facility, b) the facility is no longer financially viable and c) it could not be put to another similar community use.
7. Whilst some contradictory evidence has been submitted in this regard, the appellant has clarified that the public house has been vacant for approximately four years. There is some evidence of the property having been marketed for re-use as a public house and/or related community uses. The appellant's evidence in this regard confirms that the property was first marketed in March 2009 and withdrawn in April 2015. During that period, only 1 viewing of the property took place. The property was further marketed in 2017, resulting in six viewings taking place. I understand that whilst the property was subsequently sold, attempts to re-use the building as a restaurant failed to materialise.
8. The property was again marketed in 2018 resulting in four viewings and the subsequent sale to the present owner.
9. Whilst it is evident that attempts have been made to sell the property for re-use as a community use, it is not clear whether it was continually marketed during the respective periods described above. Nevertheless, I note that SADMP Policy C4 does not specify any particular requirements for the nature and duration of any marketing to comply with the policy. On the basis of the submitted evidence, it appears to me that genuine, albeit unsuccessful, attempts have been made to offer the public house for re-use.
10. Similarly, whilst not conclusive, the appellant has submitted industry guidance from the British Beer and Pub Association on managing public houses. This sets out an indication of the turnover and costs which might be expected with such a facility and a landlord might expect to achieve a gross income of £35,000.

11. However, the evidence also indicates that the physical condition of the building would require abnormal and prohibitive costs to refurbish it to an acceptable standard. This appeared to be plausible based on my observations on site and I note this is not disputed by the LPA. Moreover, any re-use as a public house would not be served by any significant car parking, or facilities for convenient loading/unloading of commercial deliveries. Consequently, whilst incidences of vandalism at the property would not in itself justify loss of the public house, I am persuaded that the ongoing use of the building for public house or restaurant use is unlikely to be economically viable.
12. In terms of alternative provision, my attention has been drawn to a further five public houses within 15 – 30 minute walking distance of the appeal site. Whilst I have been provided with no evidence of the level of patronage or viability of those facilities, I have no good reason to dispute that those facilities are currently providing an adequate level of service to the local community. I am therefore satisfied that the cessation of the use of the Staplegrove Inn as a public house would not lead to community needs failing to be met.
13. Furthermore, I am not aware of any evidence of a genuine need or interest having been demonstrated for re-use of the building for any other form of community facility and I note there had been adequate opportunity for any such expressions of interest to have been raised during the various marketing periods.
14. Accordingly, I conclude on this main issue that the public house is not economically viable and its loss would not give rise to any unmet need for community facilities. Furthermore, it would not prevent any realistic alternative community re-use of the building. As such, the proposal would not fail to comply with SADMP Policy C4 which seeks to protect community facilities.

#### *Highway safety and operation*

15. The proposal would involve the change of use of the building to a House in Multiple Occupation (HMO) comprising 11 separate flats. On the basis of the submitted plans, this could give rise to a maximum occupancy capacity of 22 people. The scheme would accommodate two retained car parking spaces to serve the development.
16. The parties are in agreement that there are no relevant local parking standards which provide guidance applicable to HMOs. Whilst I have not been provided with a copy, the appellant has also drawn attention to Policy A1 and Appendix E of the SADMP which indicate that reductions in parking requirements can be justified in highly sustainable areas.
17. My attention has further been drawn to research from Platinum Property Partners which appears to indicate that occupiers of HMOs tend to exhibit lower levels of car ownership than occupiers of other forms of housing. However, whilst relevant, that evidence appears to be largely anecdotal which limits the weight I attach to it.
18. The appellant has also referred to an appeal decision for a 7-bed HMO in Suffolk<sup>1</sup> where the Inspector noted that the limited availability of parking would be understood by potential occupiers of the property prior to taking up the accommodation. I do not have full details of the circumstances of that case and

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<sup>1</sup> APP/E3525/W/15/3005163

therefore cannot be certain that it represents a comparable example. I also note from the decision letter that the proposal was for fewer units and I therefore attach limited weight to that case in considering the appeal before me.

19. Furthermore, whilst the appellant has provided details of a number of planning permissions apparently granted by the LPA around Taunton for similar developments without requiring car parking provision, I have few details before me to indicate they are comparable to the appeal scheme. A further case relating to a site in Southampton has been referred to although no further details have been provided in that regard. In any event, I must determine the appeal on the basis of its own site-specific merits.
20. The site does not lie within a town centre location and I therefore do not agree with the appellant that it could reasonably be described as a “highly sustainable” location. Furthermore, I note that whilst the appellant refers to the local availability of open space at the Taunton Vale, third party representations have indicated that this is restricted for private use by local schools and clubs. Nevertheless, the appeal site has a range of services and facilities within reasonable walking distance to meet some day-to-day needs including most immediately, a post office and convenience store, employment and open/play space. The development would also make provision for covered, secure cycle parking sufficient for 11 bicycles within an existing outbuilding to the premises. It is also not in dispute that the appeal site is served by good quality bus services. For those reasons and given the nature of the accommodation which would not be likely to attract larger families, I accept that there is a likelihood that future occupiers of the development would have realistic alternatives to owning a private car in meeting their daily needs.
21. Furthermore, whilst the LPA and interested parties have described concerns over additional parking pressures on roadside verges and the adjoining village hall, I am mindful that these are other mechanisms available for the control of unauthorised parking. Furthermore, whilst a number of road traffic accidents in recent years in the vicinity of the site have been referred to, I have no evidence to indicate the reasons for those occurrences, or specific information to show why the proposed development would be likely to lead to an increased risk of further accidents.
22. I also observed that on-street parking is available further along Staplegrove Road. Whilst the scheme would undoubtedly add some pressure to local on-street car parking in the area, and may to some extent impede the flow of through traffic, I have seen no substantive evidence to indicate that this would pose an unacceptable risk to highway safety or give rise to a severe impact on the operation of the network.
23. I have also carefully considered the concerns raised by the Somerset Waste Partnership in relation to waste collection. Given the site’s location directly off a busy roundabout on a main road, I agree that refuse vehicle movements would undoubtedly not be straightforward and would be likely to lead to an interruption in the flow of traffic. However, the evidence suggests that any disturbance to the road network in this regard would not be likely to be greater than those associated with commercial deliveries, which could include heavy goods vehicles, associated with the existing established use as a public house. I therefore consider this matter not sufficiently harmful to warrant withholding

planning permission. Similarly, I have no reason, on the basis of the submitted evidence, to conclude that scheme would not be capable of permitting adequate access for emergency vehicles.

24. Consequently, I conclude that the proposed development would not give rise to unacceptable disruption to the road network or to highway safety. As such it would comply with the adopted Taunton Deane Core Strategy 2011 – 2028 (September 2012) (TDCS) Policy DM1b which requires that proposals for development should not lead to overloading of access roads or road safety problems.

### *Amenity space*

25. According to the appellant's figures, the submitted plans show that an outdoor space of around 52 sq.m. of useable outdoor amenity space at ground floor level would be provided, partially facilitated by the enclosure of the area through the construction of a boundary wall. In addition, as noted above, it was confirmed during the appeal process that an external area at first floor as shown on Plan No. 3898-BB-XX XXX -DR-A-0301 Rev B, would provide further space as well as providing access to a fire escape. Separate, covered, provision would also be made for refuse bin and cycle storage in an existing outbuilding.
26. The amenity space would therefore be rather fragmented and, given the physical constraints of the plot, would present a somewhat limited space to allow outdoor enjoyment for up to 22 occupiers. It would also, given its configuration, be likely to receive limited amounts of sunlight and the ground floor area would be a rather noisy environment adjoining the main road.
27. However, the Development Plan does not set out any specific space standards for any form of residential development and the scheme would provide a measure of outdoor space which would not be overlooked by occupiers of neighbouring properties. Whilst limited, therefore, I have no evidence to show that the amount or quality of proposed outdoor amenity areas would be so deficient as to lead to unacceptable living conditions for future occupiers of the property.
28. The proposal would therefore not conflict with SADMP Policy D12. That policy, whilst not explicitly relevant to HMOs, requires 1-bedroom flats and bedsits to provide either access to a private shared garden, or to a private balcony or terrace of useable, level space.

## **Other Matters**

29. A number of other matters have been raised by interested parties which I have carefully considered. Whilst concerns have been raised in relation to the adequacy of internal sound proofing, ventilation, disabled access, fire safety and the size of internal rooms, I have been provided with no clear evidence to indicate that such matters are inadequate to the extent that it would be necessary to refuse planning permission. Similarly, I have been provided with no substantive evidence which would lead me to conclude that the scheme would give rise to unacceptable air pollution from traffic or that suitable traffic management could not be achieved during the construction phase.
30. Furthermore, no substantive evidence has been provided to show that the nature of the development would give rise to unacceptable issues of noise, security, crime and cleanliness or require a dedicated management regime to



be approved as a condition of planning permission. In this regard, whilst a first floor amenity area is proposed which would adjoin the rear garden of a neighbouring dwelling, the area is relatively small and would not be the sole outdoor space. I therefore have no clear reason to conclude that excessive noise and disturbance would arise which would be unacceptably harmful to the living conditions of those neighbouring occupiers.

31. Concerns have also been raised in relation to an existing gap between the rear wall of the property and the proposed amenity area. Whilst that is a site safety management matter which I have no reason to doubt could be effectively dealt with by the landlord, it could also be adequately addressed through requiring details of the layout of this area to be approved via a planning condition.
32. Further concerns have been raised in relation to an outward swinging gate to the front of the boundary of the property. I note, however, that this already exists and that the submitted plans show the proposed additional opening would be hung so as to swing inwards. In any event, I have seen no compelling reason why the hanging of the gate would be likely to give rise to a significant risk to pedestrians and so a condition relating to this matter would not be necessary.

## Conditions

33. In addition to the standard time for implementing the permission, the LPA has suggested three conditions. I have considered them against paragraph 55 of the Framework and agree they are necessary, with some amendments. I have also added an additional condition as set out below.
34. A condition is necessary requiring the development to be carried out in accordance with the approved plans in the interests of certainty.
35. In the interests of highway safety, it is necessary to require details of the proposed two parking spaces to be submitted to and approved by the LPA, and to require the provision and retention of that space for that sole purpose thereafter. However, having regard to Section 100ZA of the Town and Country Planning Act 1990, it would not be necessary for the spaces to have been provided prior to commencement of the development.
36. The LPA also suggested a condition requiring the submission and approval of plans showing provision for the rear amenity area including boundary fencing and finished floor levels. However, the floor levels already exist and a condition would not be necessary in this regard. Nevertheless, it would be necessary for details of the layout and boundary treatments to be approved by the LPA in the interest of the character and appearance of the area, the safety of future occupiers and to safeguard the privacy of occupiers of the adjoining dwellings to the north. I have amended the LPA's suggested condition accordingly. In addition, I have required the details to be approved prior to occupation of the HMO, as this matter is not fundamental to the development.
37. Similarly, details of the materials to be used in the construction and finish of the proposed boundary wall which would enclose the ground floor amenity area are required in the interest of the character and appearance of the area. I have therefore added such a condition and required details to be approved prior to any such works above ground level.

## Conclusions

38. For the reasons given, the appeal is allowed subject to the imposition of necessary conditions.

*Ian Bowen*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3898-BB-XX XXX-DR-A-0200 Rev B (*Location Plan*), 3898-BB-XX XXX-DR-A-0300 Rev C (*Proposed Ground Floor Plan*), 3898-BB-XX XXX-DR-A-0301 Rev B (*Proposed First Floor Plan*), 3898-BB-XX XXX-DR-A-0310 (*Existing Ground Floor Plan*), 3898- BB-XX XXX-DR-A-0311 (*Existing First Floor Plan*), 3898-BB-XX XXX-DR-A-600 (*Proposed Elevations*), 3898-BB-XX XXX-DR-A-601 (*Existing Elevations*).
- 3) Before the development hereby permitted is first occupied, a parking area providing for a maximum of two vehicles shall have been laid out in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The area allocated for parking on the approved plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 4) Before the development hereby permitted is first occupied, a scheme detailing the layout and boundary treatments to the rear first floor amenity area, together with an implementation timetable, shall have been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and in accordance with the agreed implementation timetable.
- 5) Prior to any development above ground level, details of the ground floor boundary wall shown on plan No 3898-BB-XX XXX-DR-A-0300 Rev C, together with an implementation timetable, shall have been submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details and in accordance with the agreed implementation timetable.



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## Costs Decision

Site visit made on 14 May 2019

**by I Bowen BA(Hons) BTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 June 2019**

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## **Costs application in relation to Appeal Ref: APP/D3315/W/19/3221218 Staplegrove Inn, 206 Staplegrove Road, Staplegrove, Taunton TA2 6AL**

- 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 D Studley for a full award of costs against Taunton Deane Borough Council.
  - The appeal was against the refusal of planning permission for change of use of public house (Use Class A4) to an 11 No. bedroom house of multiple occupancy (Sui Generis – Large HMO).
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### **Decision**

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

### **Reasons**

2. Planning Policy Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant is seeking a full award of costs on the substantive ground that the appeal was unnecessary and therefore resulted in wasted expense. Specifically, it is contended that the proposal is compliant with the Council's planning policies in significant areas. Furthermore, in relation to its decision, it is submitted that the Council was unreasonable in refusing the application on grounds of inadequacy of storage and amenity space, loss of community facilities, parking and highway operation/safety.
4. On the basis of the submitted evidence, the compliance of the proposal with policies relating to matters of protected species, landscape, design, air pollution, noise, dust, lighting, glare, heat, vibration and other forms of pollution or nuisance and access to utility services are not in dispute. Similarly, the Council did not raise objections in relation to the living conditions of occupiers of neighbouring properties. However, planning decisions are required to be made having regard to the Development Plan as a whole and the Council was not therefore unreasonable in seeking to decide the application having regard to other policy considerations which, in its view, the proposal was in conflict with.
5. In this regard, the Council refused the application in part on the basis of the amount and quality of proposed outdoor amenity space which, in its view, would be inadequate. In my judgement, the Council had correctly identified a number of areas in which the proposed space was sub-optimal in serving as an

outdoor space, including the relatively limited space, noise, outlook and sunlight. Whilst I disagreed with the LPA overall in concluding that the space was not so defective as to justify withholding planning permission having regard to the particular nature of the proposed development, the Council was not unreasonable in making its own judgement.

6. Similarly, as regards the Council's concerns over the loss of an existing community facility, whilst I concurred with the applicant in my appeal decision that the facility had been adequately marketed, this was an on-balance judgement. The Council was entitled to exercise its own reasonable judgement in the context of its Development Plan policies.
7. Turning to matters of parking, highway congestion and safety, both main parties agree that there are no published parking standards which relate specifically to Houses in Multiple Occupation. As noted in my appeal decision, I did not concur that the site is in a highly sustainable location and my conclusion in relation to the likely need for on-site car parking was a balanced one. Whilst services and facilities are reasonably accessible from the appeal site, the LPA was entitled to form the view that inadequate parking was being proposed to serve up to 22 residents. Similarly, the concerns of the Somerset Waste Partnership in providing refuse services to the site without undue disruption to the highway network is an issue which was properly the subject of planning judgement in determining the appeal. In my decision, I found that a fall-back position relating to the lawful existing use of the building was sufficient to outweigh concerns over harm in terms of highway matters. However, I accept the LPA was reasonably entitled to take a different view.
8. As regards the adequacy of storage space for refuse bins, the Council was aware at the time of making its decision that dedicated provision had been proposed, within the existing outbuilding in line with revised plans. The reason for refusal did not acknowledge the provision. However, whilst this amounts to unreasonable behaviour, it was a straightforward matter for the applicant to rebut without undue wasted expense at the appeal.

## **Conclusion**

9. For the above reasons, I conclude that whilst the Council acted unreasonably in respect of the adequacy of storage for refuse bins, this did not cause unnecessary or wasted expense in the appeal process. In all other respects, I find that the Council exercised reasonable judgement in making its decision and the appeal was therefore necessary. Accordingly, having regard to the Planning Practice Guidance, an award for costs is not justified.

*Ian Bowen*

INSPECTOR

